



Province of Alberta

# **CONTRIBUTORY NEGLIGENCE ACT**

Revised Statutes of Alberta 2000  
Chapter C-27

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Office Consolidation

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# CONTRIBUTORY NEGLIGENCE ACT

## Chapter C-27

### *Table of Contents*

- 1 Apportionment of liability
- 2 Determination of degree of fault
- 3 Questions of fact
- 3.1 Last clear chance rule not applicable
- 6 Adding party defendant

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Apportionment of liability**

**1(1)** When by fault of 2 or more persons damage or loss is caused to one or more of them, the liability to make good the damage or loss is in proportion to the degree in which each person was at fault but if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally.

**(2)** Nothing in this section operates to render a person liable for damage or loss to which the person's fault has not contributed.

RSA 1980 cC-23 s1

#### **Determination of degree of fault**

**2(1)** When damage or loss has been caused by the fault of 2 or more persons, the court shall determine the degree in which each person was at fault.

**(2)** When 2 or more persons are found at fault, they are jointly and severally liable to the person suffering the damage or loss, but as between themselves, in the absence of a contract express or implied, they are liable to make contribution to and indemnify each

other in the degree in which they are respectively found to have been at fault.

RSA 1980 cC-23 s2

#### **Questions of fact**

**3** In every action

- (a) the amount of damage or loss,
- (b) the fault, if any, and
- (c) the degrees of fault,

are questions of fact.

RSA 1980 cC-23 s5

#### **Last clear chance rule not applicable**

**3.1** This Act applies if damage is caused or contributed to by the act or omission of a person, whether or not another person had the opportunity of avoiding the consequences of that act or omission and failed to do so.

RSA 2000 c16(Supp) s70

**4, 5** Repealed RSA 2000 c16(Supp) s70.

#### **Adding party defendant**

**6** When it appears that a person not already party to an action is or may be wholly or partly responsible for the damages claimed, that person may be added as a party defendant on such terms as are considered just.

RSA 1980 cC-23 s8









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