Backgrounder

Proposed Legislative Changes in the Report on Contribution after Settlement under the Negligence Act

Date: 17 December 2013

WHAT ARE THE PROPOSED CHANGES?

The report recommends that the Negligence Act be amended to provide that:

• when there is a partial settlement of multiparty litigation involving concurrent wrongdoers, the non-settling wrongdoers no longer have rights to contribution and indemnity against the settling wrongdoers and vice versa; and

• a partial settlement does not affect the joint and several liability of any non-settling wrongdoers who are ultimately found to be at fault for the injured person’s damage or loss.

WHY SHOULD THE LEGISLATURE ENACT THESE CHANGES?

Enacting these amendments will:

• encourage parties to settle complex, multiparty disputes before they get to trial;

• clarify an area of the law that has been providing confusion in practice; and

• benefit British Columbians as a whole by freeing up judicial resources.