

# Civil Justice (Miscellaneous Amendments) Ordinance 2008

## Amendments to Law Amendment and Reform (Consolidation) Ordinance (Cap. 23)

### Remarks

#### Long Title

To consolidate Ordinances relating to interests in land, assignments, contract, tort, breach of promise and foreign corporations: **and to amend the law relating to the defence of tender before action.**

Section 7  
Rec 25

[1 July 1901]

(Originally 4 of 1901; 13 of 1864; 7 of 1886; 6 of 1901; 31 of 1911; 1 of 1920; 27 of 1935(Cap. 23, 1964); 11 of 1936(Cap. 28, 1970); 26 of 1948 (Cap. 25, 1964); 36 of 1951(Cap. 271, 1964))

#### **30. Defence of tender before action**

Section 8  
Rec 25

**(1) Notwithstanding any rule of law to the contrary, in proceedings for a monetary claim, whether liquidated or unliquidated, it is a defence for the defendant to prove that before the claimant commenced the proceedings, the defendant had unconditionally offered to the claimant –**

- (a) the amount due where the claim is liquidated; or**
- (b) an amount sufficient to satisfy the claim where the claim is unliquidated.**

**(2) The defendant is not entitled to rely on the defence under subsection (1) unless, before serving his defence on the claimant, he has –**

- (a) made a payment into court of the amount offered; and**
- (b) notified the claimant of the payment into court.**

**(3) This section does not apply in relation to proceedings commenced before the commencement of this section.**