

# First Session, Thirty-Ninth Legislature

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## Bill 202

### THE APOLOGY ACT

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Explanatory Note

(Assented to )

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

#### Definitions

1 The following definitions apply in this Act.

**"apology"** means an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault in connection with the matter to which the words or actions relate. (« excuses »)

**"court"** includes a tribunal, an arbitrator and any other person who is acting in a judicial or quasi-judicial capacity. (« tribunal »)

#### Effect of apology on liability

2(1) An apology made by or on behalf of a person in connection with a matter

(a) does not constitute an express or implied admission of fault or liability by the person in connection with the matter;

(b) does not, despite any wording to the contrary in a contract of insurance and despite any other enactment, void, impair or otherwise affect insurance coverage that

(i) is available, or

(ii) would, but for the apology, be available,

to the person in connection with the matter; and

(c) must not be taken into account in determining fault or liability in connection with the matter.

#### Evidence of apology not admissible in court

2(2) Despite any other enactment, evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in a court as evidence of the fault or liability of the person in connection with the matter.

#### Coming into force

3 This Act comes into force on the day it receives royal assent.

Explanatory Note

This Bill allows a person to make an apology about a matter without the apology constituting an admission of legal liability.

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