



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

29 November 1990

TORT LAW

Part I

**Liability Arising from a Person's Own Act, or the Act of Another Person,
Animal or Thing under the Person's Control**

Chapter 1

Liability Arising from a Person's Own Act

Article 1. Grounds for Personal Liability

Any person having caused damage to another person by his¹ own act is liable to compensate for the damage he has caused, except if any damage which has arisen was not caused by his wrongful act, [or was caused] by the performance of lawful duties or in the exercise of self-defence.

Article 2. Characteristics of Damage

Damage that arises from the act of any person shall have the characteristic of certainty, which means that it has already occurred or will certainly occur in the future. It shall not be deemed as damage if such damage may or may not occur in the future.

Furthermore, the damage shall be direct damage, which means that it is a direct result of the wrongful act. Such damage shall also be in breach of legitimate interests of the other person.

Article 3. Types of Damage

Damage may be caused to the life, health, property or spirit of other persons.

Article 4. Elements of Wrongful Acts

¹ Readers should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators' decision to use the male gender was made in the interest of simplicity and consistency.

A wrongful act is defined by an action or omission which violates the laws and wilfully or negligently² causes damage to another person.

Article 5. Cause and Effect Relationship between the Act in Breach of Law and the Damage Caused

Liability for damage shall only be effective if there is a relationship of cause and effect between the act that breaches the law and the damage that arises as a result.

Article 6. Damage Arising from the Use of Rights beyond Reasonable Limit

Any individual who wilfully exercises his rights in excess of a reasonable limit shall be liable to compensate for the damage arising from such exercise of rights beyond a reasonable limit.

Article 7. Liability for Damage Arising from Necessity

Damage arising from necessary circumstances shall be compensated.

Based on the factual conditions, the courts may order the person acting or a third person who has received benefits from the act of the person causing such damage to undertake the responsibility of compensating for such damage.

Article 8. Liability for Damage Caused by Multiple Persons

All persons who have jointly caused damage shall be jointly liable for the damage they have caused together. The courts may hold any or several persons among them to be responsible for the entire damage, but such person shall have the right to claim repayment from persons on whose behalf he has paid.

Article 9. Calculation of Compensation for Damage and Sick-benefits

Calculation of compensation for damage and sick-benefits shall be consistent with the wrongful act of the individual causing damage.

In the event that the injured person was also engaged in such wrongful act, such person shall also be partially liable for the damage and sick-benefits.

In addition to [compensating for] damage, the person causing damage may³ also pay for sick-benefits, [such as]: the income the injured person

² Here, the term “negligently” is used in the general sense of “carelessly” and may not be a term of art.

³ The Lao word is a compound word: “may-shall” with the connotation that it depends on whether the court will order payment of sick-benefits. Once so ordered, the person shall pay the sick-benefits.

would have earned, [and] additional expenses of the injured person resulting from such wrongful act.

Chapter 2
Liability for the Act of Another Person, Animal
or Thing under a Person's Control

Article 10. Liability of Employers

An employer is liable to compensate for the damage arising from the acts of its employees in their performance of assigned tasks that cause damage to other persons.

In the event that the damage is caused by the serious wrongful act of the employees, they shall be liable to compensate for such damage; however, the employer shall first pay compensation to the damaged person(s) before making claims for reimbursement of such payment from the employees.

Article 11. Liability of Parents, Guardians or Administrators

Parents, guardians, or administrators, such as kindergartens, hospitals, and others⁴, are liable for damages arising from the acts of minors or those mentally disturbed persons who are under their control.

Article 12. Liability of Owners or Possessors of Animals

The owner or possessor of an animal shall be liable for damage caused by such animal due to the fault of the owner or possessor.

Article 13. Liability for Damage Arising from Objects

If damage arises from any object due to the fault of the owner or possessor, the concerned person shall compensate for such damage.

Part II
Unsolicited Work On Behalf of Another Person
and Receiving Property to Which a Person is Not Entitled

Chapter 1
Unsolicited Work on Behalf of Another Person

Article 14. Unsolicited Work on Behalf of Another Person

Unsolicited work on behalf of another person refers to any work conducted by a person for the benefit of another person without being assigned by such other person, such as repairing a house for such person in his absence, and others.

⁴ The term “and others” is a literal translation and is not subject to further specificity.

Article 15. Conditions of Unsolicited Work

The undertaking of unsolicited work shall be conducted in good faith resulting in benefits to the owner or possessor of the property. In the event that the owner or possessor is present in that place, unsolicited work may only be conducted when the owner or possessor gives prior consent.

Unsolicited work may take the form of a legal act, such as payment of a debt, or of material consideration, such as home repair.

Article 16. Results of Unsolicited Work on Behalf of Another Person

Any person, who conducts unsolicited work on behalf of another person shall have the same duties as a mandatary as provided in Article 57 of the Contract Law. That person shall be liable for all damage he causes and shall report on his work to the owner or possessor. The person undertaking unsolicited work shall continue to complete the work he has initiated or [continue] until the owner, possessor or successor is able to continue by himself.

The owner or possessor has the same obligation as a mandator to compensate for necessary costs and benefits if such unsolicited work has been conducted in a good manner or if the owner or possessor agrees to accept that unsolicited work.

Chapter 2

Receiving Property to Which a Person is Not Entitled

Article 17. Wilful Receipt of Property to Which a Person is Not Entitled

If any person intentionally receives property of another person, despite knowing that he has no right to receive such property, that person shall return such property or the value of such property to the owner, including the fruit or interest from the date of receipt of such property.

Article 18. Receipt of Property to Which a Person is Not Entitled by Mistake

If any person receives the property of another person by mistake, such person shall return such property or the value of such property to the owner. The owner of the property shall compensate such person for maintaining such property.

Vientiane, 29 November 1990
Chairman of the People's Supreme
Assembly

[Seal and Signature]

Nouhak PHOUMSAVANH