

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER F20

FATAL ACCIDENTS ACT

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FATAL ACCIDENTS ACT

Interpretation

1. (1) In this Act—

"child" includes son, daughter, grandson, granddaughter, stepson and stepdaughter;

"parent" includes father, mother, grandfather, grandmother, stepfather and stepmother.

(2) For the purposes of this Act, a person shall be deemed to be the parent or child of a deceased person notwithstanding that he was only related to him illegitimately or in consequence of adoption; and accordingly in deducing any relationship which under the provisions of this Act only is included within the meaning of the expressions "parent" and "child", any illegitimate person and any adopted person shall be treated as being, or as having been, the legitimate offspring of his mother and reputed father or, as the case may be, of his adopters.

(3) In subsection (2), the expression "adopted person" means a person who has been adopted in pursuance of an adoption order made under the Adoption of Children Act.

Action may be brought where death caused by wrongful act

2. (1) Where the death of a person is caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued shall be liable to an action for damages notwithstanding the death of the person injured.

(2) In assessing damages in any action brought under this Act, there shall not be taken into account any sum paid or payable on the death of the deceased under any contract of assurance or insurance.

(3) In any action brought under this Act, damages may be awarded in respect of the funeral expenses of the deceased person if such expenses have been incurred by the parties for whose benefit the action is brought.

Action to be for benefit of certain relatives and brought by executor or administrator of deceased

3. (1) Every such action shall be for the benefit of the wife, husband, parent and child of the person whose death is so caused, and shall be brought by and in the name of the executor or administrator of the person deceased.

(2) The court in any such action may give such damages as it may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action is brought.

(3) The amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the aforesaid persons in such shares as the court by its verdict shall find and direct.

Action to be commenced within year

4. Every such action shall be commenced within 12 calendar months after the death of such deceased person and not more than one action shall lie for and in respect of the same subject matter of complaint.

Action may be brought by persons beneficially interested where no executor, etc.

5. Where there is no executor or administrator of the person deceased, or where, although there is such executor or administrator, no such action has been brought within 6 calendar months after the death of such deceased person and in the name of his or her executor or administrator, the action may be brought by and in the name or names of all or any of the persons (if more than one) for whose benefit such action would have been, if it had been brought by and in the name of such executor or administrator, and every action so brought shall be for the benefit of the same person or persons and shall be subject to the same regulations and procedure, as nearly as may be, as if it were brought by and in the name of such executor or administrator.

Plaintiff to deliver particulars

6. In any action brought under the provisions of this Act, the plaintiff on the record shall deliver with the statement of claim to the defendant, or his solicitor, a statement containing full particulars of the person or persons for whom and on whose behalf such action is brought and of the nature of the claim in respect of which damages are sought to be recovered.

Citation

7. This Act may be cited as the Fatal Accidents Act, Revised Statutes of Anguilla, Chapter F20.

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