

Fatal Accidents Act, 1959

CHAPTER 65*

An Act to amend the Fatal Accidents Act, 1846, and the Carriage by Air Act, 1932, by enlarging the class of persons for whose benefit an action may be brought thereunder, and to provide for certain benefits to be left out of account in assessing damages in such an action [29th July, 1959]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The persons for whose benefit or by whom an action may be brought under the Fatal Accidents Act, 1846, shall include any person who is, or is the issue of, a brother, sister, uncle or aunt of the deceased person.

(2) In deducing any relationship for the purposes of the said Act and this Act—

(a) an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person: and, subject thereto,

(b) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half blood as a relationship of the whole blood, and the stepchild of any person as his child: and

(c) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

(3) In this section "adopted" means adopted in pursuance of an adoption order made under the Adoption Act, 1958, or any previous enactment relating to the adoption of children, or any corresponding enactment of the Parliament of Northern Ireland; and for the purpose of any proceedings under the Fatal Accidents Act, 1846, an adoption authorised by any such order made in Scotland or Northern Ireland may be proved by the production of any document receivable as evidence thereof in that country.

(4) In section six of the Law Reform (Married Women and Tortfeasors) Act, 1935, there shall be substituted for the words "wife, husband, parent or child" in paragraph (b) of subsection (1), the word "dependants", and for paragraph (a) of subsection (3) the following paragraph:—

"(a) the expression 'dependants' means the persons for whose benefit actions may be brought under the Fatal Accidents Acts, 1846 to 1959; and".

Extension
of classes of
dependants.
9 & 10 Vict.
c. 93.

7 & 8 Eliz. 2.
c. 5.

25 & 26 Geo. 5.
c. 30.

*Public General Acts and Measures of 1959, 7 & 8 Eliz. II.

**Schedules omitted.