

(5) In paragraph 1 of the Second Schedule to the Carriage by Air Act, 1932 (which specifies the persons for whose benefit actions in respect of a passenger's death may be brought under that Act) the following shall be substituted for the words from "In this paragraph" to the end of the paragraph—

22 & 23 Geo.
5. c. 36.

"(2) For the purposes of this paragraph the following shall be taken to be the members of the passenger's family, that is to say, the passenger's wife or husband, parents, grandparents, children and grandchildren and any person who is, or is the issue of, a brother, sister, uncle or aunt of the passenger.

(3) Subsection (2) of section one of the Fatal Accidents Act, 1959, shall apply in deducing any relationship for the purposes of this paragraph as it applies in deducing any relationship for the purposes of the Fatal Accidents Acts, 1846 to 1959, but as if it extended to the whole of the United Kingdom; and the definition of 'adopted' in subsection (3) of that section shall apply accordingly."

2.—(1) In assessing damages in respect of a person's death in any action under the Fatal Accidents Act, 1846, or under the Carriage by Air Act, 1932, there shall not be taken into account any insurance money, benefit, pension or gratuity which has been or will or may be paid as a result of the death.

Exclusion
of certain
benefits in
assessment
of damages.

(2) In this section—

"benefit" means benefit under the National Insurance Acts, 1946 (as amended by any subsequent enactment, whether passed before or after the commencement of this Act), or any corresponding enactment of the Parliament of Northern Ireland and any payment by a friendly society or trade union for the relief or maintenance of a member's dependants;

"insurance money" includes a return of premiums;

and
"pension" includes a return of contributions and any payment of a lump sum in respect of a person's employment.

3.—(1) This Act may be cited as the Fatal Accidents Act, 1959; and the Fatal Accidents Act, 1846, the Fatal Accidents Act, 1864, and this Act may be cited together as the Fatal Accidents Acts, 1846 to 1959.

Short title,
etc.
27 & 28 Vict.
c. 95.

(2) References in this Act to the Fatal Accidents Act, 1846, are references thereto as amended by and read together with the Fatal Accidents Act, 1864.

(3) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) This Act shall apply only to actions brought in respect of deaths occurring after the commencement of this Act.

(5) The following provisions of this Act, that is to say, subsection (5) of section one, and so much of section