

Jersey Law 20/1962

FATAL ACCIDENTS (JERSEY) LAW, 1962

CONFIRMÉ PAR

Ordre de Sa Majesté en Conseil

en date du 30 juillet 1962.

(Enregistré le 22 septembre 1962).

ARRANGEMENT OF ARTICLES

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Jersey Law 20/1962 *Fatal Accidents (Jersey) Law, 1962*

FATAL ACCIDENTS (JERSEY) LAW, 1962.

A LAW to consolidate the Law relating to the recovery of damages in respect of fatal accidents, and to amend that Law by enlarging the class of persons for whose benefit an action may be brought and providing for certain benefits to be left out of account in assessing damages in such an action, sanctioned by Order of Her Majesty in Council of the

30th day of JULY, 1962.

(Registered on the 22nd day of September , 1962).

STATES OF JERSEY.

The 5th day of April, 1962.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law : -

ARTICLE 1

INTERPRETATION

(1) In this Law –

“adopted” means adopted in pursuance of an adoption order made by a court of competent jurisdiction in the British Islands ;

“benefit” means benefit under the Insular Insurance (Jersey) Law, 1950,¹ as amended,² and any payment by a

¹ Tome 1949–1950, page 497.

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friendly society or trade union for the relief or maintenance of a member's dependant ;

“child” means son, daughter, grandson or granddaughter ;

“insurance money” includes a return of premiums ;

“parent” means father, mother, grandfather or grandmother ;

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

- Law –
- (2) In deducing any relationship for the purposes of this
- (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.

ARTICLE 2

**ACTION IN RESPECT OF DEATH CAUSED BY NEGLIGENCE
AND PERSONS FOR WHOSE BENEFIT ACTION MAY BE
BROUGHT**

- (1) Where the death of a person is caused by the wrongful act, neglect or default of another and the act, neglect or default is such as

² Tome 1951–1953, pages 131, 293 and 737, Tome 1954–1956, pages 191 and 487, Tome 1957–1960, page 321 and pages 25 and 323 of this volume.

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would, if death had not ensued, have entitled the deceased person to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued shall, notwithstanding the death of the deceased person and although the death has been caused under such circumstances as amount in law to a crime, be liable to an action for damages in respect of any pecuniary loss suffered as a result of the death by any of the persons for whose benefit an action may be brought under this Law.

(2) The persons for whose benefit an action may be brought under this Law shall be the following relatives of the deceased person, namely –

- (a) the wife, husband, parent or child ;
- (b) the brother, sister, uncle or aunt ;
- (c) the child of a brother, sister, uncle or aunt.

ARTICLE 3

**NOT MORE THAN ONE ACTION TO LIE ; PERSON BY WHOM
ACTION MAY BE BROUGHT**

Not more than one action shall lie under this Law in respect of the death of the deceased person, and every such action shall be brought by his executor or administrator :

Provided that if there is no executor or administrator or if the executor or administrator fails to bring an action within six months of the death, the action may be brought by any one or more of the persons for whose benefit it may be brought.

ARTICLE 4

PROVISION RELATING TO DAMAGES

(1) In every action under this Law, the court shall award such damages as it thinks appropriate having regard to the loss suffered

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as a result of the death by each of the persons for whose benefit or by whom the action is brought, and the amount recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the said persons in such shares as the court may direct.

(2) In assessing damages in any action under this Law, 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.

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

ARTICLE 5

TIME WITHIN WHICH ACTION IS TO BE COMMENCED

No action shall lie under this Law unless it is commenced within three years from the death of the deceased person.

ARTICLE 6

AMENDMENT OF LAW REFORM (MISCELLANEOUS PROVISIONS) (JERSEY) LAW, 1960

(1) In Article 1 of the Law Reform (Miscellaneous Provisions) (Jersey) Law, 1960,³ after the definition of “action” there shall be inserted the definition –

“ ‘dependants’ means the persons for whose benefit actions may be brought under the Fatal Accidents (Jersey) Law, 1962 ;”

³ Tome 1957–1960, page 451.

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and sub-paragraph (a) of paragraph (3) of Article 5,⁴ and the definition of “dependants” in paragraph (9) of Article 6, of the said Law⁵ shall be deleted.

(2) In sub-paragraph (b) of paragraph (1) of Article 5 of the said Law,⁴ for the words “wife, husband, father, mother or child” there shall be substituted the word “dependants”.

(3) In paragraph (4) of Article 6 of the said Law,⁶ for the words “ ‘Lois (1886 à 1948) sur les Accidents Mortels’ ” there shall be substituted the words “Fatal Accidents (Jersey) Law, 1962”.

ARTICLE 7

REPEALS AND SAVING

The following enactments are hereby repealed, namely –

- (a) the “Loi (1886) sur les Accidents Mortels”;⁷
- (b) the “Loi (1948) (Amendement) sur les Accidents Mortels”;⁸
- (c) Article 3 of the Law Reform (Miscellaneous Provisions) (Jersey) Law, 1960;⁹

Provided that nothing in this Article shall affect the operation of the said enactments in relation to any action in respect of a death occurring before the commencement of this Law.

⁴ Tome 1957–1960, page 453.

⁵ Tome 1957–1960, page 455.

⁷ Tome IV, page 139.

⁸ Tome 1946–1948, page 421.

⁹ Tome 1957–1960, page 451.

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ARTICLE 8

SHORT TITLE

This Law may be cited as the Fatal Accidents (Jersey) Law,
1962.

A.D. LE BROCCQ,

Deputy Greffier of the States.