



Jersey

FATAL ACCIDENTS (JERSEY) LAW 1962

Official Consolidated Version

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FATAL ACCIDENTS (JERSEY) LAW 1962

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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

Commencement [[see endnotes](#)]

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 [Social Security \(Jersey\) Law 1974](#), and any payment by a 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.

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

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

(b) any relationship by marriage or by civil partnership 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 the person’s child; and

(c) an illegitimate person shall be treated as the legitimate child of the person’s mother and reputed father.¹

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 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, civil partner, parent or child;
 - (b) the brother, sister, uncle or aunt;
 - (c) the child of a brother, sister, uncle or aunt.²

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 the deceased person's executor or administrator:

Provided that if there is no executor or administrator or if the executor or administrator fails to bring an action within 6 months of the death, the action may be brought by any one or more of the persons for whose benefit it may be brought.

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 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 payable to the spouse, civil partner or child of a deceased person in respect of the death of that deceased person in any action under this Law, no account shall be taken of a subsequent marriage or civil partnership, or the prospects of a subsequent marriage or civil partnership, of the spouse or civil partner, as the case may be, of the deceased person.³
- (3) 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.
- (4) 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.

5 Time within which action is to be commenced

No action shall lie under this Law unless it is commenced within 3 years from the death of the deceased person.

6 Citation

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

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Fatal Accidents (Jersey) Law 1962	L.20/1962	22 September 1962
Fatal Accidents (Amendment) (Jersey) Law 1997	L.9/1997	11 April 1997
Civil Partnership (Jersey) Law 2012	L.4/2012	2 April 2012

Table of Renumbered Provisions

Original	Current
4(1A)	4(2)
(2)	(3)
(3)	(4)
6	spent, omitted from this revised edition
7	spent, omitted from this revised edition
8	6

Table of Endnote References

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- ¹ Article 1(2) *amended by L.4/2012*
² Article 2(2) *amended by L.4/2012*
³ Article 4(2) *substituted by L.4/2012*