

# LAWS OF DOMINICA

## FATAL ACCIDENTS ACT

### CHAPTER 7:59

Act  
3 of 1991

#### Current Authorised Pages

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**Note  
on  
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**CHAPTER 7:59****FATAL ACCIDENTS ACT****ARRANGEMENT OF SECTIONS****SECTION**

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**CHAPTER 7:59****FATAL ACCIDENTS ACT**

3 of 1991.

**AN ACT to repeal and replace the Fatal Accidents Act.**

Commencement.

[23rd May 1991]

Short title and application.

**1. (1)** This Act may be cited as the –**FATAL ACCIDENTS ACT.****(2)** This Act shall not apply to any cause of action arising on a death occurring before it commenced.

Interpretation.

**2. (1)** In this Act “dependant” means –

- (a) the wife or husband of the deceased;
- (b) any person who –
  - (i) was living with the deceased in the same household immediately before the date of death; and
  - (ii) had been living with the deceased in the same household for at least two years before that date; and
  - (iii) was living during the whole of that period as the husband or wife of the deceased;
- (c) any parent or other ascendant of the deceased;
- (d) any person who was treated by the deceased as his parent;
- (e) any child or other descendant of the deceased;
- (f) any person (not being a child of the deceased) who, in any time a party, was treated by the deceased as a child of the family in relation to that marriage.

**(2)** In deducing any relationship for the purposes of subsection (1) –

- (a) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half-blood as a relationship of the full-blood, and the step-child of any person as his child; and
- (b) a child born out of wedlock shall be treated as the legitimate child of his mother and reputed father respectively, if he lived with or was maintained by either or both of them respectively.

(3) Any reference in this Act to injury includes any disease and any impairment of a person's physical or mental condition.

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

Right of action for  
wrongful act  
causing death.

(2) Subject to section 4(2), every such action shall be for the benefit of the dependants of the person (hereinafter called "the deceased") whose death has been so caused.

4. (1) An action under this Act may consist of or include a claim for damages for bereavement.

(2) A claim for damages for bereavement shall only be for the benefit –

- (a) of the wife or husband of the deceased; and
- (b) where the deceased was a minor who was never married –
  - (i) of his parents if he was born to a married couple or otherwise legitimate;
  - (ii) of his mother, if he was born out of wedlock and not legitimatized; and

legitimatized, but if he lived with or was maintained by such father.

(3) The sum awarded as damages under this section shall be five thousand dollars.