



Fatal Accidents Act 1976

1976 CHAPTER 30

1A Bereavement.

- (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 [^{F1}or civil partner] of the deceased;
 - [^{F2}(aa) of the cohabiting partner of the deceased;] and
 - (b) where the deceased was a minor who was never married [^{F3}or a civil partner]—
 - (i) of his parents, if he was legitimate; and
 - (ii) of his mother, if he was illegitimate.
- [^{F4}(2A) In subsection (2) “cohabiting partner” means any person who—
 - (a) was living with the deceased in the same household immediately before the date of the death; and
 - (b) had been living with the deceased in the same household for at least two years before that date; and
 - (c) was living during the whole of that period as the wife or husband or civil partner of the deceased.]
- (3) Subject to subsection (5) below, the sum to be awarded as damages under this section shall be [^{F5}£15,120].
- (4) Where there is a claim for damages under [^{F6}subsection (2)(a) and (aa), or under subsection (2)(b),] for the benefit of [^{F7}more than one person], the sum awarded shall be divided equally between them (subject to any deduction falling to be made in respect of costs not recovered from the defendant).
- (5) The Lord Chancellor may by order made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament, amend this section by varying the sum for the time being specified in subsection (3) above.

Changes to legislation: There are currently no known outstanding effects for the Fatal Accidents Act 1976, Section 1A. (See end of Document for details)

Textual Amendments

- F1** Words in s. 1A(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 83(7)(a)**, 263(2); [S.I. 2005/3175](#), art. 2(1), Sch. 1
- F2** S. 1A(2)(aa) inserted (6.10.2020) by [The Fatal Accidents Act 1976 \(Remedial\) Order 2020 \(S.I. 2020/1023\)](#), arts. 1(1), **2(2)** (with art. 1(2))
- F3** Words in s. 1A(2)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 83(7)(b)**, 263(2); [S.I. 2005/3175](#), art. 2(1), Sch. 1
- F4** S. 1A(2A) inserted (6.10.2020) by [The Fatal Accidents Act 1976 \(Remedial\) Order 2020 \(S.I. 2020/1023\)](#), arts. 1(1), **2(3)** (with art. 1(2))
- F5** Sum in s. 1A(3) substituted (1.5.2020 with effect in accordance with art. 1(2) of the amending S.I.) by [The Damages for Bereavement \(Variation of Sum\) \(England and Wales\) Order 2020 \(S.I. 2020/316\)](#), arts. 1(1), **2**
- F6** Words in s. 1A(4) substituted (6.10.2020) by [The Fatal Accidents Act 1976 \(Remedial\) Order 2020 \(S.I. 2020/1023\)](#), arts. 1(1), **2(4)(a)** (with art. 1(2))
- F7** Words in s. 1A(4) substituted (6.10.2020) by [The Fatal Accidents Act 1976 \(Remedial\) Order 2020 \(S.I. 2020/1023\)](#), arts. 1(1), **2(4)(b)** (with art. 1(2))

Changes to legislation:

There are currently no known outstanding effects for the Fatal Accidents Act 1976, Section 1A.