

---

## STATUTORY INSTRUMENTS

---

# 2010 No. 1504

## The Rail Passengers' Rights and Obligations Regulations 2010

### PART 2

#### Relationship between the European Regulation and other passenger rights

#### CHAPTER 2

#### Civil remedies

#### Fatal accidents: England and Wales

7.—(1) Where, by virtue of the European Regulation, any person has a right of action in respect of the death of a passenger by reason of that person being a person whom the passenger was under a legal duty to maintain—

- (a) subject to paragraph (2), no action in respect of the passenger's death may be brought for the benefit of that person under section 1 of the Fatal Accidents Act 1976 <sup>M1</sup> (right of action for wrongful act causing death) (“the 1976 Act”), but
- (b) nothing in section 2(3) of that Act (not more than one action in respect of the same subject matter of complaint) prevents an action from being brought under the 1976 Act for the benefit of any other person.

(2) Nothing in paragraph (1)(a) affects the right of any person to claim damages for bereavement in reliance on section 1A of the 1976 Act.

(3) Section 4 of the 1976 Act (assessment of damages: disregard of benefits) applies in relation to an action brought under the European Regulation as it applies in relation to an action brought under that Act.

(4) Where separate proceedings are brought under the European Regulation and under the 1976 Act in respect of the death of a passenger, a court, in awarding damages under that Act—

- (a) shall take into account any damages awarded in the proceedings brought under the European Regulation, and
- (b) has jurisdiction to make any part of its award conditional on the result of those proceedings.

---

#### Marginal Citations

**M1** 1976 c.30. That Act was amended by the [Administration of Justice Act 1982 \(c.53\)](#), [section 3](#), the [Civil Partnerships Act 2004 \(c.33\)](#), [section 83](#), and [S.I. 2007/3489](#).

**Changes to legislation:**

The Rail Passengers' Rights and Obligations Regulations 2010, Section 7 is up to date with all changes known to be in force on or before 28 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- schedule rev by [S.I. 2010/1524 reg 2](#)