



# Fatal Accidents Act 1976

## 1976 CHAPTER 30

### [<sup>F1</sup> 1 **Right of action for wrongful act causing death.**

- (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 person injured to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured.
- (2) Subject to section 1A(2) below, every such action shall be for the benefit of the dependants of the person (“the deceased”) whose death has been so caused.
- (3) In this Act “dependant” means—
- (a) the wife or husband or former wife or husband of the deceased;  
[ the civil partner or former civil partner of the deceased;]
  - <sup>F2</sup>(aa) any person who—
    - (i) was living with the deceased in the same household immediately before the date of the 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<sup>F3</sup> or civil partner] 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 the case of any marriage to which the deceased was at any time a party, was treated by the deceased as a child of the family in relation to that marriage;
  - <sup>F4</sup>(fa) [ any person (not being a child of the deceased) who, in the case of any civil partnership in which the deceased was at any time a civil partner, was treated by the deceased as a child of the family in relation to that civil partnership;]
  - (g) any person who is, or is the issue of, a brother, sister, uncle or aunt of the deceased.

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

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- (4) The reference to the former wife or husband of the deceased in subsection (3)(a) above includes a reference to a person whose marriage to the deceased has been annulled or declared void as well as a person whose marriage to the deceased has been dissolved.
- [ The reference to the former civil partner of the deceased in subsection (3)(aa) above
- <sup>F5</sup>(4A) includes a reference to a person whose civil partnership with the deceased has been annulled as well as a person whose civil partnership with the deceased has been dissolved.]
- (5) In deducing any relationship for the purposes of subsection (3) above—
- (a) any relationship [<sup>F6</sup>by marriage or 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 his child, and
- [<sup>F7</sup>(b) an illegitimate person shall be treated as—
- (i) the legitimate child of his mother and reputed father, or
- (ii) in the case of a person who has a female parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, the legitimate child of his mother and that female parent.]
- (6) Any reference in this Act to injury includes any disease and any impairment of a person's physical or mental condition.]

#### Textual Amendments

- F1** Ss. 1, 1A, 2, 3, 4 substituted for ss. 1—4 by Administration of Justice Act 1982 (c. 53, SIF 122:3), **ss. 3(1), 73(1)**
- F2** S. 1(3)(aa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 83(2)**, 263(2); S.I. 2005/3175, art. 2(1), Sch. 1
- F3** Words in s. 1(3)(b)(iii) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 83(3)**, 263(2); S.I. 2005/3175, art. 2(1), Sch. 1
- F4** S. 1(3)(fa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 83(4)**, 263(2); S.I. 2005/3175, art. 2(1), Sch. 1
- F5** S. 1(4A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 83(5)**, 263(2); S.I. 2005/3175, art. 2(1), Sch. 1
- F6** Words in s. 1(5)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 83(6)**, 263(2); S.I. 2005/3175, art. 2(1), Sch. 1
- F7** S. 1(5)(b) substituted (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 14**

#### Modifications etc. (not altering text)

- C1** S. 1 amended (*prosp.*) by Antarctic Minerals Act 1989 (c. 21, SIF 86), **ss. 13(1)(a)(2)**, 20(2)
- C2** S. 1 restricted (25.6.2010) by The Rail Passengers' Rights and Obligations Regulations 2010 (S.I. 2010/1504), regs. 1(2), **7(1)(a)** (with reg. 7(2))
- C3** S. 1(1) excluded by Limitation Act 1980 (c. 58, SIF 79), **s. 33(6)**; extended by Deep Sea Mining (Temporary Provisions) Act 1981 (c. 53, SIF 86), **s. 15(1)**

**Changes to legislation:**

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