



# Fatal Accidents Act 1976

## 1976 CHAPTER 30

### 3 Assessment of damages.

- (1) In the action such damages, other than damages for bereavement, may be awarded as are proportioned to the injury resulting from the death to the dependants respectively.
- (2) After deducting the costs not recovered from the defendant any amount recovered otherwise than as damages for bereavement shall be divided among the dependants in such shares as may be directed.
- (3) In an action under this Act where there fall to be assessed damages payable to a widow in respect of the death of her husband there shall not be taken account the re-marriage of the widow or her prospects of re-marriage.
- (4) In an action under this Act where there fall to be assessed damages payable to a person who is a dependant by virtue of section 1(3)(b) above in respect of the death of the person with whom the dependant was living as husband or wife<sup>F1</sup> or civil partner] there shall be taken into account (together with any other matter that appears to the court to be relevant to the action) the fact that the dependant had no enforceable right to financial support by the deceased as a result of their living together.
- (5) If the dependants have incurred funeral expenses in respect of the deceased, damages may be awarded in respect of those expenses.
- (6) Money paid into court in satisfaction of a cause of action under this Act may be in one sum without specifying any person's share.

#### Textual Amendments

- F1** Words in s. 3(4) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. **83(8)**, 263(2); S.I. 2005/3175, art. 2(1), Sch. 1

**Changes to legislation:**

There are currently no known outstanding effects for the Fatal Accidents Act 1976, Section 3.