

Act No. 31, 1897.

An Act to consolidate enactments relating to compensation to relatives of persons killed by accidents. [6th December, 1897.]

COMPENSATION TO
RELATIVES.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Compensation to Relatives Act of 1897."

2. The enactments mentioned in the Schedule to this Act to the extent therein expressed are hereby repealed.

3. Whensoever the death of a person is caused by a wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in

short title.

Repeal.
Schedule.

An action to be maintainable against any person causing death through neglect, &c., notwithstanding the death of the person injured.

11 Vic. No. 32, s. 1.

Compensation to Relatives.

in every such case 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, and although the death has been caused under such circumstances as amount in law to felony.

Action to be for the benefit of certain relations, and shall be brought by and in the name of executor or administrator of the deceased.

11 Vic. No. 32, s. 2.

4. Every such action shall be for the benefit of the wife, husband, parent, and child of the person whose death has been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased, and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action is brought, and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties in such shares as the jury by their verdict find and direct.

Only one action shall lie and to be commenced within twelve months.

Ibid. s. 3.

5. Not more than one action shall lie for and in respect of the same subject matter of complaint, and every such action shall be commenced within twelve months after the death of such deceased person.

Plaintiff to deliver a full particular of the person for whom such damages shall be claimed.

Ibid. s. 4.

6. In every such action the plaintiff on the record shall be required, together with the declaration, to deliver to the defendant or his attorney a full particular of the persons for whom and on whose behalf such action is brought, and of the nature of the claim in respect of which damages are sought to be recovered.

Construction of Act.

Ibid. s. 5.

7. The following words are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter, that is to say, the word "parent" shall include father and mother, and grandfather and grandmother, and stepfather and stepmother; and the word "child" shall include son and daughter, and grandson and granddaughter, and stepson and stepdaughter.

SCHEDULE.

Reference to Act.	Title of Act.	Extent of Repeal.
11 Vic. No. 32 ...	An Act for compensating the families of persons killed by accidents.	The whole.