

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Fatal Accidents (Guernsey) Law, 1960

(Registered on the Records of the Island of Guernsey
on the 16th day of January, 1961.)



1961.

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ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of January, 1961, before William Henry Arnold, Esquire, C.B.E., Bailiff; present :—Sir John Leale, William Robert Freake Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, and Gilbert Carey de Jersey, Esquire, C.B., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 30th day of November, 1960, ratifying a *Projet de Loi* entitled "The Fatal Accidents (Guernsey) Law, 1960",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace.

The 30th day of November, 1960.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. VOSPER

MR. MARPLES

MR. ERROLL

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of October, 1960, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

- ‘ 1. That, in pursuance of their Resolution of the 30th day of December, 1959, the States of Deliberation at a meeting held on the 3rd day of August, 1960, approved a Bill or “Projet de Loi” entitled “The Fatal Accidents (Guernsey) Law, 1960” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto.
2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Fatal Accidents (Guernsey) Law,

1960" and to order that the same shall have the force of Law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Fatal Accidents (Guernsey) Law, 1960

THE STATES, in pursuance of their Resolution of the thirtieth day of December, nineteen hundred and fifty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“adopted” means adopted in pursuance of an adoption order made under the Adoption (Guernsey) Law, 1960;

“benefit” means benefit under the Contributory Pensions Law, 1935, and any payment by a friendly society or trade union for the relief or maintenance of a member’s dependants;

“insurance money” includes a return of premiums;

“pension” includes a return of contributions and any payment of a lump sum in respect of a person’s employment; and

“the principal Law” means the Law entitled “Loi relative à la Compensation qui pourra être accordée aux Familles de Personnes dont la Mort aura été causée par Accident” registered on the twenty-eighth day of December, nineteen hundred.

(2) Any reference in this Law to any other enactment shall be construed as including a reference to that enactment as amended, extended or applied by or under any other enactment including this Law.

Extension of
classes of
dependants.

2. (1) The persons for whose benefit or by whom an action may be brought under the principal Law shall include any person who is, or is the issue of, a brother, sister, uncle or aunt of the deceased person.

(2) In deducing any relationship for the purposes of the principal Law and this Law—

- (a) an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person; and, subject thereto,
- (b) any relationship by affinity 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
- (c) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

Exclusion of
certain
benefits in
assessment
of damages.

3. In assessing damages in respect of a person's death in any action under the principal Law there shall not be taken into account any insurance money, benefit, pension or gratuity which has been or will or may be paid as a result of the death.

Inclusion of
funeral
expenses in
assessment
of damages.

4. In any action brought under the principal Law damages may be awarded in respect of the funeral expenses of the deceased person if such expenses have been incurred by the parties for whose benefit the action is brought.

5. The enactments specified in the first column of the Schedule to this Law are hereby repealed to the extent specified in the third column of that Schedule. Repeals.

6. In the Law Reform (Miscellaneous Provisions) (Guernsey) Law, 1936, for the figure and brackets "(2)" immediately after subsection (6) of section one of that Law there is hereby substituted the figure "2". Amendment.

7. This Law shall apply only to actions brought in respect of deaths occurring after the commencement of this Law. Application.

8. This Law may be cited as the Fatal Accidents (Guernsey) Law, 1960, and this Law and the principal Law may be cited together as the Fatal Accidents (Guernsey) Laws, 1900 and 1960. Citation.

SCHEDULE

Section five

Enactments Repealed

<i>Enactment</i>	<i>Date of Registration</i>	<i>Extent of repeal</i>
The Law entitled "Loi relative à la Compensation qui pourra être accordée aux Familles de Personnes dont la Mort aura été causée par Accident".	28th December, 1900.	In Article 6 the words and brackets "le Beau-père et la Belle-mère ("step-father" and "step-mother")" and "le Beau-fils et la Belle-fille ("step-son" and "step-daughter")".
The Law Reform (Miscellaneous Provisions) (Guernsey) Law, 1936.	14th November, 1936.	Section two.

R. H. VIDELO,

Her Majesty's Greffier.