



**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**RECOVERY OF DAMAGES FOR THE
DEATH OF A PERSON**

**A
BILL**

**to provide for the recovery of damages for the death of a person caused by
a wrongful act, omission, negligence or default of another and to provide
for matters connected therewith and incidental thereto**

*Presented by the Minister of Justice and Prison Reforms
on 09th of October, 2018*

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*Recovery of Damages for the
Death of a Person*

L.D.—O. 25/2017

AN ACT TO PROVIDE FOR THE RECOVERY OF DAMAGES FOR THE
DEATH OF A PERSON CAUSED BY A WRONGFUL ACT, OMISSION,
NEGLIGENCE OR DEFAULT OF ANOTHER AND TO PROVIDE FOR
MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows:—

1. This Act may be cited as the Recovery of Damages Short title.
for the Death of a Person Act, No. of 2018.

5 2. (1) Where the death of a person is caused by a Right to
wrongful act, omission, negligence or default of another, the maintain an
person referred to in subsection (2) (hereinafter referred to action.
as the “applicant”) shall have the right to maintain an action
for damages in respect thereof, against the person whose
10 wrongful act, omission, negligence or default caused the
death of such person.

(2) The action may be maintained by—

- (a) a parent or the parents jointly;
- (b) a child or the children jointly;
- 15 (c) a sibling or the siblings jointly;
- (d) a grandparent or the grandparents jointly; or
- (e) the guardian.

3. In an action to recover damages for the death of a Damages for
person, the applicant may recover damages for— the death of a
person.

- 20 (a) the loss of that person’s love and affection and care
and companionship; and
- (b) the mental pain and suffering.

Recovery of Damages for the Death of a Person

4. Where an applicant dies—

No right of succession.

(a) before a claim under this Act is made; or

(b) after a claim is made but before a judgment is delivered,

5 the heirs, executors or administrators of such deceased
applicant shall have no right for the damages.

5. The Court may, for the purpose of deciding any matter under this Act, call on one or more persons specially skilled in any matter relevant to the matter under consideration, for assistance.

Assistance of
an expert.

6. Any applicant who has abandoned the deceased person shall not be entitled to claim damages under this Act.

Damages where abandonment has occurred.

7. The provisions of this Act shall be in addition to and not in derogation of any other right or remedy provided by any other written law or unwritten law.

The provisions of this Act in addition to any other remedy.

8. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail
in case of
inconsistency.

