



Province of Alberta

FATAL ACCIDENTS ACT

Revised Statutes of Alberta 2000
Chapter F-8

Current as of December 11, 2013

Office Consolidation

© Published by Alberta Queen's Printer

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Fatal Accidents Act* that are filed as Alberta Regulations under the Regulations Act

Alta. Reg.	<i>Amendments</i>
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Fatal Accidents Act

Fatal Accidents.....	32/2013
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FATAL ACCIDENTS ACT

Chapter F-8

Table of Contents

- 1 Definitions
- 2 Action for damages
- 3 Persons entitled to benefits
- 4 Number of actions
- 5 Death of person liable for damages
- 6 Insurance money
- 7 Damages
- 8 Damages for bereavement
- 9 Review
- 10 Regulations
- 11 Transitional

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “child”, except in section 8, includes a son, daughter,
grandson, granddaughter, stepson and stepdaughter;
- (b) repealed 2002 cA-4.5 s36;
- (c) “parent” includes a father, mother, grandfather,
grandmother, stepfather and stepmother.
- (d) repealed 2002 cA-4.5 s36.

RSA 2000 cF-8 s1;2002 cA-4.5 s36;2010 c6 s2

Action for damages

2 When the death of a person has been caused by a wrongful act,
neglect or default that would, if death had not ensued, have entitled
the injured party to maintain an action and recover damages, in
each case the person who would have been liable if death had not

ensued is liable to an action for damages notwithstanding the death of the party injured.

RSA 1980 cF-5 s2

Persons entitled to benefits

3(1) An action under this Act

- (a) shall be for the benefit of the spouse, adult interdependent partner, parent, child, brother or sister of the person whose death has been so caused, and
- (b) shall be brought by and in the name of the executor or administrator of the person deceased,

and in the action the court may give to the persons respectively for whose benefit the action has been brought those damages that the court considers appropriate to the injury resulting from the death.

(2) If there is no executor or administrator, or if the executor or administrator does not bring the action within one year after the death of the party injured, then the action may be brought by and in the name of all or any of the persons for whose benefit the action would have been, if it had been brought by or in the name of the executor or administrator.

(3) Every action so brought shall be for the benefit of the same persons and is as nearly as possible subject to the same regulations and procedure as if it were brought by and in the name of the executor or administrator.

RSA 2000 cF-8 s3;2002 cA-4.5 s36

Number of actions

4 Not more than one action lies for and in respect of the same subject-matter of complaint.

RSA 1980 cF-5 s4

Death of person liable for damages

5(1) If a person dies who would have been liable to an action for damages under this Act had the person continued to live, then, whether the person died before or after or at the same time as the person whose death was caused by wrongful act, neglect or default, an action may be brought and maintained or, if pending, may be continued against the executor or administrator of the deceased person.

(2) If neither probate of the will of the deceased person mentioned in subsection (1) nor letters of administration of the person's estate have been granted in Alberta, a judge of the Court of Queen's Bench may, on the application of any party intending to bring or to

continue an action under this section and on the terms and on the notice that the judge may direct, appoint a litigation representative for the estate of the deceased person, and on that appointment being made,

- (a) the litigation representative is a person against whom an action may be brought or continued under subsection (1) and by whom it may be defended,
- (b) the litigation representative may take any steps that a defendant may take in an action, including third party proceedings and the bringing, by way of counterclaim, of any action that survives for the benefit of the estate of the deceased person, and
- (c) a judgment in favour of or against the litigation representative in that action has the same effect as a judgment in favour of or against, as the case may be, the deceased person, but it has no effect whatsoever for or against the litigation representative in the litigation representative's personal capacity.

RSA 2000 cF-8 s5;2011 c14 s10

Insurance money

6 In assessing damages in an action brought under this Act, there shall not be taken into account a sum paid or payable on the death of the deceased under a contract of insurance.

RSA 1980 cF-5 s6

Damages

7 If an action is brought under this Act and if any of the following expenses and fees were reasonably incurred by any of the persons by whom or for whose benefit the action is brought, then those expenses and fees, in a reasonable amount, may be included in the damages awarded:

- (a) expenses incurred for the care and well-being of the deceased person between time of injury and death;
- (b) travel and accommodation expenses incurred in visiting the deceased between time of the injury and death;
- (c) expenses of the funeral and the disposal of the body of the deceased, including all things supplied and services rendered in connection with the funeral and disposal;
- (d) fees paid for grief counselling that was provided for the benefit of the spouse, adult interdependent partner, parent, child, brother or sister of the person deceased.

RSA 2000 cF-8 s7;2002 cA-4.5 s36

Damages for bereavement

8(1) In this section,

- (a) “child” means a son or daughter;
- (b) “parent” means a mother or father.

(2) If an action is brought under this Act, the court, without reference to any other damages that may be awarded and without evidence of damage, shall award damages for grief and loss of the guidance, care and companionship of the deceased person of

- (a) subject to subsection (3), \$82 000 to the spouse or adult interdependent partner of the deceased person,
- (b) \$82 000 to the parent or parents of the deceased person to be divided equally if the action is brought for the benefit of both parents, and
- (c) \$49 000 to each child of the deceased person.

(3) The court shall not award damages under subsection (2)(a) to the spouse or adult interdependent partner if the spouse or adult interdependent partner was living separate and apart from the deceased person at the time of death.

(4) Repealed 2002 cA-4.5 s36.

(5) A cause of action conferred on a person by subsection (2) does not, on the death of that person, survive for the benefit of the person’s estate.

RSA 2000 cF-8 s8;2002 cA-4.5 s36;2002 c17 s2;
2010 c6 s3;2013 c23 s7

Review

9(1) The Executive Council shall review the levels of damages set out in section 8(2) once in every 5 years from June 1, 2002 to determine the adequacy of those levels.

(2) A member of the Executive Council shall inform the Legislative Assembly of the result of the review referred to in subsection (1) at the earliest opportunity after the completion of the review.

RSA 2000 cF-8 s9;2002 c17 s2

Regulations

10 The Lieutenant Governor in Council may by regulation

- (a) change the amounts of damages that may be awarded under section 8(2),

- (b) prescribe the effective date of such change, and
- (c) provide that such change applies only to deceased persons who die on or after a prescribed date.

1994 c16 s6;1996 c28 s17

Transitional

11(1) In this section, “previous Act” means the *Fatal Accidents Act* as it read immediately before it was amended by the *Adult Interdependent Relationships Act*.

(2) The previous Act continues to apply in cases of death occurring before this section comes into force.

2002 cA-4.5 s36



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