



1943.

ANNO SEPTIMO

GEORGII VI. REGIS.

No. 34.

ANALYSIS.

1. Short title.
2. Amendment of 25 Geo. V. No. 30.
 - Section 3.
 - Section 5.
 - Section 10.



AN ACT to amend the *Fatal Accidents Act* 1934. A.D. 1943
 [19 October, 1943.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1** This Act may be cited as the *Fatal Accidents Act* 1943. Short title.
- 2** The Principal Act is hereby amended—
 - I. By expunging the definitions of “Child” and “Parent” in section three thereof and substituting therefor the following new definition—

“Member of the family” means the wife or husband, father, stepfather, grandfather,

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mother, stepmother, grandmother, son, stepson, grandson, daughter, stepdaughter, granddaughter, or brother or sister (whether of the whole blood or the half blood respectively) of the person in relation to whom the phrase is used; and in deducing any relationship which for the purposes of this Act is included within the meaning of the expression "parent" and "child" any illegitimate person shall be treated as being, or as having been, the legitimate offspring of his mother and reputed father or, as the case may be, of his adopters."

Section 5.

II. By deleting the words "wife, husband, parent, and child" in section five thereof and substituting therefor the words "members of the family":

Section 10.

III. As to section ten thereof by inserting—

- (a) "(1)" at the commencement: and
 (b) The following new subsections (2) and (3)—

"(2) In assessing damages in any action under this Act the value of such portion of the estate of the deceased person as passes to the members of his family shall not be taken into account except so far as such value exceeds the sum of two thousand pounds.

(3) In any action brought under this Act damages may be awarded in respect of the funeral expenses of the deceased person and hospital and medical expenses incurred as a result of the wrongful act causing his death if such expenses have been incurred or paid by the parties by whom, or for whose benefit, the action is brought whether or not any such parties have sustained other pecuniary loss by reason of the death of the deceased." (at the end).