

New Zealand.

DEATHS BY ACCIDENTS COMPENSATION.

1908, No. 39.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Payment of Compensation to the Families of Persons killed by Accidents.

BE IT ENACTED by the General Assembly of New Zealand its Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is “The Deaths by Accidents Compensation Act, 1908.” Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto. Enactments consolidated.

(3.) All matters and proceedings commenced under the said enactments, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. In this Act, if not inconsistent with the context,—

“Child” includes son and daughter, and grandson and granddaughter, and stepson and stepdaughter, and includes also an illegitimate child:

“Parent” includes father and mother, and grandfather and grandmother, and stepfather and stepmother.

3. Where the death of a person is caused by 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, 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 was caused under such circumstances as to amount in law to a crime. Action to be maintainable when death is caused by wrongful act, neglect, &c. 1880, No. 15, sec. 3

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. Action to be for benefit of family. Ibid, sec. 4

To be brought in name of executor, &c.
1880, No. 15, sec. 5

5. Every such action shall be brought by and in the name of the executor or administrator of the deceased person, and the jury may give to the parties respectively for whom and for whose benefit the action was brought such damages as they think proportioned to the injury resulting from the death.

Appropriation of proceeds.
Ibid, sec. 6

6. 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.

Money paid into Court may be paid in one sum.
Ibid, sec. 7

7. If the defendant is advised to pay money into Court, it shall be sufficient that he pays it in one sum to all persons entitled under this Act as a compensation for his wrongful act, neglect, or default, without specifying the shares into which it is to be divided by the jury; and if the said sum is not accepted, and an issue is taken by the plaintiff as to its sufficiency, and the jury think the same sufficient, the defendant shall be entitled to the verdict on that issue.

Only one action shall lie.
Ibid, sec. 8

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

Plaintiff to deliver full particulars of claim made.
Ibid, sec. 9

9. In every such action the plaintiff on the record shall be required to deliver to the defendant or his solicitor, together with the statement of claim, full particulars of the person or persons for whom and on whose behalf the action is brought, and of the nature of the claim in respect of which damages are sought to be recovered.

Action may in certain cases be brought by persons beneficially interested.
Ibid, sec. 10

10. (1.) Where in any of the cases provided for by this Act it happens that there is no executor or administrator of the deceased person, or that, there being such executor or administrator, no action as hereinbefore mentioned is within six months after the death of the deceased person as herein mentioned brought by and in the name of his executor or administrator, then such action may be brought by and in the name or names of all or of any of the persons (if more than one) for whose benefit such action would have been if it had been brought by and in the name of the executor or administrator.

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

SCHEDULE.

ENACTMENTS CONSOLIDATED.

1880, No. 15.—“The Deaths by Accidents Compensation Act, 1880.”
1894, No. 28.—“The Legitimation Act, 1894”: Section 6.