
STATUTORY INSTRUMENTS

2020 No. 1023

DAMAGES, ENGLAND AND WALES

The Fatal Accidents Act 1976 (Remedial) Order 2020

Made - - - - - *15th September 2020*

Coming into force - - - - - *6th October 2020*

The damages that may be awarded in respect of a claim for bereavement under section 1A of the Fatal Accidents Act 1976(1) have been declared(2) under section 4 of the Human Rights Act 1998(3) to be incompatible with a Convention right(4).

The time for bringing an appeal has expired and no appeal was made within that time.

The Secretary of State considers that there are compelling reasons for proceeding by way of remedial order(5) to make such amendments to the Fatal Accidents Act 1976 as the Secretary of State considers necessary to remove the incompatibility.

In accordance with paragraph 2(a) of Schedule 2 to the Human Rights Act 1998, a draft of this instrument was laid before Parliament and was approved by resolution of each House of Parliament, a document containing a draft of this instrument having previously been laid before Parliament in accordance with paragraph 3(1) of that Schedule.

Accordingly, the Secretary of State makes the following Order in the exercise of the powers conferred by section 10(2) of, and paragraph 1(1)(a) and (d), (2)(a) and (3) of Schedule 2 to, the Human Rights Act 1998.

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- (1) 1976 c.30. Section 1A was inserted by the Administration of Justice Act 1982 (c.53), s 3 and amended by the Civil Partnership Act 2004 (c.33), s 83(1) and (7), and S.I. 2013/510.
- (2) By the Court of Appeal in the case of *Jacqueline Smith v Lancashire Teaching Hospitals NHS Foundation Trust and others* [2017] EWCA Civ 1916.
- (3) 1998 c.42. Section 4 was amended by paragraph 66(2) of Schedule 9 to the Constitutional Reform Act 2005 (c. 4); paragraph 156 of Schedule 16 to the Armed Forces Act 2006 (c. 52); paragraph 43 of Schedule 6 to the Mental Capacity Act 2005 (c. 9) and paragraph 5(5) of Schedule 14 to the Crime and Courts Act 2013 (c. 22).
- (4) See section 1(1) of the Human Rights Act 1998 for the meaning of “the Convention rights” and section 21(1) of that Act for the definition of “the Convention”.
- (5) See section 21(1) of the Human Rights Act 1998 for the definition of “remedial order”.