

No. 25

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 25

A Bill to amend The Fatal Accidents Act

HON. MR. MANNING

Explanatory Note

General. The Fatal Accidents Act is amended to clarify the position thereunder where the wrong-doer dies. Section 5a, subsection (1) provides that an action is maintainable against the personal representative of a deceased wrong-doer. (See *Cairney v. MacQueen*, 1956, Supreme Court Reports 555) Subsection (2) authorizes the appointment of an administrator *ad litem* where no letters of administration or probate has issued within six months after the death of the deceased wrong-doer. (See *Farish and Ellison v. Papp and Patterson* (1958) 23 W.W.R. (N.S.) 690)

BILL

No. 25 of 1960

An Act to amend The Fatal Accidents Act

(Assented to _____, 1960)

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

1. *The Fatal Accidents Act*, being chapter 111 of the Revised Statutes, is amended by adding immediately after section 5 the following:

5a. (1) Where a person dies who would have been liable in an action for damages under this Act had he continued to live, then, whether he 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) Where there is no executor or administrator of a deceased person mentioned in subsection (1) appointed within six months after his death, a judge of the Supreme Court may, on the application of any party intending to bring an action under this section and on such notice as the judge may direct, appoint an administrator *ad litem* of the estate of the deceased person whereupon

(a) the administrator *ad litem* is an administrator against whom and by whom an action may be brought under subsection (1), and

(b) a judgment in favour of or against the administrator *ad litem* in any such 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 administrator *ad litem* in his personal capacity.

(3) This section applies whether the wrong was committed or the deceased person died before or after the commencement of this section.

2. This Act comes into force on the day upon which it is assented to.

No. 25

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Fatal
Accidents Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
