

1991 BILL 287

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 287

AN ACT TO AMEND THE MOTOR
VEHICLE ACCIDENT CLAIMS ACT

MR. NELSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 287
Mr. Nelson

BILL 287

1991

AN ACT TO AMEND THE MOTOR VEHICLE ACCIDENT CLAIMS ACT

(Assented to , 1991)

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

1 The Fatal Accidents Act is amended by this Act.

2 Section is repealed and the following substituted:

7 Where an action has been brought under this Act and if the expenses have been incurred by any of those persons by whom or for whose benefit the action is brought, there may be included in the damages awarded without reference to any other damages that may be awarded, an amount not exceeding \$10,000 sufficient to cover the reasonable expenses of those persons for

(a) any services made necessary as a result of the wrongful act, neglect or default referred to Section 2 and obtained on behalf of the deceased person referred to therein prior to the death of that person including, but not limited to

(i) ambulance services,

(ii) medical treatment and hospital expenses that the person cannot recover under the Alberta Health Care Insurance Act,

(b) the funeral and the disposal of the body of the deceased,

Explanatory Notes

1 This bill will amend Chapter F-5 of the Revised Statutes of Alberta.

2 Section 7 presently reads:

7 Where an action for damages has been brought under this Act there may be included in the damages awarded an amount sufficient to cover the reasonable expenses of the funeral and the disposal of the body of the deceased if those expenses were incurred by any of the persons by whom or for whose benefit the action is brought.

The amendment is designed to permit recovery of more of the true costs which may be incurred by persons as a result of acts falling under this Statute. This recovery is in addition to the damages for bereavement already provided for.

(c) the costs of any action brought under this Act on a solicitor and client basis as may be set out in a bill or bills of costs filed with the court by the barrister and solicitor acting or who acted for the applicant or applicants in the application or action and taxes by the clerk of the court,

(d) such other expenses as the person incurring them may prove and as the Court may allow.

3 This Act shall apply only to actions commenced after the date this Act comes into force.

4 This Act comes into force on Proclamation.

3 A transitional clause will prevent disruption of actions in litigation prior to the coming into force of the amendment.