

Civil Law (Amendment) Bill

Table of Contents

Bill No: 1/1987

Read the first time: 26th January 1987

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 8

3 New section 8A

4 Repeal and re-enactment of section 12 and new sections 12A and 12B

5 Consequential amendments

6 Transitional provisions

Explanatory Statement

Expenditure of Public Money

Civil Law (Amendment) Bill

Bill No. 1/1987

Read the first time on 26th January 1987.

An Act to amend the Civil Law Act (Chapter 30 of the Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Civil Law (Amendment) Act 1987 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 8

2. Section 8(2) of the Civil Law Act (referred to in this Act as the principal Act) is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) shall not include —

- (i) any exemplary damages; and
- (ii) any damages for loss of income in respect of any period after that person’s death;”.

New section 8A

3. The principal Act is amended by inserting, immediately after section 8, the following section:

“Abolition of right to damages for loss of expectation of life

8A.—(1) In any action for damages for personal injuries, no damages shall be recoverable in respect of any loss of expectation of life caused to the injured person by the injuries, except that if the injured person’s expectation of life has been reduced by the injuries, the court, in assessing damages in respect of pain and suffering caused by the injuries, shall take into account any suffering caused or likely to be caused to him by awareness that his expectation of life has been so reduced.

(2) In subsection (1), any reference to damages in respect of loss of expectation of life does not include damages in respect of loss of income.”.

Repeal and re-enactment of section 12 and new sections 12A and 12B

4. Section 12 of the principal Act is repealed and the following sections substituted therefor:

“Right of action for wrongful act causing death

12.—(1) If death is caused by any wrongful act, neglect or default which is such as would (if death had not ensued) have entitled the person 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.

(2) Subject to section 12A(2), every such action shall be for the benefit of the dependants of the person (referred to as the deceased) whose death has been so caused.

(3) Every action brought under this section shall be brought by and in the name of the executor or administrator of the deceased.

(4) If —

- (a) there is no executor or administrator of the deceased; or
- (b) no action is brought within 6 months after the death by and in the name of an executor or administrator of the deceased,

the action may be brought by and in the name of all or any of the persons for whose benefit an executor or administrator could have brought it.

(5) Not more than one action shall lie for or in respect of the same subject-matter of complaint and every such action shall be brought within 3 years after the death of such deceased person.

(6) The plaintiff in every such action brought under this section shall be required to deliver to the defendant or his solicitor full particulars of the 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.

(7) In any action brought under this section, the executor of the deceased may insert a claim for and recover any pecuniary loss to the estate of the deceased occasioned by such wrongful act, neglect or default, which sum when recovered shall be deemed part of the assets of the estate of the deceased.

(8) In this section, “dependant” means —

- (a) the wife or husband of the deceased;
- (b) any parent, grandparent or great-grandparent of the deceased;
- (c) any child, grandchild or great-grandchild of the deceased;
- (d) any person (not being a child of the deceased) who, in the case of any marriage to which the deceased was at any time a party, was treated