



**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**RECOVERY OF DAMAGES FOR THE
DEATH OF A PERSON
ACT, NO. 2 OF 2019**

[Certified on 17th of January, 2019]

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*Recovery of Damages for the Death of a Person
Act, No. 2 of 2019*

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L.D.—O. 25/2017

AN ACT TO PROVIDE FOR THE RECOVERY OF DAMAGES FOR THE DEATH OF A PERSON CAUSED BY A WRONGFUL ACT, OMISSION, NEGLIGENCE OR DEFAULT OF ANOTHER AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

- 1.** This Act may be cited as the Recovery of Damages for the Death of a Person Act, No. 2 of 2019. Short title.
- 2.** (1) Where the death of a person is caused by a wrongful act, omission, negligence or default of another, the person referred to in subsection (2) (hereinafter referred to as the “applicant”) shall have the right to maintain an action for damages in respect thereof, against the person whose wrongful act, omission, negligence or default caused the death of such person. Right to maintain an action.

(2) The action may be maintained by—

 - (a) the spouse;
 - (b) a parent or the parents jointly;
 - (c) a child or the children jointly;
 - (d) a sibling or the siblings jointly;
 - (e) a grandparent or the grandparents jointly; or
 - (f) the guardian.
- 3.** In an action to recover damages for the death of a person, the applicant may recover damages for— Damages for the death of a person.

 - (a) the loss of that person’s love and affection and care and companionship; and
 - (b) the mental pain and suffering.

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No right of succession.

4. Where an applicant dies—

(a) before a claim under this Act is made; or

(b) after a claim is made but before a judgment is delivered,

the heirs, executors or administrators of such deceased applicant shall have no right for the damages.

Assistance of an expert.

5. The Court may, for the purpose of deciding any matter under this Act, call on one or more persons specially skilled in any matter relevant to the matter under consideration, for assistance.

Damages where abandonment has occurred.

6. Any applicant who has abandoned the deceased person shall not be entitled to claim damages under this Act.

The provisions of this Act in addition to any other remedy.

7. The provisions of this Act shall be in addition to and not in derogation of any other right or remedy provided by any other written law or unwritten law.

Sinhala text to prevail in case of inconsistency.

8. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

English Acts of the Parliament can be purchased at the “prakashana piyasa”, Department of Government Printing, No. 118, Dr. Danister De Silva Mawatha, Colombo 8.