
Fifth Session, Forty-second Parliament
2 Charles III, 2024
Legislative Assembly of British Columbia

BILL M 221

**FAMILY COMPENSATION
AMENDMENT ACT, 2024**

Mr. Mike Bernier

Explanatory Notes

CLAUSE 1: *[Family Compensation Act, section 1]* adds the definitions of “claimant” and “sibling”.

CLAUSE 2: *[Family Compensation Act, section 3]* expands the class of claimants under the Act to include siblings and provides for additional circumstances under which damages may be awarded.

BILL M 221 – 2024

FAMILY COMPENSATION AMENDMENT ACT, 2024

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 of the Family Compensation Act, R.S.B.C. 1996, c. 126, is amended by adding the following definitions:

“**claimant**” means a party for whom and for whose benefit an action is brought;

“**sibling**” includes a step-sibling and a half-sibling; .

2 Section 3 is amended

(a) in subsection (1) by striking out “parent or child” and substituting “parent, child or sibling”, and

(b) by repealing subsection (9) and substituting the following:

(9) In an action brought under this Act, damages may also be awarded for

(a) the following expenses, reasonably incurred between the time of injury and the time of death, that followed the injury to the person whose death has been caused:

(i) actual reasonable expenses incurred by a claimant for the care and well-being of the person injured;

(ii) actual reasonable travel and accommodation expenses incurred by a claimant in caring for or nursing the person injured,

(b) the following remuneration, reasonably incurred between the time of injury and the time of death, that followed the injury to the person whose death has been caused:

(i) a reasonable loss of income incurred by a claimant while caring for the person injured;

(ii) the reasonable value of services reasonably provided by the claimant if, as a result of the injury, a claimant provided nursing, housekeeping or other services for the person injured,

(c) the following expenses if the expenses have been incurred by the claimant:

(i) any medical or hospital expenses that would have been recoverable as damages by the person injured if death had not ensued;

(ii) reasonable expenses for the funeral and the disposal of the remains of the deceased person, and

CLAUSE 2: *[Family Compensation Act, section 3 – continued]*

CLAUSE 3: *[Family Compensation Act, section 7]* provides for regulation-making authority.

- (d) reasonable compensation for grief and the loss of guidance, care and companionship that a claimant, who is a spouse, parent or child of the person whose death has been caused, might reasonably have expected to receive from the person injured if the injury or death had not occurred.
- (10) Damages that may be awarded under subsection (9) (a), (b), and (d) are subject to any limits prescribed by regulation.

3 *The following section is added:*

Power to make regulations

- 7 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
 - (a) defining a word or expression used but not defined in this Act;
 - (b) prescribing limits for the purposes of section 3.
- (3) In making regulations under this Act, the Lieutenant Governor in Council may do one or more of the following:
 - (a) define classes of persons, matters or things;
 - (b) make different regulations for different classes of persons, matters or things.

Commencement

- 4 This Act comes into force by regulation of the Lieutenant Governor in Council.