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**COMPENSATION FOR DEATH CAUSED BY TORTIOUS  
ACTS**

**(Summary Analysis)**

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## COMPENSATION FOR DEATH CAUSED BY TORTIOUS ACTS

### (SUMMARY ANALYSIS)

In Cyprus, compensation for death caused by a tortious act (accident) due to the fault of a third party may be awarded to:

1. The deceased's close relatives for the grief caused by the loss of a loved one (Bereavement).
2. The deceased's estate, for pain and suffering experienced by the deceased (if the death was not instant).
3. The dependents of the deceased.

### **1. COMPENSATION FOR GRIEF DUE TO THE LOSS OF A LOVED ONE (BEREAVEMENT).**

**Relevant Legislation:** Civil Wrongs Law, Cap. 148, **Article 58(7)(8)(9)**

*(7) A claim under this article may include a claim for compensation due to bereavement.*

*(8) A claim for bereavement compensation will only be for the benefit of:*

*(a) The spouse of the deceased or the surviving spouse, and their children.*

*(b) If there is no spouse or children of the deceased:*

*(i) The parents, if the deceased was a child born within or during the marriage of the parents.*

*(ii) The mother, if the deceased was a child born outside marriage.*

*(iii) The father, if he had acknowledged the child.*

*(9) The amount of bereavement compensation is set at £10,000 (approximately €17,000).*

- This category of compensation is provided by law, clearly specifying the amount to be awarded (€17,000) and to whom.

### **2. FOR THE BENEFIT OF THE DECEASED'S ESTATE.**

**Relevant Legislation:** Administration of Estates of Deceased Persons Law, Cap. 189, **Article 34(1) and (2)**

*(1) In accordance with the provisions of this article, if a person dies after the commencement of this law, all grounds for action that exist or have been transferred to the deceased's estate survive for the benefit of the estate.*

*(2) When a claim survives for the benefit of the estate,*




(a) *the compensation may not include:*

(i) *Exemplary damages.*

(ii) *Compensation for loss of earnings after the death.*

- Such compensation is awarded based on the principle of Common Law, aiming to restore the damage. These are not exhaustively codified in the law.
- They usually include funeral expenses, probate costs, medical costs, hospitalization and medical certificate fees, vehicle damage, and loss of wages from the date of the accident until death if the death was not immediate.
- If the death was not instant, the court may also award compensation for pain and suffering.

 **Relevant Legislation:** Civil Wrongs Law, Cap. 148, **Article 57A(1)(b)**

(1) *In an action for compensation for bodily injury:*


(b) *Compensation is not awarded for a reduction in life expectancy, but if the life expectancy of the injured person has been reduced due to the injury, the court must consider any suffering caused by the knowledge by the injured person, of this reduction in life expectancy.*

- Such compensation is awarded when death occurs after a period following the injury. The amount of compensation depends on the severity of the injuries and the time between the injury and death.

 **Relevant Case Law:**

- [Iordani et al. v. Kyriakou et al. \(1996\) 1 C.L.R. 1364](#)
- [Irini Iordanous et al. v. Yiankou Kyriakou C.A. 9081, dated 20.12.1996](#)
- [Hicks v. Chief Constable of South Yorkshire \(1992\) 1 All ER 690](#)
- [Theofanis G. Kazakou v. Doretta Avraamides et al. \(2000\) 1 C.L.R. 1626](#)
- [Electricity Authority of Cyprus v. Androulla Kyriakou and Another \(2006\) 1 C.L.R. 417](#)

### **3. FOR THE BENEFIT OF THE DEPENDENTS OF THE DECEASED**

 **Relevant Legislation:** Civil Wrongs Law, Cap. 148, Article 58(1)(2)(15)

(1) *In the event of the death of a person as a result of a civil wrong, which, had death not occurred, would have entitled that person to bring an action and recover damages due to the said civil wrong, the person who would have been liable for that civil wrong had death not occurred shall, despite the death, be liable for the payment of damages.*

(2) *The claim may be made for the benefit of the deceased's dependents.*

(15) *In the action, such damages may be awarded, other than damages for loss, which correspond to the damage resulting from the death to the dependents respectively, and after deducting any expenses not recovered from the defendant. Any amount received otherwise than as damages for loss shall be apportioned among the dependents in such shares as directed by the Court.*



⇒ **When is a Person Considered Dependent on the Deceased?**

- Under the current legislation, particularly Article 58(15) of the Civil Wrongs Law, Cap. 148, a dependent of the deceased can claim compensation for loss of earnings the deceased would have received had they lived.
- The deceased's spouse is considered a dependent according to the law and may claim compensation.
- For a person to be considered a dependent, it must be proven in practice, through testimony, that the dependent was financially reliant on the deceased or would have relied on their services had the deceased not passed away.

📁 **Relevant Case Law:**

- [Franklin v. South Eastern Railway \(1858\) 3 H & N 211](#)

⇒ **Calculation of Dependency:**

- For the calculation of Dependency, the first step is determining the Annual Dependency. In other words, the calculation of the Multiplicand.
- The Multiplicand is then multiplied by a Factor/Multiplier, which represents the number of years during which the deceased was expected to support the dependents had they not passed away.

📁 **Relevant Case Law:**

- [Taylor v. O'Connor \(1970\) ALL ER 365, HL](#)

## **A. THE MULTIPLICAND**

⇒ **Determination of the Annual Dependency/Multiplicand:**

- The determination is usually made by deducting personal living expenses and other miscellaneous expenses from the deceased's annual income. The remaining balance is considered the annual dependency of the dependents.

⇒ **Methods Used by Court to Calculate Annual Dependency:**

- The courts employ three approaches to calculate the annual dependency, depending on accuracy of the evidence available for each category of the deceased's personal expenses.
  1. **Item-to-Item Approach:** Used when there is precise testimony for each expense (e.g., rent, repairs, children's education, vehicle maintenance, insurance, holiday expenses).
  2. **Earnings Minus Living Expenses Approach:** Used when precise evidence of dependency is unavailable. The court subtracts the deceased's personal expenses from their earnings to determine the initial dependency amount.



3. **Conventional Percentage Approach:** This approach, which is now the prevailing approach used by the courts, is applied in cases where the determination of the dependency amount or the amount of the deceased's personal expenses is incomplete or impossible to establish. In this method, the calculation of the wife's annual dependency is expressed as a conventional percentage of 66.7% of the deceased's annual net income if she is the sole dependent, and 75% of the income if the dependents include both the wife and the children.

 **Relevant Case Law:**

- [Theofanis G. Kazakos v. Doretta Avraamides et al. \(2000\) 1 AAD 1626](#)
- [Harris v. Empress Motors \(1984\) 1 W.L.R. 212](#)
- The aforementioned percentages of **66.7%** and **75%** of the deceased's annual net income may be adjusted if there is substantial evidence to support such a modification.

 **Relevant Case Law:**

- [Coward v. Comex Houlder Diving Ltd \(1983\) 3 All ER 561](#)
- [Wheatley v. Cunningham \(1992\) PIQR 100](#)
- [Crabtree v. Wilson \(1993\) PIQR 24](#)
- [Electricity Authority of Cyprus v. Androulla Kyriakou and Another \(2006\) 1 AAD 417](#)

⇒ **Determining Annual Dependency when the Spouse Has Their Own Income:**

- In such a case, the wife's income up to the date of death will also be taken into account for the determination of the annual dependency. The total of both incomes (Deceased & Spouse) will be multiplied by the percentage of 66.7% (as calculated using the Classical Percentage Approach, given that the wife is the sole dependent and there is no substantial evidence to support otherwise). The wife's income will then be deducted from the resulting amount, and the final figure will represent the wife's annual dependency, known as the **Multiplicand**.

**Formula:**

- Annual income of the deceased at the time of death (+) Annual income of the spouse at the time of death (x) 66.7% Conventional Percentage Approach (-) Annual income of the spouse at the time of death = Amount of Annual Dependency of the spouse.

 **Relevant Case Law:**

- [Cyprus Electricity Authority v. Androullas Kyriakou and Others \(2006\) 1 AAD 417](#)

**Example:**

Deceased spouse's income at the time of death: €30,000



Spouse's income at the time of death: €25,000

Total joint income: €55,000

€30,000 + €25,000 = €55,000 (x) 66.7% = €36,685 - €25,000 = **€11,685**

Annual Dependency of the Spouse (**The Multiplicand**)

⇒ **When the spouse's income is considered for the determination of dependency:**

- The spouse's income must be considered as substantial in order to be included in the dependency calculation, and it must at least satisfy the spouse's personal needs.

📁 **Relevant Case Law**

- [Theophanis G. Kazakou v. Doretta Avraamidu et al. \(2000\) 1 AAD 1626](#)
- [Cyprus Electricity Authority v. Androullas Kyriakou and Others \(2006\) 1 AAD 417](#)
- Additionally, the spouse's income must have existed before the death. If the spouse was forced to find employment due to financial hardship caused by the death of the deceased spouse, this income is not included in the formula above for calculating the annual dependency.

📁 **Relevant Case Law**

- [Howitt v. Heads \(1972\) 1 ALL ER 491](#)
- [Welsh Ambulance Services NHS Trust and Another v. Williams \(2008\) EWCA Civ 81](#)
- [Demetriou and Another v. Anastassiou, Lawsuit No. 1098/1975, dated 7.1.1978](#)

⇒ **Benefits and/or other amounts received by the spouse or other dependents as a result of death are not considered in the formula above for determining annual dependency.**

Amounts not considered include:

- Widow's pension from social insurance,
- Any pension from the employer of the deceased,
- Amounts paid by insurance policies where premiums were paid by the dependents,
- Amounts paid to dependents from the Death Benefit Fund.

📖 **Related Legislation: Civil Wrongs Law Cap. 148, Article 58(19), 65**

58(19) "Benefits that have been or will be received by any person from inheritance or otherwise as a result of death shall not be considered in a claim for damages for death."

65 "In calculating damages to be paid due to civil wrongs, no amount shall be taken into account that was paid or should be paid under an insurance contract or provided by the Social Insurance Fund as a benefit or allowance due to the same circumstances that created the legal obligation for damages."



### Relevant Case Law

- [Cyprus Electricity Authority v. Androullas Kyriakou and Others \(2006\) 1 AAD 417](#)

#### ⇒ **Income in the form of retirement pensions, disability pensions, gratuities (lump sum)**

- It is a basic principle that amounts received in the form of retirement pensions, disability pensions, gratuities/lump sums received upon retirement are considered income and taken into account in the calculation of dependency.

#### ⇒ **The disability pension received by the deceased prior to their death due to disability may be regarded as earned income of the deceased for the purpose of calculating annual dependency**

- As a general rule, the disability pension received by the deceased at the time of their death is taken into account as earned income for the calculation of dependency and the determination of compensation.
- The loss of the disability pension due to the death of the beneficiary cannot be considered for determining the dependency of the spouse. Upon the death of the beneficiary, the provision of the disability pension is indeed terminated; however, a new right arises for the spouse to receive a widow's pension. The right to consider the amount of the disability pension for the purpose of determining compensation ceases to exist from the moment a new right to receive another form of pension is created for a dependent person. This is because both benefits, namely the disability pension and the widow's pension, are granted under the provisions of the Social Insurance Law. Simultaneously taking both of these benefits into account for determining dependency and calculating compensation would constitute an unfair advantage and contradict the fundamental principles governing compensation laws. Therefore, the right to consider the loss of the disability pension is extinguished with the emergence of the new right to receive a widow's pension.
- The disability pension due to incapacity is regarded as the annual income of the deceased and is taken into account in the determination of compensation for other dependents, such as minor children, as a loss of future earnings. This is because, in their case, there is no possibility of replacing the lost income from the disability pension, unlike the widow's pension granted to the spouse, which serves as a form of income substitution. Consequently, the disability pension income that the children would have benefited from during the lifetime of the deceased is considered an irreplaceable loss.

### Relevant Case Law

- [Theodoulou Odysseas v. Antonis Kokkinofhta and Others \(1999\) 1 AAD 759](#)

#### **Social Insurance Law No. 41/80, Article 39 (1)**

39 (1): A widow who, at the time of her husband's death, was living with him and was wholly or predominantly supported by him, is entitled to a widow's pension, provided that:





(a) .....

(b) The husband had attained the pensionable age and was entitled to a retirement pension or would have been entitled to an retirement pension had he submitted the relevant application.

#### Relevant Case Law

- [Theodoulou Odysseas v. Antonis Kokkinofhta and Others \(1999\) 1 AAD 759](#)

#### ⇒ **Income that the deceased might have received after death:**

- As a general rule, if there is sufficient evidence supporting a reliable, non-theoretical prediction for the future income of the deceased, these can be considered for calculating annual dependency. This prediction must be supported by concrete data.
- Such income may include future salary increases, retirement pensions, gratuities/lump sum amounts upon retirement.

#### Relevant Case Law

- [Theofanis G. Kazakou v. Doretta Avraamides & Others \(2000\) 1 AAD 1626](#)
- [Cookson v. Knowles \(1978\) 2 All ER 604](#)
- [Fysko Contracting Co Ltd v. Georgiou \(1991\) 1 AAD 1014](#)
- [Antoniou v. Cooperative Savings Bank of Public Employees Ltd \(2004\) 1 AAD 37](#)
- [Malone v. Roman \(1984\) 3 All ER 402](#)
- [Electricity Authority of Cyprus v. Androulla Kyriakou & Another \(2006\) 1 AAD](#)
- [Roberton v. Lestrangle \(1985\) 1 All ER 950](#)
- [Auty v. National College Board \(1985\) 1 WLR 784](#)

- The retirement pension that the deceased may have received upon their retirement, had they not passed away, is taken into account when calculating the annual dependency.
- The difference in the gratuity that the deceased would have received upon their retirement, had they not passed away, is also taken into account.

#### Relevant Case Law

- [Theofanis G. Kazakou v. Doretta Avraamides & Others \(2000\) 1 AAD 1626](#)
- [Davies and others v. Whiteways Cyder Co. Ltd. and another \[1974\] 3 All E.R. 168 ??](#)

#### ⇒ **Loss of a dependent's widow's pension difference that would have been received if the spouse had survived until retirement:**

- A widow of the deceased, who was receiving a widow's pension, claimed compensation for the loss of the pension she would have received if the spouse had survived until retirement. The court recognized that if the widow's pension was less than what she would have received if her spouse had survived, she should be compensated for the difference.



### Relevant Case Law

- [Auty v. National Coll Board \(1985\) 1WLR 784](#)

#### ⇒ **Compensation for loss of income for any period after the deceased's death:**

- It is important to note that any amounts the deceased would have received after their death cannot be claimed from the deceased's estate, but only by the dependents.

#### **Related Legislation: Law on the Administration of the Estates of Deceased Persons (CAP. 189), Article 34(2)(ii)**

34(2)(ii) "*Where a person survives a claim based on the inheritance or otherwise of the deceased's estate, the compensation that may be sought shall not include damages for the loss of income for any period after the death of the deceased.*"

*When a claim survives as mentioned above for the benefit of the deceased's estate, the compensation that may be sought for the benefit of the heirs:*

*(a) does not include:*

*(i) .....*

*(ii) Compensation for loss of income concerning any period after the death of the deceased.*

### Relevant Case Law

- [Electricity Authority of Cyprus v. Androulla Kyriakou & Another \(2006\) 1 AAD 417](#)

#### ⇒ **Dependency on services provided by the deceased:**

- In addition to purely financial dependency, which may arise from the financial income lost by the deceased, there may also be a claim for dependency on reasonable services that the deceased would have provided to the household gratuitously. Due to the death of the deceased, the dependents are deprived of the benefit of these services, which may include household repairs or even garden maintenance. An amount for these mentioned services may be added to the multiplicand.

### Relevant Case Law

- [Electricity Authority of Cyprus v. Androulla Kyriakou & Another \(2006\) 1 AAD 417](#)

- Dependency may arise even if the deceased, without any income, simply provided services to the household



### 📁 Relevant Case Law

- [Berry v. Humm \(1915\) I KB 627](#)

## B. THE MULTIPLIER

- Having analyzed the method of calculating annual dependency, or in other words, the calculation of the **Multiplicand**, the next step is to determine the **Multiplier**, which represents the period during which the deceased was expected to support their dependents had death not occurred.
- The calculation of this future loss involves an element of uncertainty and speculation.
- It is a practical tool used to attempt to quantify future losses.
- The choice of the multiplier should not be based on rigid rules, and the matter must be approached comprehensively and with common sense.

### 📁 Relevant Court Decisions:

- [Anastasiou v. Demetriou and another \(1981\) 1 CLR 589](#)
- [Gavin v. Wilmot Breeden Ltd \(1973\) 2 All ER 820](#)
- As stated in the textbook of Frikkos Nikolaides “*Compensation for Personal Injuries*”, “The Multiplier is considerably lower than the actual number of years of dependency. The main reason for this is that the income of the deceased would have been earned gradually over a long period, while the compensation is paid to the dependents in one lump sum. It is expected that the dependents will invest the money they receive, and the idea behind this approach is that the principal and interest will be depleted over the period in which the dependency would have ended.”
- Unpredictable life events such as illnesses, physical disabilities, and unemployment should be taken into account when determining a fair Multiplier.
- The Multiplier should be determined in light of the specific circumstances of each case and should be subject to two reducing factors: the present-day reduced value of future income and the uncertainties of the future.

### 📁 Relevant Court Decisions:

- [Taylor v. O'Conor \(1970\) 1 ALL E.R. 65 \(H.L.\)](#)

#### ⇒ **Factors Considered in Determining the Multiplier:**

##### **Regarding the Deceased:**

- The deceased's age
- The deceased's health condition
- The deceased's life expectancy



- The profession of the deceased
- Whether the deceased was receiving a pension at the time of their death
- The deceased's retirement age and employment prospects

#### **Regarding the Dependents:**

- The expected period of dependency
- In the case of minor dependents, their age at the time of death and the period until their adulthood
- The expected dependency period of minor dependents
- The life expectancy of the surviving spouse
- The age of the surviving spouse
- The likelihood of remarriage by the surviving spouse
- The quality of the marital relationship and the likelihood of separation

#### **📁 Relevant Court Decisions:**

- [Fysco Constructing Co Ltd v. Γεωργίου \(1991\) 1 A.A.Δ 1014](#)
- [Electricity Authority of Cyprus v. Androulla Kyriakou & Another \(2006\) 1 AAD 417](#)

#### **⇒ From which point does the Multiplier starts to run:**

- The multiplier is determined at the date of the hearing of a case or the date of an out-of-court settlement.
- The court is tasked with awarding compensation for the loss of the dependency amount up until the judgment date and for future losses based on the deceased's income as of the date of the hearing.
- The multiplier begins from the date of death.

#### **📁 Relevant Court Decisions:**

- [White v. ESAB Group \(UK\) Ltd \(2002\) PIQRP26](#)
  - Below, you may find tables with relevant first-instance decisions and case appeals from fatal accidents and the multipliers awarded by courts over time.



 **Multipliers for Fatal Accidents in First Instance Decisions:**

Case	Decision Date	Age	Gender	Occupation of Deceased	Dependents	Multiplier
Case 6555/88	15.10.1994	22	Male	Private Employee	Parents	10
Case 441/02	28.03.2006	37	Male	Builder	Spouse/Child	11
Case 75/04	06.11.2007	39	Female	Housekeeper	Spouse/Child	12
Case 1648/07	06.03.2009	25	Male	Builder	Spouse/Child	14
Case 4209/05	27.10.2010	53	Male	Private Employee	Spouse/Child	9
Case 1334/07	30.11.2011	74	Male	Retiree	Spouse	2
Case 6226/05	01.02.2012	39	Male	Builder	Spouse/Child	11
Case 2757/09	27.03.2014	47	Male	Painter	Spouse/Children	10
Case 1077/08	23.11.2015	35	Female	Dental Technician	Spouse/Children	12
Case 4785/08	22.04.2016	56	Male	Heavy Vehicle Engineer	Spouse	5
Case 1600/12	19.05.2016	49	Male	Firefighter	Spouse/Children	8

 **Multipliers for Fatal Accidents in Civil Appeals:**

Case:	Decision Date:	Age	Gender:	Occupation of Deceased:	Dependents:	Multiplier
Civil Appeal 5874	05.05.1981	53	Male	Worker	Spouse	8
Civil Appeal 10106	13.05.1999	55	Male	Kiosk Owner	Spouse	7
Civil Appeal 10161	04.11.1999	66	Male	Retiree	Spouse	2
Civil Appeal 10103	04.07.2000	37	Female	Private Employee	Spouse/Children	10
Civil Appeal 10264	29.09.2000	53	Male	Assistant Headmaster	Spouse/Children	8
Civil Appeal 11854	11.10.2000	61	Male	Transport Company Employee	Spouse/Children	4
Civil Appeal 12024	21.09.2005	44	Male	Civil Engineer	Spouse	10
Civil Appeal 218/06	22.05.2006	47	Male	A.H.C. Technician	Spouse/Child	10
Civil Appeal 218/2006	23.04.2006	24	Female	Beautician	Spouse/Children	4 and 8
Civil Appeal 54/2007	10.09.2009	35	Male	Worker	Spouse/Child	13
Civil Appeal 61/2006	30.06.2010	44	Male	Technician	Children	10



<b>Case:</b>	<b>Decision Date:</b>	<b>Age</b>	<b>Gender:</b>	<b>Occupation of Deceased:</b>	<b>Dependents:</b>	<b>Multiplier</b>
<b>Civil Appeal 62/2006</b>	30.06.2010	35	Female	Private Employee	Children	<b>12</b>
<b>Civil Appeal 203/2008</b>	13.07.2011	38	Male	Entrepreneur	Children	<b>10</b>

### Source References:

- **Frixos Nikolaidis**, *Compensations for Personal Injuries and Fatal Accidents*, S. Levidiotis (2019)
- **Christos Ploutarchou**, *Compensations in Fatal Accidents*, C. Ploutarxou Claims Consulting (2016)
- **McGregor on Damages**, 22nd Edition
- **Kemp & Kemp**, *The Quantum of Damages, Sweet and Maxwell in Personal Injury and Fatal Accident Claims*

### Note:

This article is for informational purposes only and does not constitute legal advice. The information above is based on current legislation, case law, and the mentioned references. The information may not apply to every case, as each case should be examined based on its own unique circumstances.