

Status: Point in time view as at 05/12/2005.

Changes to legislation: Damages (Scotland) Act 1976 (repealed) is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

DEFINITION OF “RELATIVE”

- 1 In this Act “relative” in relation to a deceased person includes—
- (a) any person who immediately before the deceased’s death was the spouse of the deceased;
 - [^{F1}(aa) any person, not being the spouse of the deceased, who was, immediately before the deceased’s death, living with the deceased as husband or wife;]
 - (b) any person who was a parent or child of the deceased;
 - (c) any person not falling within paragraph (b) above who was accepted by the deceased as a child of his family;
 - (d) any person who was an ascendant or descendant (other than a parent or child) of the deceased;
 - (e) any person who was, or was the issue of, a brother, sister, uncle or aunt of the deceased; ^{F2}...
 - (f) any person who, having been a spouse of the deceased, had ceased to be so by virtue of a divorce;
- but does not include any other person.

Textual Amendments

- F1** Sch. 1 para. 1(aa) inserted by [Administration of Justice Act 1982 \(c. 53, SIF 112:3\)](#), **ss. 14(4)**, 73(5)
- F2** Word in Sch. 1 para. 1(e) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 42\(3\)](#), **Sch. 30**; [S.I. 2005/3175](#), art. 2(6); word also said to be repealed (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), s. 46(2), **Sch. 2 para. 2(c)**; [S.S.I. 2006/212](#), art. 2

- 2 In deducing any relationship for the purposes of the foregoing paragraph—
- (a) any relationship by affinity shall be treated as a relationship by consanguinity; any relationship of the half blood shall be treated as a relationship of the whole blood; and the stepchild of any person shall be treated as his child; and
 - [^{F3}(b) section 1(1) of the Law Reform (Parent and Child) (Scotland) Act 1986 shall apply; and any reference (however expressed) in this Act to a relative shall be construed accordingly.]

Textual Amendments

- F3** Sch. 1 para. 2(b) substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), ss. 9, 10(1), **Sch. 1 para. 15**

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F⁴SCHEDULE 2

Section 11.

REPEALS.

Textual Amendments

F⁴ Sch. 2 repealed (18.4.1993) by 1993 c. 5, ss. 7(3), 8(3) (with s. 6(4)).

Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 6. c. 42.	Law Reform (Miscellaneous Provisions) Act 1940.	Section 2.
11 & 12 Geo. 6. c. 41.	Law Reform (Personal Injuries) Act 1948.	Section 2(5A).
1 & 2 Eliz. 2. c. 7.	Law Reform (Personal Injuries) (Amendment) Act 1953.	The whole Act
10 & 11 Eliz. 2. c. 42.	Law Reform (Damages and Solatium) (Scotland) Act 1962.	The whole Act.
1972 c. 33.	Carriage by Railway Act 1972.	Section 3(2).

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