



Damages (Scotland) Act 1976 (repealed)

1976 CHAPTER 13

2 Rights transmitted to executor in respect of deceased person's injuries.

- (1) Subject to subsection (3) below there shall be transmitted to the executor of a deceased person the like rights to damages in respect of personal injuries sustained by the deceased as were vested in him immediately before his death; and for the purpose of enforcing any such right the executor shall be entitled to bring an action or, if an action for that purpose had been brought by the deceased before his death and had not been concluded before then, to be sisted as pursuer in that action.
- (2) For the purpose of subsection (1) above an action shall not be taken to be concluded while any appeal is competent or before any appeal timeously taken has been disposed of.
- (3) There shall not be transmitted to the executor of a deceased person any right to damages in respect of personal injuries sustained by the deceased and vested in the deceased as aforesaid, being a right to damages—
 - (a) by way of solatium;
 - (b) by way of compensation for patrimonial loss attributable to any period after the deceased's death,

and accordingly the executor shall not be entitled to bring an action, or to be sisted as pursuer in any action brought by the deceased before his death, for the purpose of enforcing any such right.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

Damages (Scotland) Act 1976 (repealed), Section 2 is up to date with all changes known to be in force on or before 07 May 2024.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.