



# Damages (Scotland) Act 1993 (repealed)

## 1993 CHAPTER 5

### 1 Rights of relatives of a deceased person.

- (1) In section 1(4) of the <sup>M1</sup>Damages (Scotland) Act 1976 (in this Act referred to as “the 1976 Act”) for the words from “the loss” to the end there shall be substituted the words “all or any of the following—
- (a) distress and anxiety endured by the relative in contemplation of the suffering of the deceased before his death;
  - (b) grief and sorrow of the relative caused by the deceased’s death;
  - (c) the loss of such non-patrimonial benefit as the relative might have been expected to derive from the deceased’s society and guidance if the deceased had not died,

and the court in making an award under this subsection shall not be required to ascribe specifically any part of the award to any of paragraphs (a), (b) and (c) above.”

- (2) At the beginning of subsection (5) of that section there shall be added the words “Subject to subsection (5A) below, ”.

- (3) After subsection (5) of that section there shall be inserted the following subsection—

“(5A) Where a deceased has been awarded a provisional award of damages under section 12(2) of the Administration of Justice Act 1982, the making of that award does not prevent liability from arising under this section but in assessing for the purposes of this section the amount of any loss of support suffered by a relative of the deceased the court shall take into account such part of the provisional award relating to future patrimonial loss as was intended to compensate the deceased for a period beyond the date on which he died.”.

#### Marginal Citations

M1 1976 c. 13.

**Status:**

Point in time view as at 18/04/1993. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Damages (Scotland) Act 1993 (repealed), Section 1.