



Family Law (Scotland) Act 2006

2006 asp 2

Amendments of Damages (Scotland) Act 1976

35 Amendments of Damages (Scotland) Act 1976

- (1) The Damages (Scotland) Act 1976 (c. 13) shall be amended in accordance with subsections (2) to (5).
- (2) In subsection (4) of section 1 (rights of relatives of deceased person), at the beginning there shall be inserted “Subject to subsection (4A),”.
- (3) After that subsection, there shall be inserted—

“(4A) Notwithstanding section 10(2) of, and Schedule 1 to, this Act, no award of damages under subsection (4) above shall be made to a person related by affinity to the deceased.

(4B) In subsection (4A), a “person related by affinity to the deceased” includes—

 - (a) a stepchild, step-parent, stepbrother or stepsister of the deceased; and
 - (b) any person who was an ascendant or descendant of any of the step-relatives mentioned in paragraph (a).”.
 - (4) In subsection (2) of section 10 (interpretation), for the words from “sub-paragraph” to “or (c)”, there shall be substituted “any of sub-paragraphs (a) to (cc)”.
 - (5) In paragraph 1 of Schedule 1 (definition of relative)—
 - (a) in sub-paragraph (c), for “paragraph” there shall be substituted “sub-paragraph”;
 - (b) after that sub-paragraph, there shall be inserted—
 - “(ca) any person not falling within sub-paragraph (b) above who accepted the deceased as a child of the person’s family;
 - (cb) any person who—
 - (i) was the brother or sister of the deceased; or
 - (ii) was brought up in the same household as the deceased and who was accepted as a child of the family in which the deceased was a child;
 - (cc) any person who was a grandparent or grandchild of the deceased;”;

Status: This is the original version (as it was originally enacted).

- (c) in sub-paragraph (d), after “person” there shall be inserted “not falling within sub-paragraph (b) or (cc) above”; and
- (d) in sub-paragraph (e), after “person” there shall be inserted “not falling within sub-paragraph (cb)(i) above”.