

DAMAGES (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 6: Relative's loss of personal services

42. **Section 6** re-enacts section 9(2) of the Administration of Justice Act 1982 (“the 1982 Act”). It deals with the right of A’s relatives to damages for loss of personal services that were provided by A before A’s death.
43. Subsection (1) provides that a relative who is entitled to damages for loss of support may also include a claim for damages for loss of A’s personal services.
44. Subsection (2) defines “personal services” in subsection (1) by reference to section 9(1) of the 1982 Act. This refers to personal services as the services mentioned in section 9(3) of the 1982 Act, being services—
 - (a) which were or might have been expected to have been rendered by the injured person before the occurrence of the act or omission giving rise to liability;
 - (b) of a kind which, when rendered by a person other than a relative, would ordinarily be obtainable on payment; and
 - (c) which the injured person but for the injuries in question might have been expected to render gratuitously to a relative.