



Damages (Scotland) Act 2011

2011 asp 7

7 Assessment of compensation for loss of support

- (1) Such part of an award under paragraph (a) of section 4(3) as consists of a sum in compensation for loss of support is to be assessed applying the following paragraphs—
- (a) the total amount to be available to support A's relatives is an amount equivalent to 75% of A's net income,
 - (b) in the case of any other relative than—
 - (i) a person described in paragraph (a) of the definition of “relative” in section 14(1), or
 - (ii) a dependent child,the relative is not to be awarded more in compensation for loss of support than the actual amount of that loss,
 - (c) if—
 - (i) no such other relative is awarded a sum in compensation for loss of support, the total amount mentioned in paragraph (a) is to be taken to be spent by A in supporting such of A's relatives as are mentioned in sub-paragraphs (i) and (ii) of paragraph (b),
 - (ii) any such other relative is awarded a sum in compensation for loss of support, the total amount mentioned in paragraph (a) is, after deduction of the amount of the sum so awarded, to be taken to be spent by A in supporting such of A's relatives as are mentioned in those sub-paragraphs, and
 - (d) any multiplier applied by the court—
 - (i) is to run from the date of the interlocutor awarding damages, and
 - (ii) is to apply only in respect of future loss of support.
- (2) But, if satisfied that it is necessary to do so for the purpose of avoiding a manifestly and materially unfair result, the court may apply a different percentage to that specified in subsection (1)(a).
- (3) In subsection (1)(b)(ii), “dependent child” means a child who as at the date of A's death—
- (a) has not attained the age of 18 years, and
 - (b) is owed an obligation of aliment by A.