



# Damages (Scotland) Act 2011

## 2011 asp 7

### **9 Transmission of relative's rights to executor**

- (1) This section applies where liability to pay damages to a relative ("R") has arisen under section 4 or 6 but R dies.
- (2) If the right to damages is vested in R immediately before R's death that right is transmissible to R's executor ("E"); but in determining the amount of damages payable to E by virtue of this section, the only period to which the court is to have regard is the period ending immediately before R's death.
- (3) In a case where—
  - (a) section 5 applies, and
  - (b) R died before 27th April 2007,any right of R to damages under that section is to be taken, for the purposes of subsection (2), to have vested in R on A's death.