

ACCOMPANYING DOCUMENTS

Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 75-EN. A Policy Memorandum is printed separately as SP Bill 75-PM.

**Rights of Relatives to Damages
(Mesothelioma) (Scotland) Bill
[AS INTRODUCED]**

An Act of the Scottish Parliament to amend the law concerning the right of certain relatives of a deceased person to claim damages in respect of the death of the deceased from mesothelioma.

1 Mesothelioma: rights of relatives of a deceased person to damages

(1) Section 1 of the Damages (Scotland) Act 1976 (c.13) is amended as follows.

(2) At the beginning of subsection (2) (which provides that the liability of the responsible person to pay damages to a relative does not arise where the deceased has before death excluded or discharged liability to pay damages) insert “Except as set out in subsection (2A) below,”.

(3) After subsection (2) insert—

“(2A) Where subsection (2B) below applies—

(a) liability arises under this section even though the liability to the deceased or the deceased’s executor mentioned in subsection (2) above has been discharged as mentioned in that subsection; but

(b) that liability is limited to the payment of such sum of damages as is awarded under subsection (4) below.

(2B) This subsection applies where—

(a) the personal injury in consequence of which the deceased died is mesothelioma; and

(b) the discharge of liability occurred on or after the date on which section 1 of the Rights of Relatives to Damages (Mesothelioma) (Scotland) Act 2006 (asp 00) came into force.”.

2 Short title and commencement

(1) This Act may be cited as the Rights of Relatives to Damages (Mesothelioma) (Scotland) Act 2006.

(2) This Act comes into force on the seventh day after the date of Royal Assent.

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Introduced by: Cathy Jamieson
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Supported by: Hugh Henry
Bill type: Executive Bill

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