

Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.

Rights of Relatives to Damages (Mesothelioma) (Scotland) Bill

[AS AMENDED AT STAGE 2]

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

- 5 (1) Section 1 of the Damages (Scotland) Act 1976 (c.13) (“the 1976 Act”) is amended in accordance with subsections (2) and (3).
- (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,”.
- 10 (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
- 15 (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
- 20 (b) the discharge of liability and the death each occurred on or after 20 December 2006 (and whether before, on or after the date on which section 1 of the Rights of Relatives to Damages (Mesothelioma) (Scotland) Act 2007 (asp 00) came into force).”.
- (4) In a case where—
- 25 (a) section 1(2B) of the 1976 Act applies, and
- (b) the death occurred before the coming into force of this section,

any right of a relative who died before the coming into force of this section to damages under section 1 of the 1976 Act is to be taken, for the purpose of section 1A of the 1976 Act, to have vested in the person on the deceased's death.

2 Short title and commencement

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- (1) This Act may be cited as the Rights of Relatives to Damages (Mesothelioma) (Scotland) Act 2007.
 - (2) This Act comes into force on the day after the date of Royal Assent.

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Introduced by: Cathy Jamieson
On: 27 September 2006
Supported by: Hugh Henry
Bill type: Executive Bill

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