



# Damages (Scotland) Act 2011

## 2011 asp 7

### 5 Discharge of liability to pay damages: exception for mesothelioma

- (1) This section applies where—
- (a) the liability to pay damages to A (or to A's executor) is discharged, whether by antecedent agreement or otherwise, by A before A's death,
  - (b) the personal injury in consequence of which A died is mesothelioma, and
  - (c) the discharge and the death each occurred on or after 20th December 2006.
- (2) Liability arises under section 4(1) but is limited to the payment of such sum of damages as is mentioned in paragraph (b) of section 4(3).

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#### Commencement Information

**II** [S. 5](#) in force at 7.7.2011 by [S.S.I. 2011/268](#), [art. 3](#) (with [art. 4](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Damages (Scotland) Act 2011, Section 5.