



Damages (Scotland) Act 2011

2011 asp 7

12 Limitation of total amount of liability

- (1) This section applies to an action directed against a defender (“B”) in which, following the death of a person (“A”) from personal injuries, damages are claimed—
 - (a) in respect of those injuries, by A’s executor, or
 - (b) in respect of A’s death, by any relative of A or by the executor of any relative of A.
- (2) If it is shown that the liability arising in relation to B from the personal injuries in question—
 - (a) had before A’s death, by antecedent agreement or otherwise, been limited to damages of a specified or ascertainable amount, or
 - (b) is so limited by virtue of an enactment,nothing in this Act makes B liable to pay damages exceeding that amount.
- (3) Accordingly, where there are two or more pursuers, any damages to which they would (but for this section) respectively be entitled under this Act are, if necessary, to be reduced pro rata.
- (4) And where two or more actions are conjoined the conjoined actions are to be treated, for the purposes of this section, as if they were a single action.