



Administration of Justice Act 1982

1982 CHAPTER 53

PART II

DAMAGES FOR PERSONAL INJURIES ETC.—SCOTLAND

14 Amendment and repeal of enactments

- (1) Section 1(7) of the Damages (Scotland) Act 1976 is amended by inserting after the word " section " the words " or in Part II of the Administration of Justice Act 1982 ".
- (2) Section 5 of that Act (provisions for the avoidance of multiplicity of actions) is repealed, and—
 - (a) in section 4 of that Act the words " but this section is without prejudice to section 5 of this Act" shall cease to have effect, and
 - (b) in section 6 of that Act—
 - (i) in subsection (1) for the words " section 5 of this Act" there shall be substituted the words " this section ", and
 - (ii) after subsection (2) there shall be inserted—

“(3) This section applies to any action in which, following the death of any person from personal injuries, damages are claimed—

 - (a) by the executor of the deceased, in respect of the injuries from which the deceased died;
 - (b) in respect of the death of the deceased, by any relative of his.”.
- (3) Notwithstanding section 73(5) of this Act, where an action to which section 5 of that Act applies has been raised and has not, prior to the commencement of subsection (2) above, been disposed of, the court shall not dismiss the action on the ground only that the pursuer has failed to serve notice of the action as required by subsection (6) of the said section 5.

Status: This is the original version (as it was originally enacted).

- (4) In section 10(2) of the said Act of 1976 (meaning of " deceased person's immediate family "), after the word " (a)" there shall be inserted the word " (aa) " , and in paragraph 1 of Schedule 1 to that Act there shall be inserted after sub-paragraph (a) the following—
- “(aa) any person, not being the spouse of the deceased, who was, immediately before the deceased's death, living with the deceased as husband or wife;”.