



Damages (Asbestos-related Conditions) (Scotland) Act 2009

2009 asp 4

2 Pleural thickening and asbestosis

- (1) For the avoidance of doubt, a condition mentioned in subsection (2) which has not caused and is not causing impairment of a person's physical condition is a personal injury which is not negligible.
- (2) Those conditions are—
 - (a) asbestos-related pleural thickening; and
 - (b) asbestosis.
- (3) Accordingly, such a condition constitutes actionable harm for the purposes of an action of damages for personal injuries.
- (4) Any rule of law the effect of which is that such a condition does not constitute actionable harm ceases to apply to the extent it has that effect.
- (5) But nothing in this section otherwise affects any enactment or rule of law which determines whether and in what circumstances a person may be liable in damages in respect of personal injuries.