

*These notes relate to the Damages (Scotland) Act 2011
(asp 7) which received Royal Assent on 7 April 2011*

DAMAGES (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 10: Enforcement by executor of rights transmitted under section 2 or 9

62. **Section 10** re-enacts section 2A of the 1976 Act. It makes provision as to how an executor can enforce the rights that are transmitted on the death of a victim (by virtue of section 2) or on the death of a relative of the victim (by virtue of section 9).
63. Subsection (1) provides that an executor may raise an action to enforce the deceased's rights or, if the deceased had already raised an action that has not been concluded, may be sisted as pursuer.
64. Subsection (2) provides that an action is not to be taken as concluded for this purpose while an appeal is competent or before any appeal is disposed of.