

*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 3: Application of sections 4 to 6

28. **Section 3** re-enacts part of section 1(1) of the 1976 Act. It introduces the provisions dealing with the rights of the victim's relatives to damages. It provides that the rights of relatives contained in sections 4 to 6 apply where the victim ("A") died from personal injuries caused by the defender ("B"), so long as B would have been liable to pay damages to A if A had sued before A's death. In this way, the relatives' right to sue is dependent on B's liability to A.