



Damages (Scotland) Act 2011

2011 asp 7

2 Transmission of deceased's rights to executor **S**

- (1) There are transmissible to a deceased person's executor ("E") the like rights to damages, including a right to damages for non-patrimonial loss, in respect of injuries suffered by the deceased ("A") and vested in A immediately before A's death, being—
 - (a) personal injuries, or
 - (b) injuries which, though not personal injuries, are—
 - (i) injuries to name or reputation, or
 - (ii) injuries resulting from harassment actionable under section 8^{F1} or section 8A] of the Protection from Harassment Act 1997 (c.40).
- (2) The "like rights" mentioned in subsection (1) do not include any right to damages by way of compensation for patrimonial loss attributable to any period after the date of death; and in determining the amount of damages for non-patrimonial loss payable to E by virtue of this section, the only period to which the court is to have regard is that ending immediately before A's death.
- (3) In so far as a right to damages vested in A comprises a right to damages for non-patrimonial loss in respect of such injuries as are mentioned in sub-paragraph (i) of subsection (1)(b), that right is transmissible to E only if an action to enforce the right is brought by A and is not concluded before A's death.
- (4) For the purposes of subsection (3) an action is not to be taken to be concluded—
 - (a) while an appeal is competent, or
 - (b) before any appeal taken is disposed of.

Textual Amendments

- F1** Words in s. 2(1)(b)(ii) inserted (21.7.2011) by [Domestic Abuse \(Scotland\) Act 2011 \(asp 13\)](#), **ss. 1(5), 5(2)**

Commencement Information

- I1** S. 2 in force at 7.7.2011 by [S.S.I. 2011/268](#), **art. 3** (with [art. 4](#))

Changes to legislation:

There are currently no known outstanding effects for the Damages (Scotland) Act 2011, Section 2.