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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 268**

**The Damages (Scotland) Act 2011 (Commencement,  
Transitional Provisions and Savings) Order 2011**

**Transitional and savings provisions**

- 4.—(1) In relation to any death occurring before 4th May 2006, the Act applies—
- (a) under omission of section 4(5) and the definition of “relative” in section 14(1); and
  - (b) instead with—
    - (i) any reference to a relative in relation to a person being construed in accordance with Schedule 1 to the 1976 Act; and
    - (ii) any reference to a person’s immediate family being construed in accordance with section 10(2) of the 1976 Act as read with that Schedule;
- that is, as those provisions of the 1976 Act had effect immediately before their repeal by the Act but as if they had not been modified by section 35(4) and (5)(b) to (d) of the Family Law (Scotland) Act 2006<sup>(1)</sup>.

(2) In relation to any death occurring on or after 4th May 2006 and before the appointed day, paragraph (d) of the definition of “relative” in section 14(1) of the Act has effect as if the words from “accepted the” to the end of that paragraph were omitted.

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(1) 2006 asp 2. S.S.I. 2006/212, article 8 provides that section 35 does not apply in respect of deaths which occurred before 4th May 2006.