
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force those provisions of the Damages (Scotland) Act 2011 (“the Act”) that are not already in force, and makes certain transitional and saving provisions.

The Act received Royal Assent on 7th April 2011 and sections 18 and 19 came into force on the following day. The remaining provisions of the Act come into force on 7th July 2011.

Article 4(1) gives continued effect to certain transitional provisions applying to section 35 of the Family Law (Scotland) Act 2006 (“the 2006 Act”), which amended the Damages (Scotland) Act 1976 (“the 1976 Act”). The effect is that, in respect of deaths that occurred before 4th May 2006, the categories of person entitled to claim damages in respect of the death of a relative continues to be determined by reference to the 1976 Act, as if that Act had not been amended by the 2006 Act.

Article 4(2) restricts the application of changes made to the definition of ‘relative’ (from that previously contained in the 1976 Act) to deaths occurring on or after the appointed day.