
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 288

**Act of Sederunt (Rules of the Court of Session
Amendment No. 4) (Miscellaneous) 2011**

Damages (Scotland) Act 2011

4.—(1) The Rules are amended in accordance with the following subparagraphs.

(2) In rule 43.1 (application and interpretation of Chapter 43)(1), for the definition of “relative” substitute—

““relative” has the meaning assigned to it by section 14(1) of the Damages (Scotland) Act 2011.”(2).

(3) In rule 43.14 (actions by connected persons)(3)—

(a) for paragraph (1) substitute—

“(1) This rule applies in an action of damages in which, following the death of any person from personal injuries, damages are claimed—

(a) in respect of the injuries from which the deceased died; or

(b) in respect of the death of the deceased.”;

(b) in paragraph (2), omit “in an action to which paragraph (1) applies”.

(4) In rule 43.20 (mesothelioma actions: special provisions), for “section 1(2A) and (2B) of the Damages (Scotland) Act 1976 (liability where the personal injury in consequence of which the deceased died is mesothelioma)” substitute “section 5 of the Damages (Scotland) Act 2011 (discharge of liability to pay damages: exception for mesothelioma)”.

(5) In relation to any action raised in respect of any death occurring before 7th July 2011, rule 43.20 and the definition of “relative” in rule 43.1 shall be construed in accordance with article 4 of the Damages (Scotland) Act 2011 (Commencement, Transitional Provisions and Savings) Order 2011(4).

(1) Chapter 43 and rule 43.1 were substituted by [S.S.I. 2002/570](#). Rule 43.1 was amended by [S.S.I. 2004/291](#), [2007/282](#) and [2009/63](#).

(2) [2011 asp 7](#).

(3) Rule 43.14 was substituted by [S.S.I. 2002/570](#).

(4) [S.S.I. 2011/268](#).