

Status: Point in time view as at 05/12/2005.

Changes to legislation: Damages (Scotland) Act 1976 (repealed), SCHEDULE 1 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

DEFINITION OF “RELATIVE”

- 1 In this Act “relative” in relation to a deceased person includes—
- (a) any person who immediately before the deceased’s death was the spouse of the deceased;
 - [^{F1}(aa) any person, not being the spouse of the deceased, who was, immediately before the deceased’s death, living with the deceased as husband or wife;]
 - (b) any person who was a parent or child of the deceased;
 - (c) any person not falling within paragraph (b) above who was accepted by the deceased as a child of his family;
 - (d) any person who was an ascendant or descendant (other than a parent or child) of the deceased;
 - (e) any person who was, or was the issue of, a brother, sister, uncle or aunt of the deceased; ^{F2}...
 - (f) any person who, having been a spouse of the deceased, had ceased to be so by virtue of a divorce;
- but does not include any other person.

Textual Amendments

- F1** Sch. 1 para. 1(aa) inserted by [Administration of Justice Act 1982 \(c. 53, SIF 112:3\)](#), **ss. 14(4)**, 73(5)
- F2** Word in Sch. 1 para. 1(e) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 42\(3\)](#), **Sch. 30**; [S.I. 2005/3175](#), art. 2(6); word also said to be repealed (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), s. 46(2), **Sch. 2 para. 2(e)**; [S.S.I. 2006/212](#), art. 2

- 2 In deducing any relationship for the purposes of the foregoing paragraph—
- (a) any relationship by affinity shall be treated as a relationship by consanguinity; any relationship of the half blood shall be treated as a relationship of the whole blood; and the stepchild of any person shall be treated as his child; and
 - [^{F3}(b) section 1(1) of the Law Reform (Parent and Child) (Scotland) Act 1986 shall apply; and any reference (however expressed) in this Act to a relative shall be construed accordingly.]

Textual Amendments

- F3** Sch. 1 para. 2(b) substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), ss. 9, 10(1), **Sch. 1 para. 15**

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