



# Administration of Justice Act 1982

## 1982 CHAPTER 53

### PART II

#### DAMAGES FOR PERSONAL INJURIES ETC.—SCOTLAND

#### 9 Services to injured person's relative.

- (1) The responsible person shall be liable to pay to the injured person a reasonable sum by way of damages in respect of the inability of the injured person to render the personal services referred to in subsection (3) below.

[<sup>F1</sup>(1A) In assessing the amount of damages payable by virtue of subsection (1) above to an injured person whose date of death is expected to be earlier than had the injuries not been sustained, the court is to assume that the person will live until the date when death would have been expected had the injuries not been sustained.]

<sup>F2</sup>(2) .....

- (3) The personal services referred to in [<sup>F3</sup>subsection (1)] above are personal services—
- (a) which were or might have been expected to have been rendered by the injured person before the occurrence of the act or omission giving rise to liability,
  - (b) of a kind which, when rendered by a person other than a relative, would ordinarily be obtainable on payment, and
  - (c) which the injured person but for the injuries in question might have been expected to render gratuitously to a relative.

- (4) Subject to [<sup>F4</sup>section 6(1) of the Damages (Scotland) Act 2011 (asp 7) (relative's loss of personal services)], the relative shall have no direct right of action in delict against the responsible person in respect of the personal services mentioned in subsection (3) above.

#### Textual Amendments

- F1** S. 9(1A) inserted (7.7.2011) by [Damages \(Scotland\) Act 2011 \(asp 7\)](#), **ss. 13(a)**, 19(3) (with **ss. 17**, 19(2)); [S.S.I. 2011/268](#), **art. 3** (with **art. 4**)

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**Changes to legislation:** There are currently no known outstanding effects for the Administration of Justice Act 1982, Section 9. (See end of Document for details)

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- F2** S. 9(2) repealed (7.7.2011) by Damages (Scotland) Act 2011 (asp 7), **ss. 13(b)**, 19(3) (with ss. 17, 19(2)); S.S.I. 2011/268, art. 3 (with art. 4)
- F3** Words in s. 9(3) substituted (7.7.2011) by Damages (Scotland) Act 2011 (asp 7), **ss. 13(c)**, 19(3) (with ss. 17, 19(2)); S.S.I. 2011/268, art. 3 (with art. 4)
- F4** Words in s. 9(4) substituted (7.7.2011) by Damages (Scotland) Act 2011 (asp 7), **ss. 13(d)**, 19(3) (with ss. 17, 19(2)); S.S.I. 2011/268, art. 3 (with art. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Justice Act 1982, Section 9.