
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 289

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 2) 2011**

Damages (Scotland) Act 2011

- 2.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.
- (2) In rule 36.1 (application and interpretation of Part I to Chapter 36)—
- (a) in paragraph (1)(a), omit “by the executor of the deceased,”;
 - (b) in paragraph (1)(b), omit “by any relative of the deceased,”; and
 - (c) in paragraph (2), omit the definition of “relative”(1).
- (3) In rule 36.19 (mesothelioma actions: special provisions)(2), for “section 1(2A) and (2B) of the Damages (Scotland) Act 1976(3) (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)”.
- (4) In relation to any action raised in respect of any death occurring before 7th July 2011, rule 36.19 shall be construed in accordance with article 4 of the Damages (Scotland) Act 2011 (Commencement, Transitional Provisions and Savings) Order 2011(4).

(1) The definition of relative is amended by paragraph 1 of schedule 1 to the Damages (Scotland) Act 2011 ([asp 7](#)), which, by virtue of article 3 of [S.S.I. 2011/268](#), comes into force at the same time as this instrument.

(2) Rule 36.19 was inserted by [S.S.I. 2009/285](#).

(3) 1976 c. 13.

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