

**2017 No. 96**

**DAMAGES**

**The Damages (Personal Injury) (Scotland) Order 2017**

*Made* - - - - 27th March 2017

*Laid before the Scottish Parliament* 27th March 2017

*Coming into force* - - 28th March 2017

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1(1) of the Damages Act 1996<sup>(a)</sup> and all other powers enabling them to do so.

In accordance with section 1(4) of that Act they have consulted the Government Actuary.

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Damages (Personal Injury) (Scotland) Order 2017 and comes into force on 28th March 2017.

(2) This Order extends to Scotland only.

**Rate of return**

**2.** The rate of return referred to in section 1(1) of the Damages Act 1996 is minus 0.75 per cent.

**Revocation**

**3.** The Damages (Personal Injury) (Scotland) Order 2002<sup>(b)</sup> is revoked.

*ANNABELLE EWING*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
27th March 2017

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<sup>(a)</sup> 1996 c.48; section 1(5) was substituted by S.I. 1999/1820, schedule 2, paragraph 126. In their application to Scotland, subsections (1) and (4) of section 1 are modified by subsection (5).

<sup>(b)</sup> S.S.I. 2002/46.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order prescribes minus 0.75 per cent as the rate of return which, under section 1 of the Damages Act 1996, courts are required to take into account when calculating damages for future pecuniary loss in an action for personal injury. This Order also revokes the Damages (Personal Injury) (Scotland) Order 2002.

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