

Child Rights and Wellbeing Impact Assessment (CRWIA)

for The Damages (Review of Rate of
Return) (Scotland) Regulations 2024

CRWIA Stage 1 – Screening

1. Brief Summary (Guidance Section 2.1)

The regulations will amend some of the factors used in reviewing the personal injury discount rate. The discount rate is applied to future pecuniary losses in an award of damages in personal injury actions. The task of reviewing the rate falls to the Government Actuary.

Start date of relevant proposal: March 2023

Start date of CRWIA process: April 2023

2. Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18?

The regulations have the potential to affect any child in circumstances where they have been awarded damages with an element for future pecuniary losses. The policy aim behind the discount rate is to ensure that a person awarded damages in these circumstances is fully compensated for injuries sustained.

3. Which groups of children and young people are currently or will be affected by the relevant proposal? (Guidance Section 2.1)

The regulations will affect any child regardless of age, so long as they have been awarded damages with an element for future pecuniary losses.

Declaration

4. Is a Stage 2 Children’s Rights and Wellbeing Impact Assessment required? (Guidance Section 2.1)

CRWIA required No explanation required, please complete questions 5 and 6

CRWIA not required Please explain why below and contact the children’s rights unit to discuss this decision crwia@gov.scot

Explanation why CRWIA is not required:

The regulations amend some of the factors used in reviewing the personal injury discount rate. The impact on child rights and wellbeing of the wider statutory framework for how the rate is determined was considered as part of the legislative process. Overall, the policy aim of the discount rate is to make sure that a person awarded damages with an element of future pecuniary loss is fully compensated for the injuries sustained. The changes brought about by these regulations are aimed at

ensuring any such award achieves the policy aim, regardless of whether the recipient is an adult or child of any age.

It has been considered that these regulations do not have a direct or indirect impact on children and young people.

5. Sign & Date

Policy Lead Signature & Date of Sign Off:

Michael Paparakis, Private Law, 22 April 2024

Deputy Director Signature & Date of Sign Off:

Denise Swanson, Deputy Director, Civil Law and Legal System, 22 April 2024

Date SGLD contacted – 20 March 2024