



Administration of Justice Act 1982

1982 CHAPTER 53

PART I

DAMAGES FOR PERSONAL INJURIES ETC.

Provisional damages for personal injuries

6 Award of provisional damages for personal injuries.

^{XI}(1) The following section shall be inserted after section 32 of the ^{M1}Supreme Court Act 1981—

“32A Orders for provisional damage for personal injuries.

- (1) This section applies to an action for damages for personal injuries in which there is proved or admitted to be a chance that at some time in the future the injured person will, as a result of the act or omission which gave rise to the cause of action, develop some serious disease or suffer some serious deterioration in his physical or mental condition.
- (2) Subject to subsection (4) below, as regards any action for damages to which this section applies in which a judgment is given in the High Court, provision may be made by rules of court for enabling the court, in such circumstances as may be prescribed, to award the injured person—
 - (a) damages assessed on the assumption that the injured person will not develop the disease or suffer the deterioration in his condition; and
 - (b) further damages at a future date if he develops the disease or suffers the deterioration.
- (3) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the rule-making authority may consider necessary or expedient.
- (4) Nothing in this section shall be construed—

Status: Point in time view as at 13/10/2003.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1982, Cross Heading: Provisional damages for personal injuries. (See end of Document for details)

- (a) as affecting the exercise of any power relating to costs, including any power to make rules of court relating to costs; or
- (b) as prejudicing any duty of the court under any enactment or rule of law to reduce or limit the total damages which would have been recoverable apart from any such duty.”.

^{X1}(2) In section 35 of that Act (supplementary) “ 32A, ” shall be inserted before “33” in subsection (5).

(3) The section inserted as section 32A of the ^{M2}Supreme Court Act 1981 by subsection (1) above shall have effect in relation to county courts as it has effect in relation to the High Court, as if references in it to rules of court included references to county court rules.

Editorial Information

X1 The text of s. 4, 6(1)(2), 14(1)(2)(4), 15(1)(3)(6), 16–19, 28(7), 34, 35, 49–54, 56–59, 61, 63–67, 69(1)(2), 70, 72(1), 75, Sch. 1 Pts. I, III, IV, Sch. 3 Pt. III para. 7, Sch. 4 Pt. I, Sch. 6 paras. 2–9, Sch. 7 Pts. I, II, Sch. 7 Pt. III paras 2, 3, Sch. 8, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1981 c. 54.

M2 1981 c. 54.

Status:

Point in time view as at 13/10/2003.

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