

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1982, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 15.

INTEREST ON DEBTS AND DAMAGES

PART I

SECTION INSERTED IN [F1SENIOR COURTS ACT 1981]

Textual Amendments

- F1** Sch. 1 Pt. I Heading for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2](#)

Modifications etc. (not altering text)

- C1** 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 III paras 2, 3, Sch. 8, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Power of High Court to award interest on debts and damages.

- 35A (1) Subject to rules of court, in proceedings (when-ever instituted) before the High Court for the recovery of a debt or damages there may be included in any sum for which judgement is given simple interest, at such rate as the court thinks fit or as rules of court may provide, on all or any part of the debt or damages in respect of which judgement, for all or any part of the period between the date when the cause of action arose and—
- in the case of any sum paid before judgement, the date of the payment; and
 - in the case of the sum for which judgement is given, the date of the judgement.
- (2) In relation to a judgement given for damages for personal injuries or death which exceed £200 subsection (1) shall have effect—
- with the substitution of “shall be included” for “may be included”; and
 - with the addition of “unless the court is satisfied that there are special reasons to the contrary” after “given” where first occurring.
- (3) Subject to rules of court, where—
- there are proceedings (whenever instituted) before the High Court for the recovery of a debt; and

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- (b) the defendant pays the whole debt to the plaintiff (otherwise than in the pursuance of a judgement in the proceedings),
the defendant shall be liable to pay the plaintiff simple interest at such rate as the court thinks fit or as rules of court may provide on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of the payment.
- (4) Interest in respect of a debt shall not be awarded under this section for a period during which, for whatever reason, interest on the debt already runs.
- (5) Without prejudice to the generality of section 84, rules of court may provide for a rate of interest by reference to the rate specified in section 17 of the Judgments Act 1838 as that section has effect from time to time or by reference to a rate for which any other enactment provides.
- (6) Interest under this section may be calculated at different rates in respect of different periods.
- (7) In this section “plaintiff” means the person seeking the debt or damages and “defendent” means the person from whom the plaintiff seeks the debt or damages and “personal injuries” includes any disease and any impairment of a person’s physical or mental condition.
- (8) Nothing in this section affects the damages recoverable for the dishonour of a bill of exchange.

PART II

F2

Textual Amendments

F2 Sch. 1 Pt. II repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

PART III

CONSEQUENTIAL AMENDMENT OF CROWN PROCEEDINGS ACT 1947

Modifications etc. (not altering text)

C2 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.

In section 24(3) of the ^{M1}Crown Proceedings Act 1947 for the words from the beginning to “damages” there shall be substituted the words “ Section 35A of the Supreme Court Act 1981 and section 97A of the County Courts Act 1959 (which respectively empower the High Court

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and county courts to award interest on debts and damages) and section 3 of the Law Reform (Miscellaneous Provisions) Act 1934 (which empowers other courts of record to do so) ”.

Marginal Citations

M1 1947 c. 44.

Marginal Citations

M1 1947 c. 44.

^{F3}PART IV

Textual Amendments

F3 Sch. 1 Pt. IV repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4** (with ss. 1, 2, 5, 81, 84, 93(6), 94, 95, 106); S.I. 1996/3146, **art. 3**

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- 19A (1) Unless a contrary intention is expressed therein, every arbitration agreement shall, where such a provision is applicable to the reference, be deemed to contain a provision that the arbitrator or umpire may, if he thinks fit, award simple interest at such rate as he thinks fit—
- (a) on any sum which is the subject of the reference but which is paid before the award, for such period ending not later than the date of the payment as he thinks fit; and
 - (b) on any sum which he awards, for such period ending not later than the date of the award as he thinks fit.
- (2) The power to award interest conferred on an arbitrator or umpire by subsection (1) above is without prejudice to any other power of an arbitrator or umpire to award interest.

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