

SCHEDULE 6

DAMAGES FOR PERSONAL INJURIES ETC.—NORTHERN IRELAND

Orders for provisional damages for personal injury

- 10 (1) This paragraph applies to an action under the law of Northern Ireland for damages for personal injuries in which there is proved or admitted to be a chance that at some definite or indefinite 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 sub-paragraph (4) below, as regards any action for damages to which this paragraph 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 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 paragraph may include such incidental, supplementary and consequential provisions as the rulemaking authority may consider necessary or expedient
- (4) Nothing in this paragraph shall be construed—
- (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.
- (5) This paragraph shall have effect in relation to county courts in Northern Ireland 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.
- (6) In this paragraph " personal injuries" includes any disease and any impairment of a person's physical or mental condition.