



# Administration of Justice Act 1982

## 1982 CHAPTER 53

### PART II

#### DAMAGES FOR PERSONAL INJURIES ETC.—SCOTLAND

#### **12 Award of provisional damages for personal injuries: Scotland.**

- (1) This section applies to an action for damages for personal injuries in which—
  - (a) there is proved or admitted to be a risk 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 the action, develop some serious disease or suffer some serious deterioration in his physical or mental condition; and
  - (b) the responsible person was, at the time of the act or omission giving rise to the cause of the action,
    - (i) a public authority or public corporation; or
    - (ii) insured or otherwise indemnified in respect of the claim.
- (2) In any case to which this section applies, the court may, on the application of the injured person, order—
  - (a) that the damages referred to in subsection (4)(a) below be awarded to the injured person; and
  - (b) that the injured person may apply for the further award of damages referred to in subsection (4)(b) below,and the court may, if it considers it appropriate, order that an application under paragraph (b) above may be made only within a specified period.
- (3) Where an injured person in respect of whom an award has been made under subsection (2)(a) above applies to the court for an award under subsection (2)(b) above, the court may award to the injured person the further damages referred to in subsection (4)(b) below.
- (4) The damages referred to in subsections (2) and (3) above are—
  - (a) damages assessed on the assumption that the injured person will not develop the disease or suffer the deterioration in his condition; and

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*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1982, Section 12. (See end of Document for details)*

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- (b) further damages if he develops the disease or suffers the deterioration.
- (5) Nothing in this section shall be construed—
- (a) as affecting the exercise of any power relating to expenses including a power to make rules of court relating to expenses; 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.
- (6) The Secretary of State may, by order, provide that categories of defenders shall, for the purposes of paragraph (b) of subsection (1) above, become or cease to be responsible persons, and may make such modifications of that paragraph as appear to him to be necessary for the purpose.

And an order under this subsection shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Justice Act 1982, Section 12.