
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 41

[^{F1}DAMAGES]

[^{F1}II – PERIODICAL PAYMENTS UNDER THE DAMAGES ACT 1996

[^{F1}The award

41.8.—(1) Where the court awards damages in the form of periodical payments, the order must specify—

- (a) the annual amount awarded, how each payment is to be made during the year and at what intervals;
- (b) the amount awarded for future—
 - (i) loss of earnings and other income; and
 - (ii) care and medical costs and other recurring or capital costs;
- (c) that the claimant’s annual future pecuniary losses, as assessed by the court, are to be paid for the duration of the claimant’s life, or such other period as the court orders; and
- (d) that the amount of the payments shall vary annually by reference to the retail prices index, unless the court orders otherwise under section 2(9) of the 1996 Act.

(2) Where the court orders that any part of the award shall continue after the claimant’s death, for the benefit of the claimant’s dependants, the order must also specify the relevant amount and duration of the payments and how each payment is to be made during the year and at what intervals.

(3) Where an amount awarded under paragraph (1)(b) is to increase or decrease on a certain date, the order must also specify—

- (a) the date on which the increase or decrease will take effect; and
- (b) the amount of the increase or decrease at current value.

(4) Where damages for substantial capital purchases are awarded under paragraph (1)(b)(ii), the order must also specify—

- (a) the amount of the payments at current value;
- (b) when the payments are to be made; and
- (c) that the amount of the payments shall be adjusted by reference to the retail prices index, unless the court orders otherwise under section 2(9) of the 1996 Act.]

Status: Point in time view as at 22/08/2020.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 41.8. (See end of Document for details)

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Textual Amendments

F1 Pt. 41 Section 2 inserted (1.4.2005) by The Civil Procedure (Amendment No. 3) Rules 2004 (S.I. 2004/3129), rule 1, **Sch. 1 Pt. 2**

Status:

Point in time view as at 22/08/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 41.8.