



# Administration of Justice Act 1982

## 1982 CHAPTER 53

### PART II

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

#### **10 Assessment of damages for personal injuries**

Subject to any agreement to the contrary, in assessing the amount of damages payable to the injured person in respect of personal injuries there shall not be taken into account so as to reduce that amount—

- (a) any contractual pension or benefit (including any payment by a friendly society or trade union);
- (b) any pension or retirement benefit payable from public funds other than any pension or benefit to which section 2(1) of the Law Reform (Personal Injuries) Act 1948 applies;
- (c) any benefit payable from public funds, in respect of any period after the date of the award of damages, designed to secure to the injured person or any relative of his a minimum level of subsistence ;
- (d) any redundancy payment under the Employment Protection (Consolidation) Act 1978, or any payment made in circumstances corresponding to those in which a right to a redundancy payment would have accrued if section 81 of that Act had applied ;
- (e) any payment made to the injured person or to any relative of his by the injured person's employer following upon the injuries in question where the recipient is under an obligation to reimburse the employer in the event of damages being recovered in respect of those injuries;
- (f) subject to paragraph (iv) below, any payment of a benevolent character made to the injured person or to any relative of his by any person following upon the injuries in question;

but there shall be taken into account—

- (i) any remuneration or earnings from employment;
- (ii) any unemployment benefit;

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*Status: This is the original version (as it was originally enacted).*

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- (iii) any benefit referred to in paragraph (c) above payable in respect of any period prior to the date of the award of damages;
- (iv) any payment of a benevolent character made to the injured person or to any relative of his by the responsible person following on the injuries in question, where such a payment is made directly and not through a trust or other fund from which the injured person or his relatives have benefited or may benefit.