Damages Act 1996

1996 CHAPTER 48

[^{F1}**A1   Assumed rate of return on investment of damages: England and Wales**

(1) In determining the return to be expected from the investment of a sum awarded as damages for future pecuniary loss in an action for personal injury the court must, subject to and in accordance with rules of court made for the purposes of this section, take into account such rate of return (if any) as may from time to time be prescribed by an order made by the Lord Chancellor.

(2) Subsection (1) does not however prevent the court taking a different rate of return into account if any party to the proceedings shows that it is more appropriate in the case in question.

(3) An order under subsection (1) may prescribe different rates of return for different classes of case.

(4) An order under subsection (1) may in particular distinguish between classes of case by reference to—
  (a)   the description of future pecuniary loss involved;
  (b)   the length of the period during which future pecuniary loss is expected to occur;
  (c)   the time when future pecuniary loss is expected to occur.

(5) Schedule A1 (which makes provision about determining the rate of return to be prescribed by an order under subsection (1)) has effect.

(6) An order under this section is to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments
  F1   S. A1 inserted (E.W.) (20.12.2018) by Civil Liability Act 2018 (c. 29), **ss. 10(1)**, 14

Changes to legislation:
Damages Act 1996, Section A1 is up to date with all changes known to be in force on or before
20 April 2024. There are changes that may be brought into force at a future date. Changes that
have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those
provisions):

– s. 2(A2) inserted by 2019 asp 4 s. 3(1)(a)
– s. 2(1A)(1B) inserted by 2019 asp 4 s. 3(1)(c)
– s. 2C2D inserted by 2019 asp 4 s. 3(2)
– s. 2E-2I inserted by 2019 asp 4 s. 4
– s. 2J inserted by 2019 asp 4 s. 5
– s. 4A inserted by 2019 asp 4 s. 6
– s. 4B inserted by 2019 asp 4 s. 7(1)