

These notes relate to the Damages (Investment Returns and Periodical Payments) (Scotland) Act 2019 (asp 4)

EXPLANATORY NOTES

DAMAGES (INVESTMENT RETURNS AND PERIODICAL PAYMENTS) (SCOTLAND) ACT 2019

INTRODUCTION

THE ACT

COMMENTARY ON SECTIONS

The structure of the Act

PART ONE – RETURNS ON INVESTMENT OF DAMAGES

Section 1 - Assumed return on investment

Section 2 – Process for setting rate of return

Schedule – Investments: setting rate of return

PART TWO – PERIODICAL PAYMENTS OF DAMAGES

Section 3 – Award, continuity and index-linking

Section 4 – Variation or suspension of settlement

Section 5 — Liability for bearing expenses in case

Section 6 – Restriction on assignation by recipient

Section 7 – Protection on occurrence of insolvency

PART THREE – ANCILLARY AND FINAL MATTERS

Section 8 – Ancillary provision

Section 9 – Commencement

Section 10 – Short title

PARLIAMENTARY HISTORY