



Damages Act 1996

1996 CHAPTER 48

[^{F1}2B Variation of orders and settlements

- (1) The Lord Chancellor may by order enable a court which has made an order for periodical payments to vary the order in specified circumstances (otherwise than in accordance with section 2(5)(d)).
- (2) The Lord Chancellor may by order enable a court in specified circumstances to vary the terms on which a claim or action for damages for personal injury is settled by agreement between the parties if the agreement—
 - (a) provides for periodical payments, and
 - (b) expressly permits a party to apply to a court for variation in those circumstances.
- (3) An order under this section may make provision—
 - (a) which operates wholly or partly by reference to a condition or other term of the court's order or of the agreement;
 - (b) about the nature of an order which may be made by a court on a variation;
 - (c) about the matters to be taken into account on considering variation;
 - (d) of a kind that could be made by Civil Procedure Rules or, in relation to Northern Ireland, rules of court (and which may be expressed to be with or without prejudice to the power to make those rules).
- (4) An order under this section may apply (with or without modification) or amend an enactment about provisional or further damages.
- (5) An order under this section shall be subject to any order under section 1 of the Courts and Legal Services Act 1990 (allocation between High Court and county courts).
- (6) An order under this section—
 - (a) shall be made by statutory instrument,
 - (b) may not be made unless the Lord Chancellor has consulted such persons as he thinks appropriate,
 - (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament, and

Changes to legislation: Damages Act 1996, Section 2B is up to date with all changes known to be in force on or before 23 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. (See end of Document for details) View outstanding changes

(d) may include transitional, consequential or incidental provision.

(7) In subsection (4)—

[In the application of this section to Northern Ireland—

- ^{F2}(8) (a) a reference to the Lord Chancellor shall be taken as a reference to the Department of Justice in Northern Ireland;
- (b) in subsection (6)(a) for “statutory instrument” substitute “statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979”;
- (c) in subsection (6)(c) for “each House of Parliament” substitute “the Northern Ireland Assembly”;
- (d) section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (6)(c) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.]

“provisional damages” means damages awarded by virtue of subsection (2) (a) of section 32A of the [^{F3}Senior Courts Act 1981] or section 51 of the County Courts Act 1984 (or, in relation to Northern Ireland, paragraph 10(2)(a) of Schedule 6 to the Administration of Justice Act 1982), and

“further damages” means damages awarded by virtue of subsection (2)(b) of either of those sections (or, in relation to Northern Ireland, paragraph 10(2) (b) of Schedule 6 to the Administration of Justice Act 1982).]

Textual Amendments

- F1** Ss. 2-2B substituted for s. 2 (E.W.N.I.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), **ss. 100(1)**, 110(1); S.I. 2005/910, art. 3(w); S.I. 2005/910, art. 3(w) (with savings and transitional provisions in S.I. 2005/911, arts. 1, 11)
- F2** S. 2B(8) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 57** (with arts. 28-31)
- F3** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d); S.I. 2009/1604, art. 2(d)

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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\(1\)](#)