

STATUTORY INSTRUMENTS

**1998 No. 3132**

The Civil Procedure Rules 1998

PART 41

[<sup>F1</sup>DAMAGES]

*[<sup>F1</sup>IA APPORTIONMENT IN FATALITY CASES]*

[<sup>F1</sup>Apportionment in fatality cases]

[<sup>F2</sup>41.3A.—(1) Where—

- (a) a claim includes claims arising under—
  - (i) the Fatal Accidents Act 1976; and
  - (ii) the Law Reform (Miscellaneous Provisions) Act 1934; and
- (b) a single sum of money is ordered or agreed to be paid in satisfaction of the claims,

the court will apportion the money between the different claims.

(2) Where, in an action in which a claim under the Fatal Accidents Act 1976 is made by or on behalf of more than one person, a single sum of money is ordered or agreed to be paid in satisfaction of the claim, the court will apportion it between the persons entitled to it.

(3) Unless it has already been apportioned by the court, a jury or agreement between the parties, the court will apportion money under paragraphs (1) and (2)—

- (a) when it gives directions under rule 21.11 (control of money received by a child or patient);  
or
- (b) if rule 21.11 does not apply, on application by one of the parties in accordance with Part 23.]

**Textual Amendments**

**F1** Rule 41.3A heading inserted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **23(2)**

**F2** Rule 41.3A inserted (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **9**

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 41.3A.