



Jersey

**ADMINISTRATION OF JUSTICE  
(INTERIM PAYMENTS AND  
PROVISIONAL DAMAGES) (JERSEY)  
LAW 1993**

**Revised Edition**

07.035

Showing the law as at 31 August 2004

This is a revised edition of the law





Jersey

## **ADMINISTRATION OF JUSTICE (INTERIM PAYMENTS AND PROVISIONAL DAMAGES) (JERSEY) LAW 1993**

### **Arrangement**

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Jersey

## **ADMINISTRATION OF JUSTICE (INTERIM PAYMENTS AND PROVISIONAL DAMAGES) (JERSEY) LAW 1993**

**A LAW** to enable the making of interim payments of damages in civil proceedings and orders for provisional awards of damages for personal injuries

Commencement [[see endnotes](#)]

### **1 Meaning of “interim payment”**

In this Law “interim payment”, in relation to a party to any proceedings, means a payment on account of any damages, debt or other sum (excluding any costs) which that party may be held liable to pay for the benefit of another party to the proceedings if a final judgment or order of the court in the proceedings is given or made in favour of that other party.

### **2 Orders for interim payment**

- (1) Provision may be made by Rules of Court for enabling the court in any pending proceedings, in such circumstances as may be prescribed by those Rules, to make an order requiring a party to the proceedings to make an interim payment of such amount as may be specified in the order, with provision for the payment to be made to such other party to the proceedings as may be specified in the order or, if the order so provides, by paying it into court.
- (2) Such Rules of Court may include provision for enabling a party to any proceedings who, in pursuance of such an order, has made an interim payment, to recover the whole or part of the amount of the payment in such circumstances, and from such other party to the proceedings as may be determined in accordance with the Rules.

**3 Orders for provisional damages for personal injuries**

- (1) This Article applies to an action for damages for personal injuries whether commenced before or after this Law comes into force, in which there is proved or admitted to be a chance that at some definite or indefinite time in the future the injured person will, as a result of the act or omission which gave rise to the cause of action, develop some serious disease or suffer some serious deterioration in the injured person's physical or mental condition.
- (2) Subject to Article 5 of this Law, as regards any action for damages to which this Article applies in which a judgment is given by a court, provision may be made by Rules of Court, in such circumstances as may be prescribed by those Rules, to award the injured person –
  - (a) damages assessed on the assumption that the injured person will not develop the disease or suffer the deterioration in the injured person's condition; and
  - (b) further damages at a future date if the injured person develops the disease or suffers the deterioration.

**4 Rules of Court**

The power of the Royal Court to make Rules of Court under Article 13 of the Royal Court (Jersey) Law 1948,<sup>1</sup> shall include a power to make Rules for the purposes of Articles 2 and 3 of this Law.

**5 Saving**

Nothing in this Law shall be construed –

- (a) as affecting the exercise of any power relating to costs including any power to make Rules relating to costs; or
- (b) as prejudicing any duty of the court under any enactment or rule of law to reduce or limit the total damages which would have been recoverable apart from any such duty.

**6 Citation**

This Law may be cited as the Administration of Justice (Interim Payments and Provisional Damages) (Jersey) Law 1993.

## ENDNOTES

### Table of Legislation History

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Administration of Justice (Interim Payments and Provisional Damages) (Jersey) Law 1993	L.5/1993	5 February 1993

### Table of Endnote References

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<sup>1</sup> *chapter 07.770*