

SCHEDULE 1

Section 15.

INTEREST ON DEBTS AND DAMAGES

PART I

SECTION INSERTED IN SUPREME COURT ACT 1981

“35A Power of High Court to award interest on debts and damages.

- (1) Subject to rules of court, in proceedings (whenever instituted) before the High Court for the recovery of a debt or damages there may be included in any sum for which judgment is given simple interest, at such rate as the court thinks fit or as rules of court may provide, on all or any part of the debt or damages in respect of which judgment is given, or payment is made before judgment, for all or any part of the period between the date when the cause of action arose and—
 - (a) in the case of any sum paid before judgment, the date of the payment; and
 - (b) in the case of the sum for which judgment is given, the date of the judgment.
- (2) In relation to a judgment given for damages for personal injuries or death which exceed £200 subsection (1) shall have effect—
 - (a) with the substitution of " shall be included " for " may be included " ; and
 - (b) with the addition of " unless the court is satisfied that there are special reasons to the contrary " after " given ", where first occurring.
- (3) Subject to rules of court, where—
 - (a) there are proceedings (whenever instituted) before the High Court for the recovery of a debt; and
 - (b) the defendant pays the whole debt to the plaintiff (otherwise than in pursuance of a judgment in the proceedings),the defendant shall be liable to pay the plaintiff simple interest at such rate as the court thinks fit or as rules of court may provide on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of the payment.
- (4) Interest in respect of a debt shall not be awarded under this section for a period during which, for whatever reason, interest on the debt already runs.
- (5) Without prejudice to the generality of section 84, rules of court may provide for a rate of interest by reference to the rate specified in section 17 of the Judgments Act 1838 as that section has effect from time to time or by reference to a rate for which any other enactment provides.
- (6) Interest under this section may be calculated at different rates in respect of different periods.
- (7) In this section "plaintiff" means the person seeking the debt or damages and " defendant" means the person from whom the plaintiff seeks the debt or damages and " personal injuries" includes any disease and any impairment of a person's physical or mental condition.
- (8) Nothing in this section affects the damages recoverable for the dishonour of a bill of exchange.”

Status: This is the original version (as it was originally enacted).

PART II

SECTION INSERTED IN COUNTY COURTS ACT 1959

“97A Interest on debts and damages Power of county courts to award interest on debts and damages.

- (1) Subject to county court rules, in proceedings (whenever instituted) before a county court for the recovery of a debt or damages there may be included in any sum for which judgment is given simple interest, at such rate as the court thinks fit or as county court rules may provide, on all or any part of the debt or damages in respect of which judgment is given, or payment is made before judgment, for all or any part of the period between the date when the cause of action arose and—
 - (a) in the case of any sum paid before judgment, the date of the payment; and
 - (b) in the case of the sum for which judgment is given, the date of the judgment.
- (2) In relation to a judgment given for damages for personal injuries or death which exceed £200 subsection (1) above shall have effect—
 - (a) with the substitution of " shall be included " for may be included " ; and
 - (b) with the addition of " unless the court is satisfied that there are special reasons to the contrary " after " given ", where first occurring.
- (3) Subject to county court rules, where—
 - (a) there are proceedings (whenever instituted) before a county court for the recovery of a debt; and
 - (b) the defendant pays the whole debt to the plaintiff (otherwise than in pursuance of a judgment in the proceedings),the defendant shall be liable to pay the plaintiff simple interest at such rate as the court thinks fit or as county court rules may provide on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of the payment.
- (4) Interest in respect of a debt shall not be awarded under this section for a period during which, for whatever reason, interest on the debt already runs.
- (5) Interest under this section may be calculated at different rates in respect of different periods.
- (6) In this section " plaintiff " means the person seeking the debt or damages and " defendant " means the person from whom the plaintiff seeks the debt or damages and " personal injuries " includes any disease and any impairment of a person's physical or mental condition.
- (7) Nothing in this section affects the damages recoverable for the dishonour of a bill of exchange.
- (8) In determining whether an amount exceeds—
 - (a) the county court limit; or
 - (b) an amount specified in any provision of this Act,no account shall be taken of the provisions of this section or of anything done under it.”

PART III

CONSEQUENTIAL AMENDMENT OF CROWN PROCEEDINGS ACT 1947

“In section 24(3) of the Crown Proceedings Act 1947 for the words from the beginning to “damages)” there shall be substituted the words “ Section 35A of the Supreme Court Act 1981 and section 97A of the County Courts Act 1959 (which respectively empower the High Court and county courts to award interest on debts and damages) and section 3 of the Law Reform (Miscellaneous Provisions) Act 1934 (which empowers other courts of record to do so)”.

PART IV

SECTION INSERTED IN ARBITRATION ACT 1950

“19A Power of arbitrator to award interest.

- (1) Unless a contrary intention is expressed therein, every arbitration agreement shall, where such a provision is applicable to the reference, be deemed to contain a provision that the arbitrator or umpire may, if he thinks fit, award simple interest at such rate as he thinks fit—
 - (a) on any sum which is the subject of the reference but which is paid before the award, for such period ending not later than the date of the payment as he thinks fit; and
 - (b) on any sum which he awards, for such period ending not later than the date of the award as he thinks fit.
- (2) The power to award interest conferred on an arbitrator or umpire by subsection (1) above is without prejudice to any other power of an arbitrator or umpire to award interest.”

SCHEDULE 2

Section 27.

THE ANNEX TO THE CONVENTION ON INTERNATIONAL WILLS

“UNIFORM LAW ON THE FORM OF AN INTERNATIONAL WILL

ARTICLE 1

- 1 A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out in Articles 2 to 5 hereinafter.
- 2 The invalidity of the will as an international will shall not affect its formal validity as a will of another kind.

ARTICLE 2

This law shall not apply to the form of testamentary dispositions made by two or more persons in one instrument.

Status: This is the original version (as it was originally enacted).

ARTICLE 3

- 1 The will shall be made in writing.
- 2 It need not be written by the testator himself.
- 3 It may be written in any language, by hand or by any other means.

ARTICLE 4

- 1 The testator shall declare in the presence of two witnesses and of a person authorized to act in connection with international wills that the document is his will and that he knows the contents thereof.
- 2 The testator need not inform the witnesses, or the authorized person, of the contents of the will.

ARTICLE 5

- 1 In the presence of the witnesses and of the authorized person, the testator shall sign the will or, if he has previously signed it, shall acknowledge his signature.
- 2 When the testator is unable to sign, he shall indicate the reason therefor to the authorized person who shall make note of this on the will. Moreover, the testator may be authorized by the law under which the authorized person was designated to direct another person to sign on his behalf.
- 3 The witnesses and the authorized person shall there and then attest the will by signing in the presence of the testator.

ARTICLE 6

- 1 The signatures shall be placed at the end of the will.
- 2 If the will consists of several sheets, each sheet shall be signed by the testator or, if he is unable to sign, by the person signing on his behalf or, if there is no such person, by the authorized person. In addition, each sheet shall be numbered.

ARTICLE 7

- 1 The date of the will shall be the date of its signature by the authorized person.
- 2 This date shall be noted at the end of the will by the authorized person.

ARTICLE 8

In the absence of any mandatory rule pertaining to the safekeeping of the will, the authorized person shall ask the testator whether he wishes to make a declaration concerning the safekeeping of his will. If so and at the express request of the testator the place where he intends to have his will kept shall be mentioned in the certificate provided for in Article 9.

ARTICLE 9

The authorized person shall attach to the will a certificate in the form prescribed in Article 10 establishing that the obligations of this law have been complied with.

ARTICLE 10

The certificate drawn up by the authorized person shall be in the following form or in a substantially similar form:

CERTIFICATE(Convention of October 26th, 1973)

1. I,..... (name, address and capacity),
a person authorized to act in connection with international
wills
2. Certify that on (date) at
..... (place)
3. (testator)..... (name, address, date
and place of birth)
in my presence and that of the witnesses

Status: This is the original version (as it was originally enacted).

- 4. (a)(name, address, date and place of birth)
 - (b)(name, address, date and place of birth)
- has declared that the attached document is his will and that he knows the contents thereof.

5. I furthermore certify that:

- 6. (a) in my presence and in that of the witnesses
 - (1) the testator has signed the will or has acknowledged his signature previously affixed.
 - * (2) following a declaration of the testator stating that he was unable to sign his will for the following reason
.....
—I have mentioned this declaration on the will
*—the signature has been affixed by (name, address)

7. (b) the witnesses and I have signed the will ;

8. *(c) each page of the will has been signed by and numbered :

9. (d) I have satisfied myself as to the identity of the testator and of the witnesses as designated above ;

10. (e) the witnesses met the conditions requisite to act as such according to the law under which I am acting ;

11. *(f) the testator has requested me to include the following statement concerning the safekeeping of his will :

.....
.....

12. PLACE

13. DATE

14. SIGNATURE and, if necessary, SEAL

* To be completed if appropriate.

ARTICLE 11

The authorized person shall keep a copy of the certificate and deliver another to the testator.

ARTICLE 12

In the absence of evidence to the contrary, the certificate of the authorized person shall be conclusive of the formal validity of the instrument as a will under this Law.

ARTICLE 13

The absence or irregularity of a certificate shall not affect the formal validity of a will under this Law.

ARTICLE 14

The international will shall be subject to the ordinary rules of revocation of wills.

ARTICLE 15

In interpreting and applying the provisions of this law, regard shall be had to its international origin and to the need for uniformity in its interpretation.”

SCHEDULE 3

Section 37.

MONETARY LIMITS OF COUNTY COURT JURISDICTION

PART I

THE COUNTY COURT LIMIT

- 1 (1) The following definition shall be inserted after the definition of " bailiff " in section 201 of the County Courts Act 1959—
- “" the county court limit", in relation to any enactment contained in this Act, means the county court limit for the time being specified by an Order under section 192 of this Act as the county court limit for the purposes of that enactment ;”.
- (2) Until the coming into force of the first Order under section 192 of the County Courts Act 1959 which specifies the county court limit for the purposes of any enactment the definition of " the county court limit" in sub-paragraph (1) above shall have effect in relation to that enactment as if the reference to an Order under section 192 were a reference to any Order in Council or order defining the limit of county court jurisdiction for the purposes of that enactment.

PART II

AMENDMENTS OF ENACTMENTS SPECIFYING MONETARY LIMITS

- 2 The words "the county court limit" shall be substituted for every reference to a sum of money in the enactments specified in paragraph 3 below.
- 3 The enactments mentioned in paragraph 2 above are—
- (a) in the County Courts Act 1959—
- section 39 (contract and tort)
 - section 40 (money recoverable by statute)
 - section 41 (abandonment of excess)
 - section 47(1) (costs of actions in High Court for small claims)

Status: This is the original version (as it was originally enacted).

section 47(1A) (costs of actions in High Court to recover goods of small value)
 section 52 (equity)
 section 62 (probate)
 section 68 (transfer of interpleader from High Court to county court)
 section 80 (action by minor for wages)
 section 102(3)(c) (registrars' jurisdiction)
 section 146 (attachment of debts)
 section 148 (administration orders)
 Schedule 1 (miscellaneous jurisdiction); and

- (b) the following provisions of other Acts—
- (i) in the Settled Land Act 1925, section 113(3);
 - (ii) in the Consumer Credit Act 1974, section 139(5) (re-opening of extortionate credit agreements);
 - (iii) in the Solicitors Act 1974, section 69(3) (actions for solicitors' costs);
 - (iv) in the Charging Orders Act 1979, section 1(2)(c).

4 The following subsection shall be inserted—

- (a) after section 113(3) of the Settled Land Act 1925, as section 113(3 A);
- (b) after section 139(5) of the Consumer Credit Act 1974, as subsection (5A); and
- (c) after section 69(3) of the Solicitors Act 1974, as section 69(4)—

“In the preceding subsection " the county court limit" means the county court limit for the time being specified by an Order in Council under section 192 of the County Courts Act 1959 as the county court limit for the purposes of that subsection.”.

5 (1) The following section shall be inserted after section 52 of the County Courts Act 1959—

“52A Jurisdiction under Inheritance (Provision for Family and Dependants) Act 1975.

- (1) A county court shall have jurisdiction to hear and determine any application for an order under section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (including any application for permission to apply for such an order and any application made, in the proceedings on an application for an order under the said section 2, for an order under any other provision of that Act) where it is shown to the satisfaction of the court that the value at the date of the death of the deceased of all property included in his net estate for the purposes of that Act by virtue of paragraph (a) of the definition of " net estate" in section 25(1) of that Act does not exceed the county court limit
- (2) In the preceding subsection " the county court limit" means the county court limit for the time being specified by an Order in Council under section 192 of the County Courts Act 1959 as the county court limit for the purposes of that subsection.”

Status: This is the original version (as it was originally enacted).

- (2) In section 53(2) of that Act (jurisdiction by agreement) for the words " the last foregoing section " there shall be substituted the words " either of the two foregoing sections ".
- 6 In section 1(2) of the Charging Orders Act 1979, after the word " section ", in the first place where it occurs, there shall be inserted the words " county court limit" means the county court limit for the time being specified in an Order in Council under section 192 of the County Courts Act 1959, as the county court limit for the purposes of this section and ".

PART III

POWER TO RAISE COUNTY COURT LIMIT

- 7 The following section shall be substituted for section 192 of the County Courts Act 1959—

“192 Power of Her Majesty to raise limits of jurisdiction of courts.

- (1) If it appears to Her Majesty in Council that the county court limit for the purposes of any enactment referring to that limit should be increased, Her Majesty may by Order in Council direct that the county court limit for the purposes of that enactment shall be such sum as may be specified in the Order.
- (2) An Order under subsection (1) of this section may contain such incidental or transitional provisions as Her Majesty considers appropriate.
- (3) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament”.

PART IV

HIGHWAYS

- 8 (1) Sums recoverable under section 59 of the Highways Act 1980 (expenses due to extraordinary traffic) shall be recoverable in the county court if the claim does not exceed the county court limit for the purposes of section 40 of the County Courts Act 1959 (general jurisdiction as to money recoverable by statute).
- (2) In subsection (4) of that section, for the words from the beginning to " in" in the second place where it occurs, there shall be substituted the words " The county court with jurisdiction to hear and determine a claim for a sum recoverable under this section is ".

SCHEDULE 4

Section 55.

ATTACHMENT OF DEBTS

PART I

SECTION INSERTED IN SUPREME COURT ACT 1981

“40A Administrative and clerical expenses of garnishees.

- (1) A sum may be prescribed which, before complying with an order made in the exercise of the jurisdiction mentioned in section 40(2)—
- (a) any deposit-taking institution ; or
 - (b) any such institution of a prescribed description.
- may deduct, subject to subsection (2) below, towards the clerical and administrative expenses of complying with the order, from any money which, but for the deduction, would be attached by the order.
- (2) The prescribed sum may not be deducted or, as the case may be, retained in a case where, by virtue of section 40 of the Bankruptcy Act 1914 or section 325 of the Companies Act 1948 or otherwise, the creditor is not entitled to retain the benefit of the attachment.
- (3) In this section—
- " deposit-taking institution" has the meaning assigned to it by section 40(6);
- and
- " prescribed" means prescribed by an order made by the Lord Chancellor.
- (4) An order under this section—
- (a) may make different provision for different cases ; and
 - (b) without prejudice to the generality of paragraph (a) of this subsection, may prescribe sums differing according to the amount due under the judgment or order to be satisfied.
- (5) Any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

PART II

SECTION INSERTED IN COUNTY COURTS ACT 1959

“143A Administrative and clerical expenses of garnishees.

- (1) A sum may be prescribed which, before complying with an order made in the exercise of the jurisdiction mentioned in section 143(2) of this Act—
- (a) any deposit-taking institution ; or
 - (b) any such institution of a prescribed description,
- may deduct, subject to subsection (2) below, towards the clerical and administrative expenses of complying with the order, from any money which, but for the deduction, would be attached by the order.

- (2) The prescribed sum may not be deducted or, as the case may be, retained in a case where, by virtue of section 40 of the Bankruptcy Act 1914 or section 325 of the Companies Act 1948 or otherwise, the creditor is not entitled to retain the benefit of the attachment.
- (3) In this section—
 - " deposit-taking institution" has the meaning assigned to it by section 143(6) of this Act; and
 - " prescribed" means prescribed by an order made by the Lord Chancellor.
- (4) An order under this section—
 - (a) may make different provision for different cases; and
 - (b) without prejudice to the generality of paragraph (a) of this subsection, may prescribe sums differing according to the amount due under the judgment or order to be satisfied.
- (5) Any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament."

SCHEDULE 5

Section 67.

LAND REGISTRATION

In the Land Registration Act 1925—

- (a) the following paragraph shall be substituted for section 3(ii)—
 - "(ii) " the court" means the High Court or, where county courts have jurisdiction by virtue of rules made under section 138(1) of this Act, the county court;"
- (b) the following section shall be substituted for section 112—

"112 Inspection of register and other documents at Land Registry.

- (1) Subject—
 - (a) to section 112A below ;
 - (b) to the provisions of this Act as to furnishing information to Government departments and local authorities ; and
 - (c) to such exceptions as may be prescribed,any person registered as proprietor of any land or charge, and any person authorised—
 - (i) by any such proprietor ; or
 - (ii) by an order made under subsection (2) or (3) of this section ; or
 - (iii) by general rule,but no other person, shall have a right, on payment of a fee and in accordance with the prescribed procedure, to inspect and make copies of the whole or any part of any register or document in the custody of the registrar relating to such land or charge.
- (2) The High Court may by order authorise—
 - (a) the inspection of a register or document in the custody of the registrar and relating to land or a charge ; and

Status: This is the original version (as it was originally enacted).

- (b) the making of copies of the whole or any part of any such register or document,
 if—
 - (i) it appears to the court that the register or any such document may contain information which is relevant to proceedings pending in the court (including proceedings for the enforcement of a judgment or order of the High Court or any other court) ; or
 - (ii) it appears to the court, on an application made for that purpose, that such an order ought to be made for any other reason.
- (3) A county court may by order authorise—
 - (a) the inspection of a register or document in the custody of the registrar and relating to land or a charge; and
 - (b) the making of copies of the whole or any part of any such register or document,
 if it appears to the court that the register or any such document may contain information which is relevant to proceedings pending in the court (including proceedings for the enforcement of a judgment or order of the court or of any other court).”;
- (c) the following section shall be substituted for section 138—

“138 Jurisdiction of High Court and county courts.

- (1) Any jurisdiction conferred on the High Court by this Act or by the Land Registration and Land Charges Act 1971 may also be exercised, to such extent as may be prescribed, by county courts.
- (2) Subject to the enactments relating to the Supreme Court of Judicature for the time being in force, all matters within the jurisdiction of the High Court under this Act or the said Act of 1971 shall be assigned to the Chancery Division of that court.
- (3) Where the county court has jurisdiction under this Act or that Act it shall have all the powers of the High Court for the purposes of that jurisdiction.
- (4) The Lord Chancellor may assign any duties of the High Court under this Act or that Act to any particular judge or judges of the High Court.”; and
- (d) in section 144(1) (which among other things provides for the inclusion in the Rule Committee of a judge of the Chancery Division chosen by the judges of that division) for the words " to be chosen by the judges of that division " there shall be substituted the words " nominated by the Lord Chancellor " .

SCHEDULE 6

Section 68.

DAMAGES FOR PERSONAL INJURIES ETC.—NORTHERN IRELAND

Abolition of actions for enticement, seduction and harbouring of child

1 No person shall be liable in tort under the law of Northern Ireland—

Status: This is the original version (as it was originally enacted).

- (a) to a parent (or person standing in the place of a parent) on the ground only of his having deprived the parent (or other person) of the services of his or her child by raping, seducing or enticing that child ; or
- (b) to any other person for harbouring the child of that other person.

Fatal accidents

2 The following paragraph shall be substituted for paragraph (2) of Article 2 of the Fatal Accidents (Northern Ireland) Order 1977—

“(2) In this Order " dependant " means—

- (a) the wife or husband or former wife or husband of the deceased ;
- (b) any person who—
 - (i) was living with the deceased in the same household immediately before the date of the death ; and
 - (ii) had been living with the deceased in the same household for at least two years before that date ; and
 - (iii) was living during the whole of that period as the husband or wife of the deceased ;
- (c) any parent or other ascendant of the deceased ;
- (d) any person who was treated by the deceased as his parent;
- (e) a child or other descendant of the deceased ;
- (f) any person (not being a child of the deceased) who, in the case of any marriage to which the deceased was at any time a party, was treated by the deceased as a child of the family in relation to that marriage ;
- (g) any person who is, or is the issue of, a brother, sister, uncle or aunt of the deceased ;

and " the deceased " has the meaning given by Article 3(2).

(2A) The reference to the former wife or husband of the deceased in paragraph (2) (a) includes a reference to a person whose marriage to the deceased has been annulled or declared void as well as a person whose marriage to the deceased has been dissolved.”.

3 In paragraph (2) of Article 3 of that Order for the word " Every " there shall be substituted the words " Subject to Article 3A(2), every ".

4 The following shall be inserted after that Article—

Bereavement

“3A (1) An action under this Order may consist of or include a claim for damages for bereavement.

(2) A claim for damages for bereavement shall only be for the benefit—

- (a) of the wife or husband of the deceased ; and
- (b) where the deceased was a minor who was never married—
 - (i) of his parents, if he was legitimate ; and
 - (ii) of his mother, if he was illegitimate.

(3) Subject to paragraph (5), the sum to be awarded as damages under this Article shall be £3,500.

Status: This is the original version (as it was originally enacted).

(4) Where the claim is a claim for damages under this Article for the benefit of both the parents of the deceased, the sum awarded shall be divided equally between them (subject to any deduction falling to be made in respect of costs not recovered from the defendant).

(5) The Lord Chancellor may by order made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament, amend this Article by varying the sum for the time being specified in paragraph (3).”

5 In Article 4 of that Order—

(a) in paragraph (2), for the word " dependants " there shall be substituted the words " persons for whose benefit an executor or administrator could have brought it "; and

(b) in paragraph (4), for the word " dependants " there shall be substituted the word " persons ".

6 (1) The following paragraphs shall be substituted for paragraph (1) of Article 5—

“(1) In the action such damages, other than damages for bereavement, may be awarded as are proportioned to the injury resulting from the death to the dependants respectively.

(1A) After deducting the costs not recovered from the defendant any amount recovered otherwise than as damages for bereavement shall be divided among the dependants in such shares as may be directed.”.

(2) In paragraph (2), for " (1) " there shall be substituted " (1A) ".

(3) In paragraph (3), for the words " In assessing damages payable to a widow in respect of the death of her husband in an action under this Order " there shall be substituted the words " In an action under this Order where there fall to be assessed damages payable to a widow in respect of the death of her husband ".

(4) The following paragraph shall be inserted after that paragraph—

“(3A) In an action under this Order where there fall to be assessed damages payable to a person who is a dependant by virtue of Article 2(2)(b) in respect of the death of the person with whom the dependant was living as husband or wife there shall be taken into account (together with any other matter that appears to the court to be relevant to the action) the fact that the dependant had no enforceable right to financial support by the deceased as a result of their living together.”.

(5) In paragraph (5), for the words " the dependants' shares" there shall be substituted the words " any person's share ".

7 The following shall be substituted for Article 6—

Assessment of damages: disregard of benefits

“6 (1) In assessing damages in respect of a person's death in an action under this Order, benefits which have accrued or will or may accrue to any person from his estate or otherwise as a result of his death shall be disregarded.”.

Status: This is the original version (as it was originally enacted).

- 8 In Article 7, the words " brought for the benefit of the dependants of that person " shall be omitted.

Exclusion of section 14 of Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937

- 9 (1) The following subsection shall be inserted after section 14(1) of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937 (actions to survive death)—
- “(1A) The right of a person to claim under Article 3A of the Fatal Accidents (Northern Ireland) Order 1977 (bereavement) shall not survive for the benefit of his estate on his death.”.
- (2) The following paragraph shall be substituted for subsection (2)(a) —
- “(a) shall not include—
- (i) any exemplary damages ;
 - (ii) any damages for loss of income in respect of any period after that person's death ;”.

Orders for provisional damages for personal injury

- 10 (1) This paragraph applies to an action under the law of Northern Ireland for damages for personal injuries 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 his physical or mental condition.
- (2) Subject to sub-paragraph (4) below, as regards any action for damages to which this paragraph applies in which a judgment is given in the High Court, provision may be made by rules of court for enabling the court, in such circumstances as may be prescribed, to award the injured person—
- (a) damages assessed on the assumption that the injured person will not develop the disease or suffer deterioration in his condition ; and
 - (b) further damages at a future date if he develops the disease or suffers the deterioration.
- (3) Any rules made by virtue of this paragraph may include such incidental, supplementary and consequential provisions as the rulemaking authority may consider necessary or expedient
- (4) Nothing in this paragraph shall be construed—
- (a) as affecting the exercise of any power relating to costs, including any power to make rules of court 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.
- (5) This paragraph shall have effect in relation to county courts in Northern Ireland as it has effect in relation to the High Court as if references in it to rules of court included references to county court rules.
- (6) In this paragraph " personal injuries" includes any disease and any impairment of a person's physical or mental condition.

SCHEDULE 7

Section 69.

INTEREST ON DEBTS AND DAMAGES—NORTHERN IRELAND

PART I

SECTION INSERTED IN JUDICATURE (NORTHERN IRELAND) ACT 1978

“33A Power of High Court to award interest on debts and damages.

- (1) Subject to rules of court, in proceedings (whenever instituted) before the High Court for the recovery of a debt or damages there may be included in any sum for which judgment is given simple interest, at such rate as the court thinks fit or as rules of court may provide, on all or any part of the debt or damages in respect of which judgment is given, or payment is made before judgment, for all or any part of the period between the date when the cause of action arose and—
 - (i) in the case of any sum paid before judgment, the date of the payment; and
 - (ii) in the case of the sum for which judgment is given, the date of the judgment.
- (2) Subject to the rules of court, where—
 - (a) there are proceedings (whenever instituted) before the High Court for the recovery of a debt; and
 - (b) the defendant pays the whole debt to the plaintiff (otherwise than in pursuance of a judgment in the proceedings),

the defendant shall be liable to pay the plaintiff simple interest at such rate as the court thinks fit or as rules of court may provide on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of the payment.
- (3) Interest in respect of a debt shall not be awarded under this section for a period during which, for whatever reason, interest on the debt already runs.
- (4) Without prejudice to the generality of section 55, rules of court may provide for a rate of interest by reference to a rate for which any other enactment provides.
- (5) Interest under this section may be calculated at different rates in respect of different periods.
- (6) In this section " plaintiff " means the person seeking the debt or damages and "defendant" means the person from whom the plaintiff seeks the debt or damages.
- (7) Nothing in this section affects the damages recoverable for the dishonour of a bill of exchange.”

PART II

ARTICLE INSERTED IN COUNTY COURTS (NORTHERN IRELAND) ORDER 1980

“45A Interest on debts and damages

- (1) Subject to county court rules, in proceedings (whenever instituted) before a county court for the recovery of a debt or damages there may be included in any sum for which

Status: This is the original version (as it was originally enacted).

judgment is given simple interest, at such rate as the court thinks fit or as county court rules may provide, on all or any part of the debt or damages in respect of which judgment is given, or payment is made before judgment, for all or any part of the period between the date when the cause of action arose and—

- (i) in the case of any sum paid before judgment, the date of the payment; and
- (ii) in the case of the sum for which judgment is given, the date of the judgment.

- (2) Subject to county court rules, where—
 - (a) there are proceedings (whenever instituted) before a county court for the recovery of a debt ; and
 - (b) the defendant pays the whole debt to the plaintiff (otherwise than in pursuance of a judgment in the proceedings),the defendant shall be liable to pay the plaintiff simple interest at such rate as the court thinks fit or as county court rules may provide on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of the payment.
- (3) Interest in respect of a debt shall not be awarded under this Article for a period during which, for whatever reason, interest on the debt already runs.
- (4) Interest under this Article may be calculated at different rates in respect of different periods.
- (5) In this Article " plaintiff " means the person seeking the debt or damages and " defendant " means the person from whom the plaintiff seeks the debt or damage.
- (6) Nothing in this Article affects the damages recoverable for the dishonour of a bill of exchange."

PART III

AMENDMENTS CONSEQUENTIAL ON SECTION 69

Crown Proceedings Act 1947 (c. 44)

- 1 In section 24(3) of the Crown Proceedings Act 1947 as it applies in Northern Ireland in relation to Her Majesty's Government in the United Kingdom and in relation to Her Majesty's Government in Northern Ireland for the words from the beginning to " damages) " there shall be substituted the words " Section 33A of the Judicature (Northern Ireland) Act 1978 and Article 45A of the County Courts (Northern Ireland) Order 1980 (which respectively empower the High Court and county courts to award interest on debts and damages) ".

Judicature (Northern Ireland) Act 1978 (c. 23)

- 2 In section 31(9)(c) of the Judicature (Northern Ireland) Act 1978 for the words " section 17 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937 " there shall be substituted the words " Article 45A of the County Courts (Northern Ireland) Order 1980 ".

Status: This is the original version (as it was originally enacted).

County Courts (Northern Ireland) Order 1980

- 3 In Article 2(4) of the County Courts (Northern Ireland) Order 1980 for the words from "the power" to the end there shall be substituted the words " Article 45A or of anything done under it ".

SCHEDULE 8

Section 70.

AMENDMENTS OF JUDICATURE (NORTHERN IRELAND) ACT 1978

- 1 The following subsection shall be added at the end of section 3 (the Court of Appeal)

“(6) Her Majesty may by Order in Council from time to time create divisions or additional divisions of the Court of Appeal or provide that any division be abolished ; and any such Order in Council may contain such provision as may appear to Her Majesty to be necessary or proper for that purpose and may amend or repeal any statutory provision (including any provision of this Act) so far as it appears to Her Majesty to be necessary or expedient to do so in consequence of the Order.”.

- 2 In section 13 (which among other things provides for the taking of the oath of allegiance and the judicial oath by judges of the Supreme Court of Judicature of Northern Ireland)—

- (a) in subsection (2) (which requires the Lord Chief Justice, every Lord Justice of Appeal and every judge of the High Court to take the oaths in the presence of the Lord Chancellor) the words " every Lord Justice of Appeal and every judge of the High Court " shall cease to have effect; and
- (b) the following subsections shall be added after subsection (3)—

“(4) Subject to subsection (5), every Lord Justice of Appeal and every judge of the High Court shall, before he enters on the execution of his office, take, in the presence of the Lord Chancellor, the oaths mentioned in subsection (2).

(5) When the Lord Chancellor so directs or the Great Seal of the United Kingdom is in commission, the Lord Chief Justice shall represent the Lord Chancellor for the purposes of subsection (4).”.

- 3 In section 27(1)(b) (which empowers the High Court in Northern Ireland to make an order requiring parents of a ward of court to make periodical payments towards the maintenance and education of the ward) after the words " the ward " there shall be inserted the words " or to the ward ".

- 4 In subsection (3) of section 53 (which applies to certain provisions relating to the Supreme Court Rules Committee to the Crown Court Rules Committee and the Crown Court rules) for the words "56(1) and (2)" there shall be substituted the words " 56(1), (2) and (2A) ".

- 5 The following subsection shall be inserted after subsection (2) of section 56 (control and publication of rules of court)—

“(2A) Rules made by the Rules Committee shall be statutory rules for the purposes of the Statutory Rules (Northern Ireland) Order 1979.”.

Status: This is the original version (as it was originally enacted).

- 6 In section 78(1)(a) (accounts of funds in court) for the words " Part I of the Administration of Justice Act 1965 " there shall be substituted the words " Part VI of the Administration of Justice Act 1982 ".
- 7 In section 81(a)(ii) (which provides for the investment of funds in court) for the words " section 1 of the Administration of Justice Act 1965 " there shall be substituted the words " section 42 of the Administration of Justice Act 1982 ".
- 8 In section 82(1) (rules regulating funds in court)—
- (a) in paragraph (b)(ii), for the words " section 1 of the Administration of Justice Act 1965 " there shall be substituted the words " section 42 of the Administration of Justice Act 1982 "; and
 - (b) in paragraph (d) for the words " section 1 of the Administration of Justice Act 1965 " there shall be substituted the words " section 42 of the Administration of Justice Act 1982 "; and
 - (c) in paragraph (i) for the words " the Public Trustee " there shall be substituted the words " the investment manager of a common investment scheme made under section 42 of the Administration of Justice Act 1982 ".
- 9 In section 85 (which provides for any default of a member of the Northern Ireland Court Service with respect to money, securities or effects in the Supreme Court or the county court or any statutory deposit to be made good by the Lord Chancellor) after the words " Lord Chancellor " there shall be added the words " or, if and so far as it is not so paid, shall be charged on and issued out of the Consolidated Fund. ".
- 10 In section 91 (orders for sale, grant of injunctions and appointment of receivers by the High Court and county courts)—
- (a) in subsection (1) for the word " or ", in the third place where it occurs, there shall be substituted the word " and "; and
 - (b) the following subsection shall be added after subsection (3)—
- “(4) The power of the High Court and, in matters within its jurisdiction, the county court, to grant an interlocutory injunction restraining a party to any proceedings from removing from the jurisdiction, or otherwise dealing with, assets located within the jurisdiction shall be exercisable in cases where that party is, as well as in cases where he is not, domiciled, resident or present within the jurisdiction.”.
- 11 The following section shall be inserted after section 94 —

“94A Withdrawal of privilege against incrimination of self or spouse in certain proceedings.

- (1) In any proceedings to which this subsection applies a person shall not be excused, by reason that to do so would tend to expose that person, or his or her spouse, to proceedings for a related offence or for the recovery of a related penalty—
 - (a) from answering any question put to that person in the first-mentioned proceedings ; or
 - (b) from complying with any order made in those proceedings.
- (2) Subsection (1) applies to the following civil proceedings in the High Court, namely—
 - (a) proceedings for infringement of rights pertaining to any intellectual property or for passing off;

Status: This is the original version (as it was originally enacted).

- (b) proceedings brought to obtain disclosure of information relating to any infringement of such rights or to any passing off; and
 - (c) proceedings brought to prevent any apprehended infringement of such rights or any apprehended passing off.
- (3) Subject to subsection (4), no statement or admission made by a person—
- (a) in answering a question put to him in any proceedings to which subsection (1) applies ; or
 - (b) in complying with any order made in any such proceedings,
- shall, in proceedings for any related offence or for the recovery of any related penalty, be admissible in evidence against that person or (unless they married after the making of the statement or admission) against the spouse of that person.
- (4) Nothing in subsection (3) shall render any statement or admission made by a person as there mentioned inadmissible in evidence against that person in proceedings for perjury or contempt of court.
- (5) In this section—
- " intellectual property " means any patent, trade mark, copyright, registered design, technical or commercial information or other intellectual property;
- " related offence ", in relation to any proceedings to which subsection (1) applies, means—
- (a) in the case of proceedings within subsection (2)(a) or (b)—
 - (i) any offence committed by or in the course of the infringement or passing off to which those proceedings relate ; or
 - (ii) any offence not within sub-paragraph (i) committed in connection with that infringement or passing off, being an offence involving fraud or dishonesty ;
 - (b) in the case of proceedings within subsection (2)(c), any offence revealed by the facts on which the plaintiff relies in those proceedings ;
- " related penalty ", in relation to any proceedings to which subsection (1) applies, means—
- (a) in the case of proceedings within subsection (2)(a) or (b), any penalty incurred in respect of anything done or omitted in connection with the infringement or passing off to which those proceedings relate ;
 - (b) in the case of proceedings within subsection (2)(c) any penalty incurred in respect of any act or omission revealed by the facts on which the plaintiff relies in those proceedings.
- (6) Any reference in this section to civil proceedings in the High Court of any description includes a reference to proceedings on appeal arising out of civil proceedings in the High Court of that description.”.

“117A Allowances for judges.

The Lord Chancellor shall pay to any judge of the Court of Appeal or of the High Court, in addition to his salary, such allowances as may be determined by the Lord Chancellor with the concurrence of the Treasury.”.

SCHEDULE 9

Section 75.

REPEALS AND REVOCATIONS

PART I

REPEALS

Chapter	Short Title	Extent of Repeal
15 & 16 Vict. c. 24.	Wills Act Amendment Act 1852.	The whole Act.
23 & 24 Vict. c. 115.	Crown Debts and Judgments Act 1860.	The whole Act.
59 & 60 Vict. c. 35.	Judicial Trustees Act 1896.	In section 1(6), the words from the beginning to " and ", in the second place where it occurs.
4 & 5 Geo. 5. c. 59.	Bankruptcy Act 1914.	In section 16(13) and in section 28(1)(c), the words " under a judgment against him in an action for seduction, or "
15 & 16 Geo. 5. c. 20.	Law of Property Act 1925.	Section 177.
24 & 25 Geo. 5. c. 41.	Law Reform (Miscellaneous Provisions) Act 1934.	In section 1(1), the words " or seduction "
1 Edw. 8 & 1 Geo. 6. c. 9 (N.I.).	Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937.	In section 14(1), the words " or seduction "
6 & 7 Eliz. 2. c. 45.	Prevention of Fraud (Investments) Act 1958.	Section 17. Section 4(3).
7 & 8 Eliz. 2. c. 22.	County Courts Act 1959.	Section 2. Section 20. Section 25. Section 99(3). Section 102(3)(e).

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	In section 148, in subsection (1) (a), the words "in a county court" and subsection (2) . Sections 168 to 174. Section 174A. Section 176.
1965 c. 2.	Administration of Justice Act 1965.	In section 103(1)(A), the words from " so however " to the end of the paragraph. Sections 1 to 16. Section 18. In section 20, subsections (1) and (2), and in subsection (7), the words from "and" to the end. In Schedule 1, the entry relating to the Prevention of Fraud (Investments) Act 1958.
1969 c. 46.	Family Law Reform Act 1969.	Section 16.
1969 c. 58.	Administration of Justice Act 1969.	Section 10.
1974 c. 4.	Legal Aid Act 1974.	In Part II of Schedule 1, paragraph 2.
1975 c. 63.	Inheritance (Provision for Family and Dependants) Act 1975.	Section 22.
1976 c. 13.	Damages (Scotland) Act 1976.	Section 5.
1976 c. 30.	Fatal Accidents Act 1976.	In section 5, the words " brought for the benefit of the dependants of that person ". In Schedule 1, in paragraph 2(2) the entry relating to the Deposit of Poisonous Waste Act 1972.
1977 c. 38.	Administration of Justice Act 1977.	Section 11.
1978 c. 23.	Judicature (Northern Ireland) Act 1978.	Section 83.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1979 c. 2.	Customs and Excise Management Act 1979.	In Schedule 4, in the Table to paragraph 12, the entry relating to the Crown Debts and Judgments Act 1860.
1981 c. 54.	Supreme Court Act 1981.	Section 126. Section 143. In Schedule 3, paragraphs 23 to 26. In Schedule 5, the paragraphs relating to the Bankruptcy Act 1914 and the Companies Act 1948.

PART II

REVOCATIONS

Reference	Title	Extent of Revocation
S.I. 1967 No. 761.	Land Registration Rules 1967.	The whole instrument.
S.I. 1977 No. 1251 (N.I. 18).	Fatal Accidents (Northern Ireland) Order 1977.	In Article 7, the words "brought for the benefit of the dependants of that person".
S.I. 1979 No. 1575 (N.I. 14).	Administration of Estates (Northern Ireland) Order 1979.	Article 27.