COLLAS CRILL

New proposal to alter damages in personal injury claims

APRIL 2019

In a recent meeting of the States of Guernsey, the assembly was asked to consider the content of a new Policy Letter regarding the method of payment of damages following personal injury claims. At present, the system sees injured parties compensated for their loss in one lump sum, however as the letter highlights, it is not always possible to accurately determine an injured party's damages in such a way.

The letter, dated 8 February 2019 and titled "Insurance – Statutory Discount Rate and Other Matters" proposes the following key points:

- the adoption of a **statutory discount rate for damages**, similar to that used in the UK;
- enable the Court to order for damages **payments to be made by installments**, instead of a lump sum;
- the introduction of a scheme allowing the **States of Guernsey to reclaim costs incurred by them** from the patient; and
- create a **limit on the sum that can be awarded** as damages

A review of these points will take place in the 2nd quarter of 2019 and we will keep you up to date on the developments. In the meantime, should you have any questions, please don't hesitate to ask.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

COLLAS CRILL

For more information please contact:



Harry Round

Senior Associate (Advocate) | Guernsey

t: +44 (0) 1481 734822 | **e:** harry.round@collascrill.com



David Jeffery

Of Counsel* | Guernsey

t: +44 (0) 1481 734243 | **e:** david.jeffery@collascrill.com

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.