



## PRESS RELEASE

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### **Bill for a Damages Act published**

Her Majesty's Government of Gibraltar has published a Bill for a Damages Act 2018. This Bill makes provision for two separate but connected matters relevant to awards of damages in civil cases before the Courts of Gibraltar. The first of these is providing for the setting of the applicable rate of return on investment of damages for personal injury (the so-called "discount rate"). The second is providing for guidelines relating to the assessment of general damages in personal injury cases. In either case, there is also transitional provision for the UK rate and England and Wales guidelines to continue to be followed until such time as the powers under the Act are used.

The Bill has been drafted after consultation with stakeholders, including representations from members of the legal profession and insurance industry professionals. Consultations have also taken place with the Honourable the Chief Justice and the Financial Secretary, so that their views have been taken into account in the Bill published.

The Minister for Commerce, the Hon Albert Isola MP, said: "The Bill will set, as an interim measure, the discount rate to be used in our courts to continue being the same as that in the United Kingdom and clarifies that the guidelines that should be used continue to be those used in England and Wales. Having such certainty is important in order to provide for stability for insurance and reinsurance firms that cover Gibraltar based insurers in these areas. It is only from a position of such certainty that the complex task of deciding whether a different local rate and local guidelines are appropriate, can commence. I am certain that the stakeholders who have contributed to the discussion so far will also be fully involved in taking this forward."

The Minister for Health, Care and Justice, the Hon Neil F Costa MP, stated: "I am happy that the Government is publishing this Bill, which has been the result of consultation with stakeholders, including the Bar Council, public officers and industry experts, and for whose input I am very grateful. This Bill, in the Government's opinion, strikes the right balance between ensuring that there is certainty as to what rate and guidelines the courts should continue to use when looking at the quantum of damages and allowing for local rates to be set after full, detailed and proper examination and consultation on the issues is undertaken. I wish to thank the Honourable the Chief Justice, the Financial Secretary and my colleague the Minister for Commerce, Albert Isola MP, for their kind and patient input into this important Bill."