CHAPTER 61

An Act to amend the law of Scotland relating to the power of the courts to order payment of interest on damages. [1st August, 1958]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of courts to grant interest on damages.

1.—(1) Where the court having jurisdiction in any action for damages pronounces an interlocutor decerning for payment by any person of a sum of money as damages, the interlocutor may, if the circumstances warrant such a course, include decree for payment by that person of interest on the sum or any part thereof at such rate as may be specified in the interlocutor, from such date as may be so specified (being a date not earlier than the date on which the action was commenced against that person) until the date of the interlocutor.

(2) Nothing in this section shall—

(*a*) authorise the granting of interest upon interest, or

(*b*) prejudice any other power of the court as to the granting of interest, or

(*c*) affect the running of any interest which apart from this section would run by virtue of any enactment or rule of law.

Amendment of s. 31 of Sheriff Courts (Scotland) Act, 1907. 7 Edw. 7. c. 51.

2. Section thirty-one of the Sheriff Courts (Scotland) Act, 1907 (which among other things specifies the grounds on which an interlocutor of a sheriff entering judgment under that section may be appealed to the Court of Session) shall have effect as if after head (4) thereof there were inserted the following head—

"(5) That no grant of interest on the damages (if any) has been included in the interlocutor or that any such grant so included is inadequate or is excessive."

and as if there were added at the end of the section the words "and upon any such appeal so far as based on the ground specified in head (5) of this section the court may make such order as to it seems just."

Citation, interpretation, extent and commencement.

3.—(1) This Act may be cited as the Interest on Damages (Scotland) Act, 1958.

(2) In this Act references to an action include references to a counter-claim, and for the purposes of this Act an action shall be taken to commence against a person on the date of the citation of that person, or, in the case of a counter-claim, the date of the lodging of the defences or other document containing the counter-claim, or, when the counter-claim is included in the record by way of adjustment or amendment, the closing, or, as the case may be, the re-closing, of the record.

(3) This Act shall extend to Scotland only, and shall not apply to any action commenced against any person before the passing of this Act.

PRINTED BY SIR JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 3*d.* net
PRINTED IN GREAT BRITAIN
(38159)