

## **Insurance (Vehicle) Act, RSBC 1996, c 231**

### **Structured judgments**

**99** (1) The court must order that an award for pecuniary damages in a vehicle action be paid periodically, on the terms the court considers just,

(a) if the award for pecuniary damages is, after section 83 has been applied, at least \$100 000 and the court considers it to be in the best interests of the plaintiff, or

(b) if

(i) the plaintiff requests that an amount be included in the award to compensate for income tax payable on income from investment of the award, and

(ii) the court considers that the order, that the award be paid periodically, is not contrary to the best interests of the plaintiff.

(2) Despite subsection (1), the court must not make an order under this section

(a) if one or more of the parties in respect of whom the order would be made satisfies the court that those parties do not have sufficient means to fund the order, or

(b) if the court is satisfied that an order to pay the award periodically would have the effect of preventing the plaintiff or another person from obtaining full recovery for damages arising out of the accident.

(3) If the court does not make an order for periodic payments under this section, it may make an award for damages that includes an amount to offset liability for income tax on income from investment of the award.