Response from Georgia

To the Questionnaire of the Fourth Study Commission

In accordance with the Articles 408-415 of the Civil Code of Georgia, if, as a result of bodily injury or harm inflicted to the health of a person, his ability to work has been lost or reduced, or if his needs increase, then the victim shall be compensated for such damage by the payment of monthly allowances. The victim may demand compensation instead of allowances, if significant grounds exist therefor. In cases of bodily injury or harm inflicted on a person’s health, the victim may claim compensation for non-property damage as well. The interest that the creditor had in due performance of the obligation must be taken into account in calculating the damages. The time and place for performance of the contract must be taken into account in calculating the damages. If an action of the victim also contributed to the occurrence of the damages, then the duty to compensate and the amount of compensation shall depend on which party’s fault was more responsible for causing the damages.

In accordance with the Article 1006 of the same Code, In the case of the victim’s death, the harm-doer shall compensate the harm by establishing an annuity for those persons who were dependents of the victim. This obligation shall be effective until expiration of the period for which the victim was obligated to pay annuity. Instead of an annuity the victim may claim lump-sum compensation if there is a substantial ground therefor.

In accordance with the Article 8 of the Resolution #45 of the Government of Georgia dated March 1, 2013 on approving the rule for assigning and disbursing the compensation allowance for the harm inflicted to the health of an employee while performing his labor duties, the allowance shall be disbursed on a monthly basis, in the territory of Georgia, through banking institutions providing services for state disbursements.

Judges Association of Georgia