

*These notes refer to the Crime and Courts Act 2013
(c.22) which received Royal Assent on 25 April 2013*

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Courts and Justice

Section 36: Amount of exemplary damages

475. **Section 36** provides that when determining the amount of exemplary damages, the court must have regard to the need for the award to be no more than the minimum needed to punish the defendant, and must ensure that the award is proportionate to the seriousness of the conduct. The court is also required to take account of the nature and extent of loss or harm caused, or intended to be caused, by the defendant's conduct, and the benefit the defendant derived, or hoped to derive, from that conduct. As with section 35, *subsection (4)* provides that the court may have regard to the need for deterrence – both of the defendant and others, while *subsection (5)* makes clear that the court has a general discretion to look at all matters relevant to its decision on determining the amount of exemplary damages.