



STATUTORY INSTRUMENTS.

S.I. No. 140 of 2019

PERSONAL INJURIES ASSESSMENT BOARD RULES 2019

Personal Injuries Assessment Board Rules 2019

The Personal Injuries Assessment Board, in exercise of the powers conferred on it by section 46 of the Personal Injuries Assessment Board Act 2003, hereby makes the following Rules:

1. These Rules may be cited as the Personal Injuries Assessment Board Rules, 2019.

2. In these Rules –

“the Act” means the Personal Injuries Assessment Board Act 2003,

“the Appendix” means the Appendix to these Rules,

“the Board” means the Personal Injuries Assessment Board,

“the Minister” means the Minister for Business, Enterprise and Innovation.

3. (1) An application under section 11 of the Act shall –

- (a) be made in writing or in electronic form,
- (b) contain such information as may from time to time be specified by the Board, and
- (c) be accompanied by the following documents:
 - (i) a copy of a document that has been given or sent, by or on behalf of the claimant, to the person or persons whom he or she believes to be liable to pay compensation to him or her in respect of the claim, notifying the person or persons of his or her relevant claim and seeking the payment of compensation, which copy shall indicate the date on which the document was so given or sent;
 - (ii) copies of any other correspondence between the claimant and that person or those persons in relation to the relevant claim,
 - (iii) a report, containing such information as may from time to time be specified by the Board, prepared by a medical practitioner who has treated the claimant in respect of the personal injuries, the subject of the relevant claim, in relation to those injuries,
 - (iv) receipts, vouchers or other documentary proof in relation to loss or damage in respect of which special damages are being sought in the relevant claim;
 - (v) any other document that the claimant considers relevant to the claim,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th April, 2019.*

(vi) any other document that the Board or any member of the staff of the Board duly authorised in that behalf by the Board considers relevant to the claim and specifies in a notice in writing given or sent to the claimant before the receipt by the Board of the application.

(2) An application under section 11 of the Act shall be accompanied by such charge in relation to an application as may be imposed on the claimant by the Board pursuant to Regulations made by the Minister under section 22 of the Act.

(3) In relation to a relevant claim, the date of –

- (a) the receipt by the Board of an application under section 11 of the Act for the purposes of section 13 of that Act, and
- (b) the making of an application under section 11 of the Act, for the purposes of section 50 (a) of that Act,

shall be the date on which the application in a form specified in *sub rule* (1)(a), containing the information specified in *sub rule* (1)(b) is acknowledged in writing as having been received by the Board.

4. Any notice to be served under section 13(1)(b) of the Act on the person or each of the persons who the claimant alleges in an application under section 11 of the Act is or are liable to him or her in respect of the relevant claim shall be in the form specified in Form No. 1 of the Appendix.

5. The Board may supply a copy of any records or other documents furnished by a claimant, a respondent or any other person to it pursuant to the Act or the exercise by it or any member of its staff of powers under the said Act, to a respondent, a claimant or as the case may be such other person as the Board considers appropriate in relation to the relevant claim concerned.

6. (1) In a case where section 18(3) or (6) of the Act applies in respect of one or more of the respondents to the relevant claim and the claimant wishes to bring proceedings in respect of that claim against that respondent or those respondents (acting, unless he, she or they are no longer of unsound mind, by a guardian or a committee), the Board may, subject to *sub rule* (2), issue to a claimant an authorisation to bring proceedings in respect of his or her relevant claim against the person or persons concerned.

(2) The Board may defer making a decision as to whether to issue an authorisation referred to in *sub rule* (1) unless and until the relevant claim concerned has been the subject of an assessment or, as appropriate, fresh assessment under the Act.

7. (1) In a case where the claimant wishes to bring proceedings in respect of his or her relevant claim against one or more persons whom he or she omitted, through a genuine oversight or ignorance of all of the facts relating to the matter, to specify in his or her application under section 11 of the Act as being a person or persons liable to him or her in respect of that claim, the Board may, subject to *sub rule* (2), issue to a claimant an authorisation to bring proceedings in respect of his or her relevant claim against the person or persons concerned.

(2) The Board may defer making a decision as to whether to issue an authorisation referred to in *sub rule (1)* unless and until the relevant claim concerned has been the subject of an assessment or, as appropriate, fresh assessment under the Act.

8. A withdrawal by the claimant under section 47 of the Act of an application made by him or her under section 11 of the Act shall be made in writing or by electronic mail in the form specified in Form No. 2 of the Appendix.

9. Without prejudice to section 38 of the Act, where, in relation to a relevant claim, a claimant and a respondent or, if there are 2 or more respondents, more than one of those respondents, notify the Board in writing of an agreement made between them regarding the apportionment of liability between them, an order to pay issued under that section shall include a statement to that effect and shall indicate the extent of the apportionment agreed to.

10. The Personal Injuries Assessment Board Rules 2004 (SI No 219 of 2004) are revoked.

Appendix

Form No. 1

Notice to respondent(s) under section 13 of the Personal Injuries
Assessment Board Act 2003

This notice is addressed to [insert name of respondent(s)]

Name of claimant: _____

Name(s) of respondent(s): _____

You are hereby notified that the Personal Injuries Assessment Board has received an application made under section 11 of the Personal Injuries Assessment Board Act 2003 by the above named claimant, alleging that you are liable to him/her in respect of the claim referred to in the attached papers.

You are hereby requested to state to the Board in writing or in electronic form, within a period of 90 days from the date of this notice, whether you consent to an assessment of the claimant's claim being made under section 20 of the said Act.

Please note that if you-

(a) state in writing or in electronic form, in response to this notice, within the period specified, that you do consent to such an assessment being made,

or

(b) fail to state in writing or in electronic form in response to this notice, within the period specified, whether or not you do so consent,

then the Board shall subject to section 17 and 18 of the said Act, arrange for such an assessment to be made.

And further please note that if you state in writing or in electronic form, in response to this notice, within the period specified, that you do not consent to such an assessment being made, it shall be the duty of the Board, as soon as may be after that statement is received by it, to issue to the claimant a document that states that the claimant is authorised to and operating to authorise the claimant to bring proceedings in respect of his/her claim.

Your consent to an assessment being made under the said section 20 does not constitute an admission of liability on your part or affect any right that you may have to an indemnity or contribution from any other person or persons.

Issued by the Personal Injuries Assessment Board
on this the 4th day of April, 2019.

Form No. 2

Withdrawal of Application under section 47 of the Personal Injuries
Assessment Board Act 2003

Name of claimant: _____

Name(s) of respondent(s): _____

Relevant claim: _____

Whereas 14 or more days have elapsed from the service on the claimant by the Board of a Notice of Desirability of Obtaining Legal Advice;

Now then the claimant hereby withdraws the application made by him/her under section 11 of the Act of 2003 in respect of the above relevant claim.

Signed by (or on behalf of) the claimant
on this 4th day of April 2019.

Given under the Official Seal of the Personal
Injuries Assessment Board

this 4th day of April 2019.

Dermot Divilly

Seal of Personal Injuries Assessment Board.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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