



Number 12 of 1998

**CIVIL LIABILITY (ASSESSMENT OF HEARING INJURY)
ACT, 1998**

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Application.
3. Judicial notice of Report.
4. Courts to have regard to certain matters in Report.
5. Short title and commencement.

SCHEDULE

PART I

Chapter 7.1 of the Report

PART II

Table 4 in Paragraph 7.7 of the Report



Number 12 of 1998

**CIVIL LIABILITY (ASSESSMENT OF HEARING INJURY)
ACT, 1998**

AN ACT TO PROVIDE FOR JUDICIAL NOTICE TO BE TAKEN OF A REPORT TO THE MINISTER FOR HEALTH AND CHILDREN BY AN EXPERT HEARING GROUP WHICH WAS PUBLISHED BY THE DEPARTMENT OF HEALTH AND CHILDREN ON THE 9TH DAY OF APRIL, 1998, TO PROVIDE FOR COURTS TO HAVE REGARD TO CERTAIN MATTERS CONTAINED IN THAT REPORT IN CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR CONNECTED MATTERS.

[11th May, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

“hearing injury” includes—

(a) hearing loss caused by injury which results in the deviation of an individual’s hearing, as measured by pure tone audiometry, from previous measurement, where available, of his or her uninjured hearing or, where such measurement is not available, from that predicted as normal for his or her age, and

(b) tinnitus;

“proceedings”, in relation to personal injuries, includes any application or claim for compensation;

“the Report” means the Report to the Minister for Health and Children by an Expert Hearing Group, which was published by the Department of Health and Children on the 9th day of April, 1998, entitled “Hearing Disability Assessment”.

2.—This Act shall apply to all proceedings before a court, whether commenced before or after the enactment of this Act. Application.

3.—Judicial notice shall be taken of the Report in all proceedings before a court claiming damages for personal injury arising from a hearing injury. Judicial notice of Report.

[No. 12.] *Civil Liability (Assessment of Hearing Injury) Act, 1998.* [1998.]

Courts to have regard to certain matters in Report.

4.—(1) In all proceedings claiming damages for personal injury arising from hearing loss, the courts shall, in determining the extent of the injuries suffered, have regard to Chapter 7 (Irish Hearing Disability Assessment System) of the Report and, in particular, to the matters set out in paragraph 1 (Summary) and Table 4 (Disability Percentage Age Correction Factor) to paragraph 7 (Age Related Hearing Loss Correction) of that Chapter, and the said paragraph 1 and Table 4 are, for convenience of reference, set out in *Part I* and *Part II*, respectively, of the Schedule to this Act.

(2) In all proceedings claiming damages for personal injury arising from tinnitus, the courts shall, in determining the extent of the injuries suffered, have regard to the classification method contained in paragraph 9 (Tinnitus) of Chapter 7 (Irish Hearing Disability Assessment System) of the Report.

Short title and commencement.

5.—(1) This Act may be cited as the Civil Liability (Assessment of Hearing Injury) Act, 1998.

(2) This Act shall come into operation on the day immediately following its enactment.

Section 4.

SCHEDULE

PART I

Chapter 7.1 of the Report

To Assess Hearing Disability

- Take the Air Conduction hearing threshold levels at 500Hz, 1,000Hz, 2,000Hz and 4,000Hz, add and divide by 4.
- Do this separately for the right and left ears.
- Subtract 20dB from the average obtained for each ear.

This is an average hearing loss.

- Multiply the average hearing loss of each ear by 1.25%.
- Weight the better ear's figure by multiplying by four, add it to the worse ear's figure and divide the sum by 5.
- Correct for the Age Related Hearing Loss by table deductions, over the age of 69 years in males and 77 years in females (Table 4).

This figure is the Binaural Percentage Hearing Disability.

The additional disability allowance for moderate or severe tinnitus may be added.

This percentage computed is the proportion of hearing disability that the individual experiences, it is not the proportion of total body disablement.

[1998.] *Civil Liability (Assessment of Hearing Injury) Act, 1998.* [No. 12.]

PART II

Sch.

Table 4 in Paragraph 7.7 of the Report

Table 4

Disability Percentage Age Correction Factor

Age (years)	Males	Females
70	1%	
71	2%	
72	3%	
73	4%	
74	5%	
75	6%	
76	7%	
77	8%	
78	9%	1%
79	11%	1%
80	12%	2%