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**An Bille um Dhliteanas Sibhialta (Damáistí Ginearálta a Uasteorannú), 2019**  
**Civil Liability (Capping of General Damages) Bill 2019**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM DHLITEANAS SIBHIALTA (DAMÁISTÍ GINEARÁLTA A  
UASTEORANNÚ), 2019**  
**CIVIL LIABILITY (CAPPING OF GENERAL DAMAGES) BILL 2019**

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CONTENTS

Section

1. Interpretation
2. Maximum level of damages for personal injury
3. Considerations to apply to the making of regulations
4. Regulations to require a positive resolution of each House
5. Regulations to be subject to review
6. Book of Quantum to reflect maximum levels of awards for general damages
7. Operation of this Act
8. Short title and commencement

ACTS REFERRED TO

Civil Liability Act 1961 (No. 41)

Personal Injuries Assessment Board Act 2003 (No. 46)



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**AN BILLE UM DHLITEANAS SIBHIALTA (DAMÁISTÍ GINEARÁLTA A  
UASTEORANNÚ), 2019**  
**CIVIL LIABILITY (CAPPING OF GENERAL DAMAGES) BILL 2019**

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# Bill

*entitled*

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An Act to provide for the imposition of a cap on the level of awards which may be made in respect of a claim for general damages arising from personal injury; to provide for the confirmation by each House of the Oireachtas of draft regulations; to provide for a review of this Act, and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

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## **Interpretation**

1. In this Act—

“Book of Quantum” means the current and in-force version of the Book of Quantum commissioned and published in accordance with the Personal Injuries Assessment Board Act 2003;

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“general damages” means compensation for non-monetary damages for pain and suffering incurred by a claimant and which is sought to be recovered as part of a claim for personal injury;

“Minister” means the Minister for Justice;

“personal injury” has the meaning assigned to it in the Civil Liability Act 1961;

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“Personal Injuries Commission” means the Personal Injuries Commission established by the Minister for Business, Enterprise and Innovation.

## **Maximum level of damages for personal injury**

2. (1) The Minister may by regulations, subject to *section 4*, prescribe the maximum level of general damages which may be awarded to a claimant who has suffered personal injury.

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(2) Notwithstanding the generality of *subsection (1)*, regulations made under this section may specify the maximum level of general damages which may be awarded by reference to—

(a) the part the claimant’s body that has suffered injury,

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(b) the nature and severity of the injury to the claimant,

- (c) the age of the claimant, and
  - (d) the impact (if any) which the injury is likely to have on the claimant's occupation.
- (3) Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 5

**Considerations to apply to the making of regulations**

3. When making Regulations under *section 2*, the Minister shall have regard to the public interest in ensuring that—
- (a) claimants receive a fair and reasonable level of general damages compensation for pain and suffering arising from personal injury, 10
  - (b) excessive compensation levels are moderated, and
  - (c) a greater degree of stability and predictability is introduced in respect of the pricing of third party liability general insurance.

**Regulations to require a positive resolution of each House**

4. A regulation may be made under *section 2* only if— 15
- (a) a draft of the proposed regulation has been laid before each House of the Oireachtas, and
  - (b) a resolution approving the draft has been passed by each House.

**Regulations to be subject to review**

5. (1) Regulations made under *section 2* shall be subject to a review commissioned by the Minister at intervals of not less than three years. 20
- (2) A review under *subsection (1)* shall be conducted by the Personal Injuries Commission.

**Book of Quantum to reflect maximum levels of awards for general damages**

6. (1) With effect from the making of regulations under *section 2*, the Book of Quantum shall be deemed to be revised so as to reflect the maximum level of general damages which have been prescribed by regulations made under *section 2*. 25
- (2) The Book of Quantum shall be revised from time to time so as to reflect the recommendations of the Personal Injuries Commission concerning on the maximum levels of awards. 30

**Operation of this Act**

7. (1) The Minister shall—
- (a) within three years of the commencement of this Act, and
  - (b) at five yearly intervals thereafter,

- commence a review of the operation of this Act and any Regulations made under it.
- (2) Following the completion of a review of this Act under *subsection (1)*, the Minister shall make a report to each House of the Oireachtas of—
- (a) the findings resulting from the review, and
  - (b) the conclusions drawn from the findings. 5
- (3) A report made under *subsection (2)* shall include any such recommendations for amendments of this Act, or any instrument made under it, as appear to the Minister to be appropriate in consequence of the findings resulting from the review.
- (4) In conducting a review the Minister may—
- (a) consult with: 10
    - (i) the insurance industry or its representatives;
    - (ii) members of the judiciary;
    - (iii) representatives of the Personal Injuries Assessment Board;
    - (iv) representatives from business groups;
    - (v) representatives from consumer organisations; 15
    - (vi) representatives from victim support organisations;
    - (vii) representatives of the Law Society of Ireland; and
    - (viii) representatives of the Bar Council of Ireland;
  - (b) take into account any relevant report of a committee appointed by either House of the Oireachtas or jointly by both Houses, and 20
  - (c) consult with such other persons as the Minister considers appropriate.

### **Short title and commencement**

8. (1) This Act may be cited as the Civil Liability (Capping of General Damages) Act 2019.
- (2) This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 25

An Bille um Dhliteanas Sibhialta (Damáistí  
Ginearálta a Uasteorannú), 2019

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú maidir le huasteorainn a fhorchur ar leibhéal na ndámhachtainí a dhéanfar i leith éileamh ar dhamáistí ginearálta a eascróidh as díobháil phearsanta; do dhéanamh socrú maidir le gach Teach den Oireachtas do dhaingniú dréacht-rialachán; do dhéanamh socrú maidir le hathbhreithniú ar an Acht seo; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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*Na Seanadóirí Anthony Lawlor, Neale Richmond, Tim Lombard, Seán Ó Mathúna, Máire Hoibcín, Raymond de Buitléir, Gabrielle Ní Pháidín, Padraic Dé Búrca, Séamus Ó Raghallaigh, Diarmuid Ó Buitiméir, Maire Ní Bhroinn, Martin Conway, Seosamh Ó Raghallaigh, Pól Cochlain, Michelle Ní Mhaoilchiaráin, Frank Feighan, Pádraig Ó Cobhthaigh agus Ciarán Ó Domhnaill a thug isteach,*

*6 Márta, 2019*

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Civil Liability (Capping of General  
Damages) Bill 2019

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# BILL

*(as initiated)*

*entitled*

An Act to provide for the imposition of a cap on the level of awards which may be made in respect of a claim for general damages arising from personal injury; to provide for the confirmation by each House of the Oireachtas of draft regulations; to provide for a review of this Act; and to provide for related matters.

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*Introduced by Senators Anthony Lawlor, Neale Richmond, Tim Lombard, John O'Mahony, Maura Hopkins, Ray Butler, Gabrielle McFadden, Paddy Burke, James Reilly, Jerry Buttimer, Maria Byrne, Martin Conway, Joe O'Reilly, Paul Coghlan, Michelle Mulherin, Frank Feighan, Paudie Coffey and Kieran O'Donnell,*

*6th March, 2019*

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