An Bille um Chomhairle na mBreithiúna (Leasú), 2021
Judicial Council (Amendment) Bill 2021

Meabhrán Míniúcháin
Explanatory Memorandum

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EXPLANATORY MEMORANDUM

Introduction

The purpose of this Bill is to make provision for the reporting of the effects of the Personal Injuries Guidelines, as adopted and given effect under the Judicial Council Act, on the cost of insurance, by requiring insurance providers to provide information to the Central Bank of Ireland about the effect of the personal injuries guidelines on individuals who hold policies of insurance with insurance providers, and for reports of that information to be presented to the Minister for Finance and brought before both Houses of the Oireachtas.

Section 1

Interpretation

This section defines the Principal Act as the Judicial Council Act 2019.

Section 2

Amendment of Principal Act

Section 2 provides for a report on the effects of the personal injuries guidelines on the cost of insurance, requiring insurance providers to provide information to the Central Bank of Ireland for specified report years, with the Central Bank presenting reports to the Minister for Finance for each report year with each to be brought before both Houses of the Oireachtas on an annual basis.

Subsection (1) allows the Minister for Finance to make regulations that shall require insurance providers to provide information to the Central Bank of Ireland about the effect of personal injuries guidelines on the cost of insurance.

Subsection (2) provides that the Regulations may provide that an insurance provider is only required to provide the specified information if it has issued third party personal injury policies on or after the adoption of the personal injuries guidelines.

Subsection (3) provides that the Regulations may specify the information to be provided, how and when it is provided, and require that the information is audited by a qualified auditor, with the details of the auditor provided to the Central Bank.

Subsection (4) provides that the Regulations may specify the particulars of the information to be provided by an insurance provider to the Central Bank in each of the report years, including the amount paid by the insurance provider in third party personal injury claims and how much

could reasonably have been expected to be made had the personal injuries guidelines not come into operation, the average premiums charged and what could reasonably have been expected to be charged had the personal injuries guidelines not come into operation, and if any reduction in the cost of claims has been used to confer benefits in any way other than through reduced premiums.

Subsection (5) provides that the Regulations may make provision about the methods used in determining the amounts described in subsection (4).

Subsection (6) provides that the report years for which information will be provided by insurance providers to the Central Bank will be each year starting from the year in which the personal injuries guidelines came into operation.

Subsection (6) provides that the Central Bank shall present a report to the Minister for Finance not less than once a year relating to the information collected under subsection (4), with the Minister bringing a copy of each report before both Houses of the Oireachtas as soon as is possible.

Section 3

Short Title and Commencement

Section 3 notes the short title of the Act and provides for its commencement no later than 90 days after the date of its passing.

Pearse Doherty T.D.,

Aibreán, 2021.

Wt. —. 145. 5/21. Essentra. (87967). Gr. 30-15.