



An Bille fán mBord um Réiteach Díobhálacha Pearsanta, 2022
Personal Injuries Resolution Board Bill 2022

Mar a ritheadh ag Dáil Éireann

As passed by Dáil Éireann



AN BILLE FÁN mBORD UM RÉITEACH DÍOBHÁLACHA PEARSANTA, 2022
PERSONAL INJURIES RESOLUTION BOARD BILL 2022

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ACTS REFERRED TO

Civil Service Regulation Acts 1956 to 2005

Freedom of Information Act 2014 (No. 30)

Judicial Council Act 2019 (No. 33)

Legal Services Regulation Act 2015 (No. 65)

Personal Injuries Assessment Board Act 2003 (No. 46)

Personal Injuries Assessment Board Acts 2003 to 2019

Public Service Management (Recruitment and Appointments) Act 2004 (No. 33)

Social Welfare Consolidation Act 2005 (No. 26)



AN BILLE FÁN mBORD UM RÉITEACH DÍOBHÁLACHA PEARSANTA, 2022
PERSONAL INJURIES RESOLUTION BOARD BILL 2022

Bill

entitled

An Act to amend and extend the Personal Injuries Assessment Board Act 2003; to provide for the change of the name of the Personal Injuries Assessment Board to, in the Irish language, *An Bord um Réiteach Díobhálacha Pearsanta* and, in the English language, the Personal Injuries Resolution Board; to provide that the Board may make provision for a mediation process in respect of relevant claims; to provide that the Board may appoint mediators and may make rules in relation to the mediation process; to amend the procedures in relation to the assessment of claims where a long term prognosis is awaited, in relation to the imposition and charging of fees and in relation to costs in proceedings where an assessment has not been accepted by the claimant; to amend the functions of the Board; to provide for an offence of providing false or misleading information in certain circumstances; to amend the Freedom of Information Act 2014; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

“Minister” means the Minister for Enterprise, Trade and Employment; 20

“Principal Act” means the Personal Injuries Assessment Board Act 2003.

Change of name of Board

2. (1) The Personal Injuries Assessment Board, shall on and from such day as the Minister appoints by order be known, in the Irish language, as *An Bord um Réiteach Díobhálacha Pearsanta* and, in the English language, as the Personal Injuries Resolution Board. 25

(2) References in any enactment, statutory instrument or legal proceedings or any other document to the Personal Injuries Assessment Board shall, on and from such date as the Minister appoints under *subsection (1)* be read as references, in the Irish language, to *An Bord um Réiteach Díobhálacha Pearsanta* or, in the English language, to the Personal Injuries Resolution Board. 30

Amendment of section 11 of Principal Act

3. Section 11 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (1):

“(1) A claimant—

(a) shall make an application under this section to the Board for an assessment to be made under section 20 of his or her relevant claim, and 5

(b) may apply for resolution of his or her relevant claim by way of mediation under Chapter 1A.”,

(b) in subsection (3), by the insertion of the following paragraph after paragraph (b): 10

“(ba) copies of any documentation concerning the identity of the claimant where such claimant does not have a personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005),”,

and 15

(c) by the insertion of the following subsection after subsection (3):

“(3A) Notwithstanding subsection (2) and any rules under section 46, an application under this section made on or after the commencement of section 3(c) of the *Personal Injuries Resolution Board Act 2022* shall not be an application for the purposes of section 50, unless it is signed by the claimant and includes confirmation of each of the following: 20

(a) the claimant’s name, date of birth, phone number, and the address at which he or she ordinarily resides;

(b) the claimant’s personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005) or, in any case where the claimant does not have a personal public service number, such other documentation concerning his or her identity as may be specified by rules under section 46; 25

(c) the name and address of the person or each of the persons who the claimant alleges in the application is or are liable to him or her in respect of the accident or incident concerned; 30

(d) the date and time on which it is alleged that the accident or incident the subject of the application occurred;

(e) a description of how and where it is alleged that the accident or incident the subject of the application occurred; 35

(f) a description of the personal injuries allegedly sustained by the claimant in the accident or incident the subject of the application;

(g) that the medical report enclosed with the application describes the personal injuries allegedly sustained by the claimant in the accident or incident the subject of the application.”. 40

Amendment of section 13 of Principal Act

4. Section 13 of the Principal Act is amended by the substitution of the following subsection for subsection (2):

- “(2) The notice under subsection (1)(b) is a notice stating that the Board has received an application made under section 11 by the claimant and requesting the respondent to state to the Board in writing, within the period specified in the notice, whether he or she consents to—
- (a) an assessment being made under section 20 of the claimant’s relevant claim,
 - (b) mediation of the relevant claim under Chapter 1A, where the claimant has applied for resolution of his or her relevant claim under that Chapter, or
 - (c) both an assessment referred to in paragraph (a) and mediation referred to in paragraph (b).”.

Amendment of section 14 of Principal Act

5. Section 14 of the Principal Act is amended by the substitution of the following subsection for subsection (1):

- “(1) (a) If a respondent states in writing in response to a notice served under section 13(1)(b) within the period specified in the notice that he or she consents to mediation of the relevant claim under Chapter 1A, then the Board shall, subject to sections 17 and 18, arrange for mediation of that claim under Chapter 1A.
- (b) If a respondent—
- (i) states in writing in response to a notice served under section 13(1)(b) within the period specified in the notice that he or she does not consent to mediation of the relevant claim under Chapter 1A, or
 - (ii) fails to state in writing, in response to the notice, within the period specified in that notice, whether or not he or she consents to mediation under Chapter 1A,
- then paragraph (c) shall apply.
- (c) If a respondent—
- (i) states in writing, in response to a notice served under section 13(1)(b), within the period specified in it, that he or she consents to an assessment being made under section 20 of the claimant’s relevant claim, or
 - (ii) fails to state in writing, in response to that notice, within the period specified in it, whether or not he or she does so consent,
- then the Board shall, subject to sections 17 and 18, arrange for an assessment to be made under section 20 of that claim.”.

Making of statement referred to in section 14(1)(a) or 14(1)(c)(i) or omission to make statement referred to in section 14(1)(c)(ii) not an admission of liability

6. The Principal Act is amended by the substitution of the following section for section 16:

“16. Neither a statement referred to in subsection (1)(a) or (1)(c)(i) of section 14 nor a failure of the kind mentioned in subsection (1)(c)(ii) of that section shall constitute an admission of liability by the respondent concerned or be capable of being used in evidence against him or her in any proceedings or operate in any manner to prejudice any proceedings.”. 5

Amendment of section 17 of Principal Act

7. Section 17 of the Principal Act is amended— 10

(a) in subsection (1)—

(i) in paragraph (a), by the substitution of “section 14(1)(c)(i)” for “section 14(1)(a)”,

(ii) in paragraph (b) by the substitution of “section 14(1)(c)(ii)” for “section 14(1)(b)”, 15

(iii) in paragraph (ii), by the deletion of subparagraph (II), and

(iv) by the deletion of paragraph (iii),

(b) by the insertion of the following subsection after subsection (1):

“(1A) Despite the making by a respondent of a statement referred to in section 14(1)(a), the Board shall not be required to arrange for mediation under Chapter 1A of the relevant claim concerned (or, as appropriate, shall discontinue any such mediation which it has arranged) if any of paragraphs (i) to (ix) of subsection (1) applies in relation to the relevant claim concerned.”. 20

and 25

(c) in subsection (3), by the insertion of “or the carrying out of mediation under Chapter 1A” after “an assessment under section 20”.

Amendment of section 18 of Principal Act

8. Section 18 of the Principal Act is amended, in subsection (3), by the substitution of the following paragraphs for paragraphs (a) and (b): 30

“(a) not arrange for the making of an assessment of, or the carrying out of mediation in relation to, the relevant claim concerned, or

(b) if any step in the making of that assessment or carrying out of that mediation, or consequent on the making of that assessment or carrying out of that mediation, has already been taken, cause no further step to be taken in the making of that assessment or carrying out of that mediation or consequent on its making or carrying out.”. 35

Mediation

9. The Principal Act is amended, in Part 2, by the insertion of the following Chapter after Chapter 1:

“CHAPTER 1A

Mediation 5

Application and definitions

18A. (1) This Chapter applies to—

- (a) a relevant claim in respect of which an application was, before the commencement of this section, made under section 11 where—
 - (i) an authorisation has not issued in respect of the relevant claim 10
concerned, and
 - (ii) neither the claimant nor any of the respondents have—
 - (I) responded to a notice served in accordance with section 30,
nor
 - (II) been deemed to have accepted or not accepted, as the case 15
may be, an assessment in accordance with section 31,
- and
- (b) a relevant claim in respect of which an application was, on or after the commencement of this section, made under section 11.

(2) In this Chapter— 20

‘date of the completion of the mediation’ means—

- (a) the date that the document referred to in section 18C(1)(b) is signed by each of the parties, or
- (b) where the document is signed by the parties on different dates, the last of those dates; 25

‘mediation’ means a confidential, facilitative, and voluntary process in which parties to a relevant claim, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the relevant claim;

‘mediator’ has the meaning assigned to it by section 18B(4). 30

Mediation process

18B. (1) Notwithstanding anything contained in this Part the Board may, where it considers it appropriate—

- (a) invite the parties to consider mediation as a means of attempting to resolve the relevant claim, and 35
- (b) provide the parties with information about the objectives and benefits of mediation in attempting to resolve the relevant claim.

- (2) The objective of mediation, in relation to a relevant claim, is to have the claim resolved by agreement reached by the parties and the Board shall, in order to promote engagement in the mediation process, ensure that the objective is understood by each of the parties.
- (3) Where each of the parties state that he or she consents to the relevant claim being the subject of mediation, the Board shall arrange for the claim to be the subject of mediation under this Chapter. 5
- (4) Mediation of a relevant claim shall be made by—
- (a) such employees of the Board for the time being assigned the performance of functions under this Chapter as the Board may direct, or 10
- (b) such persons as may be appointed under section 18D, each of whom, in this Chapter, shall be referred to as a ‘mediator’.
- (5) A mediator shall—
- (a) inquire fully into each relevant aspect of the relevant claim concerned, 15
- (b) provide to, and receive from, each party such information as is appropriate, and
- (c) generally make such suggestions to each party and take such other actions as he or she considers appropriate, 20
- with a view to achieving the objective referred to in subsection (2).
- (6) Participation in mediation by the parties is voluntary, and a party may—
- (a) withdraw from mediation at any time prior to the date of completion of the mediation, and 25
- (b) be accompanied to the mediation, and assisted by a person (including a legal advisor) who is not a party to the relevant claim.
- (7) The Board may, prior to the date of completion of the mediation, where the mediator has failed to furnish his or her report within the period specified by rules under section 18F and where the Board considers it appropriate to do so, abandon an attempt to resolve a relevant claim by mediation. 30
- (8) Where the Board abandons an attempt to resolve a claim by mediation under subsection (7), section 18C(6) shall apply.
- (9) The Board shall not be required to arrange for mediation of a relevant claim where there are 2 or more respondents as respects the relevant claim and one or more of them— 35
- (a) makes a statement in writing of the kind referred to in section 14(1)
- (b)(i), or

- (b) is a respondent on whose part a failure of the kind referred to in section 14(1)(b)(ii) occurred in relation to the relevant claim.
- (10) Subject to subsection (11), all communications (including oral statements) and all records and notes relating to a mediation including a report under section 18C shall be confidential and shall not be disclosed in relation to an assessment made under section 20 or any proceedings before a court or otherwise. 5
- (11) Subsection (10) shall not apply to a communication or records or notes, or both, where disclosure—
 - (a) is necessary in order to implement or enforce a mediation settlement, 10
 - (b) is necessary to prevent physical or psychological injury to a party,
 - (c) is required by law,
 - (d) is necessary in the interests of preventing or revealing—
 - (i) the commission of a crime (including an attempt to commit a crime), 15
 - (ii) the concealment of a crime, or
 - (iii) a threat to a party,
 - or
 - (e) is sought or offered to prove or disprove a civil claim concerning the negligence or misconduct of the mediator occurring during the mediation or a complaint to a professional body concerning such negligence or misconduct. 20
- (12) Evidence introduced into or used in mediation that is otherwise admissible or subject to discovery in proceedings shall not be or become inadmissible or protected by privilege in such proceedings solely because it was introduced into or used in mediation. 25

Mediation outcome and report

- 18C.** (1) As soon as practicable after the mediation is completed, the mediator shall prepare a report containing the following namely: 30
- (a) a statement of what matters, if any, relating to the dispute are agreed by the parties to be matters of fact;
 - (b) a summary in writing, signed by the parties, of the matter or matters, if any, whether they go in whole or part to resolving the dispute or not, agreed to by the parties; and 35
 - (c) relevant particulars in relation to the conduct of the mediation (including particulars in relation to the number and duration of sessions held by the mediator and the persons who participated in any such session or sessions), and a list of any documents submitted to the mediator (but without disclosing any of their contents). 40

- (2) The mediator shall, after preparing a report under subsection (1), furnish a copy of it to the Board.
- (3) Notwithstanding that, following a mediation, the parties have signed an agreement which resolves the dispute concerned, each of the parties may, not later than 10 days from the date of the completion of the mediation concerned, notify the mediator and the Board in writing that he or she no longer accepts the agreement and does not wish to be bound by it. 5
- (4) Where—
- (a) the report furnished to the Board under subsection (2) states that there is agreement between the parties and that the agreement resolves the relevant claim, 10
- (b) a period of 10 days has elapsed from the date of the completion of the mediation, and
- (c) in that period none of the parties to the agreement has informed the Board that he or she no longer accepts that agreement, 15
- the Board shall proceed to issue an order to pay pursuant to section 38 to include provision for the monetary value, if any, which the respondent has agreed to pay to the claimant.
- (5) Where an order to pay has issued in accordance with subsection (4) the Board shall not issue a document referred to in this Act as an ‘authorisation’. 20
- (6) Where an attempt to resolve a relevant claim by mediation is unsuccessful (including where mediation has been abandoned under section 18B(7)), or if any of the parties responds within the period specified in subsection (3) by stating that he or she does not wish to be bound by the agreement, and— 25
- (a) where the respondent has given consent under section 14(1)(c), and
- (b) an assessment has not already been completed,
- the Board shall refer the relevant claim for assessment under section 20. 30
- (7) Notwithstanding subsection (6)—
- (a) a claimant may withdraw an application in relation to the relevant claim under section 47(1),
- (b) the Board may not arrange for the making of an assessment where the respondent has notified the Board of his or her intention not to accept an assessment under section 17(1)(b)(vii), or 35
- (c) the Board may arrange for the making of an assessment under section 20 where the respondent notifies the Board of his or her consent to an assessment. 40

Appointment of mediators

- 18D.** (1) The Board may from time to time appoint such and so many persons, not being members of staff of the Board, as it considers appropriate to carry out the mediation functions assigned to them by the Board.
- (2) The Board may form a panel comprising the names of the persons who stand appointed under subsection (1). 5
- (3) A person appointed under subsection (1) shall be appointed for such period as the Board may determine and, subject to subsection (4), his or her terms and conditions shall be such as the Board may determine from time to time. 10
- (4) A person appointed under subsection (1) shall be paid such fees and expenses as the Board, with the consent of the Minister and the Minister for Public Expenditure and Reform, may determine from time to time.
- (5) A person appointed under subsection (1) may, by notice in writing addressed to the Board, at any time resign from his or her appointment and his or her resignation shall take effect on the date on which the Board receives the notice, or the date stated in the notice, whichever is the later. 15
- (6) The Board may for stated reasons revoke an appointment under subsection (1). 20
- (7) Neither the Public Service Management (Recruitment and Appointments) Act 2004 nor the Civil Service Regulation Acts 1956 to 2005 shall apply to a person appointed under this section.

Provisions relating to mediators 25

- 18E.** (1) In respect of a matter dealt with by him or her under this Chapter, a mediator shall—
- (a) declare to the parties at the outset of dealing with the matter any potential conflict of interest of which he or she is aware or ought to reasonably be aware, and 30
- (b) maintain the confidentiality of the proceedings concerned and shall not disclose any report prepared by him or her under section 18C otherwise than in accordance with that section.
- (2) Where a declaration referred to in subsection (1)(a) is made to the parties then, unless each of the parties agree to the mediator continuing to deal with the matter, the Board shall appoint another mediator to deal with the matter. 35
- (3) Where a mediator has, in respect of a relevant claim, participated in a mediation he or she shall not—
- (a) be an assessor or a retained expert in respect of the relevant claim, or 40
- (b) otherwise participate in the assessment of the relevant claim.

- (4) Subject to any rules under section 18F, the manner in which a mediation is conducted shall be at the discretion of the mediator concerned but it shall be the duty of that mediator to ensure that the mediation is conducted without undue formality.

Power of the Board to make procedural rules relating to mediation 5

18F. (1) Subject to the provisions of this Chapter, the Board may make rules concerning the procedures to be followed under this Chapter.

- (2) Without prejudice to the generality of subsection (1), rules under this section may—

(a) specify the period within which— 10

(i) a mediator shall be assigned to deal with a relevant claim referred to the Board,

(ii) a mediator shall furnish his or her report under section 18C to the Board,

(b) specify any other time periods that the Board considers appropriate for the purposes of this Chapter, 15

(c) subject to section 18B(10), specify how the confidentiality of the mediation process shall be maintained within the Board,

(d) subject to section 18E(3), specify by which means mediation under this Chapter and an assessment under section 20 shall be independent and separate from each other, 20

(e) specify that the Board may facilitate the mediation process to take place other than in person, including by way of telephone or other electronic means.”.

Amendment of section 19 of Principal Act 25

10. Section 19 of the Principal Act is amended by the substitution of “section 14(1)(c)” for “section 14(1)”.

Amendment of section 22 of Principal Act

11. Section 22 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (1): 30

“(1) The Board, with the consent of the Minister may, and if directed by the Minister to do so shall, make regulations enabling the Board to impose the charges referred to in subsection (2) in respect of the dealing by the Board with an application under section 11 in relation to a relevant claim.”, 35

(b) in subsection (2)—

(i) in paragraph (b), by the substitution of “specified in those regulations,” for “specified in those regulations, and”, and

(ii) by the insertion of the following paragraph after paragraph (b):

“(ba) a charge, additional to that referred to in paragraph (b), on the respondent or, as the case may be, each of the respondents of an amount specified in those regulations for failure to pay within the period provided for by those regulations, and”,

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and

(c) by the insertion of the following subsection after subsection (7):

“(7A) A respondent referred to in section 14(1) shall be liable to the Board for any and all charges incurred by the Board in respect of the respondent in relation to the relevant claim concerned pursuant to regulations made under this section.”.

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Amendment of section 38 of Principal Act

12. Section 38 of the Principal Act is amended—

(a) in subsection (1), by the substitution of “an assessment or an agreement under section 18C(1)(b)” for “an assessment”, and

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(b) in subsection (2)—

(i) in paragraph (a), by the substitution of “the Social Welfare Consolidation Act 2005,” for “the Social Welfare Consolidation Act 2005, and”,

(ii) in paragraph (b)(ii), by the substitution of “those sections, and” for “those sections”, and

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(iii) by the insertion of the following paragraph after paragraph (b):

“(c) to the Board, the amount of any outstanding charges payable to the Board by the respondent in accordance with regulations under section 22.”.

Amendment of section 49 of Principal Act

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13. Section 49 of the Principal Act is amended—

(a) in subsection (3), by the substitution of “section 14(1)(c)(ii)” for “section 14(1)(b)”,

(b) by the insertion of the following subsection after subsection (6):

“(6A) Where a claimant who has consented under subsection (6), subsequently gives notice in writing to the Board of the withdrawal of his or her consent, it shall be the duty of the Board, as soon as may be after the date of the notice, to issue to the claimant a document that contains the statement and operates to have the effect mentioned in subsection (8).”.

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and

(c) by the substitution of the following subsection for subsection (7):

“(7) A document referred to in subsection (6) or (6A) is also referred to in this Act as an ‘authorisation’.”.

Assessment of relevant claims where long term prognosis is awaited

14. The Principal Act is amended by the insertion of the following section after section 49—

- “49A. (1) Without prejudice to section 49, and subject to subsection (5), where it appears to the Board having regard to—
- (a) a report referred to in section 11(3)(c), or
 - (b) a medical examination under section 24(2),
- that a long term prognosis in respect of the personal injury or injuries to which the relevant claim relates is unlikely to be available within the period referred to in section 49(2), the Board shall, by notice in writing served on the claimant and the respondent or respondents before the expiration of that period, inform each of them that it will not be possible or appropriate to make an assessment within that period.
- (2) A notice under subsection (1) shall specify the period, which shall be determined by the Board, within which another medical examination (in this section referred to as a ‘further medical examination’) under section 24(2) shall be undertaken.
 - (3) Where a further medical examination has been completed and a long term prognosis has not been determined, the Board shall serve a notice in writing on the claimant and the respondent or each of the respondents stating that the long term prognosis has not been determined and requesting each of them to confirm in writing whether or not they consent to the Board continuing to deal with the matter.
 - (4) Where the claimant or any of the respondents has not consented to the Board continuing to deal with the matter under subsection (3), it shall be the duty of the Board to issue to the claimant a document that contains the statement and operates to have the effect mentioned in subsection (9).
 - (5) Where the period determined by the Board under subsection (2) is such that the Board determines that it would not be possible or appropriate to make the assessment within 2 years of the expiration of the period referred to in section 49(2), the Board shall by notice in writing served on the claimant and the respondent or respondents—
 - (a) inform each of them that it would not be possible or appropriate (as the case may be) to make an assessment within that period, and
 - (b) request each of them to confirm in writing whether or not they consent to the Board continuing to deal with the matter.
 - (6) Where the claimant or any of the respondents has not consented to the Board continuing to deal with the matter under subsection (5), it shall be the duty of the Board to issue to the claimant a document that

contains the statement and operates to have the effect mentioned in subsection (9).

- (7) Where a claimant or any of the respondents who has consented to the Board continuing to deal with the matter, subsequently gives notice in writing to the Board of the withdrawal of his or her consent, it shall be the duty of the Board, as soon as may be after the date of the notice, to issue to the claimant a document that contains the statement and operates to have the effect mentioned in subsection (9). 5
- (8) A document referred to in subsection (4), (6) or (7) is also referred to in this Act as an ‘authorisation’. 10
- (9) An authorisation under this section shall state that the claimant is authorised to, and operate to authorise the claimant to, bring proceedings in respect of his or her relevant claim.”.

Amendment of section 50 of Principal Act

- 15. Section 50 of the Principal Act is amended— 15
 - (a) in paragraph (a), by the substitution of “36, 49 or 49A” for “36 or 49”, and
 - (b) in paragraph (b), by the substitution of “36, 49 or 49A” for “36 or 49”.

Amendment of section 51A of Principal Act

- 16. (1) Section 51A of the Principal Act is amended—
 - (a) by the substitution of the following subsection for subsection (3): 20
 - “(3) Subject to subsections (6) and (7) and notwithstanding section 169 of the Legal Services Regulation Act 2015, if, as respects a relevant claim to which this section applies, a claimant brings proceedings in accordance with this Act, no award of costs nor any other order providing for payment of costs may be made in favour of the claimant where the amount of damages (if any) awarded on foot of, or accepted in settlement of, those proceedings does not exceed the amount of the assessment referred to in subsection (2).”, 25
 - (b) by the insertion of the following subsection after subsection (3):
 - “(3A) (a) Subject to subsections (6) and (7), if, as respects a relevant claim to which this section applies, a claimant brings proceedings in accordance with this Act a respondent, as the defendant in the relevant proceedings, shall be deemed to have made an offer of tender of payment pursuant to rules of court on the relevant date equal to the amount of the assessment in relation to the relevant claim concerned. 30 35
 - (b) Where the court finds that the defendant was not in a position to pay a sum equal to the amount of the assessment on the relevant date the court may, by special cause shown and mentioned in the order, direct that paragraph (a) shall not apply. 40

- (c) In this subsection—
 - ‘relevant date’ means the date on which—
 - (i) the respondent made a statement in writing, in response to a notice under section 30, that he or she accepted the assessment, or 5
 - (ii) the respondent was deemed, by virtue of section 31, to have accepted the assessment.”,
 - (c) in subsection (4)—
 - (i) by the substitution of “In subsections (3) and (3A)” for “In subsection (3)”, and 10
 - (ii) in paragraph (a), by the substitution of “section 14(1)(c)(ii)” for “section 14(1)(b)”,
 - (d) in subsection (5), by the substitution of “Subsections (3) and (3A) apply” for “Subsection (3) applies”,
 - (e) in subsection (6), by the substitution of “Subsections (3) and (3A) do not apply” for “Subsection (3) does not apply”, and 15
 - (f) in subsection (7), by the substitution of “Subsections (3) and (3A) do not operate” for “Subsection (3) does not operate”.
- (2) The amendments effected by *subsection (1)* shall not affect proceedings—
- (a) in relation to which, before the commencement of this section, the claimant refused an assessment in response to a notice under section 30 of the Principal Act, or 20
 - (b) in relation to which the claimant was deemed, before the commencement of this section by virtue of section 31 of the Principal Act, not to have accepted an assessment. 25

Amendment of section 54 of Principal Act

17. Section 54 of the Principal Act is amended, in subsection (1), by the insertion of the following paragraphs after paragraph (a):

- “(aa) to facilitate the resolution of relevant claims, within the meaning of Part 2, by mediation in accordance with Chapter 1A of that Part, 30
- (ab) to collect and publish on its website information in relation to personal injury claims, including information concerning personal injury awards provided for in the personal injuries guidelines (within the meaning of section 2 of the Judicial Council Act 2019),
- (ac) to conduct, or commission the conduct of, research, studies and analysis on such matters relating to the functions of the Board as the Board considers appropriate, 35
- (ad) to collect and compile information for the purposes referred to in paragraph (ac), in such form and manner as the Board considers

appropriate, and to publish any findings following the research, studies and analysis referred to in that paragraph as the Board considers appropriate,

- (ae) to promote public awareness of, and conduct public information campaigns in relation to, the work of the Board.”

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Amendment of section 54A of Principal Act

18. Section 54A of the Principal Act is amended, in subsection (1), by the substitution of “paragraph (ab), (ac), (ad), (c), (d), or (e)” for “paragraph (c), (d) or (e)”.

Amendment of section 69 of Principal Act

19. Section 69 of the Principal Act is amended, in subsection (2)—

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(a) in paragraph (c), by the substitution of “a member of staff of the Board,” for “a member of staff of the Board, and”, and

(b) by the insertion of the following paragraph after paragraph (c):

“(ca) a person appointed under section 18D, and”.

Amendment of section 73 of Principal Act

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20. Section 73 of the Principal Act is amended by the insertion of the following subsection after subsection (3):

“(3A) Nothing in subsection (1) shall prevent the disclosure of information to any member of the Garda Síochána if that information, in the opinion of the Board, may relate to the commission of an offence.”.

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Board shall provide information requested by Minister

21. The Principal Act is amended by the insertion, after section 73, of the following section:

“73A. (1) Subject to subsection (2) and section 73, the Board shall provide the Minister with such information as he or she may, from time to time, request in relation to the performance by the Board of its functions.

25

(2) The Board shall not be required to provide the Minister with information under subsection (1) if the provision of the information would, in the opinion of the Board, be likely to prejudice the Board in the performance of any of its functions.”.

Offences: false or misleading information

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22. The Principal Act is amended by the insertion of the following section after section 80:

“80A. (1) A person who knowingly, or recklessly, provides the Board with information which is false or misleading in a material particular in connection with an application under section 11 is guilty of an offence.

- (2) A person who knowingly, or recklessly, provides an assessor (within the meaning of section 20) with information which is false or misleading in a material particular in connection with a request under section 23 or 26 is guilty of an offence.”.

Review of amendments effected by this Act

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23. (1) The Minister shall—

(a) not later than 18 months after the commencement of this section, commence a review of the operation of the amendments effected to the Principal Act by this Act, and

(b) not later than 12 months after the commencement of a review under *paragraph (a)*, or on the completion of the review, whichever is the earlier, prepare a report, in writing, of the findings of the review and of the conclusions drawn from those findings and cause copies of the report to be laid before each House of the Oireachtas. 10

(2) In conducting a review under this section, the Minister shall consult with the Board and such other persons as the Minister considers appropriate for the purpose of the review. 15

Amendment of Freedom of Information Act 2014

24. The Freedom of Information Act 2014 is amended, in Part 1 of Schedule 1—

(a) in paragraph (am), by the substitution, in subparagraph (iv) of “any HBFI group entity,” for “any HBFI group entity.”, and 20

(b) by the insertion of the following paragraph after paragraph (am):

“(an) the Personal Injuries Resolution Board, insofar as it relates to records concerning mediation carried out by the Personal Injuries Resolution Board under Chapter 1A of Part 2 of the Personal Injuries Assessment Board Act 2003.”. 25

Short title, commencement and collective citation

25. (1) This Act may be cited as the Personal Injuries Resolution Board Act 2022.

(2) This Act shall come 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— 30

(a) different purposes or different provisions, and

(b) notwithstanding the generality of *paragraph (a)*, the commencement of *section 9*, insofar as that section relates to the insertion of Chapter 1A of the Principal Act, with reference to a different class or classes of civil action to which that Act applies. 35

(3) The Personal Injuries Assessment Board Acts 2003 to 2019 and this Act may be cited together as the Personal Injuries Resolution Board Acts 2003 to 2022.

An Bille fán mBord um Réiteach
Díobhálacha Pearsanta, 2022

BILLE

(mar a ritheadh ag Dáil Éireann)

dá ngairtear

Acht do leasú agus do leathnú an Achta um Bord Measúnaithe Díobhálacha Pearsanta, 2003; do dhéanamh socrú chun ainm an Bhoird Measúnaithe Díobhálacha Pearsanta a athrú go dtí an Bord um Réiteach Díobhálacha Pearsanta, sa Ghaeilge, agus *the Personal Injuries Resolution Board*, sa Bhéarla; do dhéanamh socrú go bhféadfaidh an Bord socrú a dhéanamh maidir le próiseas idirghabhála i leith éilimh iomchuí; do dhéanamh socrú go bhféadfaidh an Bord idirghabhálaithe a cheapadh agus go bhféadfaidh sé rialacha a dhéanamh i ndáil leis an bpróiseas idirghabhála; do leasú na nósanna imeachta i ndáil le measúnacht éileamh i gcás go bhfuiltear ag feitheamh ar phrognóis fhadtéarmach, i ndáil le táillí a fhorchur agus a mhuirearú agus i ndáil le costais in imeachtaí i gcás nach mbeidh an t-éilitheoir tar éis glacadh le measúnacht; do leasú feidhmeanna an Bhoird; do dhéanamh socrú maidir le cion arb éard é faisnéis bhréagach nó mhíthreorach a sholáthar in imthosca áirithe; do leasú an Achta um Shaoráil Faisnéise, 2014; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Ritheadh ag Dáil Éireann,
9 Samhain, 2022

Personal Injuries Resolution Board Bill 2022

BILL

(as passed by Dáil Éireann)

entitled

An Act to amend and extend the Personal Injuries Assessment Board Act 2003; to provide for the change of the name of the Personal Injuries Assessment Board to, in the Irish language, *An Bord um Réiteach Díobhálacha Pearsanta* and, in the English language, the Personal Injuries Resolution Board; to provide that the Board may make provision for a mediation process in respect of relevant claims; to provide that the Board may appoint mediators and may make rules in relation to the mediation process; to amend the procedures in relation to the assessment of claims where a long term prognosis is awaited, in relation to the imposition and charging of fees and in relation to costs in proceedings where an assessment has not been accepted by the claimant; to amend the functions of the Board; to provide for an offence of providing false or misleading information in certain circumstances; to amend the Freedom of Information Act 2014; and to provide for related matters.

Passed by Dáil Éireann,
9th November, 2022

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
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