



Rialtas na hÉireann  
Government of Ireland

# Action Plan for Insurance Reform

Implementation Report

July 2021



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## Foreword by An Tánaiste, Leo Varadkar T.D.



This Government is committed to bringing down the cost and increasing the availability of insurance for motorists, homeowners, businesses, and voluntary groups alike.

Recognising that there is no simple solution to do this, the Action Plan for Insurance Reform which we published in December 2020 set out 66 actions crossing over different policy areas such as justice, finance, and competition. Each important on their own; put together will ensure the change we all want.

I am pleased to report that implementation of the Plan is on track. Of 66 actions 34 have been completed and a further 21 are scheduled to be completed this year. Among the principal actions delivered under this Plan, the Personal Injuries Guidelines have been adopted and commenced. The office to promote competition has been established. Legislation to strengthen the laws on perjury has been passed by the Oireachtas.

The Personal Injuries Guidelines represent a significant milestone in our Plan and are already taking effect. Preliminary data from PIAB indicates the average award has decreased by approximately 50%. 78% of PIAB awards are now €15,000 or less compared to 30% in 2020. The application of the Guidelines by both PIAB and the Courts suggests that where awards by PIAB are rejected a higher proportion of cases will be taken in the lower courts resulting in lower legal costs.

While this progress is welcome, we are committed to doing more to reduce insurance costs. In the coming months we will implement an ambitious programme of legislative reform to strengthen PIAB and the CCPC. We will also enhance the National Claims Information Database and develop measures in relation to fraud and occupier's liability. Ministers and I have met regularly with stakeholders to understand the issues they face and to inform our policy making process. This engagement will continue as we deliver meaningful reform of the insurance sector.

I am confident that the reforms we are undertaking will in the coming months be reflected in reduced premiums. We will continue to work hard to ensure that the actions outlined in this Plan are implemented and make a real difference to lives and livelihoods.

*Leo Varadkar, T.D.*

**Tánaiste and Minister for Enterprise, Trade and Employment**

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## Joint opening remarks by Minister of Finance, Paschal Donohoe T.D. and Minister of State, Seán Fleming T.D.



The reform of the insurance sector continues to be a central objective of this Government. The *Action Plan* represents an ambitious statement of the Government's determination to deliver on this issue and sets out 66 Actions to be delivered across a range of departments, including the Department of Finance. We are pleased to report that the implementation of the Action Plan is well on track and that substantial and meaningful progress has been made on a range of issues. The successful introduction and adoption of the Personal Injuries Guidelines on 24 April 2021 significantly reduces personal injury awards by both the judiciary and the Personal Injuries Assessment Board (PIAB). This provides both certainty and stability to the Irish insurance market. We are confident that these reductions will result in lower insurance costs for customers. We will continue to assess the impact of the new guidelines and ensure that a competitive and sustainable insurance market is fostered that serves the needs of consumers and businesses.

Another accomplishment has been the establishment of the *Office to Promote Competition in the Insurance Market* within the Department of Finance and supported by the Department of Enterprise, Trade and Employment. This Office, chaired by Minister of State Fleming, has engaged in a wide-ranging engagement process with insurance companies, representative bodies and civic groups. To this end, the Office has taken a strategic approach to identifying and then overcoming the obstacles which exist to new market entrants. We will continue to engage with all stakeholders to ensure that these barriers are addressed and hope that later this year potential new entrants can be actively engaged with. Despite the progress made, we recognise and acknowledge that work remains to be done and that some customers still struggle with issues around cost and availability of insurance. To address these, we are committed to maintaining the momentum achieved in the first half of 2021. We will continue to implement this updated Action Plan, increase market transparency, enhance the role of PIAB and secure sustainable competition by deepening the supply of insurance in Ireland. Finally, it is our intention to bring forward legislation in the autumn to help achieve some of these objectives.

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*Paschal Donohoe, T.D.*  
**Minister for Finance**

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*Seán Fleming, T.D.*  
**Minister of State with special responsibility for  
Financial Services, Credit Unions and Insurance**

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## Section 1 – Update on Principal Actions

The Action Plan for Insurance Reform was launched on the December 8, 2020. It set out 66 actions to deliver on commitments made in the Programme for Government to bring down the costs of insurance for consumers and business. This report is the first six-monthly progress report on implementation of the Action Plan. The Action Plan sets out 13 principal actions and progress on these actions is set out below:

- 1. Commence the Consumer Insurance Contracts Act 2019 with most provisions coming into effect from 1 Sept 2020 and remaining ones to come into effect and be overseen from 1 Sept 2021.**

The Act was enacted on 26 December 2019, and the majority of provisions came into force from 1 September 2020, with 22 of the 27 sections now in operation. Sections 8, 9, 12, 14(1) - (5) will come into effect on 1 September 2021. A separate technical legal issue arose regarding the scope of Section 18(4). It is intended that a technical amendment to the Act will address this issue, and that once settled this subsection can then come into effect

- 2. Make relevant legislative amendments to the Judicial Council Act 2019 to have the Personal Injuries Guidelines adopted by 31 July 2021.**

In October 2020, the Government amended the Judicial Council Act 2019, to ensure the Personal Injuries Guidelines would be adopted and published by, at the latest, 31 July 2021, three months earlier than originally required under the Act.

- 3. The Judicial Council to adopt and publish Personal Injuries Guidelines to replace the Book of Quantum.**

The Personal Injuries Guidelines were adopted and published by the Judicial Council on March 6, 2021. The Guidelines set new levels for personal injury compensation awards in Ireland and change the amounts of General Damages to be awarded by the Courts and by the Personal Injuries Assessment Board (PIAB).

- 4. Commence Sections 98 and 99 of the Judicial Council Act 2019.**

Under legislation commenced by the Minister for Justice the Personal Injuries Guidelines came into effect on 24 April 2021.

- 5. Report on the implementation and early impact of the Personal Injury Guidelines and examine relevant policy response.**

The Personal Injury Guidelines represent a shift in the way general damages are awarded and in the level of those damages. Award levels have reduced across nearly all ranges with the level of reduction ranging from 31% to 69% depending on the severity of injury. The Department of Justice is examining how best to measure the impact of the Guidelines.

**6. Enhance and reform the role of the Personal Injuries Assessment Board including through legislative proposals.**

The Minister for Trade Promotion, Digital & Company Regulation has developed legislative proposals to enhance and reform PIAB. The Minister intends to seek Government approval to publish a General Scheme of a Bill to reform PIAB shortly. In addition, the Minister for Justice has published legislation to bring Garda compensation claims within PIAB.

**7. Examine changes to the Occupiers' Liability Act 1995 to strengthen waivers and notices to increase protections for consumers and businesses. Taking account of the Programme for Government commitment, make proposals to Government to implement any changes deemed necessary.**

The Department of Justice has undertaken a review of current legislation in Ireland and other common law jurisdictions as well as an examination of "duty of care" provisions in those jurisdictions. The Minister for Justice reported to Government in April 2021 and final proposals will be brought to Government as part of a General Scheme of a Bill in Q3 2021.

**8. Provide recommendations regarding changes to be made to reduce insurance fraud. This will include examination of penalties for insurance fraud. Implement recommendations including through the introduction of legislation if required.**

The Department of Justice has examined changes to reduce insurance fraud, including penalties for insurance fraud, in consultation with relevant agencies. While concluding that no further legislative penalties are required at this time, measures to improve reporting of insurance fraud cases to An Garda Síochána's Insurance Fraud Coordination Office will be advanced in Q3 & Q4 2021.

**9. Enact and commence the Perjury and Related Offences Bill 2018.**

The Criminal Justice (Perjury and Related Offences) Act 2021 was signed into law in June 2021. The passing and enactment of this legislation is a key element of the Department of Justice's work on insurance reform, addressing in particular the issue of exaggerated claims and fraud with the intention of positively contributing to reducing the cost of insurance. When enacted, the legislation will provide a clear definition of perjury and should enable the offence and related offences to be more easily prosecuted in the courts. It will provide clear direction to the Courts in respect of penalties to be applied. The Bill also consolidates other relevant legislation in the area of perjury and knowingly making false statements in formal legal proceedings.

**10. Examine and provide recommendations regarding changes to ensuring that fraudulent claims are forwarded to the Director of Public Prosecutions. Implement recommendations including through the introduction of legislation where required.**

A review has been undertaken which has concluded that, as the DPP is not an investigative body, it is not the appropriate channel for investigation of alleged insurance fraud. Measures to improve the reporting of cases to An Garda Síochána will increase referrals to the DPP.

**11. Legislate to provide for the reform of competition enforcement including the transposition of the ECN+ Directive which makes national competition authorities more effective enforcers.**

The General Scheme of the Competition (Amendment) Bill 2021 was published on December 22, 2020. The Bill will transpose Directive (EU) 2019/1 ECN+ and includes amendments to existing legislation to strengthen the powers of the Competition and Consumer Protection Commission (CCPC). A public consultation and pre-legislative scrutiny of the Bill has concluded. The legislation will provide new powers including administrative fines. A drafting exercise is underway by the Department of Enterprise, Trade and Employment, the Attorney General's Office and Parliamentary Counsel. It is expected that the legislation will be introduced and enacted in autumn 2021.

**12. Examine the Central Bank's Review of Differential Pricing in the Motor and Home Insurance Markets and take any appropriate actions as deemed necessary in light of the findings of the Central Bank of Ireland in their final report.**

The Central Bank of Ireland will publish its final report, and consultation paper on proposed reforms, from its Review in July 2021. The Department of Finance has been considering issues relevant to differential pricing over the last number of months, including developments in other jurisdictions. It will examine the findings of the Central Bank of Ireland's final report as a matter of priority, with a view to ensuring that the issue of dual pricing is addressed, including if required, possible legislative action, in the second half of the year.

**13. Establish an Office within Government to encourage greater insurance market competition.**

In December 2020, Government established an Office to encourage greater competition in the Irish insurance market. Located within the Department of Finance its meetings are chaired by Minister of State Fleming and supported by the Departments of Finance and Enterprise, Trade and Employment. Since establishment, the Office has held meetings with a range of stakeholders. It has met with PIAB on the impact of the Personal Injuries Guidelines and is liaising with the CCPC and Insurance Ireland on consumer awareness and information campaigns. With IDA Ireland, it is examining measures to promote investment opportunities in the Irish insurance market, which is key for increasing competition. It is also working with the Central Bank of Ireland in examining the introduction of a databank for new insurance market entrants.

## Section 2 – Delivering Reform- Programme for Government Commitments

The following table lists the Programme for Government (PFG) commitments relating to insurance reform and reports on the status of actions set out in the Action Plan for Insurance Reform at end June 2021.

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<b>Establish a 'whole-of-Government' approach to oversee the implementation of the insurance reform agenda.</b>	1. Establish a Sub-Group of the Cabinet Committee on Economic Recovery and Investment.	Department of An Taoiseach	Done	<b>Completed.</b> Established in September 2020. The Sub-Group has met 4 times since establishment.
	2. Sub-Group of the Cabinet Committee on Economic Recovery and Investment to agree and publish an Action Plan.	Departments of An Taoiseach; Finance; Enterprise, Trade and Employment; Justice	December 2020	<b>Completed.</b> Action Plan on Insurance Reform published 8 December 2020.
	3. Sub-Group of the Cabinet Committee on Economic Recovery and Investment to make a report to Government on progress by end of 2020.	Department of Enterprise, Trade & Employment	December 2020	<b>Completed.</b> The Sub-Group has updated Government on progress on a regular basis.
	4. Sub-Group of the Cabinet Committee on Economic Recovery and Investment to meet regularly, engage with stakeholders and publish progress of actions every six months.	Departments of An Taoiseach; Finance; Enterprise, Trade and Employment; Justice	Ongoing	<b>Ongoing.</b> Regular engagement by Ministers with stakeholders. 1st six-monthly progress report published July 2021.

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<p><b>Work to protect customers during and after the COVID-19 crisis, with particular emphasis on business disruption insurance, travel insurance and rebates for motor insurance customers.</b></p>	<p><b>5.</b> Commence Consumer Insurance Contracts Act 2019 with most provisions coming into effect from 1 Sept 2020 and remaining ones to come into effect and be overseen from 1 Sept 2021.</p> <p><b>6.</b> Publish Oireachtas Post-Enactment Scrutiny Report in relation to the Consumer Insurance Contracts Act 2019.</p> <p><b>7.</b> Engage with industry and consumer stakeholders to ensure issues arising from implementation of the Act are examined.</p>	<p>Department of Finance</p> <p>Department of Finance</p> <p>Department of Finance / Central Bank of Ireland</p>	<p>Done</p> <p>December 2020</p> <p>Ongoing</p>	<p><b>Completed.</b> The Consumer Insurance Contracts Act 2019 consolidates and reforms law on insurance contracts for individual consumers and SMEs and was commenced in September 2020.</p> <p><b>Completed.</b> Post enactment report published 17 December 2020.</p> <p><b>Ongoing.</b> The Department of Finance continues to monitor developments in this area and to engage with stakeholders. In addition, the Central Bank will make technical amendments to S.I. 74/2007 - Non-Life Insurance (Provision of Information) (Renewal of Policy of Insurance) Regulations 2007. This will remove the requirement to provide the previous years' premium from motor insurance renewals as it conflicts with Section 12 of the Consumer Insurance Contracts Act (requires 5 years previous premiums to be included).</p>
<p><b>Support the Central Bank's direction on compensating businesses with disruption cover for infectious diseases.</b></p>	<p><b>8.</b> Continue to engage with the insurance industry in relation to how it responds to the needs of its customers during the pandemic, particularly with regard to the handling of business interruption claims and forbearance measures to consumers.</p>	<p>Department of Finance / Central Bank of Ireland</p>	<p>Ongoing</p>	<p><b>Ongoing.</b> Regarding these specific actions, the Department of Finance is continuing to engage with Insurance Ireland, individual firms, and the Central Bank of Ireland. The Minister of State has met with insurers on the needs of their customers during and after the pandemic. He has recently written to Insurance Ireland and met with them in relation to</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p><b>9.</b> Support the Central Bank's COVID-19 and Business Interruption Insurance Supervisory Framework.</p> <p><b>10.</b> Monitor developments, including relevant legal cases, and respond accordingly.</p>		<p>Ongoing</p> <p>Ongoing</p>	<p>deductions of State supports from business interruption claims settlements that some insurers are making and will consider potential legislative measures to address this issue in the future.</p>
<p><b>Recognising the work of the Personal Injuries Guidelines Committee, under the Judicial Council, in providing guidance on personal injury claims.</b></p>	<p><b>11.</b> Make relevant legislative amendments to the Judicial Council Act 2019 to have the Personal Injuries Guidelines adopted by 31 July 2021.</p> <p><b>12.</b> Report to the Cabinet Committee Sub-Group on the progress made on preparing the new Personal Injuries Guidelines by the Judicial Council.</p> <p><b>13.</b> The Judicial Council to adopt and publish Personal Injuries Guidelines to replace the Book of Quantum.</p> <p><b>14.</b> Commence Sections 98 and 99 of the Judicial Council Act 2019. These provide that: (a) PIAB will no longer be responsible for preparing a Book of Quantum, and (b) the court shall, in assessing</p>	<p>Department of Justice</p> <p>Department of Justice</p> <p>Judicial Council</p> <p>Department of Justice</p>	<p>Done</p> <p>November-December 2020</p> <p>July 2021</p> <p>July 2021</p>	<p><b>Completed.</b> In October 2020, the Government amended the Judicial Council Act 2019, to ensure the Personal Injuries Guidelines would be adopted and published by, at the latest, 31 July 2021, three months earlier than originally required under the Act.</p> <p><b>Completed.</b> On 9 March 2021, Government approved amendments to the Judicial Council Act 2019 and the Personal Injuries Assessment Board Act 2003 to bring the Guidelines into effect.</p> <p><b>Completed.</b> Personal Injury Guidelines were adopted by the Judicial Council on 6 March 2021.</p> <p><b>Completed.</b> Under legislation commenced by the Minister for Justice the Personal Injuries Guidelines came into effect on 24 April 2021.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p>damages in a personal injuries action, have regard to the Personal Injuries Guidelines.</p> <p><b>15.</b> Report on the implementation and early impact of the Personal Injury Guidelines and examine relevant policy response.</p>	Department of Justice	December 2021	<b>Ongoing:</b> The Department of Justice is collaborating with the Department of Enterprise, Trade and Employment, PIAB and the Courts Service to develop a mechanism for reporting on progress and gathering necessary data to do so.
<p><b>Enhancing and reforming the role of the Personal Injuries Assessment Board.</b></p>	<p><b>16.</b> Report on future role of the Personal Injuries Assessment Board (PIAB).</p> <p><b>17.</b> Develop proposals for reform and enhancement of the PIAB.</p> <p><b>18.</b> Commence Public Consultation.</p> <p><b>19.</b> Enhanced role in place and legislative proposals.</p>	Department of Enterprise, Trade and Employment / PIAB	<p>Done</p> <p>December 2020</p> <p>March 2021</p> <p>June 2021</p>	<p><b>Completed.</b> PIAB submitted report to the Department of Enterprise, Trade and Employment on 4 September 2020.</p> <p><b>Completed.</b> Proposals on PIAB reform submitted to Minister Troy on 23 December 2020.</p> <p><b>Completed.</b> Minister Troy launched a public consultation on PIAB reform on 22 March 2021. The Department has considered the 240 responses received and drafted a Report on same.</p> <p><b>Completed.</b> Legislative amendments to the PIAB Acts 2003-2019 and the Judicial Council Act 2019 have been enacted to provide for PIAB assessments under the Personal Injury Guidelines. Legislative proposals to enhance and reform PIAB have been submitted to Minister Troy. The</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
				Minister intends to publish a General Scheme of Bill to reform PIAB in July 2021.
<b>Regulating claims management companies and claims harvesters.</b>	<b>20.</b> Set out proposed methods to regulate claims harvesters / claims management companies.	Department of Finance / Department of Justice	June 2021	<b>Completed.</b> The Sub-group notes that claims management companies are already regulated by the Central Bank of Ireland for certain activities. A scoping exercise has been undertaken with regard to the regulation of claims harvesters in Ireland and other jurisdictions. On the basis of this exercise, it is considered that further legislative measures are not required.
<b>Regulating claims management companies and claims harvesters.</b>	<b>21.</b> Introduce legislation if required.	Department of Finance / Department of Justice	January 2022	<b>Completed.</b> Further legislation is not required with regard to creating a regulatory regime for claims harvesters.
<b>Considering changes to the Occupiers' Liability Act and the Civil Liability Act (duty of care) to strengthen waivers and notices to increase protections for consumers, businesses, sporting clubs and community groups.</b>	<b>22.</b> Examine changes to the Occupiers' Liability Act 1995 to strengthen waivers and notices to increase protections for consumers; businesses.	Department of Justice	December 2020	<b>Completed.</b> Review undertaken of current legislation in Ireland and other common law jurisdictions as well as an examination of "duty of care" provisions in those jurisdictions.
	<b>23.</b> Indicate Preferred Policy Proposals to Government.		February 2021	<b>Completed.</b> Minister for Justice reported to Government 27 April 2021.
	<b>24.</b> Taking account of the PFG commitment, make proposals to Government to implement any changes deemed necessary.		June 2021	<b>Ongoing.</b> The Department of Justice is working on a General Scheme to give effect to the proposals and expects to bring these to Government in September 2021 for approval.

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<b>Strengthening the Solicitors Advertising Regulations 2019.</b>	<p><b>25.</b> Reinforce the existing ban on solicitors advertising 'no win, no fee' cases in the Solicitors Advertising Regulations 2019.</p> <p><b>26.</b> The Legal Services Regulatory Authority (LSRA) to introduce new regulations in this area.</p>	<p>Department of Justice</p> <p>LSRA</p>	<p>Ongoing</p> <p>December 2020</p>	<p><b>Completed.</b> LSRA Regulations came into operation December 2020</p> <p><b>Completed.</b> Advertisements by solicitors and barristers of their legal services are regulated by the LSRA under the Legal Services Regulation Act 2015 (Advertising) Regulations 2020 which came into operation on 18 December 2020.</p>
<b>Considering the need for constitutional amendment to enable the Oireachtas establish guidelines on award levels.</b>	<p><b>27.</b> Law Reform Commission Report on Capping Award Levels published.</p> <p><b>28.</b> Report to Cabinet Committee Sub-Group on matters arising from the Law Reform Commission's report and proposals on how to implement them.</p> <p><i>See also Action 15</i></p>	<p>Department of Justice</p> <p>Department of Justice</p>	<p>Done</p> <p>November / December 2020</p>	<p><b>Completed.</b> The LRC published its Report on Capping Damages in Personal Injuries Actions on 30 September 2020.</p> <p><b>Completed.</b> Minister reported to Sub-Group on matter in March 2021. Progress on this issue is dependent on an assessment of the impact of the introduction of the Personal Injury Guidelines.</p>
<b>Seek to increase coordination and cooperation between An Garda Síochána and the insurance industry. We will seek to expand the Garda</b>	<p><b>29.</b> Further increase coordination and cooperation between An Garda Síochána (AGS) and the insurance industry.</p>	<p>Department of Justice / AGS</p>	<p>Ongoing</p>	<p><b>Ongoing.</b> AGS has put in place reporting mechanisms between GNECB and the Insurance Industry. AGS is revising guidelines for reporting insurance fraud in coordination with the Alliance for Insurance Reform and Insurance Ireland. Updated guidelines are expected to rollout in Q3 2021 when signed off with each of the relevant insurance industry partners.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<p><b>Economic Crime Bureau, which deals with fraud.</b></p>	<p><b>30.</b> Examine the role and requirements of the Garda National Economic Crime Bureau (GNECB). Under new structures, it will train and support Gardaí in every division, to ensure that expertise and skills are disseminated across the State.</p>	<p>AGS</p>	<p>Ongoing</p>	<p><b>Ongoing.</b> Under the Hamilton Review implementation plan, there is a commitment to develop a resourcing plan for the long-term needs of the GNECB. Recruitment to GNECB is continuing with additional staff assigned in Q2 2021 and further assignments planned for Q3 2021. This additional resourcing will allow an ‘Insurance Fraud Coordination Office’ to be established within the GNECB by end July 2021. This office will ensure that all insurance fraud cases received will be reviewed and recorded on the Pulse system. Depending on the nature of the case, they will either be dealt with centrally or referred to the appropriate division for investigation. This review process will allow for more accurate recording of insurance fraud figures.</p> <p>The GNECB has been proactively sharing their guidelines on investigating insurance fraud with all Divisions on the internal AGS portal. GNECB is also providing support to all Garda Divisions.</p>
<p><b>Reviewing and increasing the penalties for fraudulent claims.</b></p>	<p><b>31.</b> Provide recommendations regarding changes to be made to reduce insurance fraud. This will include examination of penalties for insurance fraud.</p>	<p>Department of Justice</p>	<p>June 2021</p>	<p><b>Ongoing.</b> A review has been undertaken examining changes to reduce insurance fraud, including penalties for fraud, in consultation with relevant agencies and recommendations are being finalised. While it has concluded that no further penalties are required at this time, measures to improve reporting of insurance fraud cases to AGS’s</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p><b>32.</b> Implement recommendations including through the introduction of legislation if required.</p>	Department of Justice	December 2021	<p>insurance fraud coordination office will be advanced in Q3 and Q4 2021.</p> <p><b>Planned.</b> Legislative proposal, if required, to be developed by December 2021.</p>
<p><b>Placing perjury on a statutory footing, making the offence easier to prosecute. We will broaden the scope of the Perjury and Related Offences Bill, ensuring that the maximum penalty for indictment should be harmonised with the equivalent maximum penalties for largely similar offences in the Civil Liability and Courts Act 2004.</b></p>	<p><b>33.</b> Publish Committee Stage amendments to the Perjury and Related Offences Bill 2018. Ensure that the maximum penalty for perjury is harmonised with the equivalent maximum penalties for similar offences in the Civil Liability and Courts Act 2004.</p>	Department of Justice	January 2021	<p><b>Completed.</b> The amendments were published and the Committee stage in the Dáil was completed on 11 May 2021. The Bill provides clear penalties to be applied, depending on the nature of the offence in line with the Civil Liability and Courts Act 2004 regarding false evidence and fraudulent claims.</p>
	<p><b>34.</b> Enact and commence the Perjury and Related Offences Bill 2018.</p>	Department of Justice	March 2021	<p><b>Ongoing.</b> The Criminal Justice (Perjury and Related Offences) Act 2021 was signed into law in June 2021. It is intended that the Act will be commenced as soon as possible after enactment.</p>
	<p><b>35.</b> Once enacted, the Department to communicate changes to relevant stakeholders within relevant sectors.</p>	Department of Justice	March 2021	<p><b>Planned.</b> The implications of the legislation will be communicated by the Department after enactment.</p>
<p><b>Ensuring that fraudulent claims are forwarded to the Director of Public Prosecutions (DPP).</b></p>	<p><b>36.</b> Examine and provide recommendations regarding changes to ensuring that fraudulent claims are forwarded to the Director of Public Prosecutions.</p>	Department of Justice	June 2021	<p><b>Ongoing.</b> A review has been undertaken which has concluded that, as the DPP is not an investigative body, it would not be the appropriate channel for investigation of alleged insurance fraud. Measures to improve the reporting</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p>37. Implement recommendations including through the introduction of legislation where required.</p>		December 2021	<p>of cases to An Garda Síochána will increase referrals to the DPP and will be progressed in Q3 and Q4 2021.</p> <p><b>Planned.</b> Legislative proposal, if required, to be developed by end December 2021.</p>
<p><b>Publishing insurance fraud data.</b></p>	<p>38. Examine and provide recommendations regarding changes to ensuring insurance fraud data is published.</p> <p>39. Implement recommendations including through the introduction of legislation where required.</p>	Department of Justice	<p>June 2021</p> <p>December 2021</p>	<p><b>Ongoing.</b> Actions No 29 &amp; 30 address measures which will improve the accurate recording of insurance fraud figures. When the insurance fraud coordination office is established, further engagement will be required with relevant agencies on statistics available, to identify possible additional requirements to facilitate regular publication of insurance fraud data.</p>
<p><b>Exploring the feasibility of obliging fraudulent claimants to pay the legal expenses for defendants.</b></p>	<p>40. Examine and report on the feasibility of obliging fraudulent claimants to pay the legal expenses for defendants.</p> <p>41. Implement recommendations including through the introduction of legislation where required.</p>	Department of Justice	<p>June 2021</p> <p>December 2021</p>	<p><b>Ongoing.</b> A review has been completed and notes that existing legislation allows Courts to dismiss fraudulent actions. Commencement of S.169 of the Legal Services Regulatory Authority Act in October 2019 placed on a statutory basis the principle that “costs follow the event”. Indicative evidence suggests that Courts are awarding costs against fraudulent claimants. A longer period of time is required to establish the fuller effect of this section and whether the issue requires to be addressed further.</p> <p><b>Planned.</b> Legislative proposals, if required, will be developed by the end of December 2021.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<p><b>Giving the Competition and Consumer Protection Commission more effective enforcement powers to punish and deter anti-competitive conduct.</b></p>	<p><b>42.</b> Provide legislative recommendations in relation to strengthening Competition and Consumer Protection Commission (CCPC) enforcement powers.</p> <p><b>43.</b> Legislate to provide for the reform of competition enforcement including the transposition of the ECN+ Directive. Included in the provisions are a new civil enforcement regime for the CCPC (as well as ComReg) with the power to levy significant administrative sanctions, arrange for statutory immunity and leniency and other measures.</p>	<p>Department of Enterprise, Trade and Employment</p>	<p>December 2020</p> <p>February 2021</p>	<p><b>Completed.</b> The General Scheme of the Competition (Amendment) Bill 2021 was published on 22 December 2020. The Bill will transpose Directive (EU) 2019/1 (ECN+) and includes amendments to existing legislation to strengthen the enforcement powers of the CCPC.</p> <p><b>Ongoing.</b> A public consultation on the Bill and pre-legislative scrutiny of the Bill have concluded and the report of the Committee received in June 2021. The Department is working with the Attorney General's Office and Office of the Parliamentary Counsel on the Bill. Enactment is expected in Autumn 2021.</p>
<p><b>Requesting the industry and stakeholders to give an assessment of the expected impact on premium levels of the key reforms being fully introduced.</b></p>	<p><b>44.</b> Industry and stakeholders requested to give an assessment of the expected impact on premium levels arising from key Action Plan reforms being fully introduced.</p>	<p>Department of Finance</p>	<p>December 2020</p>	<p><b>Completed.</b> Minister of State Fleming wrote to individual insurers and relevant stakeholders to request this assessment, which is being followed up on by a series of meetings to discuss same.</p>
<p><b>Expanding, with urgency, the National Claims Information Database to employer liability and</b></p>	<p><b>45.</b> Central Bank of Ireland to expand the scope of the National Claims Information Database (NCID) to allow it to begin gathering data on both Employer and Public Liability insurance.</p>	<p>Department of Finance / Central Bank of Ireland</p>	<p>Done</p>	<p><b>Completed.</b> Data collection commenced in the first half of 2020 and first NCID Employer and Public Liability Report to be published in July 2021.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<p><b>public liability to track the level of claims.</b></p>	<p><b>46.</b> Central Bank of Ireland to publish the second Private Motor Report by the NCID, and where necessary the Department of Finance to make recommendations to the Cabinet Committee Sub-Group on foot of key findings.</p>	<p>Department of Finance / Central Bank of Ireland</p>	<p>Done</p>	<p><b>Completed.</b> The Central Bank of Ireland published the second annual Private Motor Insurance Report of the National Claims Information Database (NCID) on 3 November 2020.</p>
	<p><b>47.</b> Publish the first Report by the NCID on Employer and Public Liability Insurance Claims.</p>	<p>Central Bank of Ireland</p>	<p>June 2021</p>	<p><b>Completed.</b> The Central Bank of Ireland will publish the first annual Employer and Public Liability Insurance Report of the NCID on 14 July 2021.</p>
	<p><b>48.</b> Central Bank of Ireland to engage with relevant stakeholders on reviewing the NCID with a view to developing the NCID going forward.</p>	<p>Central Bank of Ireland (Departments of Finance, Enterprise, Trade and Employment PIAB, State Claims Agency, CSO)</p>	<p>Ongoing</p>	<p><b>Ongoing.</b> There is ongoing engagement between the Department of Finance and the Central Bank of Ireland through the NCID Data Sub-Group, including examining possible enhanced transparency measures arising from the publication of the Personal Injuries Guidelines. Furthermore, the feasibility of more frequent data (than annually) by the National Information Claims Database is also being considered.</p>
	<p><b>49.</b> Central Bank of Ireland to publish the third Private Motor Report of the NCID.</p>	<p>Central Bank of Ireland</p>	<p>October 2021</p>	<p><b>Planned.</b> The Central Bank of Ireland is expected to publish the third Private Motor Report of the NCID in October 2021.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<b>Establishing a databank within the Central Bank for new entrants.</b>	<b>50.</b> Explore and develop options on establishing an insurance databank for new entrants within the Central Bank of Ireland, including what information it should hold.	Department of Finance / Central Bank of Ireland	June 2021	<b>Completed.</b> The Department of Finance with the Central Bank of Ireland has developed a proposal outlining options for an insurance databank.
	<b>51.</b> Determine next steps on establishing such a databank based on the options analysed.	Department of Finance / Central Bank of Ireland	December 2021	<b>Ongoing.</b> Discussions are ongoing between the Department of Finance and the Central Bank of Ireland with regard to implementing the proposed option.
	<b>52.</b> Taking account of the NCID reports and stakeholder's consultations, highlight the costs that insurers incur, including claims costs, brokers fees/commissions, reinsurance costs, MIBI costs, legal costs and other costs, etc., and other factors that are currently influencing the cost of motor and public liability insurance premiums.	Department of Finance (Central Bank of Ireland, PIAB, State Claims Agency)	December 2021	<b>Planned.</b> Engagement on this issue will begin following the publication of this year's NCID reports.
<b>Prioritising the establishment of a fully functioning European-wide single insurance market.</b>	<b>53.</b> Support the establishment of a fully functioning European-wide single insurance market by actively participating in the review of the Solvency II Directive.	Department of Finance / Central Bank of Ireland	Ongoing	<b>Ongoing.</b> The Department of Finance and Central Bank of Ireland are actively engaging with the European Commission, EIOPA, other Member States, and other stakeholders, mainly through the Permanent Representation of Ireland to the EU, on the ongoing Solvency II Review. It is expected that the European Commission will publish legislative proposals in September, and the Department of

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
				<p>Finance will represent Ireland’s interests constructively at EU level.</p> <p>The Department of Finance will also work with the Department of Transport to ensure timely transposition of the Motor Insurance Directive, once it is agreed by the European Parliament and Council.</p>
<p><b>Working to remove dual pricing from the market.</b></p>	<p><b>54.</b> Review of Differential Pricing in the Motor and Home Insurance Markets – Central Bank of Ireland to complete its first phase of the review.</p> <p><b>55.</b> Central Bank of Ireland to complete its Review of Differential Pricing in the Motor and Home Insurance Markets and publish final report.</p> <p><b>56.</b> Examine the Central Bank’s Review of Differential Pricing in the Motor and Home Insurance Markets and take any appropriate actions as deemed necessary in light of the findings of the Central Bank of Ireland in their final report.</p>	<p>Central Bank of Ireland</p> <p>Central Bank of Ireland</p> <p>Department of Finance</p>	<p>Done</p> <p>September 2021</p> <p>December 2021</p>	<p><b>Completed.</b> Central Bank of Ireland published the first phase of its research on 9 September 2020 and its interim report on Differential Pricing in the Motor and Home Insurance Markets on 14 December 2020.</p> <p><b>Ongoing.</b> The Central Bank of Ireland is scheduled to publish its final report including a consultation on proposed measures for reform in July 2021.</p> <p><b>Planned.</b> The Department of Finance has been actively examining this issue and once the anticipated Central Bank of Ireland final report has been published the Department will examine the findings alongside other relevant data, with a view to progressing proposals as a priority. If appropriate, publish legislative proposals and introduce in the Oireachtas before end 2021.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<p><b>Creating an office within Government tasked with encouraging greater competition in the Irish insurance market.</b></p>	<p><b>57.</b> Make proposals to the Cabinet Committee Sub-Group in relation to creating an office within Government tasked with encouraging competition in the Irish insurance market, on the basis of a joint-Department of Finance/Department of Enterprise, Trade and Employment paper.</p>	<p>Department of Finance; Department of Enterprise, Trade and Employment</p>	<p>Done</p>	<p><b>Completed.</b> Proposals made to the Cabinet Committee Sub-Group.</p>
	<p><b>58.</b> Establish Office within Government to encourage greater insurance market competition.</p>	<p>Department of Finance</p>	<p>December 2020</p>	<p><b>Completed.</b> The Office to Promote Competition in the Insurance Market was established in December 2020 under the responsibility of the Minister of State at the Department of Finance. As part of its work, the Office to Promote Competition is engaging with relevant Government Departments, agencies and other external stakeholders, in relation to understanding and addressing gaps including professional insurance cover, etc.</p>
	<p><b>59.</b> Competition and Consumer Protection Commission (CCPC) to publish its Market Study on public liability insurance.</p>	<p>CCPC</p>	<p>December 2020</p>	<p><b>Completed.</b> The CCPC published its market study on the public liability insurance market on 23 December 2020.</p>

## Section 3 – Update on actions arising from the Cost of Insurance Working Group

The eleventh and final Cost of Insurance Working Group Progress Update Report was published in October 2020. The status of the remaining actions arising from the work of the Group is set out below.

Steps Necessary for Delivery	Lead Policy Department and Relevant Bodies	Timeline	Status
<b>60.</b> Publish <i>Eleventh and Final Progress Update Report of the Cost of Insurance Working Group</i> .	Department of Finance	Done	<b>Completed.</b> The eleventh and final Cost of Insurance Working Group Progress Update Report was published in October 2020
<b>61.</b> Ascertain and set out the measures necessary to implement Pre-Action Protocols for personal injury cases.	Department of Justice	September 2021	<b>Ongoing.</b> Work is ongoing to develop and implement clinical negligence pre-action protocols, which will inform the development of protocols for personal injury cases.
<b>62.</b> Examine the impact of legal and other fees on personal injury awards, using both the National Claims Information Database reports and Office of the Legal Costs Adjudicators data.	Department of Justice	June 2022	<b>Planned.</b> Scoping work will begin on this in 2021.
<b>63.</b> Examine the setting of the discount rate (in personal injury lump sum awards), without prejudice to the outcome of relevant proceedings, review it at regular intervals thereafter.	Department of Justice	June 2021 (ongoing)	<b>Ongoing.</b> Consideration of options for change has been undertaken. Recommendations regarding method of determining discount rate are being finalised.
<b>64.</b> Explore the feasibility of establishing a fully functioning integrated insurance fraud database for industry to detect patterns of fraud.	Department of Justice	June 2021	<b>Ongoing.</b> It is not feasible to establish a fully integrated insurance fraud database as proposed. Data protection concerns raised with the industry around the proposed expanded insurance link database would

Steps Necessary for Delivery	Lead Policy Department and Relevant Bodies	Timeline	Status
			need to be addressed before such a database could be introduced. A key concern is that the additional benefit that the new criteria may generate from a fraud detection perspective may not be sufficient to justify the impact upon the privacy of those third parties who may be drawn within the scope of the database.
65. Oversee and monitor the implementation of the remaining Personal Injury Commission's recommendations.	Department of Enterprise, Trade and Employment	Ongoing	<b>Completed.</b> See Appendix 1.
66. Monitor developments in relation to updating relevant civil justice legislation and procedures and examine any potential impacts they may have on the insurance reform agenda.	Department of Justice	Ongoing	<b>Ongoing.</b> The Department of Justice continues to engage with other departments and stakeholders regarding the insurance reform agenda, with a view to identifying and assessing issues relating to it.

## Appendix 1 – Update on Personal Injuries Commission recommendations

The establishment of the Personal Injuries Commission (PIC) was a recommendation from the Cost of Insurance Working Group. The following table set out the status of recommendations from the PIC.

PIC Recommendation	Relevant Bodies	Status
<b>65.1</b> Adoption of a standardised approach to examination of, and reporting on, soft tissue injuries.	PIAB and Insurance Ireland	<b>Completed.</b> PIAB have adopted a standardised medical reporting template. Insurance Ireland members have moved to standardise their approach to the completion of medical forms.
<b>65.2</b> Promotion of 'best practice' standardised training at CPD level for medical professionals completing personal injury medical reports.	RCSI and ICGP	<b>Completed.</b> PIAB have engaged with relevant providers on this matter. Providers have undertaken initiatives to progress clinical education regarding assessment of soft tissue issues.
<b>65.3</b> Link future publications of the book of quantum to the newly standardised examination and reporting injury categories of the QTF WAD scale.	PIAB	<b>Completed.</b> This recommendation was superseded by the PIC's Second Report which recommends that a Judicial Council, when established, be requested by the Minister for Justice and Equality to compile judicial guidelines for appropriate general damages for various types of personal injury.
<b>65.4</b> Relevant injury data should be collated and published by appropriate bodies.	PIAB	<b>Completed.</b> PIAB published data in relation to whiplash in 2018 in line with this recommendation. As part of the ongoing work to enhance and reform PIAB, regular reporting on personal injuries will be undertaken by PIAB.
<b>65.5</b> The Judicial Council should, when established compile guidelines for appropriate general damages for various types of personal injury.	Department of Justice	<b>Completed.</b> The Judicial Council was established on 17 December 2019. The Council adopted Personal Injury Guidelines on 6 March 2021.

PIC Recommendation	Relevant Bodies	Status
<b>65.6</b> The Judicial Council Bill 2017, establishing the Judicial Council, be progressed through the Houses of the Oireachtas as a matter of urgency.	Department of Justice	<b>Completed.</b> The Judicial Council was established on 17 December 2019.
<b>65.7</b> The Law Reform Commission (LRC) to be requested to undertake a detailed analysis of the possibility of developing constitutionally sound legislation to delimit or cap damages.	LRC	<b>Completed.</b> The LRC published its Report on Capping Damages in Personal Injuries Actions on 30 September 2020.
<b>65.8</b> The development and roll out, in all relevant locations, of best practice 'standard treatment plans' that focus on recovery, alongside awareness and promotion of best treatment practices.	Department of Health	<b>Completed.</b> The approach outlined by the PIC is the recommended and common practice in Emergency Departments in Ireland. There is ongoing research regarding the most clinical and potentially cost-effective intervention to optimize the quality of ED care and patient experience.
<b>65.9</b> In cases where an insurer deals directly with a claimant, no offer of settlement or payment of a personal injury claim to be made unless and until a detailed medical report has been obtained.	Insurance Ireland	<b>Completed.</b> Insurance Ireland has advised that it is standard practice for insurers to base personal injury claim settlements on medical reports.
<b>65.10</b> Require claimants to give prompt notification of any potential injury so that a proper investigation may be undertaken	Department of Enterprise, Trade and Employment	<b>Completed.</b> The Personal Injuries Assessment Board (Amendment) Act 2019 was commenced with effect from 3 April 2019. The Act strengthens PIAB in terms of operational issues – such as non-attendance at medicals and failure to provide details of special damages or loss of earnings – to ensure greater compliance with the PIAB process and encourage more claims to be settled through the PIAB model.
<b>65.11</b> The establishment of an Irish Garda Fraud Investigation Bureau along the lines of the	An Garda Síochána	<b>Completed.</b> The Garda Commissioner has decided that there be a stronger focus on insurance fraud at divisional level. The intention of the Commissioner is that the GNECB will divisions and provide training and

PIC Recommendation	Relevant Bodies	Status
Insurance Fraud Enforcement Department (IFED) in the UK, without further delay.		support regarding investigations of insurance fraud. As set out in actions 29/30 of this Action Plan, under new structures, it will train and support Gardaí in every division, to ensure that expertise and skills are disseminated across the State.
<b>65.12</b> That insurers step up their anti-fraud capacity through the recruitment of suitably trained personnel and the development of various technological means of combating fraud. Wherever possible, insurers should provide timely information in relation to suspected fraud to An Garda Síochána so that such cases can be investigated by An Garda Síochána and where appropriate be the subject of criminal prosecutions.	Insurance Ireland	<b>Completed.</b> Insurance Ireland advise that they run an annual training seminar, hold regular anti-fraud forums, and meet regularly with GNECB to ensure a coordinate approach to tackling suspected fraud Insurance Ireland also advise that there is continuing work with their members to ensure the timely provision to AGS of information related to suspected insurance fraud
<b>65.13</b> Insurers and other relevant parties to consider adopting the same internationally recognised injury coding system (the world health organisation's ICD-10 system).	Insurance Ireland	<b>Completed.</b> Insurance Ireland advise that data management analysis is a complex area. They report that each insurer manages and classifies and processes their injury claims according to their individual business models. Insurance Ireland considers this is desirable from a competition, market performance, prudential and conduct perspective.
<b>65.14</b> Insurance industry to establish a national medical research study on the prevention and management of soft tissue injuries.	Insurance Ireland	<b>Completed.</b> Insurance Ireland advise that they do not consider that they are the appropriate body to undertake such a study.



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