



Liberty Insurance®

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PIAB Policy and Liaison Unit
Department of Jobs, Enterprise and Innovation
Earlsfort Centre
Lower Hatch Street
Dublin 2

21 July 2014

RE: Public consultation on the operation and implementation of the Personal Injuries Assessment Board Acts, 2003 and 2007.

Dear Ms Power,

I refer to your letter dated 19th June 2014 and thank you for the opportunity to provide our views in relation to the effectiveness of the Injuries Board process.

Liberty Insurance would like to make the following submission to the Minister for Jobs, Enterprise and Innovation in relation to the operation of the Injuries Board. The Company appreciates that other stakeholders may have similar submissions and perhaps a draft of the submissions could be furnished to the writer on conclusion of the consultation process.

1. An objective of the Injuries Board was to speed up the assessment of claims. This has been achieved and the initial improvement has been dramatic. However, an issue that still concerns insurers is the average time lag from application by the claimant to settlement/award in circumstances where the award is rejected. Consideration should be given to an amendment of the legislation to reduce the time that the Injuries Board has to assess the award and to reduce the time when the "clock has been stopped" to prevent unreasonable delays. (The current process can add up to 14 months to a claim) Delays add to the overall length of a case and these add to the damages and costs.
2. Pure psychological injury claims should be brought under the remit of the Injuries Board thereby effecting costs savings to consumers.
3. The Injuries Board should have the capacity to consider liability and, in particular, to make appropriate reductions in awards to reflect the contributory negligence of the claimant due to non wearing of a seat belt.
4. There are concerns that a number of claimants to the Injuries Board do not provide the Injuries Board with the full information at the time of making the application. We would submit that the Board should be empowered to refuse applications as accepted (with the Statute of Limitations continuing to run) until such time as the applicant has furnished all reports prepared by all medical practitioners who has treated the claimant in respect of personal injuries that are subject to the relevant claim, together with all vouchers or other documentary proof in relation to loss or damage in respect of which special damages are being sought in the relevant claim.

Directors: Mark Ennis (UK), Joe H. Hamilton (USA), Cecil Hayes (Ireland), John T Herlihy (Ireland), Helen Keelan (Ireland), James E Kelleher (USA), David H. Long (USA), Patrick J. O'Brien (Ireland), Roberto L. Sañas Romero (Venezuela).

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There are too many instances of claimants lodging an application with a preliminary report at a very early stage when the injury has developed into a far more serious injury than is reflected in the report. An ongoing duty to disclose all relevant medical information should be imposed on the claimant.

5. There are a number of claimants / claimant's solicitors that do not co-operate with the Injuries Board process by either submitting an application without a medical report and / or refusing to attend medical examinations arranged by the Injuries Board. There is a view that these actions are being taken to frustrate the Injuries Board process.

Consideration should be given to not providing these claimants with an authorisation until such time as they co-operate with the process and to not allowing the Statute of Limitations to cease running during the period of non-cooperation.

6. A more specific refined book of quantum along the lines of the Judicial Studies Board Guidelines together with an online calculator should be available to both the claimant and respondent to allow for transparency as to how the Injuries Board award is calculated. In particular the Injuries Board award should delineate between what is being awarded for pain and suffering to date and pain and suffering into the future.
7. In tandem with the aforementioned guidelines actuarial tables to give more certainty to the calculation of special damages should be introduced.
8. Provide a quarterly report setting out the costs and workflows of the Injuries Board to enable the industry to form a view as to the efficiency/effectiveness of the Injuries Board process.
9. Full analysis should be made available to include reporting of all rejected Injury Board award by category - claimant rejections, respondent rejections and awards rejected by both.
10. Implementation of a Quality Audit of Injuries Board claims and / or sharing of the output of the any such Quality Audit.

Liberty Insurance would welcome an opportunity to participate in a Working Group, if any, set up to review the workings of the Injuries Board and / or to provide further input if necessary.

Yours sincerely



Patrick O'Brien
Chief Executive