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30<sup>th</sup> July 2014

**Re: SUBMISSION OF DUBLIN CITY COUNCIL ON OPERATION OF PERSONAL  
INJURIES ASSESSMENT BOARD ACTS 2003 AND 2007**

Dear Sirs,

I refer to the Public Consultation announced by Minister Bruton on the 2<sup>nd</sup> July last in relation to the Personal Injuries Assessment Board Acts 2003 and 2007 and make this submission on behalf of Dublin City Council ("the Council").

Whilst the Injuries Board may consider certain of the issues raised below as suitable to be addressed by it on an operation level, in my view each of the matters raised warrants being addressed by legislative provision.

- 1) Vouching documentation for special damages should be made available to respondents upon request regardless of the value of the vouchers. In general, vouchers are only provided when the combined value exceeds €5,000.
- 2) The Injuries Board accepts the Form A (formal notification from claimants) **when** unaccompanied by a Form B medical report and allows such claimants to submit medical reports at a later date. This essentially extends for the claimant the time limit within which they are authorised to submit their completed notification and defeats the purpose of having defined time limits. Further, a respondent should be entitled to see the Form B report in every case as it assists in determining whether to consent to assessment by the Injuries Board.
- 3) The respondent pays €600 as an application fee together with a separate fee of circa €400 for the independent medical report however frequently said report is not furnished to the respondent on the basis that it contains 'sensitive' information. Such sensitive information can be redacted from the report if necessary before it is furnished to the respondent who has paid for this report. The respondent in any claim under the aforementioned legislation is using the information in the report for the purpose of dealing with the claim and for no other purpose.

In addition, there are occasions when a claimant does not attend for appointment with the independent medical examiner despite the respondent Council having paid for such examination. Such fee should be deducted from any award ultimately made in favour of the claimant.



- 4) The council submits that any respondent in respect of whom an authorisation issues from the Injuries Board, regardless as to when it issues, is entitled to a copy of the Form A and B.
- 5) The legislation does not provide a deterrent to a claimant who refuses to identify to a respondent the locus of the alleged accident. In the absence of this information it is very difficult for a respondent to assess their liability and determine whether to consent to assessment by the Injuries Board. It is unfair that a claimant can by-pass the Injuries Board process in this manner.

The Council agrees with the comments of the Self Insured Task Force that the level of general damages awards in this country are too high.

Yours faithfully,

----- O/K 

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