



Action Plan for Insurance Reform

Implementation Report
February 2024

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Joint Foreword by An Tánaiste, Micheál Martin TD and Minister for Finance, Michael McGrath TD

In 2020, Government set out an ambitious plan to reform our insurance sector in order to create a market that is competitive, sustainable, and above all, that works for consumers. This Fourth Implementation Report of the *Action Plan for Insurance Reform* highlights the scale of that ambition, through the diverse array of market changes and enhancements delivered over the past three years.

Spanning multiple policy areas, these measures have been designed to help tackle the underlying factors driving insurance premiums. Backed by consistent data-driven evidence of the cost associated with personal injury claims, we have targeted reforms to transform the injury claims landscape. The comprehensive Personal Injuries Guidelines, working alongside a strengthened Injuries Resolution Board, will create a system that is more stable for insurers and easier for consumers to navigate, as well as being faster and more cost effective for all.

Other actions have targeted the effects of insurance fraud, perjury, anti-competitive behaviour, and unfair pricing practices. Last year, we delivered a major game changer through rebalancing the duty of care legislation. By bringing a renewed emphasis on personal responsibility, these changes have made our system fairer for SMEs, sports clubs, voluntary organisations and community groups throughout the country.

The cumulative impact of these wide-ranging initiatives represent a step-change in the Irish insurance environment. Reaching this point has been possible through the collaborative efforts of multiple Government departments, working in partnership with groups right across the insurance sector. In the same vein, ensuring the ultimate success of the reforms, by way of enhanced affordability and choice for customers, is dependent upon the continued cooperation of all stakeholders, and an ongoing commitment to defend the reforms on a daily basis.

Through implementing these reforms, in addition to attracting new inward entrants, we are making the Irish market a more attractive one for existing incumbents to expand and broaden their risk appetite. As a small country operating in an international insurance market we must compete with other jurisdictions for capital, against a backdrop of a multitude of growing risks driven by developments such as climate change; cyber security; and geo-political instability.

Therefore, the priority now must be building on this momentum, in order to ensure the maximum benefits of the Government's reform agenda are delivered for all. In this way, we can ensure that our insurance market supports a sustainable and fully-functioning economy, as well as wider society.

Micheál Martin, TD
**Tánaiste and Minister for
Foreign Affairs and Defence**

Michael McGrath, TD
Minister for Finance

Joint opening remarks by Minister of State, Jennifer Carroll MacNeill TD and Minister of State, Dara Calleary TD

The Fourth Implementation Report highlights the government's ongoing commitment to realizing the *Programme for Government's* vision of a robust economy supported by an accessible insurance system, with significant achievements in 2023 including the rebalancing of duty of care and strengthening the Injury Resolution Board.

For businesses, the commencement of legislation to rebalance the duty of care signals a long-awaited change that will now see responsibility shared more evenly between occupiers and individuals. With a fairer framework for assessing claims, cost savings from reduced claims should help to reduce premiums for our SMEs, sports clubs, community and voluntary groups.

The results from these changes are already in evidence. Significantly, the *Office to Promote Competition in the Insurance Market* has reported an increased risk appetite from existing insurers on the back of the reforms, while a number of new firms have entered or announced their intent to enter the Irish market.

Another key reform to tackle insurance costs has been through enhancing and reforming the role of the PIAB. Accordingly, the *Personal Injuries Resolution Board Act 2022*, commenced during 2023, has transformed the PIAB into the Personal Injuries Resolution Board (Injuries Resolution Board) – renamed to reflect the extra important functions that it now undertakes.

Through the introduction of anti-fraud measures and the ability to retain more claims the process is now more robust. In a new development, the Board is now beginning to offer mediation services. These changes will see more cases being dealt with in an expedient and cost-effective manner, which will result in keeping insurance premiums as low as possible.

With these latest achievements complementing existing *Action Plan* initiatives, now is the time to redouble our efforts in order to ensure that the reforms stick. The implementation of the *Action Plan* has considerably changed the risk profile of insurance in Ireland. The benefits of these changes must be delivered to consumers and business through reduction in premiums across all headings. Likewise, the legal sector must work with us to control the costs associated with litigation, in order to prevent legal expenses pushing up prices for everyone.

Collaboration is essential for maximising the Action Plan's potential and achieving meaningful improvements for policyholders, and we are fully dedicated to working with all stakeholders towards that goal.

Jennifer Carroll MacNeill T.D.
**Minister of State with special
responsibility for Financial Services,
Credit Unions and Insurance**

Dara Calleary, T.D.
**Minister of State for Trade Promotion,
Digital and Company Regulation**

Section 1 – Principal Actions

The Action Plan for Insurance Reform was launched on 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 is the fourth progress report on implementation of the Action Plan.

The Action Plan set out 13 principal actions. Following the commencement of legislation to enhance the Personal Injuries Assessment Board (PIAB), and amendments to the *Occupiers' Liability Act 1995* to rebalance the duty of care, all of these principal actions have been delivered.

Progress on these, and other actions completed in 2023, is set out below.

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

The Personal Injuries Resolution Board Act 2022 was signed by the President on 13 December 2022. The policy objective of the Act is to amend the Personal Injuries Assessment Board Act 2003-2019 to facilitate an increase in the number of personal injury claims that may be resolved through the Board's process and without recourse to litigation. Amongst other things, the Act provides for a new function for the Board – mediation. The Act also contains several amendments to enhance the role of the Board regarding promotion of its work; data analysis and reporting functions; and measures to help prevent fraud. The Act provides for a change of name for the Board to become the Personal Injuries Resolution Board to reflect its new duties.

Minister Calleary has commenced the Act over 3 phases during 2023. Mediation has been introduced only in respect of the employer liability category of claims. This is considered to be a prudent approach to the introduction of a new service so that lessons can be learnt from introduction in a limited number of cases.

2. 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.

Minister McEntee received Government approval to reform duty of care legislation in June 2022. The proposed amendments, contain four key developments:

1. They reflect in primary legislation several recent court decisions which rebalance the duty of care owed by occupiers to visitors and recreational users;
2. They change the standard to clarify that when the occupier of a property has acted with reckless disregard for a recreational user or trespasser, the standard of reckless disregard rather than that of reasonable grounds should apply in relation to any consideration of liability;
3. They limit the circumstances in which a court can impose liability on the occupier of a premises where a person has entered onto premises for the purpose of committing an offence; and
4. They allow for a broader range of scenarios where it can be shown that a visitor or recreational user has voluntarily assumed a risk.

These amendments formed part of the Courts and Civil Law (Miscellaneous Provisions) Act 2023 which was enacted on 5 July 2023. The relevant provisions were commenced on 31 July 2023.

3. 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 Competition (Amendment) Act 2022 was signed into law on the 29 June 2022 and commenced on 27 September 2023. The Act provides that breaches of competition law can be enforced through administrative sanctions with maximum fines of up to €10 million or 10% of total worldwide turnover, whichever is the greater. The legislation includes powers for competition authorities (CCPC and ComReg) to avail of administrative / civil sanctions and leniency / immunity measures as well as the imposition of interim measures for breaches of EU competition law.

4. Discount Rate

The discount rate is the rate used by the courts to determine the size of an award necessary to compensate a person for damages in respect of future financial loss, typically in personal injury cases with serious long-term implications for the person concerned. The Minister for Justice has decided to address the issue by establishing an Expert Group to provide advice in respect of an appropriate discount rate. It is understood that the Group will report to the Minister with recommendations within the coming weeks. On receipt of their recommendations, Minister McEntee will consider the setting of the rate under section 24 of the Civil Liability and Courts Act 2004.

5. Actions on Fraud

The Garda National Economic Crime Bureau (GNECB) plays an important role in the fight against insurance fraud. An Insurance Fraud Coordination Office was opened in July 2021 and GNECB is providing training and support to all Garda Divisions in how to investigate insurance fraud. An Garda Síochána has put in place reporting mechanisms between GNECB and the insurance sector (Actions 31-32). An Garda Síochána signed Memorandums of Understanding in association with Insurance Ireland and the Alliance for Insurance Reform on 24 October 2023, which will formalise the existing coordination and cooperation between An Garda Síochána and the insurance industry.

The other principal actions previously completed are set out below. Further information on these is contained within Section 2 of this report.

- 6. Commencement of the Consumer Insurance Contracts Act 2019.**
- 7. Making relevant legislative amendments to the Judicial Council Act 2019 to have the Personal Injuries Guidelines adopted by 31 July 2021.**
- 8. Adoption and publication by the Judicial Council of Personal Injuries Guidelines to replace the Book of Quantum.**
- 9. Commencement of Sections 98 and 99 of the Judicial Council Act 2019.**
- 10. Reporting on the implementation and early impact of the Personal Injury Guidelines and examining relevant policy response.**
- 11. Enactment and commencement of the Perjury and Related Offences Bill 2018.**
- 12. Examining the Central Bank's Review of Differential Pricing in the Motor and Home Insurance Markets and taking any appropriate actions as deemed necessary in light of the findings of the Central Bank of Ireland in their final report.**
- 13. Establishment of an Office within Government to encourage greater insurance market competition.**

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.

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
Establish a ‘whole-of-Government’ approach to oversee the implementation of the insurance reform agenda.	1. Establish a Sub-Group of the Cabinet Committee on Economic Recovery and Investment.	Department of An Taoiseach	Done	Completed. Established in September 2020. The Sub-Group has met 10 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	Completed. 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	Completed. 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	Ongoing. Regular engagement by Ministers with stakeholders. Four progress reports published (July 2021, February 2022, November 2022, February 2024).
Work to protect customers during and after the COVID-19 crisis, with particular emphasis on	5. 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.	Department of Finance	Done	Completed. The Consumer Insurance Contracts Act 2019 consolidates and reforms law on insurance contracts for individual consumers and SMEs. It was commenced in

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<p>business disruption insurance, travel insurance and rebates for motor insurance customers.</p>	<p>6. Publish Oireachtas Post-Enactment Scrutiny Report in relation to the Consumer Insurance Contracts Act 2019.</p> <p>7. 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 / Central Bank of Ireland</p>	<p>December 2020</p> <p>Ongoing</p>	<p>September 2020, with the remaining provisions coming into effect from September 2021.</p> <p>Completed. Post-Enactment Scrutiny Report published on 17 December 2020.</p> <p>Completed. Following stakeholder engagement, to clarify certain issues a number of technical amendments to the Act were included in the Insurance (Miscellaneous Provisions) Act 2022.</p>
<p>Support the Central Bank's direction on compensating businesses with disruption cover for infectious diseases.</p>	<p>8. 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>9. Support the Central Bank's COVID-19 and Business Interruption Insurance Supervisory Framework.</p> <p>10. Monitor developments, including relevant legal cases, and respond accordingly.</p>	<p>Department of Finance / Central Bank of Ireland</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>	<p>Completed. The Department of Finance engaged regularly with relevant stakeholders throughout the pandemic period. It continues to monitor developments in relation to business interruption claims. The Insurance (Miscellaneous Provisions) Act 2022 contains provisions to allow the Central Bank to collect information, through the National Claims Information Database, on any State supports deducted from final claim settlements. In addition, since 1 January 2023, the Act requires insurers to inform policyholders of any deductions of State supports made from insurance claim settlements.</p> <p>Completed. The Department of Finance and the Central Bank of Ireland continue to monitor developments and in line with standard practice do not comment on active legal cases.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<p>Recognising the work of the Personal Injuries Guidelines Committee, under the Judicial Council, in providing guidance on personal injury claims.</p>	<p>11. Make relevant legislative amendments to the Judicial Council Act 2019 to have the Personal Injuries Guidelines adopted by 31 July 2021.</p>	<p>Department of Justice</p>	<p>Done</p>	<p>Completed. 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>12. Report to the Cabinet Committee Sub-Group on the progress made on preparing the new Personal Injuries Guidelines by the Judicial Council.</p>	<p>Department of Justice</p>	<p>November-December 2020</p>	<p>Completed. 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>13. The Judicial Council to adopt and publish Personal Injuries Guidelines to replace the Book of Quantum.</p>	<p>Department of Justice</p>	<p>July 2021</p>	<p>Completed. Personal Injuries Guidelines were adopted by the Judicial Council on 6 March 2021.</p>
	<p>14. 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 damages in a personal injuries action, have regard to the Personal Injuries Guidelines.</p>	<p>Department of Justice</p>	<p>July 2021</p>	<p>Completed. Under legislation commenced by the Minister for Justice the Personal Injuries Guidelines came into effect on 24 April 2021.</p>
	<p>15. Report on the implementation and early impact of the Personal Injury Guidelines and examine relevant policy response.</p>	<p>Department of Justice</p>	<p>December 2021</p>	<p>Completed. Report published in Appendix 1 of the second Implementation Report March 2022</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<p>Enhancing and reforming the role of the Personal Injuries Assessment Board.</p>	<p>16. Report on future role of the Personal Injuries Assessment Board (PIAB).</p>	<p>Department of Enterprise, Trade and Employment / PIAB</p>	<p>Done</p>	<p>Completed. PIAB submitted report to the Department of Enterprise, Trade and Employment on 4 September 2020.</p>
	<p>17. Develop proposals for reform and enhancement of the PIAB.</p>		<p>December 2020</p>	<p>Completed. Proposals on PIAB reform submitted to Minister Troy on 23 December 2020.</p>
	<p>18. Commence Public Consultation.</p>		<p>March 2021</p>	<p>Completed. 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>19. Enhanced role in place and legislative proposals developed.</p>	<p>Department of Enterprise, Trade and Employment / PIAB</p>	<p>June 2021</p>	<p>Completed. The Personal Injuries Resolution Board Act 2022 was signed by the President on 13 December 2022. It has been commenced over 3 phases during 2023.</p> <p>Mediation has been introduced as a service offered by PIAB in relation to employer liability claims. It is proposed that it will be extended to public liability claims and to motor liability claims during 2024. This is considered to be a prudent approach to the introduction of a new service so that lessons can be learnt from introduction in a limited number of cases. PIAB's name has been changed to the Personal Injuries Resolution Board to reflect the introduction of this service.</p>

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				<p>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 Injuries Guidelines.</p> <p>In addition, the Minister for Justice has progressed legislation to bring Garda compensation claims within PIAB.</p>
<p>Regulating claims management companies and claims harvesters.</p> <p>Regulating claims management companies and claims harvesters.</p>	<p>20. Set out proposed methods to regulate claims harvesters / claims management companies.</p> <p>21. Introduce legislation if required.</p>	<p>Department of Finance / Department of Justice</p> <p>Department of Finance / Department of Justice</p>	<p>June 2021</p> <p>January 2022</p>	<p>Completed. The Sub-Group noted that claims management companies are already regulated by the Central Bank of Ireland for certain activities. A scoping exercise was undertaken with regard to the regulation of claims harvesters in Ireland and other jurisdictions. On the basis of that exercise, it is considered that further legislative measures are not required.</p> <p>Completed. Further legislation is not required with regard to creating a regulatory regime for claims harvesters.</p>
<p>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.</p>	<p>22. Examine changes to the Occupiers' Liability Act 1995 to strengthen waivers and notices to increase protections for consumers; businesses.</p> <p>23. Indicate Preferred Policy Proposals to Government.</p> <p>24. Taking account of the PFG commitment, make proposals to Government to implement any changes deemed necessary.</p>	<p>Department of Justice</p>	<p>December 2020</p> <p>February 2021</p> <p>June 2021</p>	<p>Completed. 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.</p> <p>Completed. Minister for Justice reported to Government 27 April 2021.</p> <p>Completed. Amendments to the Occupiers' Liability Act were included as part of the Courts and Civil Law (Miscellaneous</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
				Provisions) Act 2023 which was enacted on 5 July 2023. The relevant provisions were commenced on 31 July 2023.
Strengthening the Solicitors Advertising Regulations 2019.	<p>25. Reinforce the existing ban on solicitors advertising 'no win, no fee' cases in the Solicitors Advertising Regulations 2019.</p> <p>26. 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>Completed. LSRA Regulations came into operation December 2020.</p> <p>Completed. 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>
Considering the need for constitutional amendment to enable the Oireachtas establish guidelines on award levels.	<p>27. Law Reform Commission Report on Capping Award Levels published.</p> <p>28. 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>Completed. The LRC published its Report on Capping Damages in Personal Injuries Actions on 30 September 2020.</p> <p>Completed. 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 Injuries Guidelines.</p>
Seek to increase coordination and cooperation between An Garda Síochána and the insurance industry. We will seek to expand the Garda	29. Further increase coordination and cooperation between An Garda Síochána (AGS) and the insurance industry.	Department of Justice / AGS	Ongoing	Completed. AGS has put in place reporting mechanisms between GNECB and the Insurance Industry. AGS signed Memoranda of Understanding in association with Insurance Ireland and the Alliance for Insurance Reform on 24 October 2023.

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Economic Crime Bureau, which deals with fraud.	30. 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.	AGS	Ongoing	Completed. In respect of insurance, the significant increased resourcing provided to GNECB in 2021 of approximately one third, up from 95 at the end of 2020 to a total now of 127 at the end of 2021, allowed for the Insurance Fraud Coordination Office to be opened in July. This will bring consistency to the handling and investigation of insurance fraud referrals and improve on subsequent referrals to the DPP for prosecution. The GNECB is also providing training and support to all Garda Divisions in how to investigate fraud.
Reviewing and increasing the penalties for fraudulent claims.	31. Provide recommendations regarding changes to be made to reduce insurance fraud. This will include examination of penalties for insurance fraud.	Department of Justice	June 2021	Completed. The Department of Justice has examined changes to reduce insurance fraud (Actions 31-32), including penalties for insurance fraud, in consultation with relevant agencies. While concluding that no further legislative penalties are required at this time, it is anticipated that the measures referred to under Action items 29 & 30 will improve reporting of insurance fraud cases to An Garda Síochána's Insurance Fraud Coordination Office. The enactment and commencement of the Perjury and Related Offences Act 2021 has increased the range of options for investigation, prosecution and penalties on conviction which can be considered of those making False and misleading claims. Current penalties available under both the Civil Liability and Courts Act 2004 Act and the Perjury and Related Offences Act 2021 are sufficient and that greater penalties in the area of insurance fraud in respect of false or

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p>32. Implement recommendations including through the introduction of legislation if required.</p>	Department of Justice	December 2021	<p>exaggerated claims or lying under oath are not required at this time.</p> <p>Completed. Review recommended no legislative changes</p>
<p>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.</p>	<p>33. 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> <p>34. Enact and commence the Perjury and Related Offences Bill 2018.</p> <p>35. Once enacted, the Department to communicate changes to relevant stakeholders within relevant sectors.</p>	<p>Department of Justice</p> <p>Department of Justice</p> <p>Department of Justice</p>	<p>January 2021</p> <p>March 2021</p> <p>March 2021</p>	<p>Completed. 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>Completed. The Act was commenced in June 2021 and provides a statutory definition of perjury and should enable the offence and related offences to be more easily prosecuted in the courts. The penalties are in line with that of the Civil Liability and Courts Act 2004 regarding false evidence and fraudulent claims.</p> <p>Completed. Criminal justice agencies including the Office of the DPP, the Courts Service and An Garda Síochána have all been advised of commencement of the Act.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
<p>Ensuring that fraudulent claims are forwarded to the Director of Public Prosecutions (DPP).</p>	<p>36. Examine and provide recommendations regarding changes to ensuring that fraudulent claims are forwarded to the Director of Public Prosecutions.</p> <p>37. Implement recommendations including through the introduction of legislation where required.</p>	<p>Department of Justice</p>	<p>June 2021</p> <p>December 2021</p>	<p>Completed. A review has been undertaken which concluded that, as the DPP is not an investigative body, it would not be the appropriate channel for investigation of alleged insurance fraud. Measures under action items 29 & 30 should result in increased referrals for investigation to AGS & subsequent referrals to the DPP for prosecution.</p> <p>Completed. As set out above the review found that DPP is not an investigative channel and thus referral would be inappropriate accordingly legislation is not required.</p>
<p>Publishing insurance fraud data.</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>	<p>Department of Justice</p>	<p>June 2021</p> <p>December 2021</p>	<p>Completed. Actions 29 & 30 address measures which will improve the accurate recording of suspected insurance fraud cases. The establishment of the Insurance Fraud Coordination office in GNECB is an important step in bringing a level of consistency to the coordination, recording and collation of insurance fraud data. Data on suspected insurance fraud is now being captured by the Fraud Coordination office and is available for engagement with stakeholders.</p> <p>Completed. No legislation required.</p>

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<p>Exploring the feasibility of obliging fraudulent claimants to pay the legal expenses for defendants.</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>	<p>Department of Justice</p>	<p>June 2021</p> <p>December 2021</p>	<p>Completed. DOJ examined the existing principle that “costs follow the event”, current Irish legislation regarding payment of costs, payment of costs in other jurisdictions, recent Irish case law, and considered options for change.</p> <p>Completed. Recommendation is to let s.169 of Legal Services Regulation Act – which provides that “a party who is entirely successful in civil proceedings is entitled to an award of costs against a party who is not successful in those proceedings, unless the court orders otherwise, having regard to the particular nature and circumstances of the case, and the conduct of the proceedings by the parties” –take effect. Thus, it has been determined that no further legislation is required at this time.</p>
<p>Giving the Competition and Consumer Protection Commission more effective enforcement powers to punish and deter anti-competitive conduct.</p>	<p>42. Provide legislative recommendations in relation to strengthening Competition and Consumer Protection Commission (CCPC) enforcement powers.</p> <p>43. 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</p>	<p>Department of Enterprise, Trade and Employment</p>	<p>December 2020</p> <p>February 2021</p>	<p>Completed. The Competition (Amendment) Act 2022 was signed into law on the 29 June 2022 and commenced on 27 September 2023. The Act provides that breaches of competition law can be enforced through administrative sanctions with maximum fines of up to €10 million or 10 per cent of total worldwide turnover, whichever is the greater.</p> <p>Completed. The Competition (Amendment) Act 2022 was signed into law on the 29 of June 2022 and commenced on 27 September 2023. The Act represents a step change in competition enforcement for Ireland. It provides for a new civil</p>

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	administrative sanctions, arrange for statutory immunity and leniency and other measures.			enforcement regime for the CCPC and ComReg with the power to levy significant administrative sanctions.
Requesting the industry and stakeholders to give an assessment of the expected impact on premium levels of the key reforms being fully introduced.	44. Industry and stakeholders requested to give an assessment of the expected impact on premium levels arising from key Action Plan reforms being fully introduced.	Department of Finance	December 2020	Completed. The then Minister of State wrote to individual insurers and relevant stakeholders to request this assessment and followed up with three series of meetings with individual insurers, as well as engagements with relevant stakeholders, to discuss same. The current Minister of State has continued to follow up on a regular basis with individual insurers and relevant stakeholders to assess the impact of the reforms.
Expanding, with urgency, the National Claims Information Database to employer liability and public liability to track the level of claims.	<p>45. 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>46. 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>47. Publish the first Report by the NCID on Employer and Public Liability Insurance Claims.</p>	<p>Department of Finance / Central Bank of Ireland</p> <p>Department of Finance / Central Bank of Ireland</p> <p>Central Bank of Ireland</p>	<p>Done</p> <p>Done</p> <p>June 2021</p>	<p>Completed. Data collection commenced in the first half of 2020 on Employer Liability and Public Liability insurance.</p> <p>Completed. 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>Completed. The Central Bank of Ireland published the first annual Employers' Liability, Public Liability and Commercial Property Insurance Report of the NCID on 14 July 2021. The second report was published on 22 June 2022, with the third report expected in Q1 2024.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p>48. Central Bank of Ireland to engage with relevant stakeholders on reviewing the NCID with a view to developing the NCID going forward.</p> <p>49. Central Bank of Ireland to publish the third Private Motor Report of the NCID.</p>	<p>Central Bank of Ireland (Departments of Finance, Enterprise, Trade and Employment PIAB, State Claims Agency, CSO)</p> <p>Central Bank of Ireland</p>	<p>Ongoing</p> <p>October 2021</p>	<p>Completed. The Insurance (Miscellaneous Provisions) Act 2022 contains provisions to allow the NCID to collect data in relation to the deduction of State supports from final claim settlements.</p> <p>Following the implementation of the Personal Injuries Guidelines, the Central Bank has amended the NCID data specification to collect further claim settlement data.</p> <p>In addition, the Central Bank has commenced collecting data on Private Motor Insurance on a biannual basis, and published the first Mid-Year Private Motor Report in April 2023.</p> <p>The Department of Finance continues to engage with the Central Bank in relation to any further enhancements to the NCID, as part of ongoing efforts to improve transparency.</p> <p>Completed. The Central Bank of Ireland published the third Private Motor Report of the NCID in November 2021. It has since published the fourth and fifth Private Motor Reports in November 2022, and December 2023, respectively.</p>
<p>Establishing a databank within the Central Bank for new entrants.</p>	<p>50. Explore and develop options on establishing an insurance databank for new entrants within the Central Bank of Ireland, including what information it should hold.</p>	<p>Department of Finance / Central Bank of Ireland</p>	<p>June 2021</p>	<p>Completed. The Department of Finance with the Central Bank of Ireland developed a proposal outlining options for an insurance databank.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p>51. Determine next steps on establishing such a databank based on the options analysed.</p> <p>52. 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.</p>	<p>Department of Finance / Central Bank of Ireland</p> <p>Department of Finance (Central Bank of Ireland, PIAB, State Claims Agency)</p>	<p>December 2021</p> <p>December 2021</p>	<p>Completed. The Central Bank has created a databank consisting of a Key Insurance Overview, detailing the regulatory/supervisory environment, and links to both the NCID and SFCR (Solvency and Financial Condition Reports) data. It is published on the website of the Central Bank and www.gov.ie.</p> <p>Completed. The Department of Finance, with support from the Central Bank, has used NCID data to complete a paper examining the costs that insurers incur and how these impact on premium prices.</p>
<p>Prioritising the establishment of a fully functioning European-wide single insurance market.</p>	<p>53. Support the establishment of a fully functioning European-wide single insurance market by actively participating in the review of the Solvency II Directive.</p>	<p>Department of Finance / Central Bank of Ireland</p>	<p>Ongoing</p>	<p>Completed. In September 2021, the Commission published proposals for Review of the Solvency II Directive. The Department of Finance, supported by officials from the Central Bank of Ireland, participated at Council level meetings. Compromise text and negotiating mandate was agreed by the Council on 14 June 2022. The Department supported trilogue negotiations during H2 2023. Council and Parliament reached a political agreement on amendments to the Solvency II Directive in December 2023.</p>
<p>Working to remove dual pricing from the market.</p>	<p>54. 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>Central Bank of Ireland</p>	<p>Done</p>	<p>Completed. The Central Bank of Ireland published the first phase of its research on 9 September 2020 and its interim</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p>55. Central Bank of Ireland to complete its Review of Differential Pricing in the Motor and Home Insurance Markets and publish final report.</p> <p>56. 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>Department of Finance</p>	<p>September 2021</p> <p>December 2021</p>	<p>report on Differential Pricing in the Motor and Home Insurance Markets on 14 December 2020.</p> <p>Completed. The Central Bank of Ireland published its Final Report and Public Consultation on 21 July 2021, including a series of proposed measures to strengthen the consumer protection framework.</p> <p>Completed. The Department of Finance has examined the Central Bank’s Review. The Central Bank implemented new Regulations to ban price walking from 1 July 2022. Under the requirements of the Insurance (Miscellaneous Provisions) Act 2022, the Bank prepared a report for the Minister for Finance on a range of measures set out in these Regulations, which was laid before the Oireachtas in December 2023. As set out in this report, the Central Bank is satisfied that the Regulations are working effectively, have not caused any unintended consequences, and (in particular) have addressed the loyalty penalty in pricing in the home and motor markets.</p>
<p>Creating an office within Government tasked with encouraging greater competition in the Irish insurance market.</p>	<p>57. 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>Completed. The Cabinet Committee Sub-Group agreed to the establishment of the Office.</p>

PFG Commitment	Actions to facilitate delivery	Responsible Body	Timeline	Status
	<p>58. Establish Office within Government to encourage greater insurance market competition.</p>	Department of Finance	December 2020	<p>Completed. The Office was established in December 2020 and is chaired by the Minister of State at the Department of Finance. The Office continues to engage with insurance sector stakeholders, relevant Government Departments and agencies, to understand gaps, identify entry impediments, market dynamics and promote competition. Office officials held over 120 meetings in 2023, and the Office has assisted in the facilitation of several insurance pinch-points. It has also connected with brokers and insurance companies helping to bring increased capacity to the domestic market.</p>
	<p>59. Competition and Consumer Protection Commission (CCPC) to publish its Market Study on public liability insurance.</p>	CCPC	December 2020	<p>Completed. 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
60. Publish <i>Eleventh and Final Progress Update Report of the Cost of Insurance Working Group</i> .	Department of Finance	Done	Completed. The eleventh and final Cost of Insurance Working Group Progress Update Report was published in October 2020
61. Ascertain and set out the measures necessary to implement Pre-Action Protocols for personal injury cases.	Department of Justice	September 2021	Ongoing. A legal issue in relation to the making of pre-action protocols for clinical negligence cases was resolved by way of legislative amendment in the Courts and Civil Law (Miscellaneous Provisions) Bill. Drafting of the required regulations has begun. Drafting is underway of a General Scheme of a Civil Reform Bill, which will implement a number of recommendations made by the Civil Justice Review (Kelly Report), including in regard to the creation of pre-action protocols. It is anticipated that this will be submitted to Government in early 2024.
62. 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	Completed. Scoping work completed June 2022. This action will not progress until such time that sufficient data relating to the impact of the Judicial Council Personal Injuries Guidelines is available.
63. 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)	Completed. The setting of the Discount Rate has been examined. An Expert Group has been established to advise the Minister on an appropriate discount rate. The Expert Group will report to the Minister in the coming weeks. Following receipt of the report, the Minister for Justice will consider whether to exercise her powers under the Civil Liability and Courts Act 2004 to set the rate by way of regulations.

Steps Necessary for Delivery	Lead Policy Department and Relevant Bodies	Timeline	Status
<p>64. Explore the feasibility of establishing a fully functioning integrated insurance fraud database for industry to detect patterns of fraud.</p>	<p>Department of Justice</p>	<p>June 2021</p>	<p>Completed. The Department of Justice completed a review of the feasibility of extending the existing Insurance Link database in order to establish a fully integrated insurance fraud database. That review has deemed that 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 remain. Notwithstanding the GDPR constraints involved, a business case to establish an insurance fraud database on a wider statutory basis has not been established, given the small number of referrals from the Insurance Industry to AGS.</p>
<p>65. Oversee and monitor the implementation of the remaining Personal Injury Commission's recommendations.</p>	<p>Department of Enterprise, Trade and Employment</p>	<p>Ongoing</p>	<p>Completed. Detail provided in July 2021 Implementation Report.</p>
<p>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.</p>	<p>Department of Justice</p>	<p>Ongoing</p>	<p>Ongoing. 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.</p>



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