

GENERAL SCHEME

for a

PERSONAL INJURIES ASSESSMENT BOARD (AMENDMENT) BILL 2017

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PERSONAL INJURIES ASSESSMENT BOARD (AMENDMENT) BILL 2017

HEAD 1. LONG TITLE

To provide that the Long Title of the Bill is:

An Act to amend and extend the Personal Injuries Assessment Board Acts 2003 and 2007

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

EXPLANATORY NOTE:

It is standard to provide each Bill with a LONG TITLE, giving detail as to its scope and purpose, as well as a succinct SHORT TITLE, providing a convenient reference thereto.

HEAD 2. SHORT TITLE, COMMENCEMENT AND COLLECTIVE CITATION

To provide that –

(1) This Act may be cited as the Personal Injuries Assessment Board (Amendment) Act 2017.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(3) The Personal Injuries Assessment Board Acts 2003 and 2007 and this Act may be cited together as the Personal Injuries Assessment Board Acts 2003 to 2017.

EXPLANATORY NOTE:

It is standard to provide for a convenient Short Title, by which an Act may be generally referred to and a collective citation, as well as providing for a Long Title giving greater detail as to the scope of the Act in question.

HEAD 3. INTERPRETATION

To provide that -

In this Act -

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

“Minister” means the Minister for Jobs, Enterprise and Innovation

“Act of 1997” means the European Parliament Elections Act 1997 (No. 2)

EXPLANATORY NOTE:

This Head provides definitions of key words/terms used in the Act.

HEAD 4. NOTIFICATION OF APPLICATION TO RESPONDENT AND ASCERTAINMENT OF HIS OR HER WISHES

To provide that –

Section 13 of the Principal Act is hereby amended by-

The substitution of the following subsection 1:

“(1) As soon as practicable after receipt of an application under *section 11*, together with the prescribed fee and a report prepared by a medical practitioner in respect of the personal injuries, the subject of the relevant claim, the Board shall serve the following notice on the person or each of the persons who the claimant alleges in the application is or are liable to him or her in respect of the relevant claim (who or each of whom is referred to in this Part as a “respondent”).”

EXPLANATORY NOTE

This provision is intended to have the effect that PIAB will not be required to issue a formal notification to a respondent under section 13(2) seeking consent to an assessment being made under section 20 of the claimant’s relevant claim until it has received all of the following documents; an application under section 11, the prescribed fee and a report prepared by a medical practitioner in respect of the personal injuries that are the subject of the claim. This amendment will not affect the operation of section 50 - the Statute of Limitations will continue to be paused upon the making of an application to the Board, whether or not it is accompanied by a medical report and fee.

Where the claimant makes an application to the Board under section 11, section 50 provides that the Statute of Limitations is paused on the making of an application. Section 11 provides that the application shall be in the form specified in the rules under section 46 and be accompanied by such documents as may be so specified. The PIAB Rules are set out in SI 219 of 2004.

Case law, *O’Callaghan v Hannon (unreported)*, *Kiernan v J.Brunkard Electrical Limited and Quebec Construction Limited [2011] IEHC 448*, *Dignam v HSE [2015] IEHC 295*) has established that the Statute of Limitations is paused on receipt of the application form. In the case of *O’Callaghan v Hannon (unreported)*, the Judge noted that section 11 of the PIAB Act was a two part provision, firstly that the application be in a certain format and secondly that the application be accompanied by certain documents. Birmingham J. held that, although the application to PIAB had been made in the absence of certain information, it was still an application for the purpose of the Statute of Limitations.

The Judge in *Kiernan v J.Brunkard Electrical Limited and Quebec Construction Limited [2011] IEHC 448*. noted that there was a conflict between section 50 of the PIAB Act and S.I 219/2004 “Section 50 states “the period begins in the making of an Application under Section 11 in relation to the claim”. The rules state “the making of an application under Section 11 of the Act, for the purposes of section 50 of that Act, shall be the date on which the application in a form specified in sub rule(1)(a) containing the information specified in sub rule(1)(b) is acknowledged in writing as having been received by the Board. In my opinion there is a conflict between the two. In construing when the claim was made the Court must have regard to the Act in preference to the Rules made pursuant to the Act. This is clear from the Case Law precedent.”

The decision of *Dignam v HSE [2015]IEHC 295* also referred to the making of an application to the Board and limitation periods. “Insofar as there is a conflict between s. 50 in that it provides that the period of interruption of the running of the limitation period will commence on the making of an application and the statutory rules which state that the period of interruption commences following the acknowledgment of the receipt of “Form A”, the provisions of s. 50 must prevail (*Frascati Estates Limited v. Marie Walker [1975] I.R. 177*, per Henchy J. at p. 187 and *Kiernan v. J. Brunkard Electrical Limited [2011] IEHC 448*). In this case, the “Form A” was sent by facsimile to the Board on 14th June, 2012.”

It is now proposed that if the application is not accompanied by the fee and a report prepared by a medical practitioner in respect of the personal injuries that are the subject of the claim, the Board will issue an initial notification to the respondent on an administrative basis. The initial notification will outline that a claim has been received identifying them as the person the claimant holds responsible for their injuries and this will allow the respondent to carry out any investigation in relation to the relevant claim.

When the fee and report prepared by a medical practitioner are subsequently received by the Board, the Board will serve the formal notice on the respondent as in section 13(2) seeking consent to an assessment being made under section 20 of the claimant’s relevant claim. This will mean the claimant will not be disadvantaged if they fall outside the limitation period due to their inability to obtain a medical report or pay the assessment fee within the required timeframe but the respondent will not have to consider consenting to or rejecting an assessment being made under section 20 without the benefit of viewing a medical report. This balances the rights of the claimant and the respondent.

This Head will require detailed discussion with the AG’s Office during drafting.

HEAD 5. DISCRETION OF BOARD NOT TO ARRANGE FOR THE MAKING OF AN ASSESSMENT

To provide that –

Section 17(1)(b) of the Principal Act is hereby amended by-

To extend the condition “without limiting the generality of this clause” to the whole of section 17 rather than just in subsection 17(1)(b)(ii)(I)

EXPLANATORY NOTE:

This Head provides for an amendment to section 17 where the Board can exercise its discretion not to arrange for the making of an assessment of a relevant claim in certain cases set out under Section 20. The section enumerates several categories of claims in which the Board has discretion to refuse to undertake an assessment. In such situations the Board issues an authorisation without assessing the claim. This amendment provides the Board with a general discretion not to make an assessment and is not limited to the situations set out in the section. The general discretion would cover a situation for instance, where the Board were unable to serve statutory notices on a respondent.

HEAD 6. POWER TO IMPOSE CHARGES

To provide that -

Section 22 of the Principal Act is hereby amended by-

The insertion of the following new subsections in (4):

“(4)(a) Different amounts may be specified in regulations under *subsection (1)* for the purposes of *subsection (2)(a) and (2)(b)* in relation to the submission of electronic and paper formats of documents.

4(b) Different amounts may be specified in regulations under *subsection (1)* for the purposes of *subsection (2)(b)* in relation to different stages of a claim.”

EXPLANATORY NOTE:

This Head provides for different levels of charges levied by the Board on claimants and respondents for submitting electronic and paper formats of documents to the Board. Electronic or online applications create a lesser administrative burden for the Board and the intention is that the prescribed fee would reflect this.

The Head also provides for staged charges on respondents in relation to the various stages of a claim. The Minister may, in the future, consider introducing a range of fees for different elements of the assessment process to reflect the administrative cost of each stage, for instance the pre-formal notice issue stage, the 90 day respondent response period stage, and the post respondent acceptance assessment stage.

HEAD 7. FAILURE TO COMPLY WITH A REQUEST UNDER SECTION 23 OR 24

To provide that -

Section 25 of the Principal Act is hereby amended by -

The addition of the following subsections:

“(3) If a claimant fails to comply with a request under section 23 and if the claimant brings proceedings in accordance with this Act,

- (a) the court shall have regard to the failure of the claimant to comply with the request, and
- (b) the court, in its discretion, shall determine what evidence of information that was or should have been known to the claimant but not submitted to the Board prior to the making of an assessment will be admissible in evidence in said proceedings, and
- (c) the court, in its discretion, may determine that no award of costs nor other order providing for costs may be made in favour of the claimant.

(4) If a respondent fails to comply with a request under section 23 for additional information and if the claimant brings proceedings in accordance with this Act,

- (a) the court shall have regard to the failure of the respondent to comply with the request, and
- (b) the court, in its discretion, shall determine what evidence of information that was or should have been known to the respondent but not submitted to the Board, upon request, prior to the making of an assessment will be admissible in evidence in said proceedings, and
- (c) the court, in its discretion, may determine that no award of costs nor other order providing for costs may be made in favour of the respondent.

(5) If a claimant fails to comply with a request under section 24 (2) and he or she fails to attend a medical examination without reasonable cause, and if the claimant brings proceedings in accordance with this Act,

- (a) the court shall have regard to the failure of the claimant to comply with the request under section 24 (2), and
- (b) the court, in its discretion, may determine what medical evidence may be admissible in evidence in any Court proceedings, and
- (c) the court, in its discretion, may determine that no award of costs nor other order providing for costs may be made in favour of the claimant.

EXPLANATORY NOTE:

Certain practices have been noted by the Board where parties have not complied fully with requests from the assessors which include requests for evidence of special damages and requests to attend medicals. In these circumstances, the Board is unable to carry out an assessment which accurately reflects the individual characteristics of the claim. In many of these claims, the PIAB assessment is rejected and an authorisation to issue proceedings is issued. It is estimated that non-attendance at medicals is an issue in approximately 10% of all assessments.

Many responses to the Department's 2014 public consultation on the operation of the PIAB Acts, highlighted non-compliance with the Board's process as an issue that needed to be addressed. DJEI consider in circumstances where non-compliance with the Board's processes is an issue, the Board is unable to fulfil its original mandate which was to limit the cost of administering personal injury claims, where appropriate, in the common good.

A 2017 Government Report from the Cost of Insurance Working Group illustrates that the delivery cost of personal injury claims is several times more expensive in legal proceedings than achieved through the PIAB model. The Report found that in 2015 the delivery costs in the PIAB model averaged 6.5% relative to award levels whereas claims settled outside the PIAB process had a delivery cost of 44.2% in motor insurance personal injury claims. Data provided for the Report, which represented 78% of the Insurance Ireland motor market in 2015 gross written premium terms, showed that delivery costs incurred in settling motor personal injury claims in 2015 amounted to €130 million. This cost is ultimately borne by the individual insurance premium payer. Therefore, any savings that can be achieved in the administration of personal injury claims should facilitate premium reductions to individual insurance policy holders and enhance the competitive position of the State. Every motorist in the State is required by law to have motor insurance. Where costs of insurance premiums escalate to a point where motorists cannot afford them, this raises significant economic and social concerns.

Reflecting on these issues, the Report recommended that the Department of Jobs, Enterprise and Innovation assess cases of non-cooperation such as non-attendance at medicals and refusal to provide details of special damages to the Board. Similarly, the Joint Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach issued a report in November 2016 on the rising cost of motor insurance. It put forward a recommendation that stated 'if requested by PIAB to do so, a claimant who does not attend a medical assessment may have that non-attendance taken into account for the purposes of a decision.'

In response to the 2014 public consultation on the PIAB Acts and the recommendations from the Cost of Insurance Working Group and the Joint Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach, the Department considers it appropriate to provide discretion for the court to impose certain penalties in claims where parties do not comply with the Board's processes.

These provisions are also consistent with the judgment in *McFadden v Neuhold* [2017] IEHC 240) which stated that ‘parties should be encouraged to settle the differences between them rather than resorting to trial is a policy which underlines certain rules of court such as those relating to letters of offer, tenders, lodgements and costs’. By further strengthening the Board’s ability to undertake assessments which take account of all the relevant facts, more cases may be settled through PIAB and ultimately avoid unnecessary litigation.

This Head provides that where the claimant has failed to comply with a request by an assessor under section 23 to provide information or documents and if the claimant subsequently brings proceedings, the court will have regard to the lack of co-operation by the claimant. The claimant, at the discretion of the court, may also be prohibited from introducing evidence into court of special damages or information that was available but not submitted to the Board prior to the making of the assessment by the Board. The Head also provides that the court has discretion to determine that no award of costs nor other order providing for costs may be made in favour of the claimant.

In relation to the respondent, the Head provides that where a respondent fails to comply with a request by an assessor under section 23 to provide information or documents, and in any subsequent proceedings, the court shall have regard to the failure to comply and has discretion in relation to what evidence of information may be admissible in court. The court also has discretion to determine that no award of costs nor other order providing for costs may be made in favour of the respondent.

This Head also provides that where a claimant fails to attend a medical examination as requested by the assessor under section 24 and if he or she brings legal proceedings, the court shall have regard to the failure to comply and has discretion in relation to what medical evidence may be admissible. The court has discretion to determine that no award of costs nor other order providing for costs may be made in favour of the claimant. Where a claimant fails to attend for an independent medical examination PIAB routinely advise Respondents/Respondent insurers of same at notice of assessment stage.

This Head will require detailed discussion with the AG’s Office during drafting.

HEAD 8. APPROVAL OF COURT REQUIRED FOR CERTAIN ASSESSMENTS

To provide that -

Section 35 of the Principal Act is hereby amended by -

The insertion of a new subsection after subsection (1):

“Settlements of any claims within the meaning of subsection (1)(b) shall be approved by court.”

EXPLANATORY NOTE:

This Head provides that all accepted PIAB assessments in respect of fatal claims, irrespective of whether there are minor dependents or not, are subject to approval by court.

Section 48 of the Civil Liability Act 1961 provides for an action for damages for the benefit of the dependants in fatal claims.

Rule of Court Order 22 rule 3 RSC10 refers to the requirement for cases involving minors only to be ruled by court.

In practice, it appears that the Court rules settlements in all fatal injury cases irrespective of whether there are minor dependents or not, even though there is no requirement for such rulings in legislation or in court rules.

The PIAB Act of 2003 currently only provides for ruling in PIAB fatal claim assessments, where there are minor dependants. This amendment will provide the same protection to all parties involved in the settlement of fatal injury claims whether they involve minor dependents or not.

HEAD 9. RECKONING OF TIME FOR THE PURPOSES OF THE STATUTE OF LIMITATIONS

To provide that –

Section 50 of the Principal Act is hereby amended by -

The substitution of the following section 50:

“**50.**—In reckoning any period of time for the purposes of any applicable limitation period in relation to a relevant claim (including any limitation period under the Statute of Limitations 1957, section 9(2) of the Civil Liability Act 1961, or the Statute of Limitations (Amendment) Act 1991 and an international agreement or convention by which the State is bound), the period beginning on the making of an application under section 11 in respect of a named respondent whensoever added and ending 6 months from the date of issue of an authorisation under, as appropriate, section 14 , 17 , 32 or 36 , rules under section 46 (3) or section 49 shall be disregarded.”

EXPLANATORY NOTE:

The purpose of this Head is to provide that following an application to PIAB under section 11 and where subsequent respondents are added, the date that the Statute of Limitations is stopped against each respondent, is the date that individual respondent is added to the claim and ending 6 months from the date of issue of an authorisation.

It is proposed to amend Section 50 to ensure consistency in the disapplication of limitation periods within the PIAB process and to rectify any discrepancies arising from interpretations of the *Renehan v T & S Taverns* [2015] IESC 8 judgement. In this case, O’Donnell J. stated that section 50 was very clear and it provided for the disapplication of the limitation period to commence on the making of an application under section 11 in relation to the claim, and in this case only one such application was made. At paragraph 17 the court concluded as follows:

“Accordingly it seems clear that where an application is made in respect of a claim for personal injuries against one defendant, and it becomes clear that there is a further potential defendant either in addition to or in substitution for the original defendant, then section 46(3) comes into play, and if that jurisdiction is properly exercised, then an authorisation under rules made pursuant to s. 46(3) fixes the end point of the period during which the statute is disappplied, at least vis-à-vis the respondent named in the authorisation.”

The amendment will clarify that the Statute of Limitations can be disappplied in respect of any named respondent **only** from the date they are named/added as a respondent and for 6 months following the issue of any authorisation naming them.

In respect of an authorisation issued under section 46(3) the effect will be that the Statute of Limitations is disapplied from the date of the application to the Board (rather than the date of the initial application under section 11 which did not name this particular respondent) and ending 6 months from the date of issue of this authorisation.

PIAB do not determine whether or not a claim is statute barred, the question of whether a claim is statute barred will continue to be dealt with by the courts. However, this amendment shall provide clarity and consistency in the disapplication of limitation periods within the PIAB process.

It will be important for claimants and their representatives to ensure accurate respondent titles are correctly identified, including to PIAB, from the outset of a claim. Section 2 in the Statute of Limitations (Amendment) Act, 1991 provides protection for claimants when there is difficulty in identifying respondents.

HEAD 10. FUNCTIONS OF THE BOARD

To provide that -

Section 54(1)(b) of the Principal Act is hereby amended by -

The substitution of the following subsection 1(b)(i) and (ii) for subsection (1)(b):

“1(b)(i) to prepare and publish a document (which shall be known as the “Book of Quantum”) containing general guidelines as to the amounts that may be awarded or assessed in respect of specified types of injury, and

(ii) to review and update the Book of Quantum every 3 years, or sooner if the Board decides necessary,

EXPLANATORY NOTE:

This Head provides for the preparation and publication of the Book of Quantum by the Board which contains general guidelines as to the appropriate amount of compensation to be awarded for various categories of personal injuries.

The amendment provides that the Board shall review and update the Book of Quantum every three years or sooner if the Board decides it is necessary. Previously, the legislation did not make it clear that the Book of Quantum should be updated at regular intervals. At present, the process of collating the data and publishing the Book is an exhaustive process and therefore updating it at 3 year intervals is considered appropriate. However, one of the recommendations from the Government Cost of Insurance Working Group Report is to establish a National Claims Information Database by Q2 2018. Such a development may facilitate a less onerous process in updating the Book of Quantum. Therefore, the amendment is worded to provide flexibility to the Board to update the Book more regularly than every 3 years.

HEAD 11. REQUIRING CERTAIN PERSONS TO PROVIDE INFORMATION

To provide that -

Section 54A of the Principal Act is amended by -

The substitution of the following subsection 54A:

“54 A- (1) The Board may require any person (including a Minister of the Government, the Central Bank or a body established by or under any enactment) to provide it with such records, documents or information as it may reasonably require for the purposes of the performance of its functions under section 54(1) (b), (c), (d) and (e).

(2) A person of whom a requirement is made under subsection (1) shall comply with that requirement.

(3) A person who contravenes subsection (2) without reasonable cause shall be guilty of an offence.

(4) The court in which a conviction for an offence under this section is recorded or affirmed may order that the person convicted shall remedy the breach of this section in respect of which that person was convicted.”

EXPLANATORY NOTE:

Section 54 was amended by Section 31 of the Civil Liability and Courts Act 2004 with the insertion of section 54A.

There are currently no specific powers under the legislation to compel bodies to supply information on settlements to the Board. This amendment will give the Board power to obtain information from any person or body including the Central Bank for the purpose of preparing and publishing the Book of Quantum, causing the making of a cost benefit analysis and for, collecting and analysing data in relation to amounts awarded or agreed in settlement of civil actions for which this Act applies.

The CIWG Report recommended the establishment of a national claims information database for data collection and the Central Bank was identified as the most appropriate State entity to host the database. PIAB will require access to information from this database to fulfil its functions in relation to gathering data for the Book of Quantum

The amendment also provides for an offence where a person contravenes subsection (1). Section 81 sets out penalties under the 2003 Act.

HEAD 12. MEMBERSHIP OF THE BOARD

To provide that –

Section 56 of the Principal Act is hereby amended by-

The substitution of the following for subsection 5:

“(5) Of the members of the Board-

- (a) one shall be a person nominated for such appointment by Insurance Ireland (or any successor to it),
- (b) one shall be an employee of the Central Bank of Ireland nominated for such appointment by the Governor of the Central Bank of Ireland.”

EXPLANATORY NOTE:

This Head provides that the Board shall include nominees from Insurance Ireland and the Central Bank. The amendment removes ICTU and IBEC as designated Board member nominees. In accordance with Government policy, it is proposed that an increased number of Board members are drawn through the PAS system from expressions of interest of candidates with the desired skills and expertise.

Section 91 of the Central Bank (Supervision and Enforcement) Act 2013 inserted subsections (b) and (c) into subsection 5. It is now considered more transparent to have details of Board membership in the PIAB legislation in one subsection.

HEAD 13. SUPPLEMENTAL PROVISIONS AS TO MEMBERSHIP OF BOARD

To provide that –

Section 57 of the Principal Act is hereby amended by:

The insertion of the following subsections (7) (8) (9) and (10) after subsection (6)

“(7) Notwithstanding subsection (6), a member shall not be eligible for reappointment where he or she has served a maximum of 10 years.

(8) Where a member of the Board is –

- (a) nominated as a member of Seanad Eireann,
- (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
- (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon cease to be a member of the Board.

(9) A person who is for the time being entitled under Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified for membership of the Board.

(10) In this section “Act of 1997” means the European Parliament Elections Act 1997.”

EXPLANATORY NOTE:

The Head provides that a member of the Board cannot serve more than a maximum of 10 years. This is consistent with the Code of Governance of State Bodies 2016.

The Head also provides that if a member of the Board becomes an elected representative in the Dáil, Seanad or the European Parliament, he/she will cease to be a member of the Board. It further provides that an elected representative of the Dáil, Seanad or the European Parliament does not qualify for membership of the Board.

HEAD 14. GRANTS TO BOARD

To provide that -

Section 74 of the Principal Act is hereby amended by-

The insertion of the following subsection:

“The Board shall remit to the Minister for the benefit of the Exchequer any monies in excess of those authorised to be retained by the Minister with the consent of the Minister for Public Expenditure and Reform.”

EXPLANATORY NOTE:

This Head provides that PIAB shall remit to the Minister, for the benefit of the Exchequer, any monies in excess of those authorised to be retained by the Minister with the consent of the Minister for Public Expenditure and Reform.

PIAB was originally set up with the aid of Exchequer Funding. Since inception, PIAB has been a net contributor to the Exchequer, not drawing any funds but contributing in terms of tax, PRSI and pension remittances. PIAB is currently self-funding in that it meets its operational costs by way of fees levied primarily on respondents (or their insurers) with a modest application fee levied on claimants.

PIAB will remit surplus funds on an annual basis, in excess of any amounts of those authorised to be retained, to the Exchequer. The amount to be retained will be approved by the Minister, with the consent of the Minister for Public Expenditure and Reform.

At present, there is no legislative provision which clarifies that excess monies can be remitted to the Exchequer. This amendment rectifies the position.

HEAD 15. SERVICE OF DOCUMENTS

To provide that –

Section 79 of the Principal Act is hereby amended by:

The insertion of the following subsections (d) and (e) after subsection 79(1)(c)

“(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.

(e) by delivery or service through a document exchange service provided the person concerned has confirmed in writing to the Board that he or she will accept service through the document exchange service designated by him or her and will cease to be effective where, prior to such delivery or service, the person concerned has in writing revoked such confirmation.”

EXPLANATORY NOTE:

This Head provides that PIAB can serve a notice or document electronically where the person concerned has given consent for the notice or document to be served in this manner.

The Head also provides that documents can be served using a document exchange service provided the person concerned has given consent that he or she will accept service in this manner. The person concerned may revoke his/her consent to receiving documents through a document exchange service. The service of documents was highlighted in the court judgment *Power v PIAB [2014] IEHC 480* where the Judge found that document exchange mail service was not one of the options for service of documents by the Board under section 79.

HEAD 16. PENALTIES

To provide that –

Section 81 of the Principal Act is hereby amended:

To update the monetary value of the fine that can be imposed by the court on a person found guilty on summary conviction of an offence under the Act.

EXPLANATORY NOTE:

This Head provides for increasing the fine for a person found guilty of an offence under the PIAB Acts. The Acts created three offences, section 26(3), section 72(3) and section 73(2). Head 11 is now adding an additional offence under section 54A.

The Fines Act 2010 provides that a class A fine is greater than €2,769 but not greater than €5000. The current fine under the PIAB Acts is €3000 on summary conviction or imprisonment for a term not exceeding 6 months or both. It is considered that the fine will need to be updated to reflect changes in the value of money over time.

The OPC to advise on the appropriate fine under the Act.

HEAD. 17. REPEALS AND REVOCATIONS

To provide that –

Repeal the following Acts:-

section 88 of the Competition and Consumer Protection Act 2014

section 91 of the Central Bank (Supervision and Enforcement) Act 2013

EXPLANATORY NOTE

Section 88 of the Competition and Consumer Protection Act 2014 and section 91 of the Central Bank (Supervision and Enforcement) Act 2013 provide for membership of the Board. Head 12 is amending the membership of the Board.

Section 31 of the Civil Liability and Court Act 2004 inserted section 54A into the Personal Injuries Assessment Board Act 2003. Head 11 is providing for the substitution of a new section 54A.