



Number 35 of 2007

**PERSONAL INJURIES ASSESSMENT BOARD
(AMENDMENT) ACT 2007**

ARRANGEMENT OF SECTIONS

Section

1. Provisions in relation to costs in certain proceedings.
 2. Short title and collective citation.
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[No. 35.] *Personal Injuries Assessment Board* [2007.]
(Amendment) Act 2007.

ACTS REFERRED TO

Civil Liability and Courts Act 2004	2004, No. 31
Personal Injuries Assessment Board Act 2003	2003, No. 46



Number 35 of 2007

**PERSONAL INJURIES ASSESSMENT BOARD
(AMENDMENT) ACT 2007**

AN ACT TO AMEND AND EXTEND THE PERSONAL INJURIES ASSESSMENT BOARD ACT 2003.

[11th July, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—Chapter 4 of Part 2 of the Personal Injuries Assessment Board Act 2003 is amended by adding the following sections after section 51: Provisions in relation to costs in certain proceedings.

“Costs in proceedings where assessment not accepted by claimant.

51A.—(1) This section applies to a relevant claim if the following 2 conditions are satisfied in respect of that claim.

(2) Those conditions are that—

(a) the claimant either—

(i) has made a statement in writing, in response to a notice under section 30, that he or she does not accept an assessment of the relevant claim, or

(ii) is deemed, by virtue of section 31, not to have accepted that assessment,

and

(b) a respondent either—

(i) has made a statement in writing, in response to a notice under section 30, that he or she does accept the foregoing assessment, or

(ii) is deemed, by virtue of section 31, to have accepted the foregoing assessment.

(3) Subject to subsections (6) and (7), if, as respects a relevant claim to which this section applies, a claimant brings proceedings in accordance with this Act—

- (a) no award of costs nor any other order providing for payment of costs may be made in favour of the claimant where the amount of damages (if any) awarded on foot of, or accepted in settlement of, those proceedings does not exceed the amount of the assessment referred to in subsection (2), and
- (b) where the amount of damages (if any) awarded on foot of those proceedings does not exceed the amount of the assessment referred to in subsection (2), the court, in those proceedings, may, in its discretion, order the claimant to pay all or a portion of the costs of the defendant or defendants.

(4) In subsection (3) ‘proceedings’ means proceedings against—

- (a) one or more persons who consented, in accordance with this Part, to the making of an assessment of the relevant claim or on whose part a failure of the kind referred to in section 14(1)(b) occurred in relation to the relevant claim (or both), or
- (b) both—
 - (i) one or more persons referred to in paragraph (a), and
 - (ii) one or more non-participating respondents (within the meaning of section 15),

whether or not the proceedings are also against one or more non-accepting respondents (within the meaning of section 34).

(5) Subsection (3) applies notwithstanding sections 37 and 51.

(6) Subsection (3) does not apply if, in the proceedings referred to in that subsection—

- (a) a formal offer (within the meaning of section 17 of the Civil Liability and Courts Act 2004) is made by a defendant and the amount of the offer is not equal to the amount of the assessment referred to in subsection (2), or
- (b) a payment into court of a sum of money in satisfaction of the cause of action or

an offer of tender of payment, pursuant to rules of court, is made.

(7) Subsection (3) does not operate—

- (a) to prohibit an award of costs or the making of any other order providing for payment of costs, in the circumstances mentioned in that subsection, in favour of a claimant against a non-accepting respondent or respondents (within the meaning of section 34), or
- (b) to confer on a court a power, in the circumstances mentioned in that subsection, to order a claimant to pay all or a portion of the costs of a non-accepting respondent or respondents (within the meaning of section 34).

Costs in connection with application under section 11 not taxable.

51B.—(1) This section applies irrespective of whether an assessment of the relevant claim referred to in this section has been made or whether any assessment so made has been accepted, or is deemed to have been accepted, under this Part by any person.

(2) If a claimant brings proceedings in accordance with this Act in respect of his or her relevant claim then, in any taxation of costs in those proceedings, no amount shall be allowed in respect of any fees or expenses incurred by the claimant in connection with the application he or she made under section 11 in respect of the relevant claim or in complying with any provision of this Act in respect thereto, other than fees or expenses referred to in section 35, 44 or 45.”.

2.—(1) This Act may be cited as the Personal Injuries Assessment Board (Amendment) Act 2007.

Short title and collective citation.

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