



Civil Liability (Capping of General Damages) Bill 2019

Insights - 18/07/2019

What is the Civil Liability (Capping of General Damages) Bill 2019?

This Private Member's Bill was brought to the Seanad (the Irish Senate) by Senator Lawlor and his co-sponsors on 6 March, 2019 and has passed the second stage.

The aim of the Bill is to provide "for the imposition of a cap on the level of awards which may be made in respect of a claim for general damages arising from personal injury. This is to be done by Ministerial regulations to be approved by a resolution of each House and subject to review under the aegis of the Personal Injuries Commission." The objective of such a cap is to bring about a reduction in insurance premiums.

The Personal Injuries Commission in Ireland found that "soft tissue injury claim costs in this jurisdiction are approximately 4.4 times the comparator costs in the UK taking account of the relevant capping level that applies."

It is important that a balance is struck between genuine Plaintiffs; those persons taking fraudulent advantage of the current system; rising insurance costs as a result of such fraudulent activity; and the risk that if no action is taken it could severely impact access to insurance.

It is too early to say if the Bill will or will not be enacted. If enacted, it is likely that the Bill will have been amended but for now it is still a positive step in trying to address an important issue.

For further information on liability and insurance disputes, please contact Stephen O'Connor at Stephen.OConnor@ogier.com

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