

Notification of Forthcoming Legislation Changes

This notification is to inform personal injuries claimants and solicitors of changes that will commence later this year in relation to applications made to the Personal Injuries Assessment Board (PIAB). These changes are due to the implementation of new legislative requirements as set out in the Personal Injuries Resolution Board Act 2022 which was enacted in December 2022.

The 3 key changes to be aware of are:

- 1. All PIAB application forms after the commencement of the legislation in September 2023 will require the claimant's signature, even where the claimant is represented.**
- 2. All applications to PIAB must be accompanied by a medical report prepared by a medical practitioner setting out the nature of the injuries allegedly sustained.**
- 3. All applications will require more detailed descriptions in relation to when, where, and how the accident or incident causing the injury occurred.**

Once the relevant sections of the legislation are commenced, all of the above and the additional requirements detailed below will need to be provided to PIAB in order for an application to be complete under the legislation.

To support claimants and solicitors in preparing for these changes, the Minister for Enterprise, Trade and Employment is allowing a lead in time for the commencement of the changes relating to application requirements. A commencement order will come into effect from **4th September 2023**.

Additional changes will follow later in the year as mediation commences and we will provide further information to claimants and solicitors closer to commencement of these additional sections highlighting any additional key changes. We have set out below how the changes will work in practice.

Application process changes

There will be new PIAB application forms in place from the commencement of the relevant sections of the legislation and the new forms will capture all of the data requirements as set out below.

Once the relevant sections of the legislation have been commenced, all applications to PIAB will need to be made on the new version of the application form, and any old versions of the application form that are submitted to PIAB post-commencement cannot be accepted.

The following are the key requirements in relation to the application process:

- All applications will need to specify the full name, date of birth and contact number of the claimant. In cases where the claimant may not have a contact number, they can declare that they do not have a contact number.
- All applications will require the address at which the claimant ordinarily resides.
- All applications will require the Personal Public Service Number (PPSN) of the claimant.
- In cases where a PPSN has never been issued to the claimant, other forms of ID will be accepted in place of a PPSN. Acceptable identity documentation will include a valid driving licence, a valid passport and a valid national identity card.
- All applications will require the name and address of the person or persons who the claimant alleges is liable in respect of the accident or incident (the respondent(s)). PIAB will accept the respondent insurer's address in circumstances where appropriate.
- All applications will need to specify the date and time when the alleged accident or incident occurred. In cases where a date range is more appropriate due to the incident occurring over a period of time, a date range will be accepted and in these cases a time will not be applicable. Time ranges will also be provided for on the new application form.
- All applications will need to detail how and where the accident or incident occurred.
- All applications will need to provide a description of the personal injuries allegedly sustained detailing the body part(s) and nature of the injury or injuries (fracture, soft tissue etc.)
- Each application will need to be accompanied by a medical report, prepared by a medical practitioner which details the nature of the injuries allegedly sustained.
- All applications will need to be signed by the claimant and provide confirmation of all the above information. The claimant's signature can be a digital signature or a scanned 'wet' signature. For electronic applications received via the online claim form or Solicitor Portal we have amended the application process to facilitate this, as detailed below.
- In addition, a fee of €45 for online applications or €90 for postal applications is payable.

Where an application does not provide the required information, it cannot be deemed complete for the purpose of applying to PIAB (Section 11 of the Personal Injuries Assessment Board Act 2003 (as amended) or for the purpose of the Statute of Limitations pursuant to Section 50 of the Personal Injuries Assessment Board Act 2003 (as amended).

Application changes relating to PIAB Solicitor Portal

For **Solicitor Portal applications** the application process will be in two parts from the commencement date of the relevant sections of the Personal Injuries Resolution Board Act 2022.

Part 1: Required Information: Part 1 is the main body of the application form and will capture all the required information relating to the claim and can be completed in the Solicitor Portal as per the current process by the claimant's solicitor. Once this has been completed, the solicitor will have the ability to generate a PDF of Part 1, allowing for Part 1 to be shared electronically with the claimant should they wish, ahead of the claimant signing the application. The application will be held on the system with a 'pending' status.

Part 2: Claimant Signature: Part 2 of the application form will be for the claimant's signature. Once Part 2 is signed by the claimant, the solicitor will be able to attach this to the pending application in the Solicitor Portal and submit to PIAB for review.

- Once the application, comprising of both parts, has been submitted to PIAB, the solicitor will receive an automatic reply confirming that the application is received.
- PIAB will aim to review all applications as quickly as possible with a target time of 3 working days. It is the responsibility of the claimant and/or the claimant's solicitor to ensure they leave adequate time to make an application to PIAB

Application changes relating to Postal Applications

For postal applications, the application process will also be in two parts:

- Application forms for postal applications will be made available on the PIAB website and the paper forms will comprise of Part 1: Required Information & Part 2: Claimant Signature as set out above in the section above entitled 'Application changes relating to PIAB Solicitor Portal'.
- Once the postal application, comprising of both parts, has been received by PIAB, the applications will be reviewed as quickly as possible with a target time of 3 working days. It is the responsibility of the claimant and/or the claimant's solicitor to ensure they leave adequate time to make an application to PIAB.

Process after review of an Application

- After sending either a Postal Application or a Solicitor Portal Application (and upon the review by PIAB) the solicitor and/or claimant will be updated on the status of the application.

- PIAB will review applications as quickly as possible with a target time of 3 working days.
- Following review, if the application is complete and valid, and details all the information as required under Section 11 of the Personal Injuries Assessment Board Act 2003 (as amended), the application will be confirmed as complete for the purpose of acceptance by PIAB (Section 11 of the Personal Injuries Assessment Board Act 2003 (as amended)) and for the purpose of the statute of limitations pursuant to Section 50 of the Personal Injuries Assessment Board Act 2003 (as amended) with the effective Section 50 date being the date the complete application was received.
- If (after review by PIAB) the application is incomplete in respect of the requirements under Section 11 of the Personal Injuries Assessment Board Act 2003 (as amended), we will write to the solicitor/claimant outlining the information that is outstanding, and requesting that the missing information be returned to PIAB within 28 days. If at the end of the 28 days, the application remains in an incomplete state, the application fee will be returned to the solicitor/claimant and PIAB will close its file.
- Once the missing information is provided to PIAB and the application is deemed complete and valid, the effective Section 50 date will be the date when the last piece of missing information is provided to PIAB.
- It is important to note that where the required information is not provided, an application cannot be deemed complete by PIAB (Section 11 of the Personal Injuries Assessment Board Act 2003 (as amended)) and will not be deemed complete for the purposes of the statute of limitations (Section 50 of the Personal Injuries Assessment Board Act 2003 (as amended)). It is therefore important that the claimant and/or the claimant's solicitor ensure they leave adequate time when submitting an application to PIAB.

Further information:

Where to access additional information on the application process changes:

- For any additional queries, we have set up a dedicated email inbox, and request that you please contact PIAB at legislationchanges@piab.ie
- Alternatively, contact can be made by telephone on 0818 829 121
- Section 3 of the Personal Injuries Resolution Board Act 2022 is the legislative provision that underpins the changes to PIAB applications, and is available on our website or on www.irishstatutebook.ie.
- PIAB will also publish new Rules under section 46 of the Personal Injuries Assessment Board Act 2003 (as amended) that will reflect the changes in the legislation. These Rules will be made available on our website in advance of commencement.