



New Rules of Court on PIAB

May 2017

New Rules hot off the presses in relation to amendments to the Personal Injuries Act 2003 [*Rules of the Superior Courts \(Personal Injuries Assessment Board Act 2003\) 2017 \(SI No 186 of 2017\)*](#).

These new rules are not live on Irish Statute Book as of yet.

The new rules provide for:

- (a) the substitution for rule 3A of Order 4, of a new rule including a requirement, in the case of proceedings which require to be authorised in accordance with sections 14, 17, 32, 36 or 49, or rules under section 46(3) of the Personal Injuries Assessment Board Act 2003, that the indorsement of claim in relevant proceedings shall contain a statement confirming whether or not the proceedings have been authorised by the Personal Injuries Assessment Board; and
- (b) the substitution for rule 15 of Order 19 of a new rule including a requirement that a defendant or plaintiff (as the case may be) shall include in the matters to be raised by pleading under that rule the absence of authorisation by the Personal Injuries Assessment Board of the proceedings.

Comment

These rules require that a statement is made clearly stating whether or not proceedings have been authorised by the Injuries Board.

They highlight that parties must raise in pleadings all matters which show the action or counterclaim not to be maintainable, or the case to be void or voidable on point of law. The rules necessitate parties

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to include all grounds of defence or reply that if not raised would be likely to take the opposite party by surprise, or would raise issues of fact not arising out of the preceding pleadings. These include issues such as fraud, Statute of Limitations, absence of authorisation by the Personal Injuries Assessment Board, release, payment, performance, facts showing illegality either by statute or common law, or Statute of Frauds.

The new rules come into operation on 1 June 2017.

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