



FEBRUARY 2021

Prosecution for Insurance Fraud

It has recently been reported that a Dublin man is facing criminal prosecution for giving false and misleading evidence in a personal injuries claim.

Civil Proceedings

The personal injuries hearing took place in the Circuit Court in 2017. It involved four linked cases relating to two separate rear-ending incidents, following which four plaintiffs sued the same driver, the Motor Insurance Board of Ireland and Zurich Insurance Plc., who defended all of the claims.

During the trial it was reported that a number of the parties had close social connections which they had “*lied about*” in court, and that other third parties who had made claims relating to the accidents were also found to have connections. The judge is reported to have viewed this as being so beyond coincidence as to “*push the explanation of coincidence off the cliff*” and concluded that the accidents had been planned with the plaintiffs’ participation. All four claims were dismissed.

Criminal Prosecution

There is no specific criminal offence of “insurance fraud” and, as a result, offenders are prosecuted from a range of offences depending on the circumstances of the case.

In this matter, the Director of Public Prosecutions is reported to have directed a trial on indictment of one of the plaintiffs in the Circuit Criminal Court for the following offences under common law and the Civil Liability and Courts Act 2004:

For further information on any of the issues discussed in this article please contact:



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- ▣ Giving evidence that was false and misleading in a material aspect.
- ▣ Making a statement that was false and misleading in a material aspect.
- ▣ Giving false particulars in the course of a civil litigation through sworn evidence and a sworn affidavit before a judge with intent to pervert the course of justice.

The plaintiff concerned is reported to have been arrested by a member of the Garda National Economic Crime Bureau and remanded on bail to a date in April 2021.

Commentary

Insurance fraud is a pervasive and enduring issue for the insurance industry in Ireland. It has been claimed by members of the insurance industry that up to 20% of personal injury claims may be fraudulent or exaggerated, with knock-on effects for insurance premiums. It is vitally important, as a result, that cases where fraud is suspected are effectively litigated and, where fraud is apparent, that there are appropriate legal consequences to act as a deterrent.

For further information in relation to the issues covered by this article please contact a member of our [Insurance Defence Team](#).

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