

SEVENTH PROGRESS UPDATE

COST OF INSURANCE WORKING GROUP

REPORT ON THE COST OF MOTOR INSURANCE

REPORT ON THE COST OF EMPLOYER AND PUBLIC LIABILITY INSURANCE

Seventh Quarterly Update

NOVEMBER 2018



An Roinn Airgeadais
Department of Finance

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FOREWORD BY MINISTER OF STATE



This is the seventh quarterly report on the progress of the Cost of Insurance Working Group project, and the third *Progress Update* to include details of the implementation of both the *Report on the Cost of Motor Insurance* and the *Report on the Cost of Employer and Public Liability Insurance*.

In total, of the 78 separate applicable deadlines within the Action Plans of the two Reports to the end of Q3 2018, 62 relate to actions which have now been completed.

This quarter marks the occasion when much of the “heavy lifting” work of bringing necessary legislative changes through the Houses of the Oireachtas is beginning to bear fruit. In July, the Insurance (Amendment) Bill 2018 was enacted. This is an important piece of legislation necessary to address the Setanta legacy. In addition, two other important pieces of legislation were published by the Government during this period, namely the Central Bank (National Claims Information Database) Bill 2018 and the Personal Injuries Assessment Board (Amendment)(No. 2) Bill.

Work has now commenced on bringing the Central Bank (National Claims Information Database) Bill 2018 through the Houses of the Oireachtas. In this regard, second stage was held in Dáil Éireann in September, and I am hopeful that with the assistance of all parties in the House, that this Bill can be enacted by the end of this year to allow the database be operational from early 2019. Once this database is in place, it will enable the Central Bank to publish an annual report using data gathered from the insurance industry to increase transparency on the relationship between insurance premiums and related costs, identifying the factors that drive movements in the price of insurance in the State, the number of claims, as well as providing statistical analyses of the costs associated with settling claims, and importantly providing a greater understanding the settlement channels used.

It is also worth noting that my colleague, the Minister for Justice and Equality, has agreed that amendments proposed as part of the recommendations of the Report on the Cost of Employer and Public Liability Insurance, to Sections 8 and 14 of the Civil Liability and Courts Act 2004, can be brought forward as part of the Bill. These measures are very important for stakeholders, as when implemented they should make it easier for businesses and insurers to challenge cases where fraud or exaggeration is suspected.

The Personal Injuries Assessment Board (Amendment)(No. 2) Bill, published by my colleague, the Minister for Business, Enterprise and Innovation, completed Second Stage on 8 November. I believe that there is a recognition within the Houses of the Oireachtas of the importance of this Bill and thus the need to have it implemented as quickly as possible. Therefore, I am confident that there will be the necessary co-operation to allow a swift passage of this Bill also.

Also since the last quarter, I would like to note in particular that the Personal Injuries Commission (PIC) has published its second and final report. I am grateful, to the Chair, Mr Justice Nicholas Kearns, and members of the PIC for their careful consideration of the personal injuries framework. It has made ten recommendations, the implementation of which will be a matter for each of the bodies responsible. The Minister for Business,

Enterprise and Innovation has written to relevant Government colleagues, and other organisations including the Garda Commissioner, Insurance Ireland, the Law Society, the Council of the Bar of Ireland and the Law Reform Commission seeking co-operation in advancing the implementation of the recommendations relevant to them. As the PIC was established following a recommendation in the Report on the Cost of Motor Insurance, I have agreed that progress on implementation of the recommendations will be monitored through these update reports. I am confident that the implementation of its key recommendations should have an impact upon the awarding of personal injury damages in the future.

I acknowledge that there have been delays on some of the major recommendations, such as the claims and fraud databases, however I believe significant progress is being made in an overall sense with the broader reform agenda. In this regard, there is a much greater appreciation of the nature and extent of the problem, and publications such as the recent PIC report continue to influence the public perception of this issue and provide the necessary momentum to continue with this very important project. In addition, it is clear that the robust approach being adopted by some insurers to challenge questionable claims is proving successful in tackling fraud, as can be seen in recent media reports detailing personal injuries cases which have been dismissed by the courts after extensive investigations surrounding the circumstances of the claim. This trend is encouraging in terms of tackling the problem of dubious or exaggerated claims from the personal injuries litigation system.

In conclusion, I believe that the implementation of the PIC report is key to fundamentally addressing many of the concerns that people have with the personal injury compensation framework in this country. Consequently, you can rest assured that I will work closely with my Government colleagues and the other relevant agencies to ensure that everything necessary is done to achieve this objective as quickly as possible.

Michael D’Arcy, T.D.
Minister of State for Financial Services and Insurance

Report on the Cost of Motor Insurance

PROGRESS UPDATE: Q3 2018 ACTIONS

Action	Title	Q3 2018
29	Report on the Feasibility of a Claim-by-Claim Register Delivered	✓
62	Complete Phase 2 of the MTPL Project (Uninsured Drivers' Database) – include Driver Number and commence provision of Road Traffic Act 2016 requiring insurance companies to provide Driver Number	●
71	Insurance Ireland to submit second report to the Cost of Insurance Working Group in respect of telematics	●
Key		
●	Action partially delayed	✓ Action completed

Two actions were scheduled for delivery in Q3 2018 in the original Cost of Motor Insurance Report. One of these two actions has been delivered upon within the timeframe allocated to them. The other action relating to the completion of Phase 2 of the MTPL Project, under the stewardship of the Minister for Transport, Tourism and Sport, is partially delayed.

As well as these, a further action was added to the list for this quarter. Following the submission of Insurance Ireland's first report to the Cost of Insurance Working Group in respect of telematics, the Working Group requested a number of clarifications and it was decided that it would be useful for a second report to be completed and for those clarifications to be addressed as part of that report. A deadline of Q3 2018 was set down for the submission by Insurance Ireland of that second report. This action is also partially delayed, however, Insurance Ireland aim to submit the report before the end of November.

PROGRESS UPDATE: OUTSTANDING ACTIONS FROM PREVIOUS QUARTERS

Action	Title	Deadline	Q3 2018 Status
4	Central Bank of Ireland to amend legislation in order to provide additional information on the premium breakdown to consumers	Q2 2018	●
6	Central Bank of Ireland to amend legislation in order to extend the renewal notification period from 15 to 20 days	Q2 2018	●
17	Insurance Ireland to put in place a general protocol around the requirement for insurance companies to notify a policyholder of claims made against them before settlement	Q4 2017	●
23	Legislation in place to establish a national claims information database	Q4 2017	●
24	National Claims Information Database established	Q2 2018	●
37	Publish Heads of Bill to extend Pre-Action Protocols to personal injury cases	Q4 2017	●
45	Establish reliable set of data and commence review of impact of legal and other fees on personal injury awards	Q1 2017	●
46	Report to be submitted to the Cost of Insurance Working Group in respect of the impact of legal and other fees on personal injury awards	Q2 2018	●
54	Prepare criminal justice legislation, if required, for the establishment of an integrated insurance fraud database	Q2 2018	●
56	Approval of the Garda Commissioner for mechanism chosen for further cooperation between the insurance sector and An Garda Síochána in relation to insurance fraud investigation	Q3 2017	●
57	Approval of the Minister for Justice and Equality for mechanism chosen for further cooperation between the insurance sector and An Garda Síochána in relation to insurance fraud investigation	Q3 2017	●
60	Report to be submitted to the Cost of Insurance Working Group in respect of reviewing Section 30 of the Civil Liability and Courts Act 2004	Q1 2018	●
Key			
●	Action partially delayed	✓	Action completed

The table above indicates that there are 12 actions due in previous quarters which have not yet been delivered upon. The deadlines which were set down for each of those actions are also detailed in the table.

The outstanding Action from the first quarter of 2017 (Action 45) has still not been fully completed, as it is contingent on the establishment of the new Office of the Legal Costs Adjudicators, which is expected to occur later this year. The establishment of that data set is a pre-requisite for the completion of Action 46.

The two outstanding Actions from the third quarter of 2017 have also not yet been completed, as they both relate to Recommendation 26, which requires the approval of both the Minister for Justice and

the Garda Commissioner for potentially far-reaching cooperative mechanisms between Insurance Ireland and An Garda Síochána to be formalised, and is still under consideration. The Minister for Justice and Equality met with senior Garda management on 30 August to discuss the proposal to consider the establishment of an insurance fraud investigative unit, to be funded by the insurance sector. The Minister will receive a written notification from the Garda Commissioner following the Commissioner's consideration of this recommendation.

Delays in the legislative process account for completion of three of the remaining actions being held up (Actions 23, 24 and 37), while the three final outstanding Actions require further discussion (Actions 17, 54 and 60).

Actions 4 and 6 which relate to the Central Bank's amendment of its legislation around the information which insurers are required to supply are in train and this quarter the Central Bank completed a second public consultation in the area. This is a key step in the process of legislating for amendments.

Again, the updates provided below in respect of all recommendations supply more detail on the implementation of the actions.

PROGRESS UPDATE: ALL RECOMMENDATIONS

Objective 1 – Protecting the Consumer

This objective relates to protecting the consumer in the insurance purchasing process. Important issues in this regard include increasing levels of transparency in respect of premiums, improving access to insurance, and enhancing the quality of engagement with consumers. Other matters relate to the treatment of returning emigrants and the operation of the Declined Cases Agreement.

Rec. 1 INSURERS TO SET OUT REASONS FOR LARGE INCREASES IN PREMIUMS TO CONSUMERS

POSITION AT END OF Q2 2018: A protocol has been agreed between Insurance Ireland and the Department of Finance (DoF) which aims to explain how a premium is calculated and provides a list of reasons for large increases in premiums. The content of this document is now available on the websites of the major motor insurance providers and it will be provided to all policyholders on renewal. Insurance Ireland is working with its members on the rollout of this recommendation as it is implemented.

This is not a bespoke document but consumers will be provided with contact details of their insurance provider in order to enable them to receive more specific information if they do not believe any of the listed reasons apply to their situation. The main reason why a bespoke document cannot be provided is because the complexity of the interaction between the customer-facing systems and the underwriting systems in all modern insurance companies would make it very difficult to delineate specific reasons for an individual premium increase. If insurers were to try and link these systems in order to address this issue, it would require very significant IT infrastructural changes at considerable cost, which would result in higher premiums. In addition, the Cost of Insurance Working Group believes that such an onerous requirement could result in the unintended consequence of discouraging new entrants to the market.

The DoF is satisfied that the information being provided to policyholders satisfies the essence of Recommendation 1 without a need for legislation to underpin it as originally stipulated in Action Point 2, which was formulated at a stage when it was envisaged that the document provided to policyholders would be bespoke in nature. The DoF does not consider that it is necessary to pursue legislation in respect of the non-bespoke protocol which has been agreed through non-legislative means.

In addition, the DoF submitted views relating to this as part of the Central Bank's Consultation Paper 114 (CP114). This is detailed under Recommendation 2.

Q3 2018 UPDATE: The Department has continued to engage with Insurance Ireland in relation to the information listed on insurers' websites detailing the reasons for large increases. Following a review by the Department, insurers have been asked to ensure this information is displayed more prominently on their websites to ensure the information is accessible and visible for consumers. The Department will continue to monitor the information on insurers' websites in this regard.

Rec. 2 INSURERS TO PROVIDE ADDITIONAL INFORMATION ON THE PREMIUM BREAKDOWN TO CONSUMERS

POSITION AT END OF Q2 2018: On 9 November 2017, the Central Bank of Ireland (CBI) published Consultation Paper 114 (CP114): “Amendments to the Non-Life Insurance (Provision of Information) (Renewal of Policy of Insurance) Regulations 2007 (S.I. No. 74 of 2007)”.

The Department of Finance responded to the Consultation Paper and supported the provision of additional information on the premium breakdown. In addition, it proposed that insurers should be required to provide the previous year’s premium in renewal documentation for comparative purposes. As this proposal was not contained in the first consultation, a second Consultation Paper (CP124) was published on 3 August 2018, to further consult on this matter, including consideration of mid-term adjustments and the manner of disclosure to consumers. The Central Bank also sought views on the application of this requirement to other classes of non-life insurance that fall within the scope of S.I. No. 74. The closing date for submissions to CP124 was 14 September 2018. It is proposed that the finalisation of all amendments to S.I. No. 74 be deferred until this second consultation process is completed.

Q3 2018 UPDATE: Analysis of submissions to CP124 is currently underway with the aim of finalising all amendments to S.I. No. 74 by end-2018. In total, seven submissions were received, primarily from the insurance industry.

Rec. 3 EXTEND THE CURRENT RENEWAL NOTIFICATION PERIOD FROM 15 TO 20 WORKING DAYS

POSITION AT END OF Q2 2018: On 9 November 2017, the Central Bank of Ireland published Consultation Paper 114 (CP114): “Amendments to the Non-Life Insurance (Provision of Information) (Renewal of Policy of Insurance) Regulations 2007 (S.I. No. 74 of 2007)”.

As outlined above (Rec 2), the CBI proposed to defer the finalisation of all amendments to S.I. No. 74 until the completion of a second consultation process, which sought views on a proposal to provide last year’s premium to a consumer on renewal of a motor insurance policy, including consideration of mid-term adjustments and the manner of disclosure to consumers.

Q3 2018 UPDATE: As per recommendations above, the Central Bank has conducted a 2nd consultation process on whether insurers should be required to provide the previous year’s premium in renewal documentation for comparative purposes. The closing date for submissions to CP124 was 14 September 2018. Seven responses were received, primarily from the insurance industry. The Central Bank is currently considering these responses with the aim of finalising all amendments to S.I. No. 74 by end-2018.

Rec. 4 TRANPOSE THE INSURANCE DISTRIBUTION DIRECTIVE

POSITION AT END OF Q3 2018 (UNCHANGED FROM Q2 2018): On 9 March 2018, the Council of the European Union adopted a Commission proposal to postpone the deadline for transposition of the Directive to 1 July 2018 and implementation to 1 October 2018.

The European Union (Insurance Distribution) Regulations 2018, S.I. No. 229/2018, were signed by the Minister for Finance on 27 June 2018. This fulfils Ireland’s requirement to transpose the IDD into national law.

IDD establishes requirements in respect of insurance and reinsurance distribution in the EU. IDD aims to further enhance consumer protection and ensure a level playing field by extending the scope of the Directive to include all sales of insurance products. Insurance distributors must comply with the requirements from 1 October 2018.

Rec. 5 SUPPORT EFFORTS TO IMPROVE CROSS-BORDER INSURANCE PROVISION AT EU LEVEL

POSITION AT END OF Q2 2018: The Department of Finance (DoF) is monitoring developments at EU level on an ongoing basis and has instructed the Permanent Representation in Brussels to hold consultations with relevant institutions on issues raised in the report. Work is ongoing with regard to the European Commission's review of supervision and enforcement in relation to insurance companies operating on a cross-border basis in Member States. The Central Bank of Ireland (CBI) has an ongoing engagement with the relevant European authorities in order to ensure common standards are applied consistently. In addition, the CBI fully participates in EIOPA (the EU overarching insurance regulatory body) to establish high quality common regulatory and supervisory standards and procedures. EIOPA is also due to report in 2019 on the barriers to providing cross-border insurance in general. The DoF and the CBI will feed into the development of this report to ensure views expressed during the Working Group consultations are reflected.

On foot of the consultation on the Motor Insurance Directive, DG FISMA published a proposed Directive amending the existing Motor Insurance Directive on 24 May 2018. This Directive proposes makes changes in a range of issues including the portability of claims history statements throughout the EU, guarantees towards victims in cases of insurer's insolvency including on a cross border basis, measures to combat uninsured driving, harmonised minimum levels of cover for personal injury and material damage across the EU, and proposes to provide legal certainty on the scope of the Directive, arising from the recent Vnuk judgement in the ECJ.

Q3 2018 UPDATE: The DoF is engaging with industry and the Department of Transport, which has overall responsibility for the negotiation of the Motor Insurance Directive.

Rec. 6 PROTOCOL TO ENSURE A GREATER CONSISTENCY OF TREATMENT FOR RETURNING EMIGRANTS

POSITION AT END OF Q3 2018: The Department of Finance (DoF) and Insurance Ireland have agreed a protocol which commits insurance companies to accept claims-free driving experience in another country, subject to appropriate verifiable documentation being provided. The guiding principle is to ensure that a returning emigrant is not treated any differently to any other driver, subject to verification of their continued driving experience and the normal acceptance criteria of the company. Thus, a returning emigrant will not be disadvantaged from spending that time abroad. Furthermore, under the protocol, insurance companies will not distinguish between countries on the basis of which side of the road driving takes place therein.

Insurance Ireland submitted a report on the implementation of this recommendation to the DoF on 22 December 2017. This report confirmed that Insurance Ireland members have agreed to publish the wording of the agreed protocol on their company websites and any other forms of social media, in addition to providing training for staff who can work through issues with emigrants before they leave, whilst they are out of the country and when they return to Ireland. The stated intention is "to resolve any issues well before they arise and for the consumer to be aware of the considerations when moving abroad". The wording of the agreed protocol is also available on the Insurance Ireland website.

The report also outlines some sample cases which demonstrate how the rolling-out of the protocol has already led to disputed cases being resolved to the benefit of returning emigrants, and provides figures indicating that the number of such cases being processed under the Declined Cases Agreement is decreasing.

The Minister for the Diaspora and International Development, Mr Ciarán Cannon TD, has undertaken some further work in this area, through an Interdepartmental Committee on the Irish Abroad. This has included highlighting each individual motor insurance operator's overall policy in respect of returning emigrants. The insurance providers which responded positively in relation to providing cover for returning emigrants are listed on the Department of Foreign Affairs and Trade website.

These insurers have also indicated that they do, in some way or another, take into account ‘no-claims’ driving experience earned abroad.

Q3 2018 UPDATE: The Department has continued to engage with Insurance Ireland in relation to the information listed on insurers’ websites for returning emigrants. Following a review by the Department, insurers have been asked to ensure this information is displayed more prominently on their websites to ensure the information is accessible and visible for consumers. The Department will continue to monitor the information on insurers’ websites in this regard.

Rec. 7 THE DECLINED CASES AGREEMENT TO BE SUBJECT TO ONGOING REVIEW TO ENSURE TRANSPARENCY

POSITION AT END Q2 2018: Insurance Ireland submitted the first annual report on the operation of the Declined Cases Agreement (DCA) to the Department of Finance in July 2017. The report provides data on the numbers of consumers availing of the DCA, and a breakdown of the figures according to the category of driver. In the DCA report, Insurance Ireland also called for a review of the elements of the Agreement. As a result, the Department of Finance began hosting workshops to review the operation and information flow between those organisations that play a role in the operation of the DCA. Further workshops will take place in the autumn, following the expected receipt of final formal relevant legal advice by Insurance Ireland in September.

Since the report was submitted, Insurance Ireland has provided up-to-date figures in respect of the DCA. The total number of applications in 2017 was 1,423, which represented a drop of approximately 27% on the number of cases in 2016 (1,941). The figure for the first quarter of this year is 322, a decrease of 26, or 8%, on the corresponding period last year.

It has been agreed that the second annual report will be submitted by Insurance Ireland during Q1 2019, in order to have the data contained therein realigned to a calendar year basis.

Q3 2018 UPDATE: Following receipt of the legal advice sought by Insurance Ireland, a workshop took place on 22 October and a method to alleviate some specific administrative issues raised by Insurance Ireland was agreed. It was also decided that the next workshop would take place in late November/early December at which focus would switch to a broader review of the operation of the Agreement overall.

Rec. 8 PROTOCOL FOR POLICYHOLDERS TO BE NOTIFIED OF CLAIMS MADE AGAINST THEM BEFORE SETTLEMENT

POSITION AT END OF Q2 2018: Discussions in respect of this recommendation between Insurance Ireland and the Department of Finance (DoF) have taken place as part of the joint sub-group on consumer recommendations. It was expected that the protocol would involve the relevant policyholder being informed as soon as possible after both a claim is lodged and a claim is settled, and for the policyholder’s views to be taken into consideration. As part of engagement on the implementation of this Recommendation, the DoF highlighted to Insurance Ireland the existence of what is considered to be a largely equivalent protocol between the Irish Insurance Federation (the predecessor to Insurance Ireland) and IBEC titled “Communication Guidelines for Insurers & Policyholders” agreed in April 2003. The DoF believes that the substance of this existing framework covers much of what the Recommendation is seeking to achieve. The DoF proposed that these guidelines could provide the bedrock of a new updated protocol. However, following discussion of protocol with its members as part of its Implementation Working Group, Insurance Ireland informed the DoF that industry is of the view that the IBEC/IIF guidelines have been superseded by the Central Bank of Ireland’s Consumer Protection Code (CPC), introduced in 2006 and revised in 2012. Therefore, their view appears to be that this recommendation is achieved through the application of the CPC.

The DoF disagrees as the key missing issue in the CPC is the absence of any requirement for policyholders to receive appropriate communication and engagement with their insurer in relation

to claims made against their policies. Consequently, Minister of State D’Arcy wrote to Insurance Ireland on this matter on 8 December 2017 to ask the insurance industry to fully implement this recommendation as soon as possible. A response to this letter was received on 3 April 2018 which reiterates Insurance Ireland’s position that the CPC is sufficient.

The existence of the IBEC/IIF guidelines came to the attention of the Cost of Insurance Working Group in the course of its second phase examination of the employer and public liability insurance sectors. Indeed, the issue of notifying and communicating with policyholders in relation to claims submitted against them is generally far more pertinent to businesses and other liability insurance policyholders rather than individual motorists. There is a recommendation in the *Report on the Cost of Employer and Public Liability Insurance* (“EL/PL Report”) to ensure that a new set of guidelines based upon the template provided by the IBEC/IIF version is agreed.

Q3 2018 UPDATE: The DoF is continuing to pursue the implementation of Recommendation 8, in parallel with the equivalent recommendation from the EL/PL Report. Without the agreement of industry on this matter, the only feasible solution to achieving the recommendation would at this stage appear to be through primary legislation. This option is being explored.

Rec. 9 INSURANCE IRELAND TO ESTABLISH A FORUM FOR CONSUMER AND BUSINESS ISSUES

POSITION AT END OF Q3 2018 (UNCHANGED FROM Q2 2018): Insurance Ireland set up the forum in March and hosted the inaugural meeting on 16 May 2017. The meeting was opened by the former Minister of State, Eoghan Murphy TD and was attended by representatives from the Department of Finance, the Central Bank of Ireland, the Financial Services Ombudsman, the Competition and Consumer Protection Commission, and the Consumers’ Association of Ireland. The first meeting concentrated on the motor insurance sector but it is intended to broaden the scope of the forum, both in terms of the types of insurance to be discussed and the range of participants therein.

The second meeting on the Forum was originally due to be held on 14 December 2017 but was postponed until 10 January 2018 due to scheduling conflicts amongst a number of invitees. It was focused exclusively on issues related to business insurance, with attendees including representatives from RGDATA, IBEC, ISME, Licensed Vintners’ Association, Vintners Federation of Ireland and the Society of the Irish Motor Industry.

The forum is due to meet on a biannual basis. Insurance Ireland has indicated that they are scheduling two meetings of the Business and Consumer Forum to take place during Q4 2018. It is expected that the meetings will concentrate on both consumer and business issues.

Rec. 10 ADVISORY COMMITTEE ON SMALL PUBLIC SERVICE VEHICLES TO ENTER REGULAR DISCUSSIONS WITH INSURANCE IRELAND TO EXPLORE SOLUTIONS FOR DRIVERS IN THE SECTOR

POSITION AT END OF Q3 2018: Insurance Ireland met with the Advisory Committee on Small Public Service Vehicles, commonly known as the Taxi Advisory Committee (TAC), on 22 May 2017. The TAC submitted the required report in relation to this meeting on 21 June 2017 to the Minister for Transport, Tourism and Sport. To date, no further meetings have taken place between the TAC and Insurance Ireland. However, the TAC has advised it is keeping itself informed of developments in the area, particularly through the industry representatives on the Committee, while future meetings with Insurance Ireland are a part of the TAC strategy.

Q3 UPDATE: The Working Group understands that a further meeting of the TAC will take place shortly to discuss insurance issues.

Objective 2 – Improving Data Availability

This objective focuses on the importance of improving transparency and data availability in the insurance sector. All of the insurance undertaking CEOs who met the Working Group stated that claims costs are a significant element in the price of motor insurance premiums. Indeed, the Joint Oireachtas Committee, in its own report, highlighted this as an issue that needed to be addressed as a matter of priority. In order to better understand how claims costs impact premiums, the Working Group decided that an incremental data gathering approach should be adopted to increase transparency and improve data availability across the insurance sector.

Rec. 11 ESTABLISH A NATIONAL CLAIMS INFORMATION DATABASE

POSITION AT END OF Q2 2018: The Department of Finance (DoF) established a data sub-group at the beginning of 2017 to examine issues relating to the development of the Database. The sub-group, chaired by the DoF, includes members from the Central Bank of Ireland (CBI), the Personal Injuries Assessment Board, the State Claims Agency and the Central Statistics Office. The Society of Actuaries has also attended and Insurance Ireland continue to be consulted to ensure a feasible framework is established. Government approval was obtained for the General Scheme on 19 December 2017 and the Office of the Parliamentary Counsel assigned a drafter on 26 January 2018.

The Central Bank (National Claims Information Database) Bill 2018 was formally published on 10 July 2018 and is available on the Oireachtas website. A technical data specification has been developed by the data sub-group and this was communicated to in-scope undertakings in July.

Q3 2018 UPDATE: The Bill completed second stage in Dáil Éireann on 20 September and the Joint Oireachtas Committee on Finance has provisionally agreed to hold Committee Stage on 29 November. It is hoped that the Bill will complete remaining stages before the end of 2018. However, this will depend on the willingness of members of the Houses of the Oireachtas to have this legislation enacted by the end of the year. The technical data specification was approved by the data sub-group and communicated to in-scope undertakings in July. The CBI is continuing to work with undertakings in advance of the enactment of legislation to ensure that submission processes and database systems are tested and ready to go, in order to enable efficient data collection. In this regard, further meetings with companies have taken place in October to finalise the specification.

Rec. 12 QUARTERLY PUBLICATION OF KEY AGGREGATED METRICS ON CLAIMS COSTS AND TRENDS WITHIN THE MARKET

POSITION AT END OF Q2 2018: Following up on the publication of the *First Motor Insurance Key Information Report* in July 2017, additional, more complex information was sought from industry for the second report. Insurance Ireland signalled that as a result it took a longer time to compile and aggregate the data at industry level. On 19 December 2017, a report was submitted by Insurance Ireland which contains an independent motor data actuarial analysis of the data requested carried out by Verisk. The report provides certain ultimate projections for claims trends in the motor market in Ireland between 2011 and 2016. The data sub-group analysed the findings of the Insurance Ireland data report and met with Insurance Ireland and Verisk.

The *Second Motor Insurance Key Information Report*, produced from the data provided, was published on 11 May 2018. This Report provided information on overall ultimate claims costs trends from 2011 to 2016 for Insurance Ireland companies representing about 90% of the Irish motor insurance market. The Report broke the information on ultimate claims costs trends down into Third Party Injury ultimate claims costs and Non-Injury ultimate claims costs including claims cost arising from damage, fire and theft, as well as windscreen claims. In addition, it provided details on earned premium income and exposure in the sector for the same years. The Report

represents a more detailed breakdown of claims costs compared with the first report and is another important step towards the establishment of the National Claims Information Database.

Q3 2018 UPDATE: While it was expected that the Department would publish a Third Report in the Autumn, there has been a delay in receiving the third tranche of data from Insurance Ireland. This tranche is expected to consist of updated data used to publish the previous two reports. Therefore it may not be possible to publish a third and final report until the end of the year.

Rec. 13 CONSIDER THE FEASIBILITY OF A LONGER TERM CLAIM-BY-CLAIM REGISTER

POSITION AT END OF Q2 2018: The data sub-group commenced work on considering the feasibility of a longer term claim-by-claim register. In this regard, it carried out a public consultation, which closed at the end of June. It reviewed the responses of stakeholders on the key considerations required.

Q3 2018 UPDATE: A report was produced by the Department and submitted to the Cost of Insurance Working Group for its review and approval in September.

The Report was subsequently published and has recommended that a claim-by-claim register not be considered as feasible in light of a number of issues identified with the establishment, cost and administration of such a register, in the absence of any defined purpose above and beyond the National Claims Information Database and the Insurance Fraud Database.

Objective 3 – Improving the Personal Injuries Claims Environment

This objective focuses on the need for a Personal Injuries Commission to be established in order to investigate and make recommendations on processes in other jurisdictions which could enhance the claims process in Ireland.

Rec. 14 ESTABLISH A PERSONAL INJURIES COMMISSION

POSITION AT END OF Q2 2018: The Personal Injuries Commission’s First Report was approved by Government and published on the 7th December 2017. It recommends that the Quebec Task Force WAD grading scale should be used going forward by all medical professionals reporting on relevant injuries. These are internationally recognised scales based on severity of symptoms and associated physical signs. A standardised medical reporting template is included in the Report. Training and accreditation in soft tissue reporting is agreed as being a best practice requirement for those wishing to complete relevant reports and training should be at CPD level. The Report also recommends the linking of future publications of the BoQ to the newly standardised examination and reporting injury categories.

Finally, the First Report recommends that relevant injury data should be collated and published by appropriate bodies. In this regard, the PIAB should produce information going forward relating to the incidence of ‘whiplash’ soft-tissue injuries. The PIC also suggests that there may be merit in data available from insurers relating to the incidence of ‘whiplash’ soft-tissue injuries forming part of the National Claims Information Database being developed by the Central Bank of Ireland.

During Q1 of 2018, the PIC engaged with stakeholders on the implementation of the recommendations from the 1st Report, including holding a meeting with medical stakeholders to progress the implementation of the recommendations regarding the standardised medical reporting template and the promotion of training and accreditation of medical professionals who complete personal injury reports. The Second and Final Report of the PIC was completed and submitted to the Minister for Business, Enterprise and Innovation and the Minister for Finance on 12 July 2018.

Q3 2018 UPDATE: The Second and Final Report of the Personal Injuries Commission was published on 18 September 2018. This Report deals predominately with benchmarking of Irish awards against those in England and Wales. Independent consultants were appointed to carry out the data validation/verification of the data received and to work with the Personal Injuries Commission on the benchmarking exercise. The Report also includes an update on the implementation of recommendations from the PIC’s First Report. The publication of this report now concludes the work of the Personal Injuries Commission. A copy of the report is available at: <https://dbei.gov.ie/en/Publications/Second-and-Final-Report-Personal-Injuries-Commission.html>

The Personal Injuries Commission has made a total of 14 recommendations across its two reports which are aimed at providing greater consistency in award levels. When implemented, this should bring greater stability to the claims environment and thus positively influence the price of insurance paid by consumers and businesses.

As the Personal Injuries Commission was established following a recommendation in the Cost of Insurance Working Group Report on the Cost of Motor Insurance published in January 2017, it is intended that progress on implementation of the recommendations from the two reports will be monitored through future Cost of Insurance Working Group Update Reports.

Objective 4 – Reducing the Costs in the Claims Process

This objective focuses on seeking to reduce the levels of legal and non-legal costs within the personal injury claims process, which had been highlighted as a key element in the pricing of motor insurance premiums.

Rec. 15 ASSESS, WITHIN THE CURRENT REVIEW OF PIAB LEGISLATION, CASES OF NON-COOPERATION SUCH AS NON-ATTENDANCE AT MEDICALS AND REFUSAL TO PROVIDE DETAILS OF SPECIAL DAMAGES

POSITION AT END OF Q2 2018: The General Scheme of what is now titled the Personal Injuries Assessment Board (Amendment) (No.2) Bill 2018 was approved by Government on 27 June 2017 and published on the website of the Department of Business, Enterprise and Innovation on 30 June 2017.

The drafting of this technical and complex piece of legislation by the Office of the Parliamentary Counsel was completed in early July and approved by Government on 24 July. The Bill entitled the Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018 was subsequently published on 13 August 2018.

Q3 2018 UPDATE: The Bill completed Second Stage in the Dáil on 8 November. The purpose of the Bill is to amend the existing legislation to strengthen the Personal Injuries Assessment Board (PIAB) in terms of operational issues to ensure greater compliance with the PIAB process and encourage more claims to be settled through the PIAB model.

The Bill addresses the recommendations in the CIWG Motor Report relating to cases of non-cooperation, such as non-attendance at medicals and failure to provide details of special damages or loss of earnings.

The content of the Bill was informed by the outcome of a public consultation on the PIAB Acts held in June 2014 and the recommendations from the Cost of Insurance Working Group Motor Report (January 2017).

Rec. 16 ASCERTAIN AND SET OUT THE MEASURES NECESSARY TO IMPLEMENT PRE-ACTION PROTOCOLS FOR PERSONAL INJURY CASES

POSITION AT END OF Q2 2018: The Department of Business, Enterprise and Innovation and the Department of Justice and Equality (DJE) are involved in working on this recommendation.

Part 15 of the Legal Services Regulation Act 2015 provides for the implementation of Pre-Action Protocols (PAPs) in medical negligence cases and this is currently being developed. The draft regulations on PAPs for medical negligence actions are expected to be ready for signature by the Minister for Justice and Equality in Q3 2018, pending receipt of key remaining legal advice. Technically, this will also require the commencement of Part 15 of the Legal Services Regulation Act 2015, preparations for which are in train.

In relation to a separate PAP for personal injury cases, the DJE has presented a note for information to the CIWG incorporating draft Heads. The issues raised in the note continue to be considered by DJE and the CIWG, including the interaction of the PAPs with any processes arising from the application of the Personal Injuries Assessment Board Acts.

Q3 2018 UPDATE: Legal advices, now received, have raised some additional matters which are currently being considered and the draft regulations on PAPs for medical negligence actions are expected to be ready for signature by the Minister for Justice and Equality for Q4 2018.

The matter of pre-action protocols for personal injury actions has been further discussed by the Department of Finance and the Department of Justice and Equality, including the possibility of separate legislative treatment for claims which have been assessed by the Personal Injuries Assessment Board and claims which have not.

Rec. 17	FULLY ASSESS VIABLE OPTIONS FOR REFERRING REJECTED PIAB ASSESSMENTS TO JUDICIAL PROCESS ON APPEAL BASIS SO THAT FACTS ESTABLISHED IN PIAB PROCESS DO NOT REQUIRE TO BE RE-ESTABLISHED
	<p>POSITION AT END OF Q3 2018 (UNCHANGED FROM Q2 2018): Representatives of the Department of Justice and Equality and the Department of Business, Enterprise and Innovation examined this issue as part of the legal sub-group established during the second phase of the Working Group project. This examination involved engagement with the Office of the Attorney General. The concept of a judicial appeal/review style system has been explored and this is detailed in the <i>Report on the Cost of Employer and Public Liability Insurance</i>, published in January 2018. In summary, there is a serious concern that it would simply just introduce another legal layer with associated additional costs as it would not prevent a person from taking a <i>de novo</i> case if they were unhappy with the outcome of the review/appeal.</p> <p>The Working Group believes, however, that the implementation of Recommendation 15 to address cases of non-cooperation with PIAB, such as non-attendance at medicals and refusal to provide details of special damages, through the General Scheme of what is now titled the Personal Injuries Assessment Board (Amendment) (No.2) Bill 2018 should assist in strengthening the overall role of PIAB in the assessment of damages. In addition, the introduction of a Pre-Action Protocol for personal injuries cases as per Recommendation 16 should assist in narrowing down the issues in dispute in order to make any subsequent court process, if it occurs, more efficient and cost-effective.</p>

Rec. 18	EXPLORE WITH THE JUDICIARY HOW FUTURE REVIEWS OF THE BOOK OF QUANTUM / GUIDELINES MIGHT INVOLVE APPROPRIATE JUDICIAL INVOLVEMENT IN ITS COMPILATION OR ADOPTION
	<p>POSITION AT END OF Q3 2018: While there had been ongoing engagement between the Personal Injuries Assessment Board and the Judiciary in relation to the compilation of the next Book of Quantum, which is due in 2019, this recommendation must now be considered in the context of the recommendations contained in the Second and Final Report of the Personal Injuries Commission (PIC), which recommended that the Judicial Council, when established, should be requested by the Minister for Justice and Equality to compile guidelines for appropriate general damages for various types of personal injury.</p> <p>The recommendation anticipates the Judicial Council potentially availing of assistance, as appropriate, from the PIAB. Depending on when and how the guidelines are developed i.e. if the guidelines were to be along the lines of the Judicial Studies Board guidelines published in England & Wales, there is the potential that they could effectively replace the current Book of Quantum.</p> <p>The PIC report references an anticipated enactment date at year end for the legislation to establish the Judicial Council. The report also references that in the event of a delay to the establishment of the Judicial Council that, as a contingency arrangement, the Executive should establish a formal framework, inclusive of PIAB, to enable the judiciary to complete guidelines in advance of the renewal deadlines for the next Book of Quantum.</p> <p>To this end, the recommendation addressed to PIAB, has effectively been superseded. In that context, PIAB has written to Mr Charlie Flanagan T.D., the Minister for Justice and Equality offering its assistance either in the compilation of any guidelines by the Judicial Council or in the event of a requirement to produce such “interim” guidelines. PIAB have a considerable amount of data relating to personal injury claims that they have assessed and will engage as may be required.</p> <p>The Working Group will continue to review the implementation of this recommendation in the context of work that takes place to introduce any new judicial guidelines.</p>

Rec. 19 EXAMINE THE FREQUENCY OF FUTURE BOOK OF QUANTUM UPDATES IN TERMS OF ANY FUTURE CHANGES TO ITS PRODUCTION

POSITION AT END OF Q2 2018: As stated above in relation to Recommendation 15, the General Scheme of what is now titled the Personal Injuries Assessment Board (Amendment) (No.2) Bill 2018 was approved by Government on 27 June 2017 and published on the website of the Department of Business, Enterprise and Innovation on 30 June 2017. As well as the details relevant to Recommendation 15, the General Scheme also provides that the Book of Quantum is reviewed every three years.

The drafting of this technical and complex piece of legislation by the Office of the Parliamentary Counsel was completed in early July and approved by Government on 24 July. The Bill entitled the Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018 was subsequently published on 13 August 2018.

Q3 2018 UPDATE: As per recommendation 18, this recommendation has effectively been superseded by the PIC recommendations. The PIC has recommended that the Judicial Council, when established, should be requested by the Minister for Justice and Equality to compile guidelines for appropriate general damages for various types of personal injury. On the basis that such guidelines would be along the lines of the Judicial Studies Board guidelines published in England & Wales, these guidelines would effectively replace the current Book of Quantum. The Personal Injuries Commission recommends that the guidelines be reviewed at regular intervals, for example, every three years.

The Working Group will continue to review the implementation of the intent of this recommendation in the context of work that takes place to introduce any new judicial guidelines.

Rec. 20 INTRODUCE MORE GRANULARITY INTO THE BOOK OF QUANTUM

POSITION AT END OF Q2 2018: This matter was being considered by the PIAB in the context of the next review of the Book of Quantum, which is due in 2019. In addition, PIAB, as a member of the Personal Injuries Commission (PIC), noted that the PIC's work may have a bearing on how this recommendation would ultimately be implemented. In that regard, PIAB noted that the 1st Report of the PIC, published in December 2017, contains a specific recommendation relating to the potential inclusion of new reporting categories/scales of soft-tissue (whiplash) injuries based on the Quebec Task Force's WAD scale.

Q3 2018 UPDATE: It is anticipated that any new judicial guidelines, produced as per recommendation 18, will also have regard to the first report of the PIC, published in December 2017, which contains a specific recommendation relating to the potential inclusion of new reporting categories/scales of soft-tissue (whiplash) based on the Quebec Task Force's WAD scale. PIAB data relating to personal injury claims that they have assessed may be useful in this context.

To this end, this recommendation, as it is directed to PIAB, has effectively been superseded by the PIC recommendations. Notwithstanding this, the Working Group will continue to review the implementation of the intent of this recommendation in the context of work that takes place to introduce any new judicial guidelines.

Rec. 21 IMPLEMENT THE *REVIEW OF THE FRAMEWORK FOR MOTOR INSURANCE COMPENSATION IN IRELAND* RECOMMENDATIONS

Q3 2018 UPDATE: The Insurance (Amendment) Bill 2018 was published on 19 June 2018. The purpose of the Bill was to amend certain provisions of the Insurance Act 1964, as amended, to clarify the role of the Insurance Compensation Fund (ICF), to implement the recommendations of the *Review of the Framework for Motor Insurance Compensation in Ireland* Report (2016) and to provide the legal basis for the full compensation of Setanta third party claimants.

The Insurance (Amendment) Act 2018 was enacted in July and the Commencement Order to establish the Motor Insurers Insolvency Compensation Fund with effect from 1 December 2018 was signed on 13 September. Consequentially, the relevant element of Recommendation 21 has been fully implemented. There are also consequential amendments to the 2009 MIBI agreement being pursued under the Review. These amendments are currently being prepared by MIBI and the Department of Transport.

Rec. 22 EXAMINE THE IMPACT OF LEGAL AND OTHER FEES ON PERSONAL INJURY AWARDS

POSITION AT END OF Q2 2018: The review has been commenced. However, it has proven to be more difficult than anticipated to establish a reliable set of data and therefore the relevant action point was not completed as scheduled in Q1 2017. A data set based on the aggregation of cases submitted for adjudication will become available when the new Office of the Legal Costs Adjudicators (OLCA) is operational. Once established, the new office will maintain a register of determinations in relation to applications for adjudication of legal costs which will be available for inspection without payment and on a website of the Courts Service.

A steering group to migrate from the current Office of the Taxing Master to the OLCA was formed earlier this year and the underlying data requirements are being built into the set-up process. Preparations continue to be made to set up the OLCA.

Efforts were made to source alternative usable data in the meantime. The Office of the Taxing Master produced randomised and anonymised data sets for the period 2014-2017 based on sampling of manual files for that period. Between the data sets from the insurance industry and the supplementary information from the Office of the Taxing Master, this was to be an interim usable data set. However, definitive conclusions from this data have been difficult to draw to date.

Q3 2018 UPDATE: The Working Group understands that the timeline for the establishment of the Office of the Legal Costs Adjudicator has been extended to Q1 2019.

Rec. 23 REVIEW THE IMPACT OF THE CHANGES TO THE COURT JURISDICTIONAL LIMITS AS THEY EVOLVE

POSITION AT END OF Q2 2018: The data provided by the Courts Service was analysed and the required report was submitted by the DJE to the CIWG in mid-July 2018. The report was circulated to all CIWG members to examine, with a view to discussing what conclusions could be drawn from it at the next CIWG meeting in September 2018.

Q3 2018 UPDATE: A draft report has been prepared by the Department of Justice and Equality and has been jointly considered by that Department and the Department of Finance. Arising from these discussions additional data has been requested and has recently been provided by the Courts Service. It has been agreed that the draft report will be further refined prior to full consideration by the wider Cost of Insurance Working Group.

Rec. 24 EXAMINE THE SETTING OF THE DISCOUNT RATE (IN PERSONAL INJURY LUMP SUM AWARDS), WITHOUT PREJUDICE TO THE OUTCOME OF RELEVANT PROCEEDINGS, AND TO BE REVIEWED AT REGULAR INTERVALS

POSITION AT END OF Q2 2018: The Department of Justice and Equality (DJE) is examining this issue in consultation with the Department of Finance (DoF) and the State Claims Agency (SCA). Account is being taken of the judgments in the case of *Gill Russell v HSE*, where the Court of Appeal upheld the determination of the High Court that the discount rate of 3% then being applied by the courts to personal injury lump sum awards was too high for cases involving significant long-term care needs. Officials from the DoF and the SCA have engaged with counterparts from HM Treasury to discuss their experiences of reviewing and setting the discount rate in the UK. The SCA has also carried out some analysis on this subject. Plus, the UK has published the results of a consultation review exercise on how the discount rate should be set in future

Consideration is being given to the UK developments and their applicability in an Irish context. A key outcome of this process will be whether regulations should be brought forward to set the discount rate and if so at what rate should they be set. An important point to note is that should a decision be made to set the discount rate, the legislation provides that the Courts can overrule this rate and set one which is lower or higher rate if they think it appropriate in an individual case.

Options as to what can be done in Ireland in relation to the setting of the discount rate have been the subject of a note prepared by the DoF which has been discussed by the Cost of Insurance Working Group.

Q3 2018 UPDATE: The draft terms of a public consultation have been prepared and are being considered by the Department of Justice and Equality. This is taking place in consultation with the Department of Finance and the State Claims Agency.

Objective 5 – Reducing Insurance Fraud and Uninsured Driving

This objective focuses on the requirements for improved data sharing and other cooperative measures in order to effectively tackle the problems of insurance fraud and uninsured driving.

Rec. 25

ESTABLISH A FULLY FUNCTIONING INTEGRATED INSURANCE FRAUD DATABASE FOR INDUSTRY TO DETECT PATTERNS OF FRAUD

POSITION AT END OF Q2 2018: An Insurance Fraud Database Working Group, chaired by the Crime Division of the Department of Justice and Equality, has been established in order to assess the information that is required to allow insurance companies share information in order to combat fraud. It is comprised of representatives from Insurance Ireland, the MIBI, the Garda National Economic Crime Bureau and the Civil and Criminal Law Reform Divisions of the Department of Justice and Equality. The group engaged in discussions with the Office of the Attorney General, the Office of the Data Protection Commissioner and the respective UK bodies dealing with insurance fraud (the Insurance Fraud Enforcement Department and the Insurance Fraud Bureau) and has completed a report which includes the recommended agreed parameters of the database, who is to be responsible, how it will be funded, and who will have access.

The application of the General Data Protection Regulation (GDPR) with effect from 25 May 2018 and the related Data Protection Bill (launched on 1 February 2018) will have a significant impact on any new data sharing arrangements between industry members and between the industry and An Garda Síochána. As such, the establishment of any new data sharing structures will require careful consideration against the changes to the legislative landscape. More generally, a critical balance will also be sought to ensure that data sharing between insurers is maximised while, at the same time, the data rights of the public are protected. Any changes, therefore, must be proportional to their effect.

The report of the Group was submitted to the Office of the Attorney General and the Office of the Data Protection Commissioner (ODPC) and in response, the ODPC has strongly endorsed the Group's view that detailed Data Protection Impact Assessment will be required in order to answer outstanding concerns regarding the potential addition of new datasets to the existing Insurance Link database, and the increased sharing of data. The ODPC recommends that further work needs to be completed to detail the evidential requirements for the creation of a new database or the enhancement of the existing Insurance Link database. The benefits of such a database should be assessed against the potential harm or detriments that could occur to individuals and their fundamental rights. Due to the need for this further work, it is premature to recommend a legislative approach, as per Action Point 54, at this stage.

As a starting point, it is necessary for a review to be undertaken by the insurance industry of the information held on Insurance Link in the context of the GDPR. It is then necessary to assess in more detail what specific additional data is proposed to be shared or what additional circumstances it is proposed to be shared in.

The Office of the Attorney General has considered the Group's final report and further consultation will take place following the conclusion of the outstanding data protection matters.

Insurance Ireland began a detailed Data Protection Impact Assessment in relation to matters such as the information currently held on Insurance Link, and the specific additional data it is proposed will be shared, plus the additional circumstances under which the data will be shared.

Q3 2018 UPDATE: Insurance Ireland had expected to complete this Data Protection Impact Assessment by the end of August 2018, but took longer than anticipated. However, a completed Data Protection Impact Assessment was submitted to the Department of Justice on 15 October. This is now being reviewed by the Department of Justice and Equality, and further meetings of the Insurance Fraud Database Working Group are expected to take place in Q4 to consider this.

Rec. 26

EXPLORE THE POTENTIAL FOR FURTHER COOPERATION BETWEEN THE INSURANCE SECTOR AND AN GARDA SÍOCHÁNA IN RELATION TO INSURANCE FRAUD INVESTIGATION

POSITION AT END OF Q2 2018: The implementation of this recommendation requires An Garda Síochána (AGS) to determine whether there is a mechanism for further cooperation with the insurance industry in relation to fraud investigation. With the agreement of the Garda Commissioner, the Garda National Economic Crime Bureau (GNECB) within AGS has engaged with Insurance Ireland with a view to examining a proposal that Insurance Ireland would provide funding to set up a dedicated investigation unit within the GNECB, to focus exclusively on the investigation of insurance fraud. A costed proposal was submitted to Insurance Ireland in Q1 2017. Following a meeting of Insurance Ireland’s Non-Life Council in September 2017, Insurance Ireland informed An Garda Síochána that industry are in agreement with exploring the proposal further, subject to a full cost/benefit analysis by Insurance Ireland’s Chief Financial Officers Working Group. In addition, the Non-Life Council “felt that any industry funding for a Garda Insurance Fraud Investigation Group should come from Insurance Ireland members and non-members alike, i.e. all those entities writing non-life insurance business in Ireland”.

Insurance Ireland communicated the outcome of its cost/benefit analysis to the Department of Justice and Equality (DJE) at the start of July 2018, recommending industry funding of a Garda insurance fraud unit. The outcome was also been communicated to AGS. Since then, the DJE has been engaging with the GNECB on this matter. Activity to date in relation to this recommendation consists of scoping out the possible cost and feasibility of setting up such a unit. The Garda Commissioner has yet to form a view on the proposal, and there are a number of serious issues which will require further consideration before any decision whether or not to proceed in this manner is taken.

In relation to the overall issue of improving cooperation between AGS and the insurance sector in the area of insurance fraud investigation, it should be noted that much constructive engagement has taken place through the Fraud Roundtable which has primarily focused on the implementation of Recommendation 13 of the EL/PL Report. In particular, a positive ‘spin-off’ development from the Roundtable has been that the GNECB and Insurance Ireland’s Anti-Fraud Forum – which is drawn from the fraud sections of the major individual insurers – have commenced what will be a regular series of meetings to discuss and act upon current and ongoing relevant issues in this area.

Q3 2018 UPDATE: Discussions are continuing between relevant officials in the Department of Justice and Equality and AGS in this regard. In addition, the Minister for Justice and Equality met with senior AGS management on 30 August to discuss the proposal. The Minister will receive formal, written notification from the Garda Commissioner following the Commissioner’s consideration of this recommendation.

Rec. 27

REVIEW OF SECTION 30 OF THE CIVIL LIABILITY AND COURTS ACT 2004

POSITION AT END OF Q2 2018: Section 30 of the Civil Liability and Courts Act 2004 provides for the Courts Service to establish and maintain a register of personal injury actions. The Courts Service has been requested to examine the requirements, including system development and resource issues, needed to enable the commencement of section 30.

The Courts Service has provided an assessment of a number of issues that have arisen with regard to progressing the proposed Personal Injuries Register. These issues include both developmental issues and issues around the interpretation of the section. For example, the Courts Service states that the criteria on which access to the register is to be granted as set out in section 30 must be clarified, taking into account data protection; technical and resource considerations must be assessed, including whether there is sufficient capacity within existing IT systems to populate a register in early course or whether a register should be part of a proposed new Civil Case

Management system across all jurisdictions which is currently being considered by the Courts Service, and consideration must be given to the benefits that would accrue from the development of a register which would only include court actions.

In terms of next steps, the Courts Service will meet shortly with relevant Departmental officials to consider the issues of concern and how best to progress the matter.

A key aspect of this discussion will be whether the issues and proposals referred to above potentially supersede section 30 of the 2004 Act and therefore the rationale for this recommendation. The CIWG will continue to monitor developments but it would appear that the overarching nature of some of the issues, and the likely timescale required to implement them, means that the question of amending and commencing section 30 is at this stage a secondary issue.

Q3 2018 UPDATE: The Department of Justice and Equality is in ongoing consultation with the Courts Service on how best to progress the matter.

Rec. 28

ESTABLISH A FULLY FUNCTIONING DATABASE TO IDENTIFY UNINSURED DRIVERS COMPELLING INSURANCE COMPANIES TO PROVIDE THE DRIVER LICENCE NUMBER

POSITION AT END OF Q2 2018: The database to identify uninsured drivers is officially known as the MTPL (Motor Third Party Liability) insurance database. The MTPL Project Board was appointed to oversee the implementation of this recommendation, assisted by a Project Team to implement the tasks (with a technical sub-team also in place). The Department of Transport, Tourism and Sport (DTTAS), An Garda Síochána (AGS), the Motor Insurers' Bureau of Ireland (MIBI), Insurance Ireland, and individual insurance companies are all represented. A Project Definition Governance document has been agreed and Insurance Ireland has taken ownership of the database.

Phase 1 involved the database "going live" in respect of privately-owned vehicles, as per Action 61. This phase has seen the commencement of initial testing with AGS. Insurance companies are providing insured and uninsured vehicle lists to AGS based on vehicle licence plate number and insurer name. The list of uninsured vehicles can then be loaded onto the AGS Automatic Number Plate Recognition (ANPR) system. Phase 1 of the initial testing has been completed as well as further testing in conjunction with new AGS hand-held devices which are also being trialled.

A "Go Live" date is awaited following the enactment of the Road Traffic (Amendment) Act 2018 in July, which contains an amendment to support the MTPL project, i.e., amending section 78(a) of the Road Traffic Act 1961 (as amended by section 30 of the Road Traffic Act 2016) in order to change the wording from "driver licence number" to "driver number", as the latter is the unique identifier.

Action 62 relates to Phase 2 which includes the capturing of driver numbers and has an expected date for its completion of Q3 2020, with, at that stage a target of 100% of driver numbers to be made available for the MTPL database for privately-owned motor vehicles. DTTAS has undertaken to amend existing road traffic legislation which will permit enhanced access by insurers to the National Vehicle Driver File (NVDF) data on endorsements, in order to enable insurers to check NVDF data in respect of policy renewals, as well as new policies.

DTTAS has also issued a letter of intent to Insurance Ireland in relation to the further amending of Road Traffic Act legislation to support the MTPL project – by amending section 75 of the Road Traffic Act 1961 to make it a requirement for drivers to supply their driver number details to vehicle insurers when a certificate of insurance is being issued – as part of a graduated penalty points Bill which is due to be published before the end of 2018. At present the Road Traffic Act compels the insurance companies to provide the driver number of its customers to the NVDF for validation and to check for endorsements. However, there is nothing to compel drivers to provide their driver number to insurance companies and the proposed amendment will change this.

Regarding Action 63 (creating a National Fleet Database), Insurance Ireland states that the current project focus is on privately-insured vehicles, which represent 92% of all insured vehicles. Fleet policies, which present many challenges as insurers do not currently successfully capture all of the required detailed data regarding vehicles and drivers in a timely way, will be addressed in a later project phase.

Q3 2018 UPDATE: DTTAS expects that a full rollout of Phase 1 will occur before the end of 2018, once the electronic link to transfer the data between the insurance industry and An Garda Síochána is in place. The insurance industry have made further submissions to the DTTAS regarding additional legislative changes which that Department is currently considering as part of the General Scheme of the Road Traffic (Miscellaneous Provisions) Bill 2018.

Rec. 29 DEVELOP A PROTOCOL TO PROVIDE THAT INDUSTRY USE THE DRIVER LICENCE NUMBER TO CHECK DRIVER DETAILS ON THE NVDF (NATIONAL VEHICLE AND DRIVER FILE)

POSITION AT END OF Q3 2018 (UNCHANGED FROM Q2 2018): The Department of Transport, Tourism and Sport (DTTAS) has flagged that the expected delays in fully establishing the uninsured drivers' database will have a knock-on effect upon the timelines for this recommendation. The National Vehicle Driver File (NVDF) Unit of the DTTAS is working in conjunction with the insurance industry to establish the relevant protocol. When arrangements are in place for all insurance companies to collect the driver number, the NVDF will examine how such a protocol can be put in place.

Q3 2018 UPDATE: This is linked to Recommendation 28 in the context of legislative changes requested by the industry. The Cost of Insurance Working Group will continue to monitor this recommendation in the context of the revised timeline for its expected completion.

Rec. 30 EXPEDITE THE DEVELOPMENT OF THE MASTER LICENCE RECORD

POSITION AT END OF Q2 2018: The Master Licence Record (MLR) is an internal National Vehicle and Driver File (NVDF) mechanism which allows the association of driver and vehicle records, but both the driver and vehicle records will remain as separate entities within the NVDF. Therefore, the NVDF will remain the record of fact for the driver and vehicle records, and will not be replaced by the MLR. In summary, the MLR is an element of the NVDF which will be used to make associations between vehicle and driver records.

The Department of Transport, Tourism and Sport (DTTAS) has indicated that the business case for the MLR implementation is a multi-annual programme of activity which has been signed off by the Minister of Transport, Tourism and Sport and the Minister for Justice and Equality based on a set budget and timescale for delivery.

The MLR project has fallen behind schedule and is not likely to be in place until 2020 at the earliest. The NVDF Unit is currently awaiting legal and data privacy advice as to whether the driving licence data collected under section 78A of RTA 1961 (as inserted by section 30 of the Road Traffic Act 2016) can be used for MLR purposes or whether additional legislation is required.

Q3 2018 UPDATE: The Cost of Insurance Working Group will continue to monitor this recommendation in the context of the revised timeline for its expected completion.

Objective 6 – Protecting Road Safety and Reducing Collisions

This objective focuses on the important societal issue of road safety and the possible use of technology in relation to improving same.

Rec. 31 PROTOCOL IN REGARD TO INSURANCE COMPANIES REQUIRING PROOF OF NCT/CRW

POSITION AT END OF Q2 2018: The Department of Transport, Tourism and Sport (DTTAS) has indicated that work on this recommendation – due for completion by the end of Q4 2018 – cannot be undertaken until the Master Licence Record (MLR) has been fully established. The DTTAS has also stated that the MLR business case does not cater for any NCT/CRW elements and this requirement is not part of the project; that if this requirement is to be added to the scope of work for the NVDF then a protocol would need to be agreed with the insurance industry in relation to this, and a detailed and costed design would require approval from a resource and budget perspective; and that there is currently no resource or budget available to action this within the NVDF.

Q3 2018 UPDATE: The Cost of Insurance Working Group will continue to monitor this recommendation in the context of the revised timeline for the expected completion of recommendation 30.

Rec. 32 REQUIRE THE INSURANCE INDUSTRY TO PROMOTE COMPLIANCE WITH ROAD SAFETY LEGISLATION

POSITION AT END OF Q3 2018 (UNCHANGED FROM Q2 2018): Insurance Ireland and the Department of Transport, Tourism and Sport (DTTAS) have agreed a protocol which will ensure that the appropriate wording provided by the Road Safety Authority (RSA) promoting compliance is now included in policy documents and that appropriate mechanisms for insurance companies to further promote compliance – in line with the relevant recommendation of the Road Safety Strategy 2013-2020 – be considered. A working group comprising of representatives from the DTTAS, the RSA and Insurance Ireland has been meeting to assist with the implementation of the protocol by the industry. The RSA and Insurance Ireland will initially concentrate on a social media campaign to target learner and novice drivers.

The DTTAS, the RSA and the insurance industry are in discussions to ensure that the optimum messaging and media are used to target the specific vulnerable cohort of learner and novice drivers and that it receives the same message from different perspectives.

Rec. 33 SUPPORT THE USE OF TECHNOLOGY TO BENEFIT CONSUMERS

POSITION AT END OF Q2 2018: Insurance Ireland submitted a report on the use of telematics to the Department of Finance (DoF) on 22 December 2017. The DoF considered this report and has sought clarification on a number of issues contained therein.

Separately, the *Report on the Cost of Employer and Public Liability Insurance* – which was published on 25 January 2018 – included an Addendum to the Motor Report on the use of telematics from the perspective of tackling fraud and there is an ensuing recommendation calling upon Insurance Ireland to submit a report on the topic before September 2018. This requirement has been added to Action Point No. 71, together with the extra deadline set for submission of the second report, which is Q3 2018.

Q3 2018 UPDATE: Insurance Ireland has confirmed that the second telematics report will be finalised by the end of November.

ACTION PLAN MONITORING DASHBOARD

Objective 1: Protecting the Consumer

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018
1 INSURERS TO SET OUT REASONS FOR LARGE INCREASES IN PREMIUMS TO CONSUMERS											
1	1	Develop a protocol with Insurance Ireland to facilitate the communication of the reasons for large increases in premiums to consumers	Q2 2017		✓						
	2	Develop legislation to underpin the protocol	Q4 2017				●				
2 INSURERS TO PROVIDE ADDITIONAL INFORMATION ON THE PREMIUM BREAKDOWN TO CONSUMERS											
	3	Central Bank of Ireland to undertake consultation	Q4 2017				✓				
	4	Central Bank of Ireland to amend legislation	Q2 2018						●	●	
3 EXTEND THE CURRENT RENEWAL NOTIFICATION PERIOD FROM 15 TO 20 WORKING DAYS											
	5	Central Bank of Ireland to undertake consultation	Q4 2017				✓				
	6	Central Bank of Ireland to amend legislation	Q2 2018						●	●	
4 TRANSPOSE THE INSURANCE DISTRIBUTION DIRECTIVE											
	7	Department of Finance to transpose the Insurance Distribution Directive	Q1 2018					●	✓		
5 SUPPORT EFFORTS TO IMPROVE CROSS-BORDER INSURANCE PROVISION AT EU LEVEL											
	8	Monitor EU developments	Ongoing	✓	✓	✓	✓	✓	✓	✓	➔
	9	Make representations as necessary with EU Commission and EU Parliamentarians	Ongoing	✓	✓	✓	✓	✓	✓	✓	➔
6 PROTOCOL TO ENSURE A GREATER CONSISTENCY OF TREATMENT FOR RETURNING EMIGRANTS											
	10	Insurance Ireland to put in place a standard information protocol for consumers	Q4 2017				✓				
	11	Insurers to implement policies to take full account of left-hand driving experience from abroad when a person has previous driving experience in Ireland	Q2 2017		✓						
	12	Insurers to implement policies to take appropriate account of right-hand driving experience from abroad when a person has previous driving experience in Ireland	Q4 2017				✓				
	13	Insurance Ireland to submit report to Department of Finance on its implementation of actions 10, 11 & 12	Q2 2017 Q4 2017		✓		✓				

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018
7	THE DECLINED CASES AGREEMENT TO BE SUBJECT TO ONGOING REVIEW TO ENSURE TRANSPARENCY										
	14	Insurance Ireland to provide information on its website	Q1 2017	✓							
	15	Insurance Ireland to submit report to Department of Finance annually	Q2 2017		✓						
8	PROTOCOL FOR POLICYHOLDERS TO BE NOTIFIED OF CLAIMS MADE AGAINST THEM BEFORE SETTLEMENT										
	16	Insurance Ireland to consult with the Department of Finance in relation to the development of a general protocol	Q3 2017			✓					
	17	Insurance Ireland to put in place a general protocol	Q4 2017				●	●	●	●	
9	INSURANCE IRELAND TO ESTABLISH A FORUM FOR CONSUMER AND BUSINESS ISSUES										
	18	Forum to be established by Insurance Ireland for consumer and business issues	Q1 2017	✓							
	19	Forum to meet twice yearly	Ongoing				✓				●
10	ADVISORY COMMITTEE ON SMALL PUBLIC SERVICE VEHICLES TO ENTER REGULAR DISCUSSIONS WITH INSURANCE IRELAND TO EXPLORE SOLUTIONS FOR DRIVERS IN THE SECTOR										
	20	Advisory Committee on Small Public Service Vehicles to meet with Insurance Ireland	Q1 2017	●	✓						
	21	Advisory Committee on Small Public Service Vehicles to report to the Minister for Transport, Tourism and Sport	Q2 2017		✓						

Objective 2: Improving Data Availability

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018
11	ESTABLISH A NATIONAL CLAIMS INFORMATION DATABASE										
	22	Specify the key aggregated metrics for immediate publication and commence the development of a national claims information database	Q1 2017	✓							
	23	Legislation in place for a national claims information database	Q4 2017				●	●	●	●	
	24	National claims information database established	Q2 2018						●	●	
12	QUARTERLY PUBLICATION OF KEY AGGREGATED METRICS ON CLAIMS COSTS AND TRENDS WITHIN THE MARKET										
	25	Key aggregated metrics template to issue to insurance undertakings for completion and submission	Q1 2017	✓							
	26	Collation and analysis of submissions received from insurance undertakings	Q2 2017		✓						
	27	Quarterly publication of key aggregated metrics commenced	Q2 2017		✓						
13	CONSIDER THE FEASIBILITY OF A LONGER TERM CLAIM-BY-CLAIM REGISTER										
	28	Establish sub-group to consider feasibility of a longer term claim-by-claim register	Q1 2018					✓			
	29	Report on claim-by-claim register delivered	Q3 2018							✓	

Objective 3: Improving the Personal Injuries Claims Environment

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018
14	ESTABLISH A PERSONAL INJURIES COMMISSION										
	30	Establish a Personal Injuries Commission (PIC)	Q1 2017	✓							
	31	PIC to investigate processes in other jurisdictions and make recommendations which could enhance the claims process in Ireland	Q4 2017				✓				
	32	PIC to benchmark international PI awards with those in Ireland and report on alternative compensation and resolution models	Q1 2018					●	✓		
	33	PIC to deliver its third report	Q2 2018						✓		

Objective 4: Reducing the Costs in the Claims Process

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018
15	ASSESS, WITHIN THE CURRENT REVIEW OF PIAB LEGISLATION, CASES OF NON-COOPERATION SUCH AS NON-ATTENDANCE AT MEDICALS AND REFUSAL TO PROVIDE DETAILS OF SPECIAL DAMAGES										
	34	Review cases of non-attendance at medicals and refusal to provide details of special damages	Q2 2017		✓						
	35	Publish Heads of Bill to enhance the powers of PIAB	Q2 2017		✓						
16	ASCERTAIN AND SET OUT THE MEASURES NECESSARY TO IMPLEMENT PRE-ACTION PROTOCOLS FOR PERSONAL INJURY CASES										
	36	Ascertain and set out the necessary measures to implement Pre-Action Protocols in personal injury cases	Q3 2017			✓					
	37	Publish Heads of Bill to extend Pre-Action Protocols to personal injury cases	Q4 2017				●	●	●	●	
17	FULLY ASSESS VIABLE OPTIONS FOR REFERRING REJECTED PIAB ASSESSMENTS TO JUDICIAL PROCESS ON APPEAL BASIS SO THAT FACTS ESTABLISHED IN PIAB PROCESS DO NOT REQUIRE TO BE RE-ESTABLISHED										
	38	Review potential legal and constitutional constraints to the appeal style system	Q4 2017				✓				
18	EXPLORE WITH THE JUDICIARY HOW FUTURE REVIEWS OF THE BOOK OF QUANTUM/GUIDELINES MIGHT INVOLVE APPROPRIATE JUDICIAL INVOLVEMENT IN ITS COMPILATION OR ADOPTION										
	39	Consultation with the Judiciary	Ongoing	✓	✓	✓	✓	✓	✓	✓	→
19	EXAMINE THE FREQUENCY OF FUTURE BOOK OF QUANTUM UPDATES IN TERMS OF ANY FUTURE CHANGES TO ITS PRODUCTION										
	40	Implement the outcome of the PIAB legislative review	Q2 2017		✓						
20	INTRODUCE MORE GRANULARITY INTO THE BOOK OF QUANTUM										
	41	Consult with the PIC and implement any recommendations arising from its report	Ongoing	✓	✓	✓	✓	✓	✓	✓	→
	42	Enhance the Book of Quantum upon each publication	Ongoing	✓	✓	✓	✓	✓	✓	✓	→

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018
21	IMPLEMENT THE REVIEW OF THE FRAMEWORK FOR MOTOR INSURANCE COMPENSATION IN IRELAND RECOMMENDATIONS										
	43	Continue to implement the recommendations of the Review	Ongoing	✓	✓	✓	✓	✓	✓	✓	➔
	44	Government approval of Heads of Bill to amend the Insurance Act 1964	Q2 2017		✓						
22	EXAMINE THE IMPACT OF LEGAL AND OTHER FEES ON PERSONAL INJURY AWARDS										
	45	Establishment of reliable set of data and commence review	Q1 2017	●	●	●	●	●	●	●	
	46	Report to be submitted to the Cost of Insurance Working Group	Q2 2018						●	●	
23	REVIEW THE IMPACT OF THE CHANGES TO THE COURT JURISDICTIONAL LIMITS AS THEY EVOLVE										
	47	Review to be commenced	Q1 2017	✓							
	48	Report to be submitted to the Cost of Insurance Working Group	Q2 2018						✓		
24	EXAMINE THE SETTING OF THE DISCOUNT RATE (IN PERSONAL INJURY LUMP SUM AWARDS), WITHOUT PREJUDICE TO THE OUTCOME OF RELEVANT PROCEEDINGS, AND TO BE REVIEWED AT REGULAR INTERVALS										
	49	Review to be commenced	Q1 2017	✓							
	50	Report to be submitted to the Cost of Insurance Working Group	Ongoing	✓	✓	✓	✓	✓	✓	✓	➔

Objective 5: Reducing Insurance Fraud and Uninsured Driving

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018
25	ESTABLISH A FULLY FUNCTIONING INTEGRATED INSURANCE FRAUD DATABASE FOR INDUSTRY TO DETECT PATTERNS OF FRAUD										
	51	Determine the parameters of the database to be established; who is to be responsible, how it will be funded, and who will have access	Q2 2017		✓						
	52	Liaise with industry and An Garda Síochána to determine what type of data will be input into the database	Q2 2017		✓						
	53	Liaise with the Data Protection Commissioner in relation to data sharing provisions	Q2 2017		✓						
	54	Prepare criminal justice legislation if required and implement the database	Q2 2018 Q4 2018						●	●	
26	EXPLORE THE POTENTIAL FOR FURTHER COOPERATION BETWEEN THE INSURANCE SECTOR AND AN GARDA SÍOCHÁNA IN RELATION TO INSURANCE FRAUD INVESTIGATION										
	55	Determine mechanism for further cooperation	Q2 2017		✓						
	56	Approval of the Garda Commissioner for the mechanism chosen	Q3 2017			●	●	●	●	●	
	57	Approval of the Minister for Justice and Equality for the mechanism chosen	Q3 2017			●	●	●	●	●	
	58	Liaise with industry	Ongoing	✓	✓	✓	✓	✓	✓	✓	→
27	REVIEW OF SECTION 30 OF THE CIVIL LIABILITY AND COURTS ACT 2004										
	59	Review to be commenced to determine necessary amendments, if any	Q4 2017				✓				
	60	Report to be submitted to the Cost of Insurance Working Group	Q1 2018					●	●	●	
28	ESTABLISH A FULLY FUNCTIONING DATABASE TO IDENTIFY UNINSURED DRIVERS COMPELLING INSURANCE COMPANIES TO PROVIDE THE DRIVER LICENCE NUMBER										
	61	Complete Phase 1 - Go Live (in relation to privately owned vehicles)	Q3 2017			✓					
	62	Complete Phase 2 - include driver licence number and commence provision of Road Traffic Act 2016 requiring insurance companies to provide driver licence number	Q3 2018 Q4 2018							●	
	63	Establish protocol with the insurance industry to advise fleet customers that vehicles will not be covered by the fleet policy if not entered on the National Fleet Database	Q4 2018								●

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018	
29	DEVELOP A PROTOCOL TO PROVIDE THAT INDUSTRY USE THE DRIVER LICENCE NUMBER TO CHECK DRIVER DETAILS ON THE NVDF (NATIONAL VEHICLE AND DRIVER FILE)											
	64	Establish a protocol with the insurance industry to provide that industry use the driver licence number to check and verify driver details on the NVDF	Q4 2018									●
30	EXPEDITE THE DEVELOPMENT OF THE MASTER LICENCE RECORD											
	65	NVDF to submit detailed project plan to the Minister for Transport, Tourism and Sport who will provide a report to the Cost of Insurance Working Group	Q2 2017		✓							
	66	Department of Transport, Tourism and Sport to expedite the implementation of the Master Licence Record	Q4 2018									●

Objective 6: Promoting Road Safety and Reducing Collisions

Rec.	Action	Title	Deadline	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018	
31	PROTOCOL IN REGARD TO INSURANCE COMPANIES REQUIRING PROOF OF NCT/CRW											
	67	Expedite the Master Licence Record - this will provide insurers with the facility to check the NVDF for proof of NCT/CRW	Q4 2018									●
	68	Insurance Ireland to put in place a general protocol in regard to insurance companies requiring proof of NCT/CRW	Q4 2018									●
32	REQUIRE THE INSURANCE INDUSTRY TO PROMOTE COMPLIANCE WITH ROAD SAFETY LEGISLATION											
	69	Develop a protocol for the insurance industry to promote compliance with road safety legislation	Q1 2017	●	✓							
	70	Wording to be provided by Department of Transport, Tourism and Sport for inclusion in policy documents	Q2 2017		✓							
33	SUPPORT THE USE OF TECHNOLOGY TO BENEFIT CONSUMERS											
	71	Insurance Ireland to review the current use of telematics by industry and submit two reports to Cost of Insurance Working Group (one: <i>Road Safety</i> & one: Fraud)	Q4 2017 Q3 2018				✓				●	
Key												
●	Action delayed beyond scheduled quarter			●	Action not being pursued							
●	Action partially delayed / at risk of being delayed			✓	Action completed							
●	Action on track			➔	Action ongoing							

Report on the Cost of Employer and Public Liability Insurance

PROGRESS UPDATE: Q3 2018 ACTIONS

Action	Title	Q3 2018
11	Department of Justice and Equality to bring forward legislation proposing amendment to section 8 of the 2004 Act	✓
13	Department of Justice and Equality to follow up with the Courts Service and produce a report to the Working Group on the implementation of Action Point 12	●
25	Agreement of new set of guidelines in respect of the reporting of suspected fraudulent insurance claims to An Garda Síochána by the insurance industry	✓
26	Department of Justice and Equality to propose amendment to section 14 of the 2004 Act to allow for the court to draw inferences from non-compliance with the requirement to lodge the verifying affidavit within 21 days after the lodgement of the service of the pleading concerned	✓
Key		
●	Action delayed beyond scheduled quarter	✓
●	Action partially delayed	Action completed

The table above indicates that three of the four actions which were due to be completed in Q3 2018, are completed. One action (13) is partially delayed as the Department of Justice and Equality is awaiting the outcome of the considerations of the Courts Service on this matter before it can produce its report to the Working Group.

PROGRESS UPDATE: OUTSTANDING ACTIONS FROM PREVIOUS QUARTERS

Action	Title	Q2 2018
29	Department of Justice and Equality to bring to the attention of the judiciary in an appropriate manner the recommendation that consideration be given to training pending the enactment of the Judicial Council Bill	✓
Key		
●	Action delayed beyond scheduled quarter	✓ Action completed
●	Action partially delayed	

The outstanding action from the previous quarter has been completed.

The updates provided below in respect of all recommendations supply more detail on the implementation of these actions.

PROGRESS UPDATE: ALL RECOMMENDATIONS

Objective 1 – Increasing Transparency

This objective relates to increasing levels of transparency in the employer and public liability insurance sphere by enhancing the quality and quantity of data available in relation to the cost of insurance to businesses and Personal Injury claims.

Rec. 1 CSO TO CONSIDER FEASIBILITY OF COLLECTING PRICE INFORMATION ON THE COST OF INSURANCE TO BUSINESS

POSITION AT END OF Q2 2018: The Central Statistics Office (CSO) began working on the feasibility study in May. The work will include the following steps:

- Researching the methodological approach including contacting other countries that already compile such an index
- Deciding on the scope of the price index
- Contacting and meeting with each of the relevant insurance companies to explain the data requirements for the creation of such an index
- Development of a new survey form based on discussions with insurance companies
- Requesting sample data from the insurance companies
- Compiling the index based on the sample data and testing the index for plausibility, accuracy and quality
- Writing up the conclusions of the research into the feasibility report

The CSO has stated that there will be significant methodological and practical challenges that will need to be overcome in order to produce a price index for business insurance. From a practical point of view, the new survey will be required to be completed on a voluntary basis as there are no legal instruments in place to compel the insurance companies to respond to data requests. This is in contrast to, for example, the motor insurance component of the Consumer Price Index (CPI) where a Statutory Instrument is in place. From a methodological point of view, the market for business insurance is far more heterogeneous compared to the relatively homogeneous market for motor insurance. This creates difficulties when trying to decide on the product or service which must be tracked consistently over time.

Q3 2018 UPDATE: The CSO has continued with the discovery phase of the project in Q3 2018. This has included meetings with insurance companies and market participants. In addition, the CSO has concentrated on devising a sampling methodology and worked closely with insurance companies to develop customer profiles and sample data. They have also explored alternative data sources and engaged with other National Statistical Institutes (NSIs). The results of the work will be compiled into a report for the Cost of Insurance Working Group before the end of 2018.

Rec. 2 CENTRAL BANK TO EXAMINE MERITS AND FEASIBILITY OF COLLECTING EMPLOYER AND PUBLIC LIABILITY INSURANCE CLAIMS DATA IN THE NATIONAL CLAIMS INFORMATION DATABASE (NCID)

POSITION AT END OF Q3 2018 (UNCHANGED FROM Q2 2018): Work is underway to establish the NCID for private motor insurance claims and consideration will be given to potential expansion of the database in line with the timeframe set out in the Report.

Rec. 3 COURTS SERVICE TO PUBLISH THE RESULTS OF PERSONAL INJURY CASES IN A MORE GRANULAR WAY IN ITS ANNUAL REPORTS

POSITION AT END OF Q2 2018: The Department of Justice and Equality has written to the Courts Service requesting the Courts Service to provide options for a new template for more granular data on personal injury awards that it can produce going forward.

The matter is under consideration by the Courts Service at present.

Q3 2018 UPDATE: The Courts Service has indicated to the Department of Justice and Equality that it will publish a more detailed breakdown of awards in personal injury cases in its Annual Report 2018. Details of awards in medical negligence cases will be published separately.

Rec. 4 DEPARTMENT OF FINANCE TO PUBLISH A KEY INFORMATION REPORT ON EMPLOYER AND PUBLIC LIABILITY INSURANCE CLAIMS

POSITION AT END OF Q2 2018: The data sub-group developed the relevant template for a request to Insurance Ireland for certain key metrics to enable a report to be produced and published in Q4 2018. The data template was submitted to Insurance Ireland by Minister of State D'Arcy on 18 May 2018. In it, he has requested that the completed data submission be returned by the end of Q3 to allow sufficient time for the production and publication of the Report by the end of Q4.

Q3 2018 UPDATE: Insurance Ireland has not submitted a completed data submission. A subsequent request for an update on the status of the data request was issued to Insurance Ireland. In response, Insurance Ireland has indicated that due to the volume and complexity of the data to be collected, it has been necessary for them to instigate a procurement process for a third party to assist them with this exercise. This has been completed and they are liaising with their members and expect to start the data gathering process shortly. For these reasons, they have indicated that it will not be possible for them to submit the market data within the required timeframe.

The above means therefore that it will not be possible for the Department to produce and publish this Report by the end of this year. This is likely to happen in late Q1 or early Q2 of 2019.

Objective 2 – Reviewing the Level of Damages in Personal Injury Cases

This objective focuses on seeking whether it is possible, constitutionally and otherwise, to legislate for a cap to be placed on the levels of damages which a court may award in respect of some or all categories of Personal Injury claims.

Rec. 5 LAW REFORM COMMISSION TO BE REQUESTED TO UNDERTAKE A DETAILED ANALYSIS OF THE POSSIBILITY OF DEVELOPING CONSTITUTIONALLY SOUND LEGISLATION TO DELIMIT OR CAP DAMAGES

POSITION AT END OF Q2 2018: The Law Reform Commission has confirmed that the subject of caps on damages for personal injuries litigation is included in their draft 5th Programme of Law Reform. The draft Programme has been considered by the Consultative Committee, which includes the Attorney General and representatives of Government Departments.

Q3 2018 UPDATE: It is understood that a Memorandum for Government will shortly be proposed to Government via the Attorney General regarding the Law Reform Commission's 5th Programme and that the Programme will be finalised by the end of this year.

Objective 3 – Improving the Personal Injuries Litigation Framework

This objective ultimately aims to ensure claimants receive a reasonable and just level of compensation in respect of their injuries as soon as possible, while at the same time providing defendants with a fair opportunity to properly challenge a claim in appropriate instances. Therefore, for instance, policyholders should be notified as soon as possible in respect of claims submitted against them but in addition appropriately consulted with in relation to same. Plus, existing measures should be better utilised and/or updated in order to effectively tackle the problem of insurance fraud, an area in which the quality and quantity of relevant data also needs to be improved.

Rec. 6

AMEND THE WORDING OF SECTION 8 OF THE CIVIL LIABILITY AND COURTS ACT 2004 TO ENSURE DEFENDANTS ARE NOTIFIED OF A CLAIM HAVING BEEN LODGED AGAINST THEIR POLICY

POSITION AT END OF Q2 2018: The Department of Justice and Equality has commenced work in relation to this recommendation with a view to the Q2 2018 deadline for Action Point 10. Initial Draft Heads have been prepared and are being given more detailed consideration including from a legal point of view.

Q3 2018 UPDATE: The Courts and Civil Law (Miscellaneous Provisions) Bill was the legislative vehicle which had been under consideration to facilitate this amendment. However, in the interests of efficiency, the amendment is now being proposed as part of the Central Bank (National Claims Information Database) Bill 2018.

The Government has approved a Memorandum seeking that this amendment be included in the Central Bank (National Claims Information Database) Bill 2018 which is currently before the Oireachtas.

Rec. 7

RELEVANT COURT RULES COMMITTEE(S) TO CONSIDER AMENDMENT OF THE RULES OF COURT IN RESPECT OF SECTION 8 OF THE CIVIL LIABILITY AND COURTS ACT 2004

POSITION AT END OF Q2 2018: The Department of Justice and Equality wrote to the Courts Service requesting consideration by the relevant court rules committee of amendment of the Rules of Court in respect of section 8 of the 2004 Act. An initial response was received, which would be discussed further between the Department and the Courts Service. The Courts Service had arranged for this recommendation to be placed on the agenda of each Rules Committee for consideration.

Q3 2018 UPDATE: The matter has already been before the Circuit Court Rules Committee and remains under consideration by that Committee and is expected to be considered by the Superior Court Rules Committee in October.

Rec. 8 ENSURE GREATER GENERAL AWARENESS OF NOTIFICATION OBLIGATIONS UNDER SECTION 8 OF THE CIVIL LIABILITY AND COURTS ACT 2004

POSITION AT END OF Q3 2018 (UNCHANGED FROM Q2): The Department of Finance (DoF) requested that each Department commence engagements with the various relevant bodies with a view to promoting a better general awareness of the notification obligations in section 8 of the 2004 Act.

To that end, the Department of Justice and Equality wrote to the Honorable Society of King's Inns, the Law Society of Ireland, the Council of the Bar of Ireland, and the Courts Service regarding this recommendation and inviting a response with details of any proposals or actions they have taken, or would intend to take, to promote such general awareness of the notification obligations under section 8. The DoF similarly wrote to Insurance Ireland, IBEC, ISME, the Citizens Information Board, and every individual local authority in the country. In addition the State Claims Agency intended to raise awareness via their panel solicitors and their in house team.

The Personal Injuries Assessment Board has reviewed the public information material it provides and as a result has:

- Updated the Frequently Asked Questions section on its website to specifically draw claimants' attention to the notification obligations
- Specifically added the notification obligations to the script its Service Centre agents use when providing information to intending claimants who make contact by telephone

Rec. 9 REVIEW OF THE OPERATION OF THE SIX-MONTH STANDSTILL PERIOD PROVIDED FOR UNDER SECTION 50 OF THE PERSONAL INJURIES ASSESSMENT BOARD ACT 2003

POSITION AT END OF Q3 2018: The Personal Injuries Assessment Board (PIAB) wrote to the main insurance companies seeking relevant information in relation to rejected PIAB cases. The data received is currently being analysed by PIAB who will report to the Department once the analysis is complete.

Rec. 10 INSURANCE IRELAND AND BUSINESS ORGANISATIONS TO AGREE A SET OF GUIDELINES IN RESPECT OF NOTIFYING AND ENGAGING WITH POLICYHOLDERS REGARDING CLAIMS SUBMITTED AGAINST THEM

POSITION AT END OF Q2 2018: The Department of Finance has met with Insurance Ireland in relation to this Recommendation. As noted in the update for Recommendation 8 of the Motor Report (see page 8), Insurance Ireland is of the view that the 2004 guidelines agreed between IBEC and the Irish Insurance Federation have been superseded by the Consumer Protection Code. The Department is continuing to pursue the implementation of this Recommendation, in parallel with the equivalent recommendation from the Motor Report. Options are being considered as to the best course of action for bringing the recommendations forward, given industry's diverging opinion on the matter.

Q3 2018 UPDATE: The DoF is continuing to pursue the implementation of Recommendation 10, in parallel with the equivalent recommendation from the Motor Report. Without the agreement of industry on this matter, the only feasible solution to achieving this recommendation would appear to be through primary legislation. This option is being explored.

Rec. 11 AN GARDA SÍOCHÁNA TO COMMENCE PRODUCING STATISTICS ON COMPLAINTS AND INVESTIGATIONS RELATING TO FRAUD WITHIN THE PERSONAL INJURIES AREA

POSITION AT END OF Q2 2018: The Department of Justice and Equality (DJE) met with the Garda National Economic Crime Bureau (GNECB) on 14 March to ascertain what statistics are currently available and what steps are necessary to implement this recommendation.

GNECB noted that the proposed addition of a specific Insurance Fraud category to PULSE should allow for the production of statistics on complaints, investigations, prosecutions and convictions relating to insurance fraud.

Q3 2018 UPDATE: Technical issues arose with the introduction of a new “insurance fraud” category on the PULSE system (along with approximately 24 other similar category changes). However, these technical issues have been resolved and the collection of the statistics under the new category has commenced. In addition, significant training has been undertaken at the Garda Information Services Centre arising from the introduction of such a number of changes to the PULSE system.

Rec. 12 THE COURTS SERVICE TO COMMENCE PRODUCING STATISTICS ON PROSECUTIONS AND CONVICTIONS RELATING TO FRAUD WITHIN THE PERSONAL INJURIES AREA

POSITION AT END OF Q2 2018: The Department of Justice and Equality (DJE) has written to the Courts Service for the purpose of consulting with the Courts Service in respect of the request to commence producing statistics on prosecutions and convictions relating to fraud within the personal injuries area.

At a meeting between the DJE, the Garda National Economic Crime Bureau (GNECB) and the Courts Service on 13 April 2018, it was noted that the proposed addition of a specific Insurance Fraud category to the Pulse system should allow for the production of statistics on prosecutions and convictions relating to insurance fraud. Consequently, it was agreed that these statistics would be provided by An Garda Síochána rather than by the Courts Service, as originally envisaged.

The Courts Service has also brought a number of issues relating to the application of section 26 of the Civil Liability and Courts Act 2004, dealing with fraudulent actions in the personal injuries area, to the attention of the Circuit and District Court Directorate for consideration.

Q3 2018 UPDATE: This is linked to Recommendation 11. As noted above, technical issues arose with the introduction of a new “insurance fraud” category on the PULSE system (along with approximately 24 other similar category changes). However, these technical issues have been resolved and the collection of the statistics under the new category has commenced. In addition, significant training has been undertaken at the Garda Information Services Centre arising from the introduction of such a number of changes to the PULSE system.

Rec. 13

INSURANCE IRELAND, AN GARDA SÍOCHÁNA AND THE DPP TO AGREE A SET OF GUIDELINES IN RESPECT OF THE REPORTING OF SUSPECTED FRAUDULENT INSURANCE CLAIMS

POSITION AT END OF Q2 2018: A roundtable was convened by the Department of Finance in late 2017 to listen to the views of all of the key stakeholders in relation to insurance fraud. In line with the intention to use the existing An Garda Síochána (AGS) guidelines to inform the drafting of new, fit for purpose guidelines, AGS has produced a draft document which has been communicated to Insurance Ireland. The draft proposes a number of changes to the section of the existing guidelines concerning the station or section within AGS to which a formal complaint should be made. However, the Garda amendments proposed are not significant. At a follow-up roundtable session on 26 March 2018, Insurance Ireland signalled its agreement with the proposed changes. At this session, it was also agreed that further consultations with stakeholders regarding the proposed guidelines would take place, including with insurance providers not represented by Insurance Ireland, and a meeting to this effect was held on 27 April 2018. The consultation process undertaken by the Fraud Roundtable included the Self-Insured Taskforce, Irish Public Bodies, the Anti-Fraud Forum of Insurance Ireland, the State Claims Agency and Lloyd's Ireland. Following this process, the revised guidelines were agreed in June 2018, subject to official approval by the legal section of AGS, and became operational in September.

Following a suggestion made at the Roundtable during its consultations, the Garda National Economic Crime Bureau of AGS has attended a meeting of the Anti-Fraud Forum. Both parties found the engagement helpful and have stated that this enhanced cooperation will continue in the future. This positive development is an opportunity for greater communication and improved processes and it is hoped that it will lead to a better understanding on both sides of the issues arising in the investigation and reporting of fraud.

A separate stream of work which emerged from the Fraud Roundtable relates to an examination of the court process in circumstances where the court believes there to be an element of fraud or exaggeration in the claim which should be investigated by AGS. The Roundtable is examining measures which could be taken to ensure the appropriate action is taken in such circumstances. The aim is to ensure that suspected fraud in personal injuries is sent for investigation to the appropriate personnel in AGS, and following that, if appropriate, to the DPP for prosecution. The Roundtable will continue to meet to progress this issue.

Q3 2018 UPDATE: AGS published the *Guidelines for the Reporting of Suspected Fraudulent Insurance Claims by Insurance Entities to An Garda Síochána* on 1 October 2018, as well as circulating internally within AGS. These are available on the Garda website. The Guidelines will be highlighted at internal training courses on fraud commencing in November. In addition, a copy of the new Guidelines was also sent to relevant bodies who had been involved in the consultation process such as the Self-Insured Taskforce, Irish Public Bodies, Lloyd's and the State Claims Agency, as well as the Car Rental Council of Ireland. It is envisaged that the Guidelines will assist and provide support to these organisations, as well as insurance companies, when making allegations of insurance claim fraud to An Garda Síochána.

In relation to the examination of the court process in circumstances where the court believes there to be an element of fraud or exaggeration in the claim, the Fraud Roundtable have considered the issue and potential measures. The Department of Justice and Equality have agreed to update the judiciary on these discussions and the new Guidelines.

Rec. 14 AMENDMENT OF SECTION 14 OF THE CIVIL LIABILITY AND COURTS ACT 2004 TO IMPROVE THE USE AND EFFECTIVENESS OF THE PROVISION

POSITION AT END OF Q2 2018: The Department of Justice and Equality has commenced work in relation to this recommendation with a view to delivering same in tandem with Recommendation 6, which deals with an amendment of section 8 of the 2004 Act. Initial Draft Heads have been prepared and are being given more detailed consideration including from a legal point of view.

Q3 2018 UPDATE: The Courts and Civil Law (Miscellaneous Provisions) Bill was the legislative vehicle which had been under consideration to facilitate this amendment. However, in the interests of efficiency, the amendment is now being proposed as part of the Central Bank (National Claims Information Database) Bill 2018.

The Government has approved a Memorandum seeking that this amendment be included in the Central Bank (National Claims Information Database) Bill 2018 which is currently before the Oireachtas.

Rec. 15 DEPARTMENT OF JUSTICE AND EQUALITY TO CONSIDER PROPOSING AN AMENDMENT TO THE JUDICIAL COUNCIL BILL TO FACILITATE TRAINING AND INFORMATION SUPPORTS

POSITION AT END OF Q2 2018: Pending the scheduling of a Committee Stage date for the Bill, consideration within the Department of Justice and Equality (DJE) is being given as to the number and extent of any amendments which may be put forward, including any amendment which would arise as a result of this recommendation. What is feasible/possible will be considered in consultation with the Office of the Parliamentary Counsel.

The DJE is in consultation with the Courts Services in respect of bringing to the attention of the judiciary in an appropriate manner the recommendation that consideration be given to training pending the enactment of the Judicial Council Bill.

Q3 2018 UPDATE: In relation to Action Point 28, an amendment is being drafted within the Office of the Parliamentary Counsel which will give effect to this recommendation. A Committee Stage date for the Judicial Council Bill is still awaited but it is hoped that the amendment can be moved during the course of that Stage.

In relation to Action Point 29, the Department of Justice and Equality has also brought this recommendation to the attention of the judiciary. It is also relevant that the Personal Injuries Commission has recommended that the Judicial Council should, when established, be requested by the Minister for Justice and Equality to compile guidelines for appropriate general damages for various types of personal injury.

ACTION PLAN MONITORING DASHBOARD

Objective 1: Increasing Transparency

Rec.	Action	Title	Deadline	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019
1	CSO TO CONSIDER FEASIBILITY OF COLLECTING PRICE INFORMATION ON BUSINESS INSURANCE										
	1	CSO to commence feasibility study on data related to the cost of insurance to businesses	Q2 2018		✓						
	2	CSO to report to the Department of Finance with outcome of review and, if it considers such an index feasible, makes appropriate proposals	Q4 2018				●				
2	CENTRAL BANK TO EXAMINE MERITS AND FEASIBILITY OF COLLECTING DATA FOR EMPLOYER AND PUBLIC LIABILITY INSURANCE CLAIMS IN THE NATIONAL CLAIMS INFORMATION DATABASE										
	3	Central Bank to produce a report on the merits and feasibility of collecting employer and public liability insurance claims in the National Claims Information Database	Q4 2019								●
3	COURTS SERVICE SHOULD PUBLISH THE RESULTS OF PERSONAL INJURY CASES IN A MORE GRANULAR WAY IN ITS ANNUAL REPORTS										
	4	Department of Justice and Equality to request the Courts Service to provide options for a new template for more granular data on personal injury awards	Q1 2018	✓							
	5	Courts Service to be requested to include this more granular data in future annual reports, commencing with the 2019 annual report	Q1 2019					●			
4	DEPARTMENT OF FINANCE TO PUBLISH A KEY INFORMATION REPORT ON EMPLOYER AND PUBLIC LIABILITY INSURANCE CLAIMS										
	6	Key aggregated metrics template to issue to Insurance Ireland for completion and submission	Q2 2018		✓						
	7	Collation and analysis of submission received and publication of Key Information Report on employer and public liability insurance	Q4 2018				●				

Objective 2: Reviewing the Level of Damages in Personal Injury Cases

Rec.	Action	Title	Deadline	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019
5	LAW REFORM COMMISSION TO BE REQUESTED TO UNDERTAKE A DETAILED ANALYSIS OF THE POSSIBILITY OF DEVELOPING CONSTITUTIONALLY SOUND LEGISLATION TO DELIMIT OR CAP DAMAGES										
	8	Department of Justice and Equality to submit a proposal to the Law Reform Commission that a detailed analysis of the possibility of developing constitutionally sound legislation to cap damage award levels be undertaken	Q1 2018	✓							
	9	Department of Justice and Equality to consult with the Law Reform Commission as to the status of the project (if LRC has committed to exploring issue)	Q4 2018				●				

Objective 3: Improving the Personal Injuries Litigation Environment

Rec.	Action	Title	Deadline	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019
6	AMEND THE WORDING OF SECTION 8 OF THE CIVIL LIABILITY AND COURTS ACT 2004 TO ENSURE DEFENDANTS ARE NOTIFIED OF A CLAIM HAVING BEEN LODGED AGAINST THEIR POLICY										
	10	Department of Justice and Equality to draft the necessary amendments to Section 8 of the 2004 Act	Q2 2018		✓						
	11	Department of Justice and Equality to bring forward legislation proposing amendment to Section 8 of the 2004 Act	Q3 2018			✓					
7	RELEVANT COURT RULES COMMITTEE(S) TO CONSIDER AMENDMENT OF THE RULES OF COURT IN RESPECT OF SECTION 8 OF THE CIVIL LIABILITY AND COURTS ACT 2004										
	12	Department of Justice and Equality to write to relevant Court Rules Committee requesting consideration of amendment of the Rules of Court relating to personal injury summonses to take account of Section 8	Q1 2018	✓							
	13	Department of Justice and Equality to follow up with the Courts Service and produce a report to the Working Group on the implementation of Action Point 12	Q3 2018			●					
8	ENSURE GREATER GENERAL AWARENESS OF NOTIFICATION OBLIGATIONS UNDER SECTION 8 OF THE CIVIL LIABILITY AND COURTS ACT 2004										
	14	Relevant Department to engage with relevant bodies to draw their attention to Recommendation 8 and seek proposals to promote general awareness of Section 8 notification requirements	Q2 2018		✓						
	15	Relevant Department to follow up with relevant bodies to seek an indication of what procedures they have put in place	Q4 2018				●				

Rec.	Action	Title	Deadline	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019
9	REVIEW OF THE OPERATION OF THE SIX-MONTH STANDSTILL PERIOD PROVIDED FOR UNDER SECTION 50 OF THE PERSONAL INJURIES ASSESSMENT BOARD ACT 2003										
	16	PIAB to report to the Department of Business, Enterprise and Innovation on its findings on the basis of data received from various stakeholders in relation to the time period from the issuing of PIAB authorisations	Q4 2018				●				
	17	On receipt of the report from PIAB, Department of Business, Enterprise and Innovation to review the operation of the six-month standstill period under Section 50 of the Personal injuries Assessment Board Act 2003	Q2 2019						●		
10	INSURANCE IRELAND AND BUSINESS ORGANISATIONS TO AGREE A SET OF GUIDELINES IN RESPECT OF NOTIFYING AND ENGAGING WITH POLICYHOLDERS REGARDING CLAIMS SUBMITTED AGAINST THEM										
	18	Meeting to be convened by the Department of Finance to commence discussion on the development of guidelines in respect of notifying and engaging with policyholders regarding personal injury claims submitted against them	Q1 2018	✓							
	19	Agreement of new set of guidelines in respect of notifying and engaging with liability insurance policyholders regarding personal injury claims submitted against them	Q4 2018				●				
11	AN GARDA SÍOCHÁNA TO COMMENCE PRODUCING STATISTICS ON COMPLAINTS AND INVESTIGATIONS RELATING TO FRAUD WITHIN THE PERSONAL INJURIES AREA										
	20	Department of Justice and Equality to consult with An Garda Síochána in respect of the request to produce relevant statistics on complaints and investigations related to fraud within the personal injuries area	Q1 2018	✓							
	21	Department of Justice and Equality to report to the Working Group about the status of the request and the timeline for delivery	Q2 2018		✓						
12	THE COURTS SERVICE TO COMMENCE PRODUCING STATISTICS ON PROSECUTIONS AND CONVICTIONS RELATING TO FRAUD WITHIN THE PERSONAL INJURIES AREA										
	22	Department of Justice and Equality to consult with the Courts Service in respect of the request to produce relevant statistics on prosecutions and convictions related to fraud within the personal injuries area	Q1 2018	✓							
	23	Department of Justice and Equality to report to the Working Group about the status of the request and the timeline for delivery	Q2 2018		✓						

Rec.	Action	Title	Deadline	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019
13	INSURANCE IRELAND, AN GARDA SÍOCHÁNA AND THE DPP TO AGREE A SET OF GUIDELINES IN RESPECT OF THE REPORTING OF SUSPECTED FRAUDULENT INSURANCE CLAIMS										
	24	Meeting with appropriate stakeholders to commence discussion on the development of guidelines in respect of the reporting of suspected fraudulent insurance claims to An Garda Síochána	Q1 2018	✓							
	25	Agreement of new set of guidelines in respect of the reporting of suspected fraudulent insurance claims to An Garda Síochána	Q3 2018			✓					
14	AMENDMENT OF SECTION 14 OF THE CIVIL LIABILITY AND COURTS ACT 2004 TO IMPROVE THE USE AND EFFECTIVENESS OF THE PROVISION										
	26	Department of Justice and Equality to propose amendment to Section 14 of the 2004 Act to allow for the Court to draw inferences from non-compliance with requirement to lodge the verifying affidavit within the 21-day period	Q3 2018			✓					
	27	Department of Justice and Equality to report to the Working Group about the status of the legislation and the timeline for delivery	Q4 2018				●				
15	DEPARTMENT OF JUSTICE AND EQUALITY TO CONSIDER PROPOSING AN AMENDMENT TO THE JUDICIAL COUNCIL BILL TO FACILITATE TRAINING AND INFORMATION SUPPORTS FOR THE JUDICIARY										
	28	Department of Justice and Equality to consider proposing an amendment to the Judicial Council Bill 2017 for the purposes of including an explicit reference to the assessment of general damages in personal injury cases	Q1 2018	✓							
	29	Department of Justice and Equality to bring to the attention of the judiciary in an appropriate manner the recommendation that consideration be given to training pending the enactment of the Judicial Council Bill	Q2 2018		✓						
Key											
● Action delayed beyond scheduled quarter				✓ Action completed							
● Action partially delayed / at risk of being delayed				➔ Action ongoing							
● Action on track											