

## What happens when InjuriesBoard.ie completes the Assessment?

We will let you and the Respondent know in writing the amount of the assessment, i.e. the level of compensation being awarded. As the Claimant you have **28 days** from the date of receipt of the notice of assessment to confirm in writing whether you accept or reject the assessment.

- If you accept the assessment, you must acknowledge this in writing to InjuriesBoard.ie.
- If the Respondent also accepts the assessment we will issue an 'Order to Pay'. This has the same status as an award of Court.
- If we do not receive your reply in writing within the **28 days**, you will be deemed to have rejected the assessment.
- If either of the parties reject the assessment then we will issue an Authorisation which allows them pursue their claim through the Court system, if they so wish.

You should be aware that if you reject the assessment when made and legal proceedings issue there may be cost implications for you and/or the Respondent.

## What is an Authorisation?

An Authorisation is a legal document issued to you which entitles you to pursue your action through the Court system, if you so wish.

## What happens if I receive an Authorisation?

An Authorisation is a legal document issued to you which entitles you to pursue your action through the Court system, if you so wish. If you intend to pursue your claim further you should do so immediately upon receipt of your Authorisation so that the time for bringing the claim does not expire.

An Authorisation is issued if:

- The Respondent has declined to let the claim proceed to assessment from the outset, or
- The assessment has been rejected by either you or the Respondent.

An Authorisation may also be issued in exceptional cases and InjuriesBoard.ie will advise both the Claimant and the Respondent if the claim falls within this category.

**AT ALL TIMES, IT IS OPEN TO THE PARTIES INVOLVED TO AGREE SETTLEMENT OF THE CLAIM AND YOU SHOULD ADVISE InjuriesBoard.ie IF THIS OCCURS.**

## AT A GLANCE ....

How InjuriesBoard.ie works

1. Claim submitted to InjuriesBoard.ie either online at [www.injuriesboard.ie](http://www.injuriesboard.ie) or by post to InjuriesBoard.ie, P.O. Box 8, Clonakilty, Co. Cork.
2. InjuriesBoard.ie sends Formal Notice of Claim to Respondent (a Respondent is the term we use to describe the Person or Entity against whom a claim is made).
3. Respondent consents to an InjuriesBoard.ie assessment.
4. Assessment is made and Claimant and Respondent are notified of assessment i.e. level of compensation being awarded.
5. Both parties accept the assessment and InjuriesBoard.ie issues an Order to Pay.

**Disclaimer:** This document is intended as a guide for Claimants and does not purport to be a legal interpretation of the Personal Injuries Assessment Board Acts 2003 and 2007, or any secondary legislation made pursuant to the Acts.



## How can I contact InjuriesBoard.ie?

If you have any questions regarding the InjuriesBoard.ie process please contact us at:

**InjuriesBoard.ie**  
P.O. Box 8  
Clonakilty  
Co. Cork

**Tel: LoCall 1890 829 121**  
**or from Northern Ireland 0870 876 8121**  
**Monday to Friday (8am-8pm)**  
**Email: [enquiries@injuriesboard.ie](mailto:enquiries@injuriesboard.ie)**



Version May 2010

# Claimant Guide



InjuriesBoard.ie, previously known as the Personal Injuries Assessment Board, is an independent statutory body set up by the government. Its aims are:

- to assess how much compensation is due to an injured party;
- to reduce costs and fees involved in the administration of personal injury claims, and
- to reduce the amount of time it takes to finalise a claim for compensation.

InjuriesBoard.ie awards the same level of compensation as the Courts but within a faster time frame and without associated litigation costs.

### How to Make a Claim

Under the Personal Injuries Assessment Board (PIAB) Act 2003, anyone intending to seek compensation for a personal injury (other than a personal injury arising out of the provision of a health service) must make an application to InjuriesBoard.ie.

The information contained in this leaflet informs you on how to apply to InjuriesBoard.ie if you have sustained a personal injury, and outlines the various steps in the process from making an application to assessing and accepting an award.

### What should I do following an accident?

As soon as possible following an accident you should contact the Respondent (a Respondent is the term we use to describe the person or entity against whom a claim is being made) and notify them of your intention to make a claim. It is advisable to notify the Respondent, in writing, within two months of the accident.

To make a personal injuries claim you then need to submit an application to InjuriesBoard.ie.

### How do I submit an application to InjuriesBoard.ie?

You can submit your application to InjuriesBoard.ie by any of the following methods:

- online by visiting [www.injuriesboard.ie](http://www.injuriesboard.ie) or
- by post to InjuriesBoard.ie, P.O.Box 8, Clonakilty, Co. Cork.

#### Documentation required by InjuriesBoard.ie includes:

- A completed application form (Form A).
- A medical assessment form (Form B) completed by your treating doctor.
- Payment of €50. This can be paid online or by contacting 1890 829 121 with credit/laser card details. Alternatively you can send a cheque or postal order payable to InjuriesBoard.ie by post to InjuriesBoard.ie, P.O. Box 8, Clonakilty, Co. Cork.

#### While an Application can be completed online, the form is also available:

- on our website: [www.injuriesboard.ie](http://www.injuriesboard.ie)
- by phone: LoCall 1890 829 121, or
- by writing to: InjuriesBoard.ie, P.O.Box 8, Clonakilty, Co. Cork.

### How long do I have to make a claim?

The normal timeframe within which you must make a claim is limited by law to two years from the date of the accident. There are exceptions to this for persons under 18 years of age and some other categories of cases. You are advised to submit your completed Application to InjuriesBoard.ie as soon as possible and well before the expiry of the two year period.

### Does InjuriesBoard.ie deal with claims on behalf of Minors (those under the age of 18)?

Claims involving Minors must also be made to InjuriesBoard.ie. Because they are under the age of 18, the Minor must be represented by a "next friend" who will make the claim on their behalf. The "next friend" will usually be the parent or guardian of the Minor.

InjuriesBoard.ie will make an assessment of a claim brought on behalf of a Minor in the normal manner, however a Court must approve any assessment when it has been accepted by both parties before the Respondent can be directed to pay the amount involved.

### What happens when InjuriesBoard.ie receives my completed Application?

InjuriesBoard.ie will examine the Application and supporting documentation. Only when all required documentation has been received by InjuriesBoard.ie can we proceed.

When the Application is complete i.e. application, medical assessment form and €50 fee received, we will acknowledge in writing the date of receipt and confirm your Application number. We will also advise you on the next steps in the process.

### What happens next?

InjuriesBoard.ie will notify the person you hold responsible for your injury (the Respondent) of your intention to make a claim against them. The Respondent will be provided with a copy of your application form and also a copy of your medical report.

The Respondent has 90 days to confirm whether or not they consent to the assessment of your claim. If we receive consent from the Respondent we will proceed with the assessment of your claim.

If the Respondent does not consent to the assessment of your claim we will issue an Authorisation permitting you to pursue the matter through the Court system if you so wish. Once all required documentation has been received by InjuriesBoard.ie we will proceed with the assessment of your claim. Normally an assessment comprises General Damages and Special Damages.

### What are General Damages?

General Damages cover compensation for pain and suffering resulting from injuries which you sustained in your accident. The Book of Quantum (available on our website [www.injuriesboard.ie](http://www.injuriesboard.ie), or through the Government Publications Sales Office), will provide you with a guide to the Damages you may receive.

### What are Special Damages?

Special Damages are any expenses that you have incurred as a result of an accident. Special Damages cover areas such as loss of earnings, medical expenses, out of pocket expenses and vehicle damage costs. In serious cases there may also be future loss of earnings, future expenses etc.

### How is an Assessment made?

InjuriesBoard.ie assesses Damages on the same basis and by reference to the same principles as Damages measured by the Courts. We base our assessment on the medical report(s) submitted by your treating doctor and the report(s) of the independent medical examiner(s) when sought by InjuriesBoard.ie.

We then assess the claim based on all medical evidence provided and having regard to the Book of Quantum.

### What is the Book of Quantum?

The Book of Quantum is a general guide as to the amounts that may be awarded or assessed in respect of specified types of injury.