

New guidelines dramatically reduce Irish general damages

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On Saturday 6th March all 166 Irish Judges met virtually to vote on whether the Personal Injuries Guidelines drafted by a committee of 7 Judges should be implemented.

The vote was passed by a majority of the Judges however, there was a sizeable vote against the implementation of the Guidelines.

The Guidelines will dramatically reduce the value of General Damages. Please see the examples below however, the upshot of the Guidelines means that only the most serious type of injury will command General Damages in excess of €60,000 and will be litigated in the High Court. The Guidelines replace the Book of Quantum.

The financial limits for the Irish Courts are as follows: up to €15,000 District Court, €15,000 to €60,000 Circuit Court and greater than €60,000 High Court. As can be seen from the list below, a very substantial number of more minor injuries with up to a two year recovery have now been moved to the jurisdiction of the District Court.

Book of Quantum Value	New Personal Injuries Guidelines Value
<p>Minor neck whiplash/soft tissue injuries: Up to €15,700 where there has been a substantial recovery. Up to €19,400 where a full recovery is expected.</p>	<p>Minor neck whiplash/soft tissue injuries: From €500-€12,000, depending how long it takes, on a range from less than six months up to two years to make a substantial recovery.</p>
<p>Minor back injuries: Up to €14,800 for substantially recovered soft tissue sprain type back injuries of the type incurred in motor vehicle accidents or high impact slips/trips/falls. Up to €18,400 for minor soft tissue back injuries where a full recovery is expected. From €21,400 - €34,000 for moderate soft tissue injuries where recovery has been protracted</p>	<p>Minor back injuries: From €500-€20,000 for back injuries where surgery is not necessary. Amount depends on how long it takes, over a period of some months to five years, to make a substantial recovery. Where a recovery occurs within six months, the award range is from €500-€3,000.</p>
<p>Minor wrist injuries Up to €27,800 for soft tissue wrist sprains where a full recovery within a few months is the most common outcome.</p>	<p>Minor wrist injuries €500-€3,000 when there is substantial recovery without surgery within six months; €3,000-10,000 for substantial recovery between six months and two years; €10,000-€18,000 for substantial recovery within two to five years.</p>
<p>Injury or fracture of little finger Up to €16,600 for simple non-displaced injury that has substantially recovered</p>	<p>Injury or fracture of little finger €500-€7,500 for a little finger injury where grip has remained impaired</p>
<p>Minor leg injuries: eg simple fracture of femur with no other damage €27,700-€59,100</p>	<p>Minor leg injuries: eg simple fracture of femur with no other damage €12,000-€20,000</p>
<p>Eye: minor but permanent impaired vision in one eye €22,500 - €45,400</p>	<p>Eye: minor but permanent impaired vision in one eye €15,000-€45,000</p>

<p>Teeth: Loss of one tooth €10,300-€12,700 for loss of one tooth. €7,500-€10,300 for a broken tooth.</p>	<p>Teeth: Loss of one tooth €3,500-€8,500 for one front tooth. €1,500-€3,000 for one back tooth.</p>
<p>Soft tissue shoulder injury up to €33,500</p>	<p>Soft tissue shoulder injury from €500-€12,000 depending how long it took to make a substantial recovery over a period up to two years.</p>
<p>Moderate shoulder injuries eg frozen shoulder persisting for some years from €22,000-€60,000 for moderate sprains caused by a partial tear and where full recovery is expected. From €33,000 - €70,600 for moderate injuries requiring joint manipulation, taking longer to recovery with extensive treatment but will a full recovery expected.</p>	<p>Moderate shoulder injuries eg frozen shoulder persisting for some years €18,000-35,000</p>
<p>Simple undisplaced nose fracture with full recovery: €18,000-€22,100</p>	<p>Simple undisplaced nose fracture with full recovery: €500-€3,000</p>
<p>Minor brain damage or head injury: Up to €21,800 for concussion type injury where recovery results in most cases. €34,700-€60,200 for skull fracture with no loss of consciousness/minor head injuries which result in little or any disability.</p>	<p>Minor brain damage or head injury: €500-€3,000 where there is substantial recovery within six months and €12,000-€25,000 where is substantial recovery in two to five years. Affecting factors include the severity of initial injury and pain.</p>
<p>Catastrophic injuries: quadriplegia and paraplegia and injuries resulting in shortened life expectancy, eg undiagnosed cancers or terminal illness contracted through workplace negligence. Maximum general damages of €500,000</p>	<p>Catastrophic injuries: quadriplegia and paraplegia and injuries resulting in shortened life expectancy, eg undiagnosed cancers or terminal illness contracted through workplace negligence. Maximum general damages of €550,000</p>

The new guidelines are meant to ensure consistency in awards which has frequently been missing in Irish Personal Injury claims. As there was a substantial body of dissenting Judges, it is anticipated that some will continue to make higher awards notwithstanding the fact that “it is mandatory for the Court to make its assessment having regards to the Guidelines”. We anticipate however, that both the High Court and the Court of Appeal will rigorously enforce the Guideline awards and the principle of proportionality that has been frequently used by it when reducing awards over the last few years.

We anticipate seeing an increased volume of multiple injury claims as well as a greater focus on Special Damages in order to attempt to keep the claim in either the Circuit or High Court. In a case of multiple injuries, the appropriate approach for the trial judge is, where possible, to identify the injury and the bracket of damages within the Guidelines that best resembles the most significant of the claimant’s injuries. The trial judge should then value that injury and thereafter uplift the value to ensure that the claimant is fairly and justly compensated for all of the additional pain, discomfort and limitations arising from their lesser injury/injuries. It is of the utmost importance that the overall award of damages made in a case involving multiple injuries should be proportionate and just when considered in light of the severity of other injuries which attract an equivalent award under the Guidelines.

It was originally intended that the Guidelines if passed would be implemented in July however, we understand that the Minister for Justice is to bring the Guidelines to the Cabinet this Tuesday with the aim of them being implemented within a few weeks. The guidelines are not retrospective and will not apply to claims which are already in the litigation system. They will only apply to claims that the Personal Injuries Assessment Board have not yet assessed. This means that we will be dealing with a two tier system for some time. Regardless of when the Guidelines are implemented, they will however, have an immediate effect in reducing the cost of claims as we will be arguing that the claim is now worth the Guidelines figure and not the Book of Quantum value.

This reform brings Ireland much more in line with other Common Law jurisdictions. The Guidelines will have a dramatic effect on the cost of Irish Injury claims and should make Ireland more attractive to International Insurers.

The guidelines can be found online [here](#).

Authors



James Colville

Dublin

+353 (0)1 231 9681

jcolville@dacbeachcroft.com

dacb
DAC BEACHCROFT