



STATUTORY INSTRUMENTS.

S.I. No. 186 of 2017

RULES OF THE SUPERIOR COURTS (PERSONAL INJURIES
ASSESSMENT BOARD ACT 2003) 2017

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, the Courts of Justice Act, 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961, section 14, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 23rd day of February, 2017.

Sean Ryan	Michael Peart
Peter Kelly	Anthony Barr
Mary Laffoy	Mary Cummins
Mary Finlay Geoghegan	Noel Rubotham

I concur in the making of the following Rules of Court.

Dated this 3rd day of May, 2017.

FRANCES FITZGERALD,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 12th May, 2017.*

S.I. No. 186 of 2017

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ASSESSMENT BOARD ACT 2003) 2017

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Personal Injuries Assessment Board Act 2003) 2017, shall come into operation on the 1st day of June 2017.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2017.

2. The Rules of the Superior Courts are amended

(i) by the substitution for rule 3A of Order 4 of the following rule:

“3A. In the case of proceedings the bringing of which requires to be authorised in accordance with sections 14, 17, 32, 36 or 49, or rules under section 46(3) of the Personal Injuries Assessment Board Act 2003, the indorsement of claim shall contain a statement

(a) confirming whether or not the proceedings have been authorised by the Personal Injuries Assessment Board,

(b) specifying the section of the Personal Injuries Assessment Board Act 2003 or the rule made under section 46(3) of that Act in accordance with which any such authorisation has been issued, and

(c) citing the date of issue of the authorisation and any reference or record number relating to any such authorisation.”, and

(ii) by the substitution for rule 15 of Order 19 of the following rule:

“15. The defendant or plaintiff (as the case may be) must raise by his pleading all matters which show the action or counterclaim not to be maintainable, or that the transaction is either void or voidable in point of law, and all such grounds of defence or reply, as the case may be, as if not raised would be likely to take the opposite party by surprise, or would raise issues of fact not arising out of the preceding pleadings, as, for instance, fraud, Statute of Limitations, absence of authorisation by the Personal Injuries Assessment Board, release, payment, performance, facts showing illegality either by statute or common law, or Statute of Frauds.”

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These rules amend Rules of the Superior Courts, by:

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

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B32743). 285. 5/17. Essentra. Gr 30-15.