



TIME LIMITS IN PERSONAL INJURIES CASES*

In most cases for personal injuries, the case must be brought within a period of 2 years from the date of knowledge of the injury. There are some exceptions to this rule which will not be explored in this short article. However, the exceptions to the rule and the information set out below are only some of the reasons why people who are injured should seek legal advice and use a solicitor instead of bringing a claim by themselves.

The introduction of the Injuries Board and the associated legislation have provided for a very generous application of the time limits for bringing a personal injuries case and how this time limit calculated. Below is a brief summary of this calculation: -

- Time is stopped once the Injuries Board acknowledge receipt of the completed application form and medical report.
- Time continues to remain on hold until 6 months after the claim has come out of the Injuries Board, i.e. a period of 6 months from the date of the legal document known as the authorisation.
- Time will start to run again after the expiration of 6 months after the claim has come out of the Injuries Board, i.e. 6 months from the date of the legal document known as the authorisation.
- The remainder of the 2 year period will run until the court proceedings have been issued out of the relevant court office.

Section 46 (3) of the Personal Injuries Assessment Board Act 2003 makes provision for the Injuries Board to issue a legal document known as an authorisation in circumstances where the injured person omitted to specify in his or her application form a person that may be liable for his / her injuries due to a genuine oversight or ignorance of all of the facts. This is a very interesting piece of law in that it allows for an even more generous application of the time limits in personal injuries cases in addition to the calculation set out above.



The Supreme Court addressed the use of Section 46 (3) in the case of *Reghan –v- T & S Taverns Limited* [2015] IESC 8. The Supreme Court ruled that where a second authorisation is issued by the Injuries Board under Section 46 (3) of the 2003 Act, the starting point is the making of an application to the Injuries Board against the incorrect person which stops time running and it was only after the Injuries Board issued the authorisation against the correct person that the time started running against the person named in the authorisation.

Time limits in personal injuries cases are difficult and confusing to a person who is not legally trained. It is always best to obtain the advice of a solicitor if you have been injured and think that you may have a claim for personal injuries.

***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

****In contentious cases, a solicitor may not charge fees or expenses as a portion or percentage of any award of settlement.**