Published during a period of widespread uncertainty regarding motor insurance premiums and a perceived increase in personal injury awards, the updated Book of Quantum is timely.

Mr Justice Peter Kelly, President of the High Court, welcomed the publication stating that the “new Book of Quantum will provide important data to all of those making awards or agreeing settlements in personal injuries cases. The fact that the publication has been updated, covers more injuries and has greater detail, is very positive”.

ANALYSIS OF THE PREVAILING LEVEL OF DAMAGES
The Book of Quantum has been updated to reflect the existing level of damages awarded in respect of various injuries. According to the Injuries Board, in what can be described as a mammoth exercise of data collection, independent consultants analysed awards from over 51,000 personal injury claims in order to determine the prevailing levels of compensation. This analysis was not exclusively based on figures from the Injuries Board or decisions of the courts but also drew upon data from sources such as insurance company settlements and State Claims Agency cases. It is the most comprehensive publically available analysis of its kind carried out in Ireland.

NEW CATEGORIES OF INJURIES
The various categories of injuries have also been expanded. Previously, injuries such as concussion and partial finger amputation did not feature in the guidelines. The absence of guidance on these relatively common injuries led to a degree of uncertainty, which in turn increased the likelihood of rejected awards. It is hoped that this development will assist plaintiffs, legal practitioners and insurers to more accurately determine the suitability of an award for such injuries.

HOW IT WORKS
First published in 2004, the Book of Quantum operates as a set of general guidelines as to the amounts that may be awarded or assessed in personal injury claims.

In order to ascertain what “assessment range” may be appropriate for a particular injury, one should follow the steps below:

» Identify Category of Injury (i.e. is it a Head Injury / Upper Limb Injury etc.?);

» Understand the severity of the injury (is it mild, moderate, moderately severe or catastrophic?);

» Look up the value range; and

» Consider effect of multiple injuries.

In relation to the effect of multiple injuries, the updated Book of Quantum reiterates that it is not appropriate to simply add up values for the different injuries to determine the amount of compensation, rather there is likely to be an adjustment within the value range of the primary injury. It is significant, however, that the updated Book of Quantum no longer includes the word ‘minor’ when referring to the adjustment within the value range.

SIGNIFICANCE ALREADY OBSERVED IN THE IRISH COURTS
It is expected that the new guidelines will lead to more transparent and consistent awards for personal injury claims in the future. In fact, the significance of the new Book of Quantum has already been observed by the Courts. In a judgement delivered on 14 October 2016, Mr Justice Twomey in the High Court stated that “now that the Book of Quantum has been updated, it is important that this Court does have regard to the Book of Quantum 2016, as it is obliged to do under the 2004 Act. This is because, if this Court does not do so it would mean there would be less certainty regarding likely outcomes in personal injury cases before this Court”.

This dicta from Mr Justice Twomey follows a number of recent Court of Appeal cases which identified general
In a similar vein of thought, this newfound certainty may lead to a greater number of settlements and the earlier disposal of claims. If this is the case, a consequential effect might be a reduction in the costs of personal injuries litigation. Time will tell.