



**Consumer Protection Codes Division
Central Bank of Ireland
PO Box 559
Dame Street
Dublin 2.**

15th July 2011

Re: Second Consultation on Review of the Consumer Protection Code

Dear Sir/Madam,

We have reviewed the Consultation Paper CP 54 focusing on the sections covering processing of personal injury claims. We have the following observations to make:

1. Injuries Board Leaflet

In the context of our previous submission dated 7th January 2011 we are pleased to note the requirement for an InjuriesBoard leaflet to be passed to the claimant as soon as the regulated entity is notified of the claim.

2. Settlement of Personal Injury Claims

We note that paragraph 7.16 below provides that

“A *regulated entity* must ensure that any claim settlement offer made to a *claimant* is fair, taking into account all relevant factors, and represents the *regulated entity's* best estimate of the *claimant's* reasonable entitlement under the policy.”

Could this wording be construed as protecting a claim by the policyholder only under their own policy rather than a third party claim against a policyholder? A Third Party personal injury claimant has no entitlement as such under a policy of insurance. Their claim is against the insurance policyholder who in turn is entitled to the indemnity under the policy.

Our initial proposal for a final prognosis for any settlement offer to a Third Party personal injury claimant would ensure that the settlement offer is made on the basis of full and complete information and fairly reflects the value of the claim, thereby protecting the Third Party claimant. We would reiterate our initial proposal in relation to the requirement for a final medical prognosis prior to a settlement offer on a personal injury claim.

3. MIBI cases

It is not clear how the requirement under 7.8 (b) to advise the potential claimant to contact the MIBI will be implemented and we would reiterate our submission for a leaflet from the Motor Insurers Bureau of Ireland to be provided to the claimant where required.

We are available to support or expand upon any aspect of this submission and wish you well as you approach finalization of the Code.

Yours sincerely,



Stephen Watkins
Director of Corporate Services