



New Legislation to Assist in Fighting Fraudulent Claims

November 2018

Introduction

Fraud is costing the Insurance Industry over €200 million per year. The proposed [Perjury and Related Offences Bill 2018](#) is welcome legislation that can assist in combatting false or exaggerated claims.

Perjury and Related Offences Bill 2018

The Perjury and Related Offences Bill 2018, which is a Private Members Bill, was brought to government in late October. The purpose of the bill is to make perjury a statutory offence. This would support the procedures for criminal prosecution for fraudulent claims.

It aims to consolidate and simplify the law relating to perjury and to update certain penalties.

The bill highlights that, regardless of the proceedings, if evidence is sworn on an affidavit in court or oral testimony delivered and false or misleading evidence is knowingly provided, then the perpetrator will be investigated, prosecuted and could face up to seven years in jail.

The wording that has been used in respect of the offence of perjury is analogous to that used in the [Civil Liability and Courts Act 2004](#). In the 2004 Act the Oireachtas attempted to make it a criminal offence and a civil wrong to give false or exaggerated evidence before a court in the context of personal injury litigation. Hopefully this new legislation will be implemented to expand on prosecutions for providing false and misleading evidence.

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The bill has not been opposed by the government and will hopefully progress through all stages of review to give clarity to assist in the prosecution of fraudulent claims.

Conclusion

The ongoing work of the Cost of Insurance Working Group, the important reports from the Personal Injuries Commission and much new legislation produced by both private members and the government in an effort to address this issue is assisting in the fight against fraud.

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