

Guarantee Fund Compendium

IRL - Ireland

Review date: 04/12/2020

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General information

Please provide the official full name of your Guarantee Fund.

Motor Insurers' Bureau of Ireland

What is the legal status (form) of your Guarantee Fund (non-profit organisation, association of legal entities, limited liability company, etc.)?

Private company limited by Guarantee

How is the ownership/membership of your Guarantee Fund structured (e.g. owned/controlled by all members equally, part of state government, etc.)?

All motor insurers writing Class 10 business must be a Member of MIBI with each Member Company having equal voting rights. MIBI, on behalf of its Members, has an Agreement with the Government under which the Guarantee Fund is operated.

1 - Unidentified or uninsured vehicles

1.1. What is the full identity (exact name, address, etc.) of the body established or authorised in accordance with Article 10 of the Codified Motor Insurance Directive? Please specify.

Motor Insurers' Bureau of Ireland
5 Harbourmaster Place
IFSC
Dublin 1

1.2. What is the legal nature of this body?

Private company limited by Guarantee.

1.3. On what legal basis is it authorised to carry out compensation?

Agreement in place with the Government.

1.4. Is compensation by this body subsidiary?

Yes.

1.5. If the compensation is subsidiary, which entities are excluded?

Motor insurers, private health insurers, property insurers & welfare bodies.

1.6. Is this body a VAT liable entity?

Yes.

1.7. If yes, please indicate the VAT number:

0647243L

1.8. If this body is a VAT liable entity, is the service of claim handling VAT exempted?

Yes.

1.9. Are there any specific provisions governing the recourse between this body and those responsible for the accident and other insurers or social security bodies obliged to compensate the victim for the same accident?

No.

1.10. If yes to question 1.9, what do these specific provisions consist of? Please specify briefly.

N/A.

1.11. Are people who voluntarily entered the vehicle which caused the damage when they knew that the vehicle was uninsured, excluded from the intervention of the body?

Yes.

1.12. In the event of an accident caused by an unidentified vehicle, is the intervention of the body subject to specific provisions as regards the compensation of damage to property?

Yes.

1.13. If yes to question 1.12, what are the specific provisions? Please specify briefly.

Property damage is only paid to the vehicle owner where he has suffered significant bodily injury.

1.14. If yes to question 1.12, what are the conditions provided for by your legislation so that the personal injuries may be considered as significant (cf. Article 10.3 of the Codified Motor Insurance Directive)? Please specify briefly.

In-patient in hospital with a minimum stay of 5 days.

1.15. If the injured party is not a resident of an EEA Member State, can it benefit from the intervention of the body?

Yes.

1.16. What periods of limitation are the demands for compensation addressed to the body subjected to? Please specify briefly.

Statutory limitation periods: 2 years for bodily injury, 6 years for property damage.

1.17. According to Article 11 of the Codified Motor Insurance Directive “In the event of a dispute between the body referred to in Article 10(1) and the civil liability insurer as to which must compensate the victim, the Member States shall take the appropriate measures so that one of these parties is designated to be responsible in the first instance for paying compensation to the victim without delay”. Which of these parties has been designated in your country to be responsible in the first instance for paying compensation to the victim in the event of a dispute between the body and the insurer responsible for civil liability as to which must compensate the victim? Please specify.

Guarantee Fund.

1.18. Are there certain types of vehicles or certain vehicles having a special plate exempted from the obligation of compulsory MTPL insurance in your country? (Article 5.2 of the Codified Motor Insurance Directive)

Answer to this question is available in the Green Card Bureau Compendium, question 14.3.

1.19. If yes, please list those vehicles:

Answer to this question is available in the Green Card Bureau Compendium, question 14.4.

2 - Stolen vehicles or vehicles obtained by violence

2.1. Has your Member State made use of the possibility offered by Article 13(2) of the Codified Motor Insurance Directive to make the Guarantee Fund responsible for paying compensation instead of the insurer?

Yes.

2.2. If yes to question 2.1, what are the conditions provided in the event of compensation for damage to property? Please specify briefly.

Where the driver of the stolen vehicle is not identified the body pays in full. Where the driver of the stolen vehicle is identified the insurer of the vehicle pays on behalf of the body but not as insurer.

An excess of €220 is applicable in this cases.

2.3. If yes to question 2.1, are people who voluntarily entered the vehicle which caused the damage when they knew that the vehicle was stolen, excluded from the intervention of the body?

Yes.

3 - Other cases of intervention by the body

3.1. Does the legislation of your Member State provide for other situations where the injured party can claim compensation from the body after a road traffic accident?

No.

3.2. If yes to question 3.1, what are these situations?

N/A.