



Ms Margaret Falsey
Committee of Public Accounts Secretariat
Leinster House
Dublin 2
D02 XR20

24 May 2018

Re: PAC23-I-926

Dear Ms Falsey,

Thank you for your letter, dated 16 May 2018, in relation to the Committee meetings on Thursday 14 December 2017 and 10 May 2018.

In your letter you request an information note regarding the Statement of Claim in the proceedings brought by David Hall against the Minister for Finance. At the PAC meeting on 14 December, the Department committed to assessing the Statement of Claim on receipt to determine whether it would be possible to provide the Public Accounts Committee with further information on the remuneration and expenses incurred in the Special Liquidation of IBRC.

The Statement of Claim, dated 16 April 2018, was received by the Department on 19 April 2018. Enclosed is a copy of the Statement of Claim. This is provided on a confidential basis for the information of the Committee. While legal pleadings are public documents once opened in Court, the Committee and its members are advised that until such a time pleadings are not in the public domain, and should not therefore be disseminated outside the Committee at this time.


The Department has carefully reviewed the Statement of Claim, and has engaged with counsel and the Attorney General's Office to determine the best approach to bring the litigation to a speedy and satisfactory conclusion. The Department of course cannot prejudge the outcome of these proceedings, or the approach which will be adopted by the plaintiff, and must retain the ability to react to the approach taken by the plaintiff in prosecuting the claim.

The Department notes the PAC's wish to avoid this matter continuing in litigation before the Courts. However as the Minister is a defendant in these proceedings, the Department must answer the case brought by the plaintiff, Mr. Hall. While the Department remains committed to answering questions of the Committee, it is incumbent on the Department not to prejudice the Minister's position in the proceedings which have been brought against him, and which the Minister must answer. In the circumstances, it is not possible for the Department to elaborate on the specific legal advice on the Statement of Claim which has been received with regard to this matter. I can however assure the Committee that the Department's approach to this (and indeed all) litigation is to ensure that it is dealt with in a manner which protects the interests of the State and its citizens.

Given the lack of detailed particulars contained in the Statement of Claim and the breath of the claims made the Department continues to be unable to engage with the Committee fully in relation to the costs and oversight of the special liquidation of IBRC at this time. In reaching this conclusion, the Department must take into consideration its duty to respect the process of having the claim brought against the Minister adjudicated in court.

The Department is continually reviewing its position on this matter and should the proceedings evolve in such a way as to allow the Department deal with some of the issues raised before the Committee, it will advise the Committee accordingly.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Moran', with a long horizontal flourish extending to the right.

Derek Moran
Secretary General