

An Roinn Dlí agus Cirt
agus Comhionannais
Department of Justice
and Equality



Oifig an Ard-Rúnaí | Office of the Secretary General

Ms Éilis Fallon
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2

Your Ref.: PAC32-I-1321
Our Ref.: DJE-SG-00059-2019

**Re: the number of people who are not covered by free legal aid in cases before the
Circuit Court, High Court or Supreme Court.**

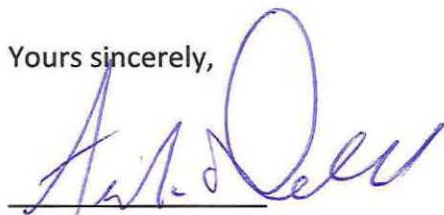
Dear Ms Fallon,

I refer to your correspondence of 15 February, 2019 with regard to the Committee meeting of 7 February, 2019 with the Office of the Director of Public Prosecutions (ODPP). At the meeting a note on the number of people who are not covered by free legal aid in cases before the Circuit Court, High Court or Supreme Court was requested from this Department.


The Criminal Justice (Legal Aid) Act 1962 provides that free legal aid may be granted in certain circumstances for the defence of persons of insufficient means in criminal proceedings. The grant of legal aid entitles the applicant to the services of a solicitor and, in certain circumstances, up to two counsel, in the preparation and conduct of his or her defence or appeal. The courts, through the judiciary, are responsible for the granting of legal aid. An applicant must establish to the satisfaction of the court that their means are insufficient to enable them to pay for legal representation themselves. Furthermore, the court must also be satisfied that, by reason of the "gravity of the charge" or "exceptional circumstances", it is essential in the interests of justice that the applicant should have legal aid. The Minister for Justice and Equality has no function in these matters which are determined by the judiciary.

The Courts Service sends to the Department of Justice and Equality, on a monthly basis, the number of legal aid certificates granted by the District Courts. In 2018, 72,674 certificates were granted. The Courts Service advises that it does not have statistics in relation to the number of persons appearing before the courts who are not legally aided. It further advises that the position is that the majority of indictable offences dealt with summarily or on indictment in the Circuit and District Courts are covered by legal aid, however, most civil cases dealt with are not legally aided.

Yours sincerely,



Aidan O'Driscoll
Secretary General

 February, 2019