

Supplementary Estimate

Vote 6 – Chief State Solicitor's Office

Opening Statement

Mr. Sean Kyne, T. D., Government Chief Whip

I thank the Committee for making time available today to consider my request for a Supplementary Estimates for the Chief State Solicitor's Office.

As you are no doubt aware the Chief State Solicitor's Office is a constituent part of the Office of the Attorney General and provides solicitor services within the Attorney General's Office and to Government Departments and Offices. While the Taoiseach has certain responsibilities to the Oireachtas for administrative matters in the Chief State Solicitor's Office, the Office operates independently of the Department.

The Office has a wide remit including the area of civil litigation in all courts (including attending at the Court of Justice of the European Union in Luxembourg) and the provision of conveyancing, property law, commercial contract and other solicitor services for the line Departments and other civil service clients. Many matters are high profile, sensitive, capable of attracting publicity, and sometimes involving emergency applications to court, strict time limits and complex issues of law.

A Supplementary Estimate of €5million is sought to cover extra expenditure on Fees to Counsel in 2019. The management of expenditure on counsels' fees is a key activity for the Chief State Solicitor's Office. These are fees payable to counsel representing Government Departments and Offices in litigation before the Irish courts and other tribunals and the European Court of

Justice. They also include fees payable for the provision of legal advice for the State, whether sought for the Attorney General's Office or for Departments and Offices.

Expenditure on Counsel Fees is, to a large extent, dependent on the level of activity in the Courts at any time, and so is always difficult for the Office to forecast. In addition, recent years has seen a marked increase in the complexity of work being handled by the Office, in areas such as commercial litigation and transactional work, procurement work, and advisory and litigation work resulting from our membership of the European Union and the implementation of directives in areas such as environmental law, planning, employment law and social welfare law.

The Office has observed that the issues raised in cases taken against the State are becoming increasingly complex which leads to greater use of counsel. An allocation of €13.5m was made in relation to expenditure on fees for counsel in 2019, which was the same as 2018. However, due to a carryover of €3.31m in fees from 2018 and anticipated additional expenditure of €2.29m in 2019 a shortfall of €5.6m will arise. The Office will make use of savings of €600,000 in other areas of the Vote to assist with this shortfall but a supplementary of €5m is required. I should also point out the allocation for fees to Counsel in 2020 has been increased by €1.5m giving a total allocation of €15m. The Office together with the Attorney General's Office is working with DPER and its main client Departments in an effort to remain within budget in 2020.

I am pleased to recommend this Supplementary Estimate to the Committee.

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