

Supplementary Estimate

Vote 5 – Office of the Director of Public

Prosecutions

Opening Statement – 30 November 2022

Mr. Jack Chambers, T.D

Gabhaim buíochas leis an gCoiste as am a chur ar fáil inniu chun m'iaratas ar Mheastachán Forlíontach d'Oifig an Stiúrthóra Ionchúiseamh Poiblí, Vóta 5, a bhreithniú.

Mar is eol duit gan dabht, is í príomhfheidhm Oifig an Stiúrthóra Ionchúiseamh Poiblí ná seirbhís ionchúisimh a sholáthar atá neamhspleách, cothrom agus éifeachtach do mhuintir na hÉireann. Cé go

bhfuil freagrachtaí áirithe ag an Taoiseach don Oireachtas as cúrsaí riaracháin in Oifig an Stiúrthóra Ionchúiseamh Poiblí, feidhmíonn an Oifig go neamhspleách ón Roinn.

The Office of the Director of Public Prosecutions (DPP) was established by law under the Prosecution of Offences Act, 1974. The Director, is independent in the performance of her duties. The key duties of the Director are to:

- enforce the criminal law in the courts on behalf of the People of Ireland
- direct and supervise public prosecutions on indictment (formal written accusations) in the court

- give general direction and advice to [An Garda Síochána](#) in relation to summary cases (less serious cases which can be heard in the District Court) and
- give specific direction to An Garda Síochána in cases where requested.

The Chief Prosecution Solicitor provides a solicitor service within the Office of the Director of Public Prosecutions on behalf of the Director in cases dealt with in Dublin.

The State Solicitor service (32 solicitors in private practice who are employed by the DPP on a contract basis) act on behalf of the Director in Circuit Courts and occasionally in the District Courts outside of Dublin. They support private barristers working for the DPP to present the prosecution case in the Circuit Court in their respective county. There is generally one State Solicitor per county but in certain counties, State Solicitor areas have been split to take account of factors such as population. For example, County Cork is divided into four areas: Cork City, Cork North East, Cork South East and Cork West.

The Net Estimate for the Office of the Director of Public Prosecutions (Vote 5) for 2022 is €47,832,000. This provides for the salaries and expenses of the Director and her staff, the cost of the Local State Solicitor service, fees to counsel engaged by the Director to prosecute cases in the various courts, and legal costs awarded against the State arising out of judicial review and other legal proceedings.

A Supplementary Estimate of €3,445,000 is being sought for 2022 which represents a 7.2% increase in the net allocation.

The need for the Supplementary Estimate arises from greater than budgeted expenditure on A3 – Fees to Counsel and Input A5 – Local State Solicitor Service. Savings elsewhere on the Vote are insufficient to offset the need for a Supplementary Estimate.

There are a range of factors which give rise to the need for this Supplementary Estimate. I will address these in the order in which they are listed in the Vote.

Input A3 – Fees to Counsel. 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 DPP's Office to forecast.

Three main factors give rise to the projected overspend of €3,725,000 on this Subhead. First of all, there is a general increase in activity across all the courts arising from an increased number of indictable prosecutions and as the courts seek to clear the backlog of cases which arose during the pandemic.

Secondly, there has been a significant increase in activity in the Central Criminal Court due to the fact that the number of judges assigned to the court has increased from five to nine. The Central Criminal Court is the court which deals with the prosecution of murder and rape.

Thirdly, a small number of complex high profile cases before the courts, including cases, in the current law term that are incurring significant expenditure.

These factors have resulted in a significant increase in court activity which accounts for the overspend on this subhead. As the factors giving rise to the overspend in 2022 are likely to continue into 2023 I would inform the Committee that to ensure that this underlying level of activity on Fees to Counsel does not give rise to a Supplementary Estimate again in 2023 an additional allocation of €2.5 million has been added to this Subhead for 2023.

While the volume of fees being paid by the Office has increased, the rates which the Office pay barristers has remained constant. The fee rates are still 26% below those which were paid in 2008.

A5 – Local State Solicitor Service. There is an anticipated overspend of €220,000 on this input. This input covers the cost of contracts with thirty-two solicitors in private practice who carry out legal business on behalf of the Director outside of Dublin. The overrun can be attributed to the following three factors. A one off review of the workload for one of the State Solicitors resulted in an increase of €132,000, half of which was arrears from 2021.

Secondly, the payment of an increase arising under the State Solicitor's contract came to €75,000. Thirdly, an amount of €62,000 was paid to the State Solicitors to cover work which fell outside the terms of their contracts. An additional allocation of €250,000 has been added to this Subhead for 2023 to address ongoing pressures on this subhead.

The additional expenditure I have advised the Committee of amounts to a total of €3.945 million. However, the Office anticipates savings of €0.5m on the Administration Pay subhead and this has reduced the amount required by way of Supplementary Estimate to €3.445 million.

I would recommend this Supplementary Estimate of
€3.445 million to the Committee.

END