

**An Roinn Dlí agus Cirt
agus Comhionannais**

Department of Justice
and Equality



Oifig an Aire | Office of the Minister

Mr. Seán Ó Feargháil
Ceann Comhairle

22 December 2020

Dear Ceann Comhairle,

I refer to your letter of 22 December 2020, in relation to Deputy Pa Daly's query on my response to Parliamentary Question No. 316 answered on 3 December 2020.

I appreciate that the Deputy is unhappy that the number of applications or expressions of interest received in relation to the judicial vacancy concerned is not given in the reply. It may help if I could explain that I am not in a position to do so by reason of the law relating to applications involving the Judicial Appointments Advisory Board process. Again, and while it is not governed by a statutory process, neither is it the practice to disclose information relating to expressions of interest from serving judges which are received in confidence.

As outlined in my reply to the Question, all proceedings of the Judicial Advisory Applications Board and all communications to the Board are confidential under the Courts and Court Officers Act 1995. More specifically, section 20 of the Act states that "*All proceedings of the Board and all communications to the Board shall be confidential and shall not be disclosed except for the purposes of this Act.*" The position is clear, and I, as Minister, am obliged to act in accordance with the law.

I have also provided as much information as I can on the process relating to expressions of interest. These were received over a number of years and retained on file for any current or future vacancy. They are put forward in confidence, and it has never been the practice to release such information as might identify the judges involved. Moreover, there is currently one such vacancy to be filled shortly, and I am anxious to ensure that nothing is said or done at this juncture to prejudice the position in this regard.

Finally, I appreciate that it is on the Dáil record from 26 November 2020, that five expressions of interest were received in that particular case. That information was provided exceptionally to clarify incorrect speculation then in the public domain that three expressions of interest had been received. I hope this is helpful in addressing matters.

Yours sincerely,

Helen McEntee, T.D.

Minister for Justice

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