

Correspondence 3A.2
Meeting – 06/12/2012



An tSeirbhís Chúirteanna
Courts Service

Ms. Niamh Maguire
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2



26th November, 2012

Re: Allowances payable to Judges

Dear Ms. Maguire

I refer to your recent letter regarding a meeting of the Public Accounts Committee on 25th October at which the Committee requested information on

- Details of all allowances that judges are currently entitled to.

As requested I am forwarding the attached briefing note which sets out information on the allowances and expenses to which Judges are entitled.

Under section 5 of the Courts of Justice Act 1953 judicial expenses and allowances are the responsibility of the Department of Justice and Equality in consultation with the Department of Public Expenditure and Reform.

It is understood that the Department is currently carrying out a review of the allowances payable.

The payment of allowances and expenses in accordance with the regulations agreed by the Department of Justice and Equality and the Department of Public Expenditure and Reform is a matter for the Courts Service and payments are made from the Courts Vote. All payments made are subject to internal audit and/or audit by the C&AG. It should be noted that the vast majority of expenses paid relate to travel and subsistence in respect of travelling to court venues which is essential to the effective operation of the Courts.

If you have any queries or require any additional information please do not hesitate to contact me.

Yours sincerely,


Brendan Ryan
Chief Executive Officer

Brendán Ó Riain, Príomh Fheidhmeannach, AN tSEIBHÍS CÚIRTEANNA, Áras an Fhionn Uisce,
15/24 sráid an Fhionn Uisce Thuaidh, Margadh na Feirme, Baile Átha Cliath 7.

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Note on Judicial Expenses and Allowances

November 2012

Under section 5 of the Courts of Justice Act 1953 judicial expenses and allowances are the responsibility of the Department of Justice and Equality in consultation with the Department of Public Expenditure and Reform and a review is currently being undertaken. However it should be noted that the vast majority of expenses paid relate to travel and subsistence which is an essential part of the Courts system as courts sit in every county in the State. Payment of expense claims are paid by the Courts Service. The annual allowance is paid from the Central Fund by the Department of Finance. All the payments made are subject to internal audit and audit by the C&AG.

Judicial expense allowances arise under four headings:

- 1. Allowances relating to travel and subsistence and related expenses;**
- 2. Removal expenses;**
- 3. Court attire and**
- 4. Miscellaneous expenses.**

1. Travel and Subsistence expenses

These rates were reduced by 25% with effect from 5 March 2009, in line with the general reduction across the public service. At the same time there has been a significant increase in the cost of petrol. Mileage allowance is intended to cover all incidental costs of using a car, including fuel, maintenance, insurance and depreciation.

District and Circuit Court Judges

Motor Travel Rates for District and Circuit Court Judges

Rates per Kilometres:

Official Motor Travel in a calendar year	Engine Capacity up to 1200cc	Engine Capacity 1201cc to 1500cc	Engine Capacity 1501cc to 1887cc	Engine Capacity 1888cc and over
Up to 6437km	39.12 cent	46.25 cent	59.07 cent	70.89 cent
6438km and over	21.22 cent	23.62 cent	28.46 cent	34.15 cent

Circuit Court Judges may claim mileage from their home to their place of work and back.

Moveable District Court Judges are entitled to claim mileage for journeys made from home to Court venue and back to home while on official business.

District Judges assigned to Districts outside of Dublin may claim mileage for journeys made from home to Court venue and back to home, while on official business subject to a maximum of 40 km (25 miles) to cover that part of the journey between their home and the border of their District. The same maximum applies for the return journey.

District Judges assigned to the Dublin Metropolitan District (DMD) are paid an expense allowance of €3,100 pa to cover all travel costs from their home to Court including out of hours Courts, i.e. night courts and courts at the weekend.

Subsistence rates for District and Circuit Court Judges:

Class of Allowance	Current Rate
<u>Night Allowance</u>	
-normal rate	€121.43 (for first 14 nights of continued absence)
-reduced rate	€113.12 (for any extra night's absence).
<u>Day Allowance</u>	
-10 hours or more	€37.04
- 5 hours or more	€14.12

A work space/sitting room allowance is currently payable to Circuit Court judges on a vouched basis at €36.69 per night. The allowance is designed to allow Circuit Court Judges to work in their accommodation after Court, consulting as necessary books of evidence, statements of claim, legal precedents and relevant statutes. A garage allowance, currently €4.37, is designed to allow District and Circuit Court Judges park their cars securely and is not vouched.

Members of the Special Criminal Court (SCC) who reside outside Dublin may claim €144.80 for each day and night necessarily spent in Dublin for sittings or for attending the Court for SCC related matters.

High and Supreme Court Judges

The system of allowances for travel was designed to take account of the mileage and other costs which a High Court Judge may incur on circuit, while hearing High Court actions and Circuit Appeals, outside Dublin. It is understood that the current review being undertaken by the Department of Justice and Equality is examining how this system of expenses might be streamlined.

The mileage element is based on a fixed amount of mileage to and from the location plus a fixed 20 miles extra per day for driving between the accommodation and the Courthouse. The mileage has 4 main categories: one for Judges on circuit (different locations) and 3 bands for High Court original actions based in one location (the rates were last fixed with effect from the 1st July 2006):

(1) Circuit Allowance (Appeals from the Circuit Court)

An allowance of €1,400 is paid in respect of a full circuit lasting 2 weeks to cover mileage and incidental expenses. An allowance of €700 is paid in respect of a full circuit lasting one week to cover mileage and incidental expenses. The circuit rate is based on the assumption that the Judge will be travelling 644kms each week moving from location to location every day or two.

(2) Original High Court Actions

Category A. (for cities furthest from Dublin, e.g. Cork, Ennis, Galway, Sligo, Limerick)

An allowance of €1,339 to cover mileage and incidental expenses is paid for sessions lasting two weeks. An allowance of €669 is paid for sessions lasting one week. The mileage is set at 612 kms per week, to cover travel to and from Dublin each week and travel while at the location.

Category B (for Kilkenny Waterford).

An allowance of €1,015 to cover mileage and incidental expenses is paid for sessions lasting two weeks. An allowance of €508 is paid for sessions lasting one week. The mileage is set at 439 kms per week.

Category C (for Dundalk)

An allowance of €813 to cover mileage and incidental expenses is paid for sessions lasting two weeks. An allowance of €406 is paid for sessions lasting one week. The mileage assumes 332 kms travelled per week.

Where a Judge remains on in a provincial venue during the mid-weekend of a two-week absence, a flat rate reduction of €369 is made to the allowance in respect of mileage. In circumstances where the judge is unable to complete a sitting and is required to call-back to a provincial location after the sitting to clear up circuit cases, a call-back allowance of €434 to cover mileage and subsistence is paid. In circumstances where a Judge travels to a provincial venue to call-over the list of cases on one day in advance of original High court actions a call-over allowance of €494 is paid on respect of category A actions, €333 in respect of Category B actions and €231 in respect of category C actions. These allowances are to cover mileage and subsistence expenses.

An amount of up to €422 may be claimed on a vouched basis by each Judge when hearing Circuit Appeals and Original Actions of two weeks or more, up to €211 for Original Actions of one week, €149 for the one week Circuit Appeals or daily expenses of €42. Judges drawing from this fund are required to vouch and certify the expenditure was necessarily and officially incurred. This money is no longer claimed in practice. The Judges of the High Court themselves opted to forego this allowance

The following maximum daily rates may be paid where an action does not last for as long as planned or a judge must return for one or two days only:

Daily incidental

Circuit Appeals	€67
Original cases	€47

Mileage Allowance (per return journey to provincial location):

Circuit Appeals:	€340
Original Actions Category A	€396
Original Actions Category B	€245
Original Actions Category C	€150

High Court hearings at Cloverhill Court involve a subsistence payment of €127 per day to include mileage and subsistence.

2. Removal Expenses

Certain Removal Expenses are paid to Judges (mainly District and Circuit Court Judges) who are permanently transferred on duty from one Court area to another within the State. The expenses are paid so that Judges who are permanently transferred are not out of pocket due to the move and include vouched costs for the legal fees, estate agent fees, moving /storing furniture. This allowance is rarely incurred and does not apply to newly appointed judges.

research and formulation of judgments, and dealing with urgent applications. This requires provision of an office and suitable facilities. Judges, particularly those in the High Court and Supreme Court, are required to represent the Irish Judiciary and to attend conferences, give lectures, chair meetings, at home and abroad, and to meet and entertain foreign Judges on visits to Ireland. Under section 164 of the Finance Act 1994, these expenses are non-taxable. Unlike the other allowances above this Allowance is paid through central funds rather than through the Courts Service.

The current rates per annum are:

Chief Justice	€9,057.96
Judge, Supreme Court	€9,057.96
President, High Court	€9,057.96
Judge, High Court	€9,057.96
President, Circuit Court	€9,057.96
President, District Court	€9,057.96
Judge, Circuit Court	€2,730.02
Judge, District Court	€1,365.01