

FROM THE OFFICE OF THE JUSTICE MINISTER



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Christine Darrah  
Clerk to the Committee for Justice  
Room 242  
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18 May 2021

Dear Christine

**DAMAGES (RETURN ON INVESTMENT) BILL**

Thank you for your letter of 7 May 2021, in which you ask for an update on engagement between DoF and DoJ officials on the issue of costs relating to the above Bill, and on whether the Department of Finance has advised if HM Treasury will provide access to the Reserve.

Your request relates to correspondence from the Minister of Finance to the Committee, noted by the Committee on 4 March, of which the Department has not had sight. DoJ officials are not aware of any engagement with DoF officials specifically on the issue of costs (other than the potential costs for DoJ), but there has been engagement more generally in relation to the Bill. The Minister also raised the issue of wider costs with Executive colleagues at the time of introduction of the legislation. We would emphasise again, however, that the cost implications of a discount rate arise from a defendant's legal liability to fully compensate a claimant for the extent of the loss caused by the defendant's



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negligence. Accordingly, the cost implications of meeting their own legal liabilities are a matter for defendants and not for this department (save in relation to its own liabilities).

In respect of HM Treasury providing access to the Reserve, we understand that, whilst DoF officials have had initial discussions with Treasury, they are at present seeking further information from departments as to the financial implications of changes to the discount rate before continuing further negotiations.

Yours sincerely,

**CLAIRE McCORMICK DALO**