



**An Bord Parúil**  
The Parole Board

# Parole Board Legal Aid Scheme Overview

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## 1. Introduction

- 1.1 The Parole Act 2019 makes provision for legal aid to be provided to victims<sup>1</sup>, parolees<sup>2</sup> and to parole applicants<sup>3</sup> to provide support in making representations to the Parole Board and ancillary matters. It is openly available to relevant persons and relevant victims without means testing.
- 1.2 The Parole Board was established by order of the Minister for Justice in July 2021 in accordance with the Parole Act 2019. The Board shall be independent in the exercise of its functions.
- 1.3 The Parole Act 2019 provides in section 14, which deals with Procedures of the Board, that:

*s. 14(1) [...] the Board shall [...] make provision for the following:*

*(a) the making, with the consent of the Minister and the Minister for Public Expenditure and Reform, of a scheme or schemes for the granting of legal aid to—*

*(i) parole applicants,*

*(ii) parolees, and*

*(iii) relevant victims who wish to make a submission to the Board.*

Furthermore in section 13, which deals with Powers of the Board, it is provided that:

*s13. (1) The Board shall have all such powers as are necessary or expedient for the purposes of its functions, including— [...]*

*(b) where it is considering an application for parole or the revocation of a parole order, to assign a legal representative to the relevant person unless he or she proposes to engage one, [...]*

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<sup>1</sup> A victim is defined in the Parole Act 2019 as ‘a natural person who has suffered harm, including physical mental or emotional harm or economic loss which was directly caused by an offence. This can include a family member where the primary victim is deceased. ‘Family member’ is also defined in the act and consists of any blood relative, a dependent or a person so closely connected to the family as to be a virtual member of the family. Section 3 of the Act allows for the possibility of multiple family members nominating a single member to represent their interests and accordingly that person would have one legal representative. In a small number of applications victims may not be united and there may be a need for more than one representative grouping, but this would be rare

<sup>2</sup> A parolee is defined in the Act as a person who is the subject of a parole order.

<sup>3</sup> A parole applicant is defined in the Act as a person who has made an application for parole.

*(e) where it is considering an application for parole or the revocation of a parole order, to assign a legal representative to the relevant victim where he or she wishes to make submissions to the Board, unless he or she proposes to engage one.*

1.4 The arrangement through which the Board provides legal services is referred to as the Parole Board Legal Aid Scheme and is referred to hereinafter as “the Scheme”. The Scheme operates in relation to the provision of representation before the Parole Board. This document details the terms and conditions of the Scheme.

1.5 Panel members are practicing barristers or solicitors with at least three years’ experience.

## 2. Panel of Legal Representatives

2.1 The Parole Board shall establish and maintain a panel of legal representatives or law firms who satisfy the criteria outlined in the terms and conditions of the scheme and are willing to provide legal services in accordance with the provisions of the Parole Act 2019, and the Scheme. The panel shall be known as the Parole Board Legal Representatives Panel and is referred to hereinafter as “the Panel”. The Panel shall be established through an Open Expression of Interest process and shall be subject to review every 3 years, or as deemed appropriate.

## 3. Nature and extent of the legal services provided under the Scheme

3.1 As per section 14(1)(a) of the Parole Act 2019, legal representation under the Scheme can be provided to parole applicants, parolees, or relevant victims. Accordingly, the term ‘client’ can be understood to mean any of the foregoing unless otherwise specified.

3.2 The following legal services may be provided, depending on the particular case:

- Explaining the function of the Parole Board to their client.
- Taking instructions from their client on one or more occasions.
- Making oral submissions to the Board on behalf of a relevant person as per s. 13(1)(c) of the Act
- Making written submissions to the Board on behalf of a relevant person as per s. 13(1)(d) of the Act
- Meeting with the Board on behalf of a relevant victim for the purposes of receiving oral submissions or to accompany a relevant victim to such meeting as per s.13(1)(f)
- Providing written submissions to the Board on behalf of a relevant victim as per s. 13(1)(g)
- Performing any necessary research including;

- carrying out a detailed review of the reports specified in s.13(2)(b) and any other expert reports which have been produced in relation to the case in respect of the parole applicant. Please note that such reports contain personal data and under GDPR guidelines are only available to the subject of the reports and, with consent, to their legal representative.
- researching relevant case law, if necessary; and
- considering any other relevant issues.
- If necessary, explaining the Parole Board's decision to the parole applicant, parolee, or relevant victim.

## 4. Operation of the Scheme

- 4.1 The Parole Board shall maintain a panel of legal representatives who satisfy specified criteria outlined in the scheme and are obliged to provide legal services in accordance with the provisions of the Parole Act 2019 and the Scheme.
- 4.2 The Board shall assign a member of the Panel to the relevant parole applicant, parolee or relevant victim.
- 4.3 Clients have the option to use their own legal representative if preferred, however, the Board will only pay fees to the legal representative in line with the rates and conditions applicable under the scheme and provide the required documentation to the Parole Board.
- 4.4 The assignment of legal representatives shall generally be effected using a rota system.
- 4.5 The Board will contact the legal representative by phone or email to confirm whether he/she is in a position to take the case. Once the legal representative confirms that he/she will take the case, the Board will assign the legal representative to the case and the necessary papers including a letter of authority will be forwarded to the legal representative and the client shall be notified of the assignment.
- 4.6 The Board will endeavour to assign the same legal representative to a client on subsequent occasions unless he/she requests a different legal representative to be assigned or the legal representative is unavailable.

## 5. Conditions

### 5.1 Any legal representative placed on the Panel shall:-

- Hold a current practicing certificate from the Law Society of Ireland or Bar Council of Ireland
- Have professional indemnity insurance to cover an individual claim of up to €1.5m
- Be a practicing solicitor or barrister who has had not less than three years' experience ending immediately before application
- Be practicing at the time of application and throughout her/his tenure
- Be available to visit clients who are in prison
- Act in a fiduciary manner in relation to clients and provide a service in keeping with the code of practice of their profession (i.e. the Guide to Good Professional Conduct for Solicitors issued by the Law Society, the Code of Conduct of the Bar of Ireland issued by the Bar Council, and any future codes issued by the Legal Services Regulatory Authority)
- Comply with the tax clearance procedures specified in the Department of Finance Circular 43/2006
- Have access to the Internet and productivity software such as or compatible with Microsoft Office to ensure efficient administration of the scheme.

### 5.2 Any law firm which wishes to participate in the Scheme must provide the above details for each legal representative who proposes to provide legal services on behalf of the firm under the Scheme.

### 5.3 Where a client is referred from one employee of a legal firm to another, the applicable fee in respect of that client will be payable only once.

### 5.4 The Panel will be reviewed formally by the Board every three years or as considered necessary by the Board. In order to remain on the Panel it will be necessary for the Board to be satisfied that law firms/legal representatives are providing a professional service.

### 5.5 The onus is on the Panel member to provide current required documentation to the Parole Board on an annual basis.

## 6. Fees payable

The fees payable for legal services under the Scheme are as set out in the following table.

These represent fees payable in relation to each parole application.

Should a solicitor or barrister “sub-contract” any of the work to another person who meets the terms and conditions of this scheme, it will be a matter for them to manage the fee.

The Parole Board will only make payment to the individual assigned by the Board.

Travel and subsistence will not be payable.

<b>Fees for representation before the Parole Board<sup>4</sup>(exclusive of VAT)</b>	<b>Parole Applicant</b>	<b>Victim</b>
Representation before the Parole Board for first application or for a revocation of parole order	€1,200.00	€700.00
Representation before the Parole Board for second and subsequent application or variation of parole order	Parole Applicant €336.00	Victim €196.00
<b>Partial Fees</b>	<b>Parole Applicant</b>	<b>Victim</b>
In the event that the meeting with the Board members is cancelled prior to meeting, and not reconvened, and <u>all</u> of the necessary preparatory work has been carried out by the legal representative on the application	€672.00	€392.00
In the event that the Parole Board meeting is cancelled and not reconvened, and <u>some but not all</u> of the preparatory work has been carried out by the legal representative, partial payment, which may not exceed the full application fee payable, will apply as follows:		
• A consultation with the RP/RV has taken place	€188.16	€109.76
• A second or more consultation(s) with the client have taken place	€147.84	€86.20
• Reports in dossier have been reviewed	€100.80	n/a

<sup>4</sup> A change of legal representative within the same firm or company of legal representatives will not incur additional payments of fees already paid for the relevant service.

• Written statement has been prepared	€134.40	€98.00
• A meeting with the Parole Board has taken place	€100.80	€98.00
In the event that the Parole Board meeting is cancelled on the day of the meeting and not reconvened, and all of the necessary preparatory work has been carried out by the legal representative on the application	€960	€560
In the event that the Parole Board meeting is cancelled before any preparatory work has been carried out by the legal representative	Nil payment	



## 7. Tax compliance

- 7.1 Legal representatives on the Panel must comply with the tax clearance procedures specified in the Department of Finance Circular 43/2006 entitled “Tax Clearance Procedures - Public Sector Contracts” or any such circular amending or replacing that circular.
- 7.2 Any practitioner applying for fees under the Scheme who is not currently on the Parole Board Legal Aid Panel must submit a current Tax Clearance Certificate with their claim for fees. Practitioners on the Parole Board Legal Aid Panel must ensure that they hold a current Tax Clearance Certificate to enable their claims to be considered for payment. In a case where a solicitor is providing representation as an employee of a solicitor’s firm, a Tax Clearance Certificate in respect of that firm, rather than the individual, must be submitted.

## 8. Further information

Further information on this scheme is available on the Parole Board website at [www.gov.ie/paroleboard](http://www.gov.ie/paroleboard)