



Money Message Application to the Occupied Territories Bill

Following the passage of the Occupied Territories Bill by Seanad Éireann in December 2018, in January 2019 Dáil Éireann voted overwhelmingly by 78 votes to 45 in support of the Bill at “second stage” i.e. the stage at which TDs debate the principle of the Bill. Three Government Ministers abstained from the vote, refusing to support the Government’s opposition to the Bill. Without the votes to defeat it, the Government, which opposes the Bill, is now seeking to block its progress by withholding what is called a “Money Message.” Its power to do this comes from Article 17 of the Constitution which says that no Bill “for the appropriation of revenue or other public moneys” may be enacted unless the Government has first recommended that purpose to the Dáil by a Money Message signed by the Taoiseach.

*‘Thus a Private Members’ Bill involving appropriation cannot proceed beyond second stage to Committee unless a Money Message has been furnished by the Government. The decision by the office of Ceann Comhairle on whether a Money Message is required normally rests on whether the expenditure is merely an extension or variation of an existing activity of the Government or a publicly funded body, which does not involve an appropriation, or the imposition of a new legal and definable responsibility, which does’.*¹
(Kieran Coughlan: <https://www.irishtimes.com/opinion/government-relying-on-little-known-rule-to-block-bills-1.3133081>)

The Government argues that the **Occupied Territories Bill** is a Bill of this kind and that it is justified in blocking it for the following reasons (as stated by the Tánaiste Simon Coveney in the Dáil): “*The Bill creates new criminal offences, with consequent costs relating to the investigation and prosecution of crimes, as well as the prison system. If the Bill were enacted, it is anticipated costs would arise because of EU legal proceedings against the State as well as fines and daily penalties relating to infringements. Costs are also likely to arise as a result of private legal action against the State.*”

Needless to say, the argument that the Bill’s potential implementation costs justify the frustration of the will of both Houses of the Oireachtas is not tenable. The suggestion that the Bill could subject Ireland to fines and compensation claims is, furthermore, entirely without foundation.

The rules of the Dáil provide that a determination as to whether the Bill actually requires a Money Message will be made by the “Bills Office” after the Bill undergoes “detailed scrutiny” before the Joint Oireachtas Committee on Foreign Affairs and Trade. If the Bills Office decides that the Bill does require a Money Message, then it is a political decision for the Government as to whether or not to block it.

The meeting of the Joint Oireachtas Committee on Foreign Affairs and Trade at which the Occupied Territories Bill will undergo detailed scrutiny is likely to take place in April 2019.