**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1612**

**DATE QUESTION: 17 JULY 2020**

**DATE OF SUBMISSION: 31 JULY 2020**

**Mr M J Cuthbert (DA) to ask the Minister of Justice and Correctional Services:**

What is the (a) detailed breakdown of the costs that the Government incurred in defending legal action brought against its gazetted regulations during the national lockdown to curb the spread of Covid-19, (b)(i) total amount paid for legal counsel and (ii) to whom was it paid and (c) cumulative amount of cost orders issued for the Government’s account?

**NW1996E**

**REPLY:**

The number of matters that were lodged and commenced against the State since the announcement and implementation of the national lockdown regulation aimed at curbing of the spread of Covid-19 in March 2020 amounts to 116 in total. It is worth mentioning that 80/116 matters (92%) of these matters were populated between State Attorney in Pretoria with fifty-one (51) cases and State Attorney in Cape Town with twenty-nine (29) matters.

The Office of the Solicitor-General is tallying the total costs and expenses in relation to these matters by collating information from all thirteen (13) Offices of the State Attorney. However, for the period under review, the State has paid invoices (inclusive of fees and disbursements) to the value of R3 462 327.00. The Offices of State Attorney are yet to complete the quantification process of the costs involved as they are currently segmenting the matters in terms of those rendered by Junior and Senior counsel on *pro-bono* (free of charge) basis*.*

I am unfortunately unable to furnish the Honourable Member with information, in relation to the cumulative amount of cost orders issued against the State, due to the following:

1. Matters that are still serving in court and are yet to be finalised *(sub-judice);*
2. Invoices to matters where services have been rendered but accounts are yet to be submitted by the legal services providers;
3. Matters which were not opposed by the State and to which no costs orders have been made and resulting in savings to the fiscus;
4. Matters that were in terms of section 13 of the disaster management regulations finalised either via mediation or arbitration to which no costs orders relate; and
5. Matters where adverse costs orders were issued against the state but in relation to which matters the accounts by third parties are yet to be rendered to the State and/or taxed.

To the extent that the Honourable Member also requires information on the disclosure of names of the recipients and the quantum payable to such recipients, I shall revert with the answer once legal clarification in relation to the issues of Protection of Personal Information Act (POPIA) and other legal prescripts have been clarified.