



Foreign &
Commonwealth
Office

12th July 2013

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0602-13

Thank you for your email dated 24 June 2013 which asks for the following information:

1: An indication of the department's total spend on legal counsel for each of the following financial years:

- 2012-13
- 2011-12
- 2010-11

2: Please break down each year's spend categorised to the finest level of detail available within your budget (ex. legal spend in relation to property, staff etc.). I would prefer to get the information via email and, if possible, in Microsoft Excel friendly format.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold some information relevant to your request.

On your first question, the following information details spend on legal counsel for the periods requested. By 'legal counsel' I am referring to barristers instructed to provide advice and / or advocacy before a court or other national or international court, tribunal or other forum for resolving legal disputes. Based on this, an indication of total spend (spend including VAT) on Legal counsel by the FCO is:

- 2012-13 £1,444,173.07
- 2011-12 £786,589.89
- 2010-11 £2,195,837.71

On your second question, it is not possible to break down each year's spend and categorise this to the finest level of detail without exceeding the cost threshold for answering replies as set out under the Freedom of Information Act. Section 12 of the Freedom of Information Act makes provisions for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central government the appropriate limit is set at £600. This represents the estimated cost of one or more persons spending 3 ½ days working days in determining whether the Department holds the information, and locating, retrieving and extracting it. Your request as presently formulated is widely-framed and I estimate that it will take more than 3 ½ working days to locate, retrieve and extract this information. In these circumstances we are not obliged under the Act to comply with your request.

Furthermore, such a document does not currently exist within this format. Spend on counsel is not categorised according to a general subject area (property, staff etc), but rather according to the specific case. As all legal costs are charged to a central account, providing an answer to your question would involve assessing each invoice for each fiscal period, splitting the counsel fees from any other fees and charges (as would be the case with invoices from The Treasury Solicitor), grouping these according to a given subject area and then tallying the total amount spent. You may therefore wish to refine your request to narrow its scope to bring it within the appropriate limit. You could do this for example by requesting the total amount spent on legal fees as a whole within any given period.