

# State fights religious order's attempt to withdraw funds for legal battles with Shine victims

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The State is fighting an effort from a religious congregation to withdraw funds put aside for legal battles with victims of paedophile surgeon Michael Shine.

The Medical Missionaries of Mary previously ran Our Lady of Lourdes Hospital in Drogheda, where Shine worked and abused patients. It paid £1.6 million into a fund in 1997 to protect the State from costs arising from the abuse if any litigation arose.

At the time, the ownership of the hospital was transferring to the then Eastern Health Board, and allegations had already been made against Shine which gardaí had investigated during the 1990s.

The money was paid out over as part of an agreement between the congregation and the Minister for Health that it would indemnify the State against claims "arising out of or in connection with" potential liability in respect of possible claims of alleged abuse, the Department of Health said in a statement.

Under the terms of the deed of indemnity agreed between the state and the congregation, the £1.6 million was deposited in an account over which the Health Board and the Minister for Health had a first charge as security. It is believed there is substantially more money in the fund now, which was managed by a third party.

While cases were taken, many were resolved after payments were made by insurers, or from a fund set up by the congregation. Sources said the fund in question over which the State has a charge was never accessed by the State to fund payments. Internal briefing documents obtained under the Freedom of Information Act show the congregation is now trying to take some of the money back.

A draft briefing document for an incoming minister, drawn up last December, shows how the corporate affairs division plans this year to "resolve issues relating to the Medical Missionaries of Mary request for withdrawal from a fund established to protect the State from exposure to costs arising from the abuse of patients by Dr Michael Shine".

A spokesperson for the Department of Health said that within the deed, there are provisions which allow for the appointment of an independent expert to make a determination on a withdrawal. "Such an independent expert has been appointed, and is in the process of making a determination," they said.

Shine was jailed for four years in 2019 for groping seven boys in his care over a period of three decades. He was released from prison last year. Civil actions have been settled on several occasions. In the first half of the 2010s, and then in 2019, the High Court heard that more than 110 more cases had been settled. While there were outstanding issues which led to delays, these cases were then finally settled last year.

The Medical Missionaries of Mary said it would not be commenting in relation to "ongoing matters".

**If you have been affected by any of the issues raised in this article, you can contact Dignity4Patients, whose helpline is open Monday to Thursday 10am to 4pm.**