

Office of the Attorney General

Annual Report 2017



Incorporating

The First Progress Report on Implementation of Statement of Strategy 2016-2019

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Foreword from the Attorney General

I am pleased to present the 2017 Annual Report for the Attorney General's Office (which includes the Chief State Solicitor's Office).

During 2017 the Office saw significant demand for legal services from its clients - Government, Departments and Offices. This demand was met effectively in a comprehensive range of subject areas through the provision of legal advice, legislative drafting and litigation services. These services are crucial to the work of Government and support the Office's clients across a very wide range of areas.

A number of significant matters in relation to which the Office provided legal support and services to clients in 2017 included:

- Advice in relation to several proposals to amend the Constitution;
- Provision of legal services related to Brexit;
- Litigation and advisory services in relation to complex asylum and immigration matters, tax matters, and environmental regulation;
- Drafting of complex and detailed legislation.

As always, I would like to offer my sincere thanks to each and every member of staff of both the Attorney General's Office and the Chief State Solicitor's Office for their continued dedication, committed service, and consistent work of the highest quality throughout the year.

Seamus Woulfe SC
Attorney General

Introduction by the Director General

Attorney General,

I am pleased to present the 2017 Annual Report of the Office of the Attorney General incorporating the First Progress Report on the implementation of the Statement of Strategy 2016-2019.

During 2017, the Office continued to provide high quality legal services to our clients - the Government, Departments and Offices, observing the highest professional and public service standards. The Office continued its secondment programme during the year with over 30 legal staff seconded to posts domestically and abroad.

Advisory Counsel continued to deliver legal advice across a broad range of often complex issues in a context shaped by EU, constitutional, international and domestic law.

The Office of the Parliamentary Counsel delivered a significant programme of legislative drafting work during 2017 including:

- 33 Government Bills published
- 40 Government Bills enacted
- 234 Statutory Instruments were drafted and transmitted to Departments (34 of which related to the transposition of European Union measures).

During the year the Chief State Solicitor's Office continued to provide high quality specialist solicitor services, covering litigation, property, Government contracts and other transactional services.

The scope of the subject areas dealt with by the Office is very broad and very deep. It covers all aspects of Government business and policy. Many of these areas are continually evolving and can also involve sensitive matters such as healthcare, data protection and criminal justice. The legal framework in which the Office operates is subject to continual change and provides the backdrop for an operational environment that tends to be characterised by urgency.

I would like to express my thanks to the staff in the Merrion Street Office and the Chief State Solicitor's Office on whom the service we provide depends. I would also like to take this opportunity to welcome Ms. Maria Browne who was appointed Chief State Solicitor in 2017.

Damien Moloney
Director General

PART 1: THE OFFICE

The Attorney General is the legal adviser to Government, as provided for in Article 30 of the Constitution. The present Attorney General is Seamus Woulfe SC. The Office assists him in the provision of advice to Government, which includes advice to Ministers, Departments and certain other public bodies; the drafting of legislation; the representation of the State in litigation and a number of other functions, particularly statutory functions.

The mission of the Office is to provide the highest standard of professional legal services to the Attorney, Government Departments and Offices as economically and efficiently as possible and to support adherence to the rule of law.

The Attorney General's Office (AGO) is in Government Buildings, Merrion Street, Dublin, where a staff of approximately 133 is located. The staff includes Advisory Counsel, Parliamentary Counsel, administrative and support staff and Library and Know-How staff. The Chief State Solicitor's Office is based nearer the courts at Ship Street and Chancery Lane and there is a staff of 260 consisting of solicitors and legal executives as well as Library and Know-How and administrative staff. Please see Annex E for staff breakdown.

The administrative head of the Office is the Director General, Damien Moloney. He also leads the Advisory Counsel in the legal advisory side of the Office. The Chief Parliamentary Counsel in 2017 was Paul Linehan and the Chief State Solicitor was Eileen Creedon until June 2017. The current Chief State Solicitor is Maria Browne. The Director General is the accounting officer for the Merrion Street Office and the Chief State Solicitor is the accounting officer for the Chief State Solicitor's Office.

The Attorney General is the chief law officer of the State and the Office is the principal State law office. The range of work in the Office reflects the entire scope of Government business and policy, including unforeseen events, giving rise to requests for legal advice, the drafting of primary or secondary legislation and defending court proceedings. Legal issues in highly contested and sensitive areas such as EU law, immigration, education, healthcare, data protection and criminal justice, to name but a few, are dealt with. The Office also provides commercial legal advice and legal transactional services to Government Departments and

Offices in the areas of public procurement, contracts, State property and intellectual property issues. It also advises on the many aspects of State employment law e.g. appointment, discipline and pensions.

The Office provides a high quality professional service to its public service clients. It has a deep understanding of the public service, Government and the legislative process and a high level of corporate memory and Know-How. The independence of the Office derives from the constitutional role of the Attorney General, the Office culture and the centralised nature of the Government's legal service. Synergies and efficiencies derive from the Office's central role especially when a whole of Government approach is required.

The dynamic nature of the work, with constant changes in Irish, European and international law and constantly changing circumstances and needs, require a responsive Office and compliance with the highest professional and public service standards.

Role of Advisory Counsel

The principal duty of Advisory Counsel is to assist the Attorney General in performing his functions, powers and duties. The range of subjects covered is as broad as Government's remit, but the activities themselves fall broadly into three categories:

- (i) the provision of legal advice,
- (ii) the direction of litigation, and
- (iii) legal advice in the provision of a drafting service to Government.

Advisory Counsel work closely with lawyers in both the Office of the Parliamentary Counsel in relation to advising on legal issues in the drafting of legislation and the Chief State Solicitor's Office in relation to advising on the conduct of litigation and other legal advisory matters. Advisory Counsel also work closely with external counsel when required.

The assistance provided to the Attorney General prior to Government meetings is particularly important e.g. advising whether a proposed Government decision or legislative scheme complies with the provisions of the Constitution, legislation, Treaties of the European Union,

the European Convention on Human Rights or other international treaties to which Ireland has acceded.

The Advisory Counsel side of the Office is divided into five specialist groups of approximately 5 – 7 lawyers.

Role of the Office of the Parliamentary Counsel to the Government.

The Office of the Parliamentary Counsel to the Government (OPC) provides a professional legislative drafting service to the Government.

Primary legislation (Government Bills) and secondary legislation (Statutory Instruments including Regulations and Government Orders) of varying complexity and urgency is drafted by the specialist lawyers of the OPC to reflect the policy of the Government and to transpose legislation of the European Union into Irish law.

The OPC is also responsible for drafting Government amendments to Bills (including private members' Bills) at Committee stage and Report stage of a Bill's progression through the Houses of the Oireachtas.

The work of the OPC enables the Government to implement its Legislation Programme in an efficient, timely manner and the OPC liaises closely with the Government Legislation Committee in relation to Bills accorded priority by that Committee.

The OPC is headed by the Chief Parliamentary Counsel and, in 2017, was divided into 4 drafting groups. The drafting of Bills and Statutory Instruments for the 17 Government Departments was divided among the drafting groups, with each group dealing with a number of specified Departments.

The lawyers working in the OPC (Parliamentary Counsel) are trained to a high level in the discipline of drafting legislation that, in addition to reflecting the policy of the Government, must be constitutionally sound, take into account the wider legal system and be clear and effective.

Role of the Chief State Solicitor's Office.

The work of the Chief State Solicitor's Office primarily involves the provision of legal services in civil law cases to the Attorney General and Government Departments/ Offices. The wide remit of the civil business of the Chief State Solicitor's Office means that staff are involved in many aspects of legal work including a wide range of civil litigation in all courts (including the Court of Justice of the European Union in Luxembourg) as well as in the provision of conveyancing services, property law, contract law and procurement law advice and general advisory services for an array of civil service clients. It also provides legal services to Government Departments/ Offices before Tribunals of Inquiry, Commissions of Investigation and other statutory inquiries.

Seconded Lawyers.

Two Advisory Counsel were seconded as legal counsellors to the Permanent Representation of Ireland to the European Union in Brussels and four Advisory Counsel were seconded to the European institutions as seconded national experts in 2017.

The Office had an increased presence in Government Departments. 21 seconded Advisory Counsel were seconded as legal advisers in 14 Government Departments. 5 solicitors from CSSO were specially contracted to Government Departments and funded to deal with specialised work.

Law Reform Commission.

The Law Reform Commission is wholly funded from the Office's vote.¹ It is a statutory body established by the Law Reform Commission Act 1975. Its role is to keep the law under independent, objective and expert review; to make consequent recommendations for law reform and to make current law accessible for all. The Commission's programme is carried out primarily under a programme of law reform approved by Government and placed before the Houses of the Oireachtas. The Commission also works on specific matters referred to it by the Attorney under the Act of 1975.

¹ Money for the services of the Office which is voted by the Dáil on an annual basis.

Website

For more details in relation to the Attorney General’s Office, please visit our website, or the Chief State Solicitor’s website, at www.attorneygeneral.ie and www.csso.ie.



PART 2: ACHIEVEMENT OF HIGH LEVEL GOALS

IN STATEMENT OF STRATEGY.

High Level Goal 1: Deliver a specialist legal advisory service to the Government and client Departments and Offices.

A few examples of advisory services provided by the Office in 2017.

Inquiries, Commissions of Investigation and Tribunals. CSSO provided a legal service to clients before two Commissions of Investigation, a Tribunal of Inquiry and to An Garda Síochána before five statutory inquiries established pursuant to Section 42 of the Garda Síochána Act 2005.

AGO advised on the terms of reference; any order required; the setting up of commission of investigation and inquiries and legal issues that might arise for clients during the inquiry/investigation itself.

Data protection: GDPR, Privacy, Cybercrime, Interception.

Garda Síochána: Investigating crime, firearms licensing and vetting and disciplinary matters.

Brexit: The Office participated in the Interdepartmental Group and provided legal advice to the Government as this issue emerged.

Warrants and detention: Participation in an Article 40 Stakeholders' Group which deals with issues arising and patterns emerging from applications to the High Court under Article 40 of the Constitution (*habeas corpus*) regarding the lawfulness of detention.

Reporting on High Level Goal 1 in Statement of Strategy.²

1.1 *Assisting the Attorney General in the performance of his constitutional role:*

- Legal advice and assistance was provided by Advisory Counsel to the Attorney General in a timely manner concerning his attendance at Government meetings, his advice to Government and Government ministers and the discharge of his functions generally.
- Parliamentary Counsel provided briefing to the Attorney on progress and legal advice arising during the drafting process particularly in advance of Government and Legislation Committee meetings.

1.2 *Regular structured communication with client Departments and Offices:*

- The three parts of the Office had regular meetings with key clients in addition to the consultations and meetings on particular projects. These meetings enabled the Office to understand the clients' requirements and perspectives and to plan for future work. They also enabled the client to understand what was required in order to increase efficiency and the quality of the legal services provided by the Office.
- The Office set up cross-group teams with the requisite spread of expertise to ensure a high quality legal advisory service in major projects such as in the areas of asylum and immigration; Brexit, the repeal of the Eighth Amendment to the Constitution.
- Office processes were reviewed and improved e.g. in the area of EU Law. The asylum and immigration judicial review management meetings held with the Department and relevant stakeholders were restructured to facilitate greater client participation and improve output.

² As set out in [Statement of Strategy 2016 - 2019](#).

1.3 *Keeping abreast of developments in legal firms and legal divisions in the private and public sectors or other jurisdictions.*

The Office has high quality knowledge management and case and record management systems. The Library and Know-How and IT units kept abreast of best practice, particularly in legal firms and divisions in the private sector. The Case and Records Management system was updated (See para.6.2 below).

1.4 *Continually reviewing and improving specialist advisory service by Advisory Counsel.*

- The subject areas and the membership of the five groups of Advisory Counsel were regularly reviewed, having regard to the spread of expertise, the fluctuations of work and the development of lawyers' skills and experience. The heads of those groups were in regular contact at their weekly meeting and also as required in relation to projects that required specialist input from across a number of groups.
- As well as continuing to advise on files already opened, over 1,000 new advisory files were opened in the Office in 2017. Legal advice was also given in legislative and litigation files.
- Advisory Counsel updated their specialist knowledge of relevant areas of the law through research on files; mentoring and induction; attendance at courses and conferences, in-house training and development and regular in house legal meetings where current legal issues are presented by Advisory Counsel. The circulation of group weekly reports to all lawyers in the Office and the emphasis on contributing key legal advices to the Office Know-How system are key elements of keeping Advisory Counsel up to date. Specialist knowledge was enhanced by training in the use of research tools on the Case and Record Management System, Know-How Database and other commercially produced legal databases.
- Library and Know-How staff and legal researchers worked closely with Advisory Counsel groups to maximise their ability to provide high quality advice taking account of the latest developments and authorities. Library and

Know-How staff were very active in the Office training and development and Know-How initiatives. In addition they regularly circulated recently delivered judgments, accumulated high quality legal blogs and constantly reviewed the catalogue of texts available in the library.

- Advisory Counsel played a particular role in litigation by contributing in depth legal analysis and reviewing counsel's advice from a whole of Government perspective. A strategic approach to legal issues was required in areas of litigation such as asylum, immigration, Article 40 applications, European Arrest Warrants, employment and disciplinary matters and, particularly in areas of mass claims where many cases raise the same issue (see 3.1–2 below). The Office also identified legal issues arising which may benefit from a legislative solution.
- The preparation of legal observations on general schemes of Bills is a significant and demanding area of law for Advisory Counsel. Constitutional, EU, ECHR and legal policy issues were considered and the Advisory Counsel's knowledge and understanding of the public service, the legislative process, the legal system and case law in the particular areas were essential components to the Advisory Counsel's input.
- After the Government decision for Parliamentary Counsel to draft a Bill, Parliamentary Counsel and the Department regularly raised legal issues for consideration of Advisory Counsel, often of the most complex and novel nature. Advisory Counsel made legal submissions to the Attorney General when his view on issues was required. Advisory Counsel also participated in the quality assurance scheme for draft legislation (see 2.1–4 below).
- Since the present Government came into office, private members' bills are an increasing feature. Advisory Counsel assisted client Departments to understand the legal implications of private members' bills so that they could decide their policy response to them. Advisory Counsel brought a depth of knowledge and experience of the legislative process and of the particular legal areas to bear on this.
- New areas of the law were regularly identified, in collaboration with client Departments, and expertise was further developed in those areas. The legal

issues surrounding internet, social media, data protection and retention and privacy are examples of such areas and Office staff attended in in-house and external training on these areas.

1.5 *Specialised advisory function in CSSO:*

- A major ambition for the CSSO in 2017 was to enhance its advisory function service. In 2017, over 500 advisory files were opened in CSSO of which over 200 were referred to AGO. In recent years, the Advisory Section in the CSSO had been drawn into engaging with variant streams of litigation. During late 2016 and through 2017 efforts were made to re-house some of this work in litigation sections in the Office, to enable the CSSO to re-focus on enhancing its advisory function, in collaboration with Advisory Counsel and external counsel. The Section's ability to focus on an advisory role was impacted in 2017 by the large increase of work occasioned by the establishment of new statutory investigations, tribunals and inquiries. Notwithstanding this, the following measures were achieved in 2017:
 - By end of year a number of litigation categories were streamed to other parts of the Office. By mid-year an organisational restructure had taken place which allowed for the concentration of expertise in the Advisory section with the aim of delivery of specialist advisory advices by senior lawyers in the CSSO.
 - In building new expertise in developing areas of the law, the CSSO prioritised training and upskilling of staff in priority areas such as data protection, criminal law, construction law, in addition to enhancing skillsets to meet the needs of inquiry work and enhanced its knowledge management protocols.
 - The Advisory Section also sought to develop closer ties with other CSSO legal sections in relation to pre-litigation work seeking to find early intervention solutions with clients, including being a "first port of call" for secondees in client Departments and Offices needing urgent CSSO advices.

The Advisory Section sought to deepen its engagement with Advisory Counsel on mutual files.

1.6 Continuing to support and further develop the secondment programme.

- The development of strong connections with the seconded Advisory Counsel and legal units in client Departments was ongoing. An Advisory Counsel at Assistant Secretary level chaired an umbrella group for teams that provide support to seconded Advisory Counsel; organised training and development on areas of particular importance to in-house government lawyers; supported and worked with the network for seconded Advisory Counsel and reported regularly to the Office Management Committee.
- Seconded Advisory Counsel attended general meetings of Advisory Counsel in the Office; training and knowledge management events such as presentations and had access to the AGO Library and Know-How service as required.

1.7 Delivering an enhanced EU law service to client Departments and Offices.

- A Committee on EU Law oversaw a number of significant projects such as a review of AGO involvement in the development of EU legislation and its transposition; a review of the Office involvement in litigation before the Luxembourg Courts; enhanced departmental engagement; the provision of specific legal education, training and knowledge sharing regarding EU law matters in the Office; the tracking of important EU legal issues in a user-friendly fashion, paying particular attention to the requirements of seconded Advisory Counsel in this respect.

1.8 Section 7 of the Prosecution of Offences Act 1974 and retention of external counsel.

- Work was undertaken on the updating of the panels of counsel which will be completed in 2018.

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High Level Goal 2: Office of the Parliamentary Counsel to the Government:
Provision of a specialist legislative drafting service to Government

A few examples of legislation drafted by the OPC in 2017.

Misuse of Drugs (Supervised Injecting Facilities) Act 2017 – licensing, operation and regulation of supervised injecting centres for the purpose of reducing harm to people who inject drugs.

Employment (Miscellaneous Provisions) Bill 2017 – prohibition of contracts of employment specifying zero as the contract hours and for the introduction of banded contract hours.

Water Services Act 2017 – established Advisory Body for Irish Water, provided for end of water charges and provided for charging for excessive use of water by dwellings subject to certain allowances.

Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Act 2017 – banned all onshore fracking. (The OPC drafted Government amendments to this Private Member’s Bill).

Domestic Violence Bill 2017 – consolidates and reforms legislation on domestic violence and gives effect to some of the State’s international obligations arising under the Istanbul Convention in this area.

Criminal Justice (Corruption Offences) Bill 2017 – consolidates and amends legislation regarding the prevention of corruption, including offences relating to corruption, and gives effect to the State’s obligations arising under several EU and international instruments in this area.

Reporting on High Level Goal 2 in Statement of Strategy.

2.1 Preparation of draft legislation.

- The OPC drafted primary and secondary legislation to give effect to the legislative policy set by the Government and in conformity with the Constitution and the State's EU obligations.
- The OPC drafted 33 Government Bills (listed at Annex A) and 234 statutory instruments (34 of which transposed European Union measures into Irish law).

2.2 Engagement with Government Departments and with Advisory Counsel.

- In 2017, Parliamentary Counsel assisted in organising, and participated in delivering, a number of talks in client Departments. These supported training initiatives taken by those Departments in respect of the legislative process. The talks emphasised to Departments the importance of adhering to the procedures set out in the Cabinet Handbook. They also encouraged Departments to engage with seconded Advisory Counsel at an early stage in the development of legislative proposals and with other Government Departments where policy proposals fall within, or have implications for, policy areas that fall under the remit of more than one Department. The talks covered topics such as the legislative process, the preparation of secondary legislation and secondary legislation giving effect to European Law.
- The OPC continued to engage with Government Departments at all stages of the drafting process and continued to collaborate with Advisory Counsel in the Office, when appropriate, during the drafting process.

2.3 Engagement with Government Legislation Committee.

- During 2017 the OPC also engaged regularly with the Government Legislation Committee, in order to enable proper monitoring and supervision of the implementation of the Government Legislation Programme and (acknowledging the central role of the Government Legislation Committee in setting and overseeing Government legislation priorities and in reconciling

competing legislative priorities) in order to ensure that Government derives maximum benefit from the services provided by the OPC.

2.4 *Quality Assurance procedures.*

- The Quality Assurance procedures in relation to draft legislation introduced a number of years ago by the Office were successfully implemented in 2017 and the OPC also continued to operate the Legislation Workbench system for the text of Bills and amendments to Bills in conjunction with the Bills Office of the Houses of the Oireachtas.

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High Level Goal 3: Provide a litigation service that delivers optimum results for our client Departments and Offices.

A few examples of litigation services provided by the Office in 2017.

Constitutional Actions:

DPP v. Doyle (whether a suspect in custody is entitled to have a solicitor present when being interviewed).

Gilchrist and Rogers v. Commissioner of The Garda Síochána (whether a person in the witness protection scheme who brings defamation proceedings is entitled to have them conducted *in camera*).

Crayden Fishing Company v. Sea Fisheries Protection Authority (fair procedures in administrative actions).

Judicial Review:

North East Pylon Pressure Campaign Limited and Others v. An Bord Pleanála and Others: Challenge regarding the development consent process for a 400kV North/South electricity interconnector stretching over a 103.35km route from Meath to Tyrone. Leave to bring judicial review proceedings refused by High Court in May 2016. High Court referred 7 questions arising in relation to legal costs in environmental proceedings to the Court of Justice of European Union by way of preliminary reference.

Owens v. DPP, Commissioner of An Garda Síochána & Minister for Justice & Equality; Dooley v. DPP, Commissioner of An Garda Síochána & Minister for Justice & Equality: Challenge surrounding the possible retrospective application of the Fines, Payment and Recovery Act 2014. High Court and Court of Appeal held that the new fines and enforcement regime does apply to fines imposed before commencement of the 2014 Act. Decision under appeal to the Supreme Court.

Court of Justice of EU (CJEU) Cases:

Ireland v. European Commission (The Apple case): Annulment proceedings brought by Ireland against the European Commission in the European Court of Justice challenging the decision made by the European Commission in August 2016 that Ireland had granted a State aid to Apple companies.

European Arrest Warrant:

Minister for Justice & Equality v Celmer: Polish request for surrender of Polish national on drug-trafficking charges. High Court referred questions to Court of Justice of the European Union arising from concerns as to right to fair trial, having regard to concerns with rule of law and independence of the judiciary in Poland.

Reporting on High Level Goal 3 in Statement of Strategy.

3.1 Proactive case management.

- The Office actively encouraged and supported the early assessment of cases by communicating with client Departments and Offices and supporting early intervention in cases, and by implementing case management in order to achieve better outcomes for our clients.
- The legal officers within the CSSO and the Advisory Counsel within the AGO were encouraged to engage in regular consultation and review of the management of cases with client Departments and Offices in order to achieve the best outcomes for our clients. Cases which involved issues which may have the potential to lead to mass litigation were identified at the earliest possible stage and active management was applied to ensure that the State's interests were best protected.
- The sensitive cases procedure was carried out three times during the year as part of the system of identifying and monitoring sensitive litigation in consultation with client Departments. The completed report was then presented to Government.
- The Office leveraged its experience to negotiate legal costs which led to savings on behalf of our clients. Legal officers within the CSSO and Advisory Counsel within the AGO also participated in a multi-disciplinary, multi-agency Article 40 Stakeholders' Group. This Group was initially established to identify recurring trends in applications for *habeas corpus* under Article 40 of the Constitution with a view to identifying practical solutions and allowing for the implementation of improved procedures within affected institutions of the State, resulting in significant cost savings for our clients.
- The focus of the Office is to ensure that cases are resolved as early as possible, in as cost effective a manner as possible. With the assistance of external counsel, the Office provided clients with an assessment of the risks associated with defending a case and of the attendant costs. This assessment was carried out as early as possible in the proceedings and, where practical and appropriate, negotiated settlements were pursued so as to reduce legal costs. Conciliation, arbitration and other forms of alternative dispute resolution mechanisms were also employed in appropriate areas.

3.2 Leveraged experience and learning.

- Knowledge and experience gained during the conduct of cases was harnessed and used to inform our clients' approach and our approach in similar cases. Key advices provided during the course of litigation were recorded on in-house knowledge management systems so that they are readily accessible in the context of future similar cases. The outcome of significant cases were communicated to staff. Items of cross-sectoral interest were highlighted to Office lawyers so as to ensure that clients benefit from the knowledge and experience gained during the conduct of cases.
- The CSSO supported, encouraged and contributed to the compilation and retention of information by client Departments and Offices to identify those areas of their operations which were susceptible to legal challenge. This enabled measures to reduce the volume of cases in the areas that needed to be explored.
- Legal officers identified recurring legal challenges to legislation with our client Departments and encouraged them to adopt a proactive approach to progressing legislative amendment, where appropriate.
- Within the Office, procedures and processes were strengthened to reduce unnecessary procedural legal challenges to the business of Government through case outcome reviews, feedback and advice to clients.
- The CSSO and Advisory Counsel participated in 52 cases before the General Court of the European Union and the Court of Justice of the European Union (CJEU) during 2017. The areas covered by those cases varied widely and included State aid, data protection, employment law and residence/immigration issues. A specialised unit was formed within the Commercial & Constitutional/EU Section of the CSSO to deal exclusively with EU litigation. References to the CJEU for preliminary rulings under Article 267 TFEU from Irish courts in which the CSSO/AGO were already involved were managed jointly by the EU Unit and the CSSO Legal Officer with carriage of the domestic proceedings; thereby increasing knowledge and experience of EU litigation throughout the CSSO while maintaining expertise and quality of service to client Departments. AGO improved its procedures and templates in order to engage with our clients in the most efficient way possible.

- Special rules on costs in environmental cases with particular reference to EU law and the Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters was an important and developing area of law.

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High Level Goal 4: To provide a solution-driven legal service led by the CSSO that supports the delivery of our client Departments' transactional and business objectives.

A few examples of transactional services provided by the State Property Division in 2017

Purchases and Sales:

Mount Congreve estate and gardens county Waterford: Negotiating a settlement with the Estate of the late Ambrose Congreve to acquire additional lands to supplement the House and Gardens that are held in trust by the State since 1976.

Wicklow Mountains National Park: Acquisition of 1,983 hectares of the Dublin Uplands, known as the Featherbeds from the National Asset Management Agency (NAMA) thereby expanding Wicklow Mountains National Park.

Commercial leases and licences:

A number of important transactions involving the acquisition of leasehold interests for office space for Government Departments and Offices, including for the Department of Social Protection and CORU.

Capital Funding Programmes:

Registration of charges under the Sports Capital Programme ranging from small to large sporting facilities, and the Arts and Culture Programme ranging from small cultural venues to large theatres.

Examples of transactional services provided by Commercial Contracts Section in 2017:

A number of matters in the area of social housing including the national framework for **Modular Housing** procured in conjunction with OGP

Procurement procedures for **Reception and Interception Agency** accommodation.

Advising the Department of Education on IT for **payroll shared services.**

Reporting on High Level Goal 4 in Statement of Strategy.

4.1 *Effective communication and collaboration with client Departments and Offices to ensure the delivery of best results.*

The CSSO worked closely with Advisory Counsel in the AGO to provide a transactional legal service to client Departments and Offices.

- The State Property Division implemented a policy of early engagement with client Departments and Offices in relation to transactional conveyancing and project planning. Open communications and forward planning ensured that the clients' transactional and business objectives were fulfilled.
- The State Property Division developed a new Service Delivery Model in 2017 having regard to their clients' needs with the objective of moving from four Sections to three, namely Purchases and Sales; Leasing; and State Grants and Bona Vacantia. The aim is to provide a transactional legal service to clients by specialist work type.
- The Commercial Contracts Section met regularly with OGP management to review ongoing matters and to strategically plan for upcoming projects. This allowed the Office address its clients' needs on an ongoing basis and put contingency plans in place for larger more complex projects. The Commercial Contracts Section also regularly met with AGO secondees and instructing officials in client Departments throughout the year.
- In dealing with litigation, the Commercial Contracts Section worked closely with the JR Section and Advisory Counsel from the AGO to provide support and advisory review and input on JR cases. We encouraged a collaborative approach to problem solving, by drawing on the experience and knowledge of all members of the State's team and promoting a shared understanding of respective roles.

4.2 *Delivery of a high quality service.*

The CSSO and the Office of the Attorney General ensured the delivery of a high quality service to client Departments and Offices.

- The State Property Division promoted standards of excellence by ensuring ongoing adherence to best practice through adherence to Law Society Codes of Practice and Guidelines and compliance with Practice Directions from the Property Registration Authority.
- The Commercial Contracts Section engaged in an active Knowledge Management programme and ensured all its staff upskilled by undertaking training in new areas.
- We utilised our experience and legal knowledge and designed and developed practical solutions in close collaboration with client Departments and Offices in, for example, the acquisition of greenfield sites for schools and Garda stations.
- The Commercial Contracts Section worked closely with our clients to identify their training requirements in key areas of procurement and delivered a tailored training programme for OGP staff.
- We ensured the application of the appropriate legal expertise to all cross-cutting transactional services through collaboration across legal specialisms within our Office e.g. in procurement litigation, the Commercial Contracts Section worked closely with the JR Section on such cases as *Wordperfect* and *Homecare*.
- We managed contentious transactions by the application of dispute resolution advices at an early stage thereby minimising potential litigation costs;
- We promoted consistency and streamlining in all transactions where possible in order to drive efficiency in the delivery of our services. In particular, the Commercial Contracts Section worked with the OGP to ensure their standard template documentation met all the obligations and rules set out by EU and Irish law.

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High Level Goal 5: To support the development of high levels of expertise, competence, up to date knowledge of the law and effective communication skills, within a knowledge based environment

Reporting on High Level Goal 5 in Statement of Strategy.

5.1 *Ensuring that knowledge management remains at the heart of what we do by implementing the AGO knowledge management strategy.*

- AGO has continued working towards full implementation of action points identified in its Knowledge Management Strategy.
- In particular, AGO commenced an information gathering exercise with regard to the capture of knowledge before a person leaves or retires from the office.
- Following the trial and review of different formats of legal issues meetings, in which staff members give presentations to colleagues, two alternative formats were selected.
- A new law blog committee was established to oversee greater use of the legal blog as a legal knowledge management tool.
- We continued to enhance the capture, sharing and accessibility of legal know how by undertaking the migration of all advices to a new know-how database (ARK) from our Lotus Notes legacy know how databases, including the completion of an appropriate protocol.
- AGO continued to monitor trends and developments in knowledge management including participation in the Civil Service Knowledge Management Network and engaged in networking within the wider Knowledge Management community.

5.2 *Ensuring that knowledge management remains at the heart of what we do by implementing the CSSO knowledge management strategy.*

- The development of a new legal intranet, CSSO Legal, from concept, through design, development, implementation, resulted in roll out to staff in December 2016. This project also required the development and deployment of a new search system, which is embedded in the homepage of CSSO Legal. This new search facility allows CSSO legal staff to search internal and external legal knowledge and information resources from a single point of entry, which resulted in an initial increase in usage of approximately 400%, which has balanced off at approximately a 100% increase in usage during 2017. Throughout 2017 the functionality and content on CSSO Legal has been further developed.
- CSSO sought to maximise the Office's shared knowledge and experience to support the delivery of legal services through staff engagement and participation in knowledge management initiatives such as contributing content to the regularly published CSSO Legal Bulletin. The Legal Bulletin is a key method of keeping up-to-date with legal developments and a vital channel for knowledge sharing in the CSSO.
- CSSO staff also participated in and attend Lunch & Learn^{KM} Seminars. The purpose of Lunch & Learn^{KM} Seminars are to give colleagues the opportunity to share their expertise on a wide variety of legal issues in an informal and collegiate atmosphere. This type of knowledge sharing is a step towards embedding a culture of knowledge sharing in the CSSO.
- Identifying knowledge management priorities was achieved through the completion of Knowledge Plans in each Section and Division across the CSSO.
- In order to achieve the goal of developing channels to ensure the capture, development, sharing and exploitation of knowledge, the Office continued with the ongoing development of *CSSO Legal*, the regular publication of the *Legal Bulletin* and the holding of regular knowledge management meetings.

5.3 Continuing to focus on the training, learning and development of all our staff in order to maximise performance and potential and meet ongoing and anticipated needs.

- A new AGO strategy for Learning and Development for 2017-2021 was completed in 2017. The Office reviewed all training needs and implemented a system of regular feedback for all internal and external training (see para. 6.3 below).
- In the CSSO, legal and administrative staff participated in Training and Development planning in the Office. Particular emphasis was given to in-house training, which had the benefit of being customised and cost-effective. The Training & Development Unit also sought the assistance of fellow public bodies to present to staff, who provided cost-effective services. Members of staff presented on topics of relevance to fellow staff.
- Lectures and seminars on legal topics were held in both Offices. We introduced a new series of EU legal lectures from external experts and colleagues who were on secondment in the Permanent Representation in Brussels and EU institutions.
- Both Offices continued to engage and contribute to the Learning and Development Project as part of Action 9 of the Civil Service Renewal Plan and liaise with One Learning established for this project.

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High Level Goal 6: Provision of modern and professional legal practice, corporate and business management services that support the Office in its delivery of the highest quality of service.

Reporting on High Level Goal 6 in Statement of Strategy.

6.1 *The Office will take steps to learn from other providers of legal services so as to ensure better service and thus better outcomes for Government.*

- **Human Resources.** The AGO and the CSSO kept their budget for staffing under review whilst agreeing their 2017 estimates with the Department of Public Expenditure and Reform thus ensuring that there was sufficient funding at all times to meet the staffing resources for both Offices.
- By closely liaising with the Public Appointments Service and contributing resources to the running of recruitment competitions, both Office ensured that the most suitable staff were recruited to fill vacancies arising throughout 2017.

6.2 *The Office will maintain support structures and functions to allow it to meet the goals set out above.*

- The AGO and the CSSO continue to keep their staffing needs under constant review and during 2017 they approached the Department of Public Expenditure and Reform on a number of occasions to replace staff and thus ensure that adequate staffing resources were maintained at all times in both Offices.
- Both Offices undertake workforce planning to ensure that they can anticipate staffing needs having regard to secondments to other Departments, conclusion of contracts and retirements etc. A new workforce plan was planned for 2018 (to cover 2019-2021) to ensure both Offices are aware and can anticipate staffing requirements.
- Representatives from both Offices attended a number of workshops during the year to assist in the development of a common **HR Strategy** for the civil service culminating in the launch of a document entitled "People Strategy in the Civil Service 2017 – 2020."

- **Corporate management.** In preparing any requests for additional staffing the Offices are mindful of their 2017 budgetary allocation and the need to remain within budgetary constraints. During 2017, financial briefings were provided by the Finance Officers at monthly management and partnership meetings. These briefings provided detailed profiles of expenditure across all subheads.

- **Preparation for migration to Financial Shared Services.** Across the Public Service, Departments and Offices are preparing for the full implementation of the Financial Shared Services. During 2017 representatives from both Offices attended a number of meetings and workshops to prepare for this migration, with both Offices scheduled to fully move to the new Financial Shared Service in Wave 5.

- **Electronic Irish Statute Book (eISB).** The Office's eISB Group oversees the process of managing of the electronic Irish Statute Book (eISB) and made a significant contribution in 2017 to the e-Government agenda and its future potential, specifically in the context of the ongoing production, management and updating of the eISB. The eISB is an online repository of legislation that is freely available to the public through the website www.irishstatutebook.ie and includes Acts of the Oireachtas from 1922 to 2017, Statutory Rules and Orders from 1922 to 1947 and Statutory Instruments from 1948 to 2017 and most of the pre 1922 public and general statutes in force in the State following the enactment of the Statute Law Revision Act 2007.

A Legislation Directory for Acts is also published for the period 1922 to 2017 which enables users of the Irish Statute Book to identify whether a particular provision of an Act has been amended or otherwise affected since its enactment. A Legislation Directory for statutory instruments is also included, which identifies amendments and revocations to statutory instruments effected between January 1991 and end 2017. The full text of the Constitution with links to amending Acts is also published on the eISB.

Other developments in 2017 included the translation of the eISB interface into Irish, the addition of a direct link from an enacted Act to a Revised Act where applicable and, in line with open data principles, the eISB made primary legislation data available in XML format.

- **European Legislation Identifier (ELI).** During 2017 the Office progressed the implementation of the European Legislation Identifier (ELI). The ELI requires Member States to use standardised identification of legislation and metadata properties describing each legal resource, so as to enable an effective, user-friendly and faster search and exchange of legal information.

- **Case Management System (ACME).** In 2017 the Office upgraded its Case Management System (ACME) in tandem with a new Records Management Suite (HPE RM8). The combined package improved the delivery of services to both Offices. The Registry Units in both Offices continued to execute their core activities including records management, file maintenance and matter inception/case creation. Staff in the AGO received training in Disaster Recovery, a major element of the Office's Risk Management Policy. Other key activities included the preparation and transfer of files to the National Archives in accordance with relevant legislation and the transfer of dormant files to offsite storage to ensure adequate storage provision for current files. The Office also undertook a project to amalgamate and digitise records of files transferred to the National Archives prior to 2003 to enable faster searching and location of files created prior to computerisation.

6.3 *The Office will continue to create a culture of professionalism and performance to embed high standards of performance.*

- **Risk Management.** During 2017 staff contributed to the further embedding of formal risk management principles within both Offices. The risk registers were reviewed in June and November and were updated following these reviews. Risk assurance statements were sought biannually from risk owners and the governance framework for both Offices prepared in 2016, was reviewed and updated in August 2017.

- **Performance Management and Development System (PMDS).** In 2017 staff in both Offices continued to participate in PMDS with a high compliance rate of just over 95% recorded for the AGO and 83% recorded for the CSSO.

- **Civil Service Renewal Plan.** During 2017 both Offices continued to implement, or assist in the implementation of the 25 actions listed under the four main areas

contained in the Civil Service Renewal Plan. Some of the actions of note during 2017 included:

- The continued embedding of the HR Shared Service and the preparation for the move to Financial Shared Services (Action 6);
 - Publication of the central HR Strategy, People Strategy in the Civil Service 2017 – 2020 (Action 7);
 - Entry competitions to both Offices open to all individuals with the required qualifications (Action 8);
 - Introduction of the Principal Officer Leadership Programme to develop future leaders (Action 10);
 - Introduction of new disciplinary and underperformance codes (Action 11);
 - Development of the LEADS performance management system for Secretary Generals and above (Action 12);
 - Introduction of the Civil Service Excellence and Innovation Awards (Action 13);
 - Development of the mobility scheme for staff with an expected launch date of 2018 for the scheme (Action 15).
- **Training and Development.** During 2017 Advisory Counsel, Parliamentary Counsel and administrative staff in the AGO participated in the work of the AGO Learning and Development Committee which updated and published a new Learning and Development Strategy for the Office in the autumn of 2017. This Committee will continue to progress points of action as set out in the Learning and Development Strategy for the Office. Legal and administrative staff in the CSSO participated in the work of the CSSO Training and Development Committee to ensure compliance with the CSSO Training and Development Strategy. (See para. 5.3. above).

6.4 The Office will plan for increased specialist legal needs in the Office and how best to resource the priority legal needs of Government.

- **Staff Secondment to National and European Departments.** During 2017 legal staff from both Offices continued to be seconded to Government Departments and Offices to provide in house legal advice. The AGO also seconded two Advisory Counsel as

national experts to the European Union and an Advisory Counsel was assigned to the Permanent Representation of Ireland to the European Union to assist with the likely impact of Brexit (see para 5.3 above).

PART 3: ANNEXES.

Annex A

Government Bills Published 2017

Title of Bill
Appropriation Bill 2017
Asian Infrastructure Investment Bank Bill 2017
Childcare Support Bill 2017
Civil Liability (Amendment) Bill 2017
Companies (Amendment) Bill 2017
Companies (Statutory Audits) Bill 2017
Criminal Justice (Corruption Offences) Bill 2017
Diplomatic Relations (Miscellaneous Provisions) Bill 2017
Domestic Violence Bill 2017
Electoral (Amendment) (Dáil Constituencies) Bill 2017
Employment (Miscellaneous Provisions) Bill 2017
Finance Bill 2017
Financial Services and Pensions Ombudsman Bill 2017
Health (Amendment) Bill 2017
Health and Social Care Professionals (Amendment) Bill 2017
Health Insurance Amendment Bill 2017
Independent Reporting Commission Bill 2017
Inland Fisheries (Amendment) Bill 2017
Judicial Appointments Commission Bill 2017
Judicial Council Bill 2017
Legal Metrology (Measuring Instruments) Bill 2017
Mediation Bill 2017
Minerals Development Bill 2015
Ministers and Secretaries (Amendment) Bill 2017
Misuse of Drugs (Supervised Injecting Facilities) Bill 2017
National Archives (Amendment) Bill 2017
Public Service Pay and Pensions Bill 2017
Road Traffic (Amendment) Bill 2017
Rugby World Cup 2023 Bill 2017
Sea-Fisheries (Amendment) Bill 2017
Social Welfare Bill 2017
Social Welfare, Pensions and Civil Registration Bill 2017
Water Services Bill 2017

Annex B

Government Bills Enacted 2017

Title of Act
Adoption (Amendment) Act 2017
Appropriation Act 2017
Asian Infrastructure Investment Bank Act 2017
Central Bank and Financial Services Authority of Ireland (Amendment) Act 2017
Civil Liability (Amendment) Act 2017
Communications Regulation (Postal Services) (Amendment) Act 2017
Companies (Accounting) Act 2017
Companies (Amendment) Act 2017
Competition (Amendment) Act 2017
Courts Act 2017
Criminal Justice (Offences Relating to Information Systems) Act 2017
Criminal Justice (Suspended Sentences of Imprisonment) Act 2017
Criminal Justice (Victims of Crime) Act 2017
Criminal Justice Act 2017
Criminal Law (Sexual Offences) Act 2017
Diplomatic Relations (Miscellaneous Provisions) Act 2017
Electoral (Amendment) (Dáil Constituencies) Act 2017
Finance Act 2017
Financial Services and Pensions Ombudsman Act 2017
Health (Amendment) Act 2017
Health (Miscellaneous Provisions) Act 2017
Health and Social Care Professionals (Amendment) Act 2017
Health Insurance (Amendment) Act 2017
Independent Reporting Commission Act 2017
Inland Fisheries (Amendment) Act 2017
Irish Sign Language Act 2017
Knowledge Development Box (Certification of Inventions) Act 2017
Legal Metrology (Measuring Instruments) Act 2017
Mediation Act 2017

Medical Practitioners (Amendment) Act 2017
Minerals Development Act 2017
Ministers and Secretaries (Amendment) Act 2017
Misuse of Drugs (Supervised Injecting Facilities) Act 2017
National Shared Services Office Act 2017
Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Act 2017
Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Act 2017
Public Service Pay and Pensions Act 2017
Rugby World Cup 2023 Act 2017
Social Welfare Act 2017
Water Services Act 2017

Annex C

Office of the Attorney General

Vote 3 Merrion Street Office

Provisional Outturn 2017 and Estimate for 2017 and 2018

Estimate and Provisional Outturn for 2017 and Estimate of the amount required in the year ending 31 December 2018 for the salaries and expenses of the Office of the Attorney General including a grant.

	Service	Estimate Provision	Provisional Outturn	Estimate Provision
	Administration	2017	2017	2018
		€000	€000	€000
A1	Salaries, Wages and Allowances	11,263	10,463	11,677
A2 (i)	Travel and Subsistence	170	178	176
A2 (ii)	Training & Development & Incidental Expenses	610	647	640
A2 (iii)	Postal & Telecommunication Services	70	54	70
A2 (iv)	Office Equipment & External IT Services	576	655	590
A2 (v)	Office Premises Expenses	160	96	160
A2 (vi)	Consultancy Services & Value For Money Reviews	50	4	50
A2 (vii)	Contract Legal Expertise	350	194	300
	Subtotal	13,249	12,291	13,663
	Other Services			
A3	Contributions to International Organisations	38	35	38
A4	Law Reform Commission (Grant in Aid)	2,239	2,187	2,280
A5	General Law Expenses	140	27	140
	Gross Total	15,666	14,540	16,121
	Deduct			
B	Appropriations In Aid	766	668	799
	Net Total	14,900	13,872	15,322

Vote 6 - Office of the Chief State Solicitor

Provisional Outturn for 2017 and Estimate for 2017 and 2018

Estimate and Outturn for 2017 and Estimate of the amount required in the year ending 31 December 2018 for the salaries and expenses of the Office of the Chief State Solicitor.

	Service	Estimate Provision	Provisional Outturn	Estimate Provision
	ADMINISTRATION	2017	2017	2018
		€000	€000	€000
A.1	SALARIES, WAGES AND ALLOWANCES	16,760	15,697	17,371
A.2(ii)	TRAVEL AND SUBSISTANCE	70	65	70
A.2(iii)	TRAINING AND DEVELOPMENT AND INCIDENTAL EXPENSES	813	1,030	813
A.2(iv)	POSTAL AND TELECOMMUNICATIONS SERVICES	350	343	350
A.2(v)	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	750	952	750
A.2(vi)	OFFICE PREMISES EXPENSES	275	190	275
A.2(vii)	CONSULTANCY SERVICES AND VALUE FOR MONEY AND POLICY REVIEWS	50	22	50
	SUBTOTAL	19,068	18,299	19,679

	OTHER SERVICES			
A.3	EXTERNAL LEGAL SERVICES	200	235	200
A.4	FEES TO COUNSEL	13,000	13,627	13,500
A.5	GENERAL LAW EXPENSES	1,400	971	1,400
	GROSS TOTAL	33,668	33,132	34,779
	Deduct			
B.	APPROPRIATIONS-IN-AID	1,328	1,141	1,084
	NET TOTAL	32,340	31,991	33,695

Annex D

Statement of Compliance with the Prompt Payment of Accounts Act 1997 and with the European Communities (Late Payment in Commercial Transactions) Regulations 2002

Statements of Compliance; Reports on Payment Practices 2017

Office of the Attorney General (Merrion Street Office)

Relevant payments made by this Office comply with the terms of the Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations 2002.

Guidelines put in place to ensure compliance with the Act were circulated to all staff in January 1998 and staff were also notified of the European Communities (Late Payment in Commercial Transactions) Regulations 2002 when it came into operation on 7 August 2002. The aim of these guidelines is to facilitate prompt clearance of invoices and prevent interest, penalties and compensation arising. Furthermore, financial procedures in place in the Office are regularly monitored to ensure compliance with the Legislation.

The key procedures which are in place are as follows:-

- Unless otherwise agreed by written contract, the prompt payment deadline of 30 days applies to all payments. From 15 June 2009 all Government Departments are obliged and are to commit to paying all suppliers within 15 days of receipt of a valid invoice although the 30 day limit in respect of payment of prompt payment interest still applies.
- Staff are asked to ensure that invoices are addressed to a named person when placing orders for goods and services thus avoiding delays in tracing the person who placed the order for certification purposes
- All invoices are forwarded to the Finance Unit and date stamped immediately on receipt. This date is the date from which the prescribed payment period is calculated
- Staff in the Finance Unit scan all invoices received onto the Financial Management System once they are received in the Finance Unit
- Once the goods or service to which the invoice refers have been received by the Office the relevant Unit will certify the invoice as being in order for payment by generating a goods received notice (GRN) on the Financial Management System. As soon as the GRN process has taken place staff members in the Finance Unit can proceed with payment of the invoice
- In the event of the relevant Unit not being in a position to GRN the goods due to an incomplete order, non-provision of full service etc. Finance Unit should be notified and the 30 day period will only begin when the goods or service has been fully supplied to the Office

- Staff have been advised of the need to generate the GRN as soon as the goods or service have been received by the Office or to advise the Finance Unit if they are not in a position to generate the GRN in respect of a particular invoice. Arrangements should be made to ensure that the GRN process is not delayed due to staff being on leave etc.
- If an invoice needs to be corrected or is in dispute, the procedures specified in the Act are followed. These procedures are applied by the Finance Unit and a written record of the procedures applied is recorded
- The staff in the Finance Unit monitor the payment due date and endeavour to ensure that payment is made within the prescribed period. In the event of payment being made outside of the prescribed time interest is calculated by Finance Unit in accordance with the Act and with the Regulations
- The Financial Management System prompts the staff in the Finance Unit of due payment date

Report on Payment Practices for 2017

Office of the Attorney General, Merrion Street

General

- Relevant payments made by this Office complied with the terms of the Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payments in Commercial Transactions) Regulations 2002.

Late Payments

- Payments totalling €1,827,451 in 2017 were made from the Vote of the Office of the Attorney General in respect of payments to which the Legislation applies.
- There were no Prompt payment interest payments incurred during the year.

Chief State Solicitor's Office
Statement of Compliance with the
Prompt Payment of Accounts Act 1997 and with the European
Communities (Late Payment in Commercial Transactions) Regulations
2002
Report on Payment Practices 2017

Guidelines put in place to ensure compliance with the Act were circulated to all staff in January 1998 and staff were also notified of the European Communities (Late Payment in Commercial Transactions) Regulations 2002 when it came into operation on 7 August 2002. The aim of these guidelines is to facilitate prompt clearance of invoices and prevent interest penalties arising. Furthermore, financial procedures in place in the Office are regularly monitored.

The key procedures which are in place are as follows:-

- Unless otherwise agreed by written agreement, the prompt payment deadline of 30 days applies to all payments.
- All invoices received are forwarded directly to the Finance Unit where they are date stamped. This date is the date from which the prescribed payment period is calculated.
- Staff in the Finance Unit scan general invoices into the Financial Management System using Invoice Manager and the invoice approval process is carried out electronically. General Law invoices are inputted to the Financial Management System and forwarded to the relevant file handlers for approval.
- Staff have been advised that all invoices should be certified for payment and forwarded to the Finance Unit immediately on receipt. Arrangements should be made to ensure that invoices are not delayed due to staff being on leave etc.
- If an invoice needs to be corrected or is in dispute, the procedures specified in the Act are followed. These procedures are applied by the Finance Unit and a written record of the procedures applied is recorded.
- The staff in the Finance Unit monitor the payment due date and endeavour to ensure that payment is made within the prescribed period. In the event of payment being made outside of the prescribed time interest is calculated automatically by the Financial Management System and manually checked by the Finance Unit in accordance with the Act and with the Regulations.

Interest Payments under Prompt Payment of Accounts legislation.

Payments totalling €3,495,662 in 2017 were made from the Vote of the Chief State Solicitor's Office in respect of payments to which the legislation applies. A total amount of €4,128 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation.

Report on Payment Practices for 2017

Chief State Solicitor's Office

The terms of Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulation 2002 applies to payments made by or on behalf of this Office excluding payroll and certain other Office expenses.

The CSSO introduced a new Financial Management System in July 2004. On the introduction of this new system, the Finance Unit of the CSSO assumed responsibility for all payments from the CSSO Vote, apart from Payroll and Salaries (A1 Subhead). The system has been designed specifically to monitor and control compliance with the Act.

In the small proportion of cases where payments are not made within the statutory period, the appropriate interest payments are made.

Payments to which Prompt Payments applied from January to December 2017

Total Value of all Payments:	€3,495,662.52
Total Value of all late payments (under €20 inclusive):	€8,233.82
Total Value of all late payments (over €20):	€44,454.49
Value of late payments as % of total payments:	1.51%
Number of late payments in excess of €20:	26
Amount of Interest paid:	€4,128.47
Amount of interest as % of total payments:	0.12%
Broad indication of Length of Delays:	49 days

Annex E

Staff Breakdown

At the end of 2017 an overview of the staff breakdown and gender composition of the Merrion Street Office and the Chief State Solicitor's Office as a whole, showing the numbers¹ in the grade and the percentage of the grade that it represents is as follows:

	Male	Female
Secretary General ^{2,3}	1 (50%)	1 (50%)
Deputy DG	1 (100%)	0 (0%)
Assistant Secretary	5 (33%)	10 (67%)
PO	23 (42%)	32 (58%)
AP	35 (24%)	113 (76%)
HEO	20 (63%)	12 (37%)
AO	0 (0%)	1 (100%)
EO	20 (50%)	20 (50%)
SO	4 (40%)	6 (60%)
CO	27 (29%)	66 (71%)
SVO	4 (100%)	0 (0%)

¹ Excluding the Attorney's Private staff. Also, the overall number of staff can be slightly higher than the official staffing figures which are based on whole-time equivalents.

² Excluding a former CPC who is still serving in the Office.

³ 1 vacancy at Secretary General level existed on 31/12/2017