

# **Office of the Attorney General**

## **Annual Report 2008**

Incorporating the

- **First Progress Report on Implementation of Statement of Strategy 2008 - 2010, and**
- **Fourth Progress Report on Implementation of Merrion Street Office's Client Service Guide 2005-2007 and Chief State Solicitor's Office Customer Action Plan 2005-2007**

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## **Foreword by the Attorney General**

**Paul Gallagher, SC  
Attorney General**

## **Introduction by the Director General**

**Finola Flanagan**  
**Director General**

## **Chapter 1: Roles and Functions**

The Attorney General is the legal adviser to the Government and is a constitutional officer. The clients of the Attorney General and the Attorney's Office are the executive branch of Government, that is to say the Government as a whole, its individual members and the Departments they head. By virtue of Article 30.1 of the Constitution and section 6 of the Ministers and Secretaries Act 1924 and the ninth part of the schedule to that Act, the Attorney General has control and responsibility for the Office of the Parliamentary Counsel to the Government and the Office of the Chief State Solicitor. The main functions of the Office of the Attorney General are:

- to provide legal advice to Government, Departments and Offices
- to draft legislation
- to provide litigation services
- to provide solicitor services, including conveyancing and other transactional services.

The role of the Office of the Attorney General, including all its officers, is to assist and to advise the Attorney General in carrying out the functions of advising Government and in performing other functions specifically conferred by the Constitution and legislation. Under the Public Service Management Act 1997 authority for management of the Office, monitoring policies that affect the Office and the delivery of specified outputs devolves on the Head of the Office, who is the Director General.

### **Advisory Counsel**

The Advisory side of the Office is divided into five specialist Groups covering all major legal specialisms. In addition, the Deputy Director General also has responsibility for specific specialisms including the Legal Counsellor to the Permanent Representation of Ireland to the European Union in Brussels. The Advisory side comprises barristers (Advisory Counsel) each of whom specialises, to a significant degree, in a variety of specific areas of law. The principal duty of Advisory Counsel is to assist the Attorney General in the performance of functions and duties. Each Advisory Group has dedicated clerical support staff familiar with the business of the Group.

The range of subjects covered by the Groups is extensive, but the activities themselves fall into three functional areas, namely:

- (a) the provision of advice;
- (b) the direction of litigation;
- (c) involvement in the provision of a drafting service to Government Departments.

### **Work of Advisory Counsel**

The Office has put in place structures and systems to accommodate and address all routine queries as well as requests for urgent advice on significant legal issues. Advisory Counsel work closely with lawyers in the Office of the Parliamentary Counsel advising on legal issues arising in the drafting of legislation and with the Chief State Solicitor's Office advising on the conduct of litigation and other legal matters.

The range of advisory work normally undertaken by the Office is very broad and includes constitutional law, administrative law, European law, commercial law, public international law and criminal law – in fact, all areas of legal work in respect of which Government or a Department or Office may require advice. Requests for advice may be received from the Government as a whole, from Ministers, or from civil servants in Government Departments or Offices either directly to the Office or via the Chief State Solicitor's Office. Advice is frequently provided under extreme pressure of time.

### **Permanent Representation to the European Union**

The Office continued its assignment of an Advisory Counsel by way of secondment as Legal Counsellor to the Permanent Representation of Ireland to the European Union in Brussels. Since its establishment in 1996, the role of the Legal Counsellor has become an essential and intrinsic element of the effective functioning of the Permanent Representation. Due to the participation of the Legal Counsellor in important EU negotiations, including Treaty reform and other significant legislative developments, the Attorney General is involved from an early stage in advising on significant EU legal issues.

## **Parliamentary Counsel to the Government**

The Office of the Parliamentary Counsel to the Government (OPC) comprises a team of specialist lawyers trained to a high level in the discipline of drafting legislation. The Goal of the OPC is to provide a high quality professional, specialist and efficient legislative drafting service to Government.

### **Work of Parliamentary Counsel**

The main work of the OPC is to draft Government Bills to be introduced into the Houses of the Oireachtas and to draft secondary legislation, where appropriate, for Government Departments or Offices, including Instruments transposing EU legislation into domestic law under the European Communities Act 1972. The OPC is actively involved in the development of the Better Regulation policy in co-operation with the Department of the Taoiseach and its work includes statute law revision and consolidation in the context of the Regulatory Reform Agenda.

The OPC is organised into three Groups, each having responsibility for the provision of drafting services to specific Government Departments and Offices. Each Group has dedicated clerical support staff familiar with the business of the Group.

## **Chief State Solicitor's Office**

The Chief State Solicitor's Office is a constituent element of the Attorney General's Office and is the principal provider of solicitor services to the Attorney General and to all Government Departments and Offices. It also provides solicitor services to certain other State Agencies and to Tribunals of Inquiry, but does not act for members of the public.

### **Work of Chief State Solicitor's Office**

The Chief State Solicitor's Office is organised into five legal Divisions. The Divisions are Public Law, Asylum and Legal Services, State Property, Justice and

Common Law and Advisory. Each Division is organised into Sections on the basis of similarity of work or client. The organisation takes account of the principal demands of clients and some of the future demands expected of the Office such as the capability to respond to ECHR related actions, increased involvement with the ECJ, an increase in the number of European Arrest Warrants received from other countries in the EU and a greater demand for advice in relation to Public Procurement and Commercial Contracts. This structure also takes account of the management challenges for the Office and in particular the challenges created by the programme for public service modernisation.

## **Administration**

Both the Merrion Street Office and the Chief State Solicitor's Office have administrative Units to support the work of legal staff by providing professional corporate support services such as Human Resources/Training and Development, Finance/Accounts, Corporate Services, Clerical Support, Private Office Support, Change Management, Information Technology, Internal Audit, Registry/Registry and Records Centre and Library and Know-how. There is close contact between the Heads of Administration and relevant Unit staff in both Offices and their counterparts in other Law Offices about issues which impact on the Offices. There is also close contact between the Heads of Administration and relevant Unit staff with staff in other Government Departments and Offices about particular issues.

## **Website**

The Office's website at [www.attorneygeneral.ie](http://www.attorneygeneral.ie) provides a detailed description of the roles, functions, responsibilities and work of the Attorney General, Advisory Counsel, Parliamentary Counsel and the Chief State Solicitor's Office.

## **Chapter 2: Mission Statement and Goals**

The Office's *Statement of Strategy 2008 – 2010* had the following Mission Statement and Goals -

The Mission of the Office of the Attorney General is “*to provide the highest standard of professional legal services to Government, Departments and Offices*”.

### **Four Goals were derived from the Mission Statement;**

- To provide high quality and specialist support and advice to the Attorney General in carrying out the duties of his office through the provision of specialist Advisory Counsel services in a responsive, efficient and effective manner in areas of law of importance to Government.
- To provide a high quality professional, specialist and efficient legislative drafting service to Government.
- To deliver a high quality specialist solicitor service to the Attorney General, the Departments and Offices in the areas of litigation and to provide high quality specialist legal advice and in property and transactional matters.
- To provide modern and professional corporate and business support services that deliver the highest quality service to internal and external clients and customers.

## **Chapter 3: Main Developments in 2008**

### **Part I: Legal Developments**

#### **Work of the Office of the Attorney General, Merrion Street Office, in 2008**

##### **The work of Advisory Counsel in 2008**

During 2008 Advisory Counsel advised Departments and Offices as requested across the full range of specialisms identified below. Each group is comprised of a Group Co-ordinator and a number of Advisory Counsel and clerical support staff.

**Group A** has responsibility in the areas of criminal law, garda, prisons, Anglo Irish, criminal assets, extradition, mutual assistance, interception of telecom and postal packages, EU criminal justice measures, licensing, electoral law and Road Traffic Acts, Legal Aid, Law Reform Commission, Explosives and Firearms, Gaming and Lotteries and Betting Acts.

**Group B** has responsibility in the areas of private international law, casual and occasional trading, statistics, statutory instruments Act, civil justice issues, personal injury, health law, childhood abuse, organs and vaccines, abortion, adoption, assisted human reproduction, education, family law, Forestries, Agriculture, ombudsman, health and safety, nuclear and environmental law.

**Group C** has responsibility in the areas of asylum and immigration, state aids and grants, competition law, broadcasting, fisheries, foreshore, harbours, marinas, Irish coastguard service, Commissioners of Irish Lights, coinage, international trade, postal law, road haulage and buses, road traffic acts, revenue law, double taxation agreements, National Infrastructure/National Development Plan/Public-Private Partnerships, Gaeltacht, Anglo-Irish issues, Defence, Consumer Protection, Export Credit insurance and Export refunds.

**Group D** has responsibility in the areas of relator actions, bankruptcy/insolvency/liquidation issues, charities, Comptroller and Auditor General,

Appropriation Account, Bill, Estimates and financial procedures relating to the Exchequer and Audit Department Act 1866, Appropriation and Public Expenditure, Probate and Succession Law, Arbitration, banking, Bills of Exchange, Building Societies, Company Law, Ethics, Insurance, Land Registration, Landlord and Tenant, Mergers and Monopolies, Metrology, Mining and Quarrying, Petroleum, State monopolies, State Property Act, Stock Exchange and Investment Law, Telecommunications, Information Society Services, UNCITRAL, other State Authorities, Northern Ireland Trade and Business Body, Coroners, Office of Public Works, semi-State Bodies, Tobacco, Tourism and Planning Acts.

**Group E** has responsibility in the areas of Intellectual Property, Public International Law, Data Protection Act, Freedom of Information, Oireachtas and Oireachtas Reform, Ministers and Secretaries, Public Service, Labour Law, Cultural, Human Rights, Government contracts including public procurement, Diplomatic and Consular Service, Official Secrets Act, and Social Welfare Law, Law of the Sea, Shipping, Transport, Gas and Electricity.

**Deputy Director General:** The DDG has responsibility in the areas of Defamation, Costs, Tribunals, Committees of Investigation and Oireachtas Committees, Goodman litigation, Morris Tribunal, Institutional EU issues, EC Judicial system, EU Horizontal and horizontal issues for the OPC and Brussels-specific issues. The Legal Counsellor to the Permanent Representation to the European Union in Brussels also works under the Deputy Director General.

Of particular note are the following work developments in 2008 in which Advisory Counsel assisted in the provision of advice and directions.

## **Legislation**

Advisory Counsel also advised in relation to primary and secondary legislation drafted in the Office of the Parliamentary Counsel in 2008.

## **International Law**

The Office advised on many international Conventions, Protocols and Agreements, cases and legislative developments in international law in 2008. Advices were also furnished on a considerable number of draft bilateral Agreements in the areas of extradition and mutual legal assistance with non-EU countries.

## **Tribunals and Inquiries**

During 2008, legal issues connected with both statutory and non-statutory tribunals remained an important component of Advisory Counsel work.

## **International and EU organisations**

Advisory Counsel in the Office also participated in relevant working groups listed at **Annex F**.

## **Irish Language**

Most of the cases regarding Irish during 2008 were judicial reviews arising out of criminal cases in relation to the availability in Irish of Acts, Rules of Court and other documents. One notable case, *Ruairí MacCárthaigh –v- Éire* related to whether there should be simultaneous or sequential interpretation into Irish in a criminal trial.

## **Health Insurance**

During 2008 the Office provided a considerable amount of advice to the requesting Department specifically in relation to the risk equalisation scheme (RES) and also advised on other litigation in relation to the scheme. The Supreme Court gave judgment striking down the scheme in *BUPA-v-The Minister for Health and Children* (Unreported; Supreme Court; 16/7/08) and the Court of First Instance of the EU gave judgment on *BUPA-v-Commission* T-289/03 on the compliance of RES with EU law.

## **Medical Defence Union Cases and Motor Insurance Bureau of Ireland cases**

During 2008 the Office continued to advise on these two categories of litigation. The State intervened in *Hassett and Howard-v- MDU* C-45/08 at the ECJ. *Commission-v-*

*Ireland* C-211/07 was a direct action against Ireland for failure to transpose the Second Motor Insurance Directive correctly.

## **UN International Covenant on Civil and Political Rights**

The Attorney General on behalf of the Government of Ireland presented the Third Periodic Report from Ireland on the implementation in the State of the International Covenant on Civil and Political Rights to the United Nations Human Rights Committee at Geneva on the 14<sup>th</sup> and 15<sup>th</sup> of July 2008. The Covenant covers a range of human rights under the United Nations Covenant which overlap with provisions of the European Convention of Human Rights. All State Parties are required to submit reports to the Committee periodically on how the rights are being implemented. The Committee raised a number of issues which were responded to and the documents can be accessed on the website of the United Nations Commissioner for Human Rights.

## **State Aids**

During 2008 the Office provided considerable advice on State Aids especially on aspects arising out of State policy in relation to the banking crisis. Advice was also given on the State Aid aspects of the financial assistance arising out of the Dioxin contamination of certain pig feed.

## **Banking**

Since the Northern Rock nationalisation in the UK, advice was given to the State regarding financial stability contingency planning. In the context of the drafting of the Credit Institutions (Financial Support) Act 2008 significant advice was given in relation to the guarantee scheme deriving from it and other legal aspects including Competition and State Aids law.

## **Justice and Criminal law**

At EU level the Office has advised on a considerable number of proposed measures under Title VI TEU relating to areas such as information sharing, procedural law, mutual recognition and substantive criminal law. The Office assisted the Attorney General in his role during 2008 as member of the Justice Future Group which made recommendations on the priorities of the European Commission in the field of Justice and Home Affairs.

## **Extradition and European Arrest Warrant cases**

In these matters the Office works very closely with the Central Authority at the Department of Justice, Equality and Law Reform, the Garda Síochána and in some cases the Department of Foreign Affairs. The volume of work in this area has increased dramatically in recent years. During 2008 an Advisory Counsel was seconded to the section at the Department of Justice, Equality and Law Reform to advise on these matters.

During the year, 73 persons were surrendered by the State under the European Arrest Warrant Act 2003. There were a number of important judgments under the Act handed down in 2008. Some are referred to here.

In *Tobin* (Supreme Court decision of 25/02/08), the High Court decision that the respondent had not “fled” from the requesting State within the meaning of the 2003 Act was upheld.

In *Butenas* (Supreme Court 12/03/08), it was clarified that the Act did not oust the inherent jurisdiction of the High Court to grant bail pending surrender.

In *Ferenca & Desjatnikovs* (Supreme Court 31/07/08), it was decided that a warrant either had a “ticked box” so that correspondence did not need to be established or it did not. There was no intermediate category.

## **The Law Reform Commission**

The Office continued to support the Law Reform Commission in its work during 2008.

## **Advisory Counsel in Irish Permanent Representation in Brussels 2008**

A single Advisory Counsel is seconded as Legal Counsellor to the Permanent Representation of Ireland to the European Union. During the year the Legal Counsellor advised the Permanent Representative and his Deputy on the various legal issues that arise as a consequence of their attendance at COREPER I and II. He also

advised Departmental officials in relation to issues arising at the Working Groups of the Council that they attend and in relation to issues arising between Departments and European Institutions. The Legal Counsellor discharged the following additional duties:

- Attendance at the Courts of Justice and other Working Groups.
- Liaison between the Legal Counsellors at the Permanent Representations of the various Member States and with Members of the Council, Commission and Parliamentary Legal Services.
- Assisting in the bilateral resolution of technical legal difficulties in relation to legislation under negotiation in Council.
- Liaising between Permanent Representation in Brussels and the Office of the Attorney General in Dublin.

### **Work of Parliamentary Counsel in 2008**

The Office of the Parliamentary Counsel to the Government (OPC) drafted a significant number of Bills and Statutory Instruments during 2008. Among the 33 Government Bills that were published (see **Annex A**) and the 25 Bills enacted (see **Annex B**) in the course of the year, there was a number of significant drafting assignments undertaken by the office during 2008 including –

#### **Arbitration Bill 2008**

The purpose of this Bill is to apply the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration to all arbitrations which take place within the State. At present that Law applies in relation to international commercial arbitration only. While repealing the Arbitration Act 1954, the Arbitration Act 1980 and the Arbitration (International Commercial) Act 1998, this Bill will also preserve the obligations which the State undertook when it gave the force of law to the Protocol on Arbitration Clauses opened at Geneva on the 24th day of September 1923 (Geneva Protocol), the Convention on the Execution of Foreign Arbitral Awards done at Geneva on the 26<sup>th</sup> day of September 1927 (Geneva

Convention) and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958.

### **Cluster Munitions and Anti-Personnel Mines Act 2008**

This Act gives effect to the Convention on Cluster Munitions (the “Dublin Convention”), adopted at an international conference held in Dublin in May 2008, and gives further effect to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997 (the “Ottawa Convention”). The Act makes it an offence to possess, use, produce, acquire or transfer a cluster munition, explosive bomblet or anti-personnel mine, subject to the specific and limited exceptions permitted by the two Conventions.

The Act also provides that persons investing public moneys are to avoid direct or indirect investment in companies involved in the manufacture of cluster munitions, explosive bomblets or anti-personnel mines, and requires the divestment of public moneys from companies that are, or become, manufacturers of such munitions.

### **Companies Consolidation and Reform Bill**

Drafting of the Companies Consolidation and Reform Bill commenced on 1 December 2007. The draft Scheme of the Bill is the product of the work of the Company Law Review Group and the Department of Enterprise, Trade and Employment and the number of draft Heads runs to approximately 1,200.

Disregarding the possibly longer length of the individual sections of the latter Bill, this makes the Scheme of this Bill larger than that of the Bill that became the Taxes Consolidation Act 1997. Therefore - based on the number of its Heads - the Companies Consolidation and Reform Bill is the largest Bill ever promoted in the history of the State.

The drafter assigned to the Bill for the year 2008 set various objectives for the completion of drafts of sections corresponding to a substantial portion of the Heads in Parts A1 to A14 (described as “Pillar A” in the draft Scheme). As of 31 December 2008, milestones have been achieved with regard to bringing various of those Parts to a state very close to their anticipated final form. Amongst the subject areas of

Company law, in relation to private companies limited by shares, that have been dealt with in the programme of drafting undertaken in 2008 are: Corporate Governance; Company Capital and Directors' Duties.

### **Civil Law (Miscellaneous Provisions) Act 2008**

Civil Law (Miscellaneous Provisions) Act 2008 - this Act amended 30 other Acts to effect changes to the law relating to courts and court officers, solicitors, landlord and tenant, statutory declarations, juries, bankruptcy, succession, video recordings, censorship of films, parental leave, civil service regulation, family law, equal status, civil legal aid and employment equality. In addition to amending other Acts, this Act provided for videoconferencing in civil proceedings and for certain anonymity in certain civil proceedings.

### **Electoral (Amendment) Bill 2008**

The Bill will, when enacted, (i) revise the number of members to be elected to Dáil and European Parliament constituencies, (ii) amend the law relating to the Constituency Commission by providing that the Commission will be established on publication by the Central Statistics Office, following a Census of Population, of the Census Report setting out the preliminary result of the Census in respect of the total population of the State, (iii) provide for alternative procedures for nomination of non-party candidates at European and local elections by way of assent or deposit, and (iv) provide additional amendments to the Local Elections Regulations 1995 and give them statutory effect.

### **Employment Law Compliance Bill 2008**

The purpose of the Bill is to secure better compliance with employment legislation in accordance with *TOWARDS 2016* - the 10-year Framework Social Partnership Agreement 2006-2015. The main provisions of this Bill are to establish the office of the Director of the National Employment Rights Authority dedicated to employment rights compliance and to strengthen inspection and enforcement powers and make other necessary provisions to secure compliance with employment legislation (including protection against penalisation of employees who claim their entitlements

or redress where they are denied, or who *bona fide* report breaches of employment legislation to the Director, etc).

## **Health Act 2008**

The Health Act 2008 establishes a new scheme for entitlement to medical cards for persons aged 70 and over from 1st January 2009. This scheme requires those who reach 70 years of age on or after 1st January 2009 to apply for cards and limits the granting of those cards to those whose income does not exceed specified limits. It permits persons who were 70 and over on 31st December 2008 and who held a medical card on age grounds to retain their cards if their incomes do not exceed those specified limits. It also requires those whose incomes exceed those limits to notify the HSE that they no longer qualify. The Act also amends the Health Contributions Act 1979 so that persons of 70 years and over are exempt from paying the contribution under that Act, and makes other technical amendments to other Acts.

## **Health Insurance (Miscellaneous Provisions) Bill 2008**

This Bill, when enacted, will amend the Health Insurance Acts 1994 to 2007 so as to assure, in the interests of the common good, that access to health insurance cover is available to all consumers without differentiation made in respect of age and health status. The Bill will build on the existing legislative provisions to achieve this purpose by providing for amendments to the Taxes Consolidation Act 1997 and the Stamp Duties Consolidation Act 1999. The Bill will also provide for more information to be made available to consumers of health insurance in relation to health insurance advertising and health insurance contracts. The Bill, if enacted, will also enable the Health Insurance Authority to pursue enforcement measures where it is of the opinion that an insurer is contravening those obligations.

## **Housing Miscellaneous Provisions Bill 2008**

This main purpose of this Bill is to give effect to the programme of social housing reform measures outlined in the Delivering Homes, Sustaining Communities policy document published in February 2007. The Bill includes provision for the making of housing services plans and new provisions on the assessment of social housing needs

and updating housing authority management and control powers, including the adoption of antisocial behaviour strategies. It also broadens the choices available to those seeking social housing by providing a more developed legislative basis for the Rental Accommodation Scheme and by expanding paths to home ownership through the new incremental purchase scheme.

### **Nursing Homes Support Scheme Bill 2008**

The Nursing Homes Support Scheme Bill, when enacted, will establish a scheme of financial support for persons who require nursing home care either in a public facility or in a private facility. The Scheme provides for the giving of State support towards the care of the person entering care and the amount of this support is determined on the basis of an assessment of means. The Bill also provides for payment of further support called "ancillary State support" which is in essence a loan linked to a mortgage or charge placed on a person's house or land. The loan is repayable on the death of the person receiving the nursing home care but repayment may be deferred where specified relatives are living in the property.

### **Intoxicating Liquor Act 2008**

The Intoxicating Liquor Act 2008 amended the Licensing Acts 1833 to 2004 and the Criminal Justice (Public Order) Act 1994 to give effect to reforms recommended by the Government Alcohol Advisory Group, such reforms having particular regard to public order issues. In addition, this Act conferred new powers on the Garda Síochána to seize alcohol from certain persons, both in the interests of public order and in the interests of curbing underage drinking.

### **Ombudsman (Amendment) Bill 2008**

The purpose of Ombudsman (Amendment) Bill 2008 is to amend the Ombudsman Act 1980.

The Bill in particular extends the number of bodies coming within the remit of the Ombudsman, contains the full list of the bodies concerned and provides a procedure for other bodies to be brought within that remit. It provides that in making decisions

on rights and benefits, etc., a public body covered by the Ombudsman is required, consistent with its resources, to deal with people fairly and in a timely manner.

The Bill provides that the Ombudsman may make a general recommendation, where relevant, to any of the bodies coming within the Ombudsman's remit where, following an investigation, it is considered appropriate to do so. Provision is made for the Ombudsman to refer any question of law arising in an examination or an investigation to the High Court and also for the Ombudsman to institute legal proceedings where a requirement to provide information to the Ombudsman is not met.

### **Legal Practitioners (Irish Language) Act 2008**

The Act provides that the Honorable Society of Kings Inns and the Law Society shall take all reasonable steps to ensure that an adequate number of barristers-at-law and solicitors respectively are able to practice law through the Irish language. The Act also provides that the Honorable Society of Kings Inns and the Law Society shall establish courses of study in the Irish language and provide registers, which will be made available to the public, showing details of those practitioners who are able to provide legal services through the Irish language. The Act also provides for the repeal of the Legal Practitioners (Qualification) Act 1929.

### **Legal Services Ombudsman Bill 2008**

This Act gives statutory backing to the office of Legal Services Ombudsman. The holder of the office will be known as the Legal Services Ombudsman. The principal function conferred on the Legal Services Ombudsman by the Act is the overseeing of the handling, by the General Council of the Bar of Ireland, of complaints concerning barristers, and the handling, by the Law Society of Ireland, of complaints concerning solicitors. Other functions conferred on the Legal Services Ombudsman by the Act include reviewing the procedures adopted by the Bar Council and the Law Society for handling complaints against the respective professions they invigilate and annually reporting on the adequacies of the admission policies of both professions.

## **The Credit Institutions (Financial Support) Act 2008**

The Credit Institutions (Financial Support) Act 2008 was enacted to help deal with the world-wide crisis in the banking system by creating a statutory basis for the State to provide financial support for banks and other credit institutions. The form of the support to be provided is to be determined by the Minister for Finance, but support is limited to a period of 2 years from the "relevant date", 30 September 2008. The Act provides that the terms may be set by agreement in the case of support for a specific institution, or generally by a scheme to be made by statutory instrument. The Act also dis-applies the normal competition law controls from applying to mergers or acquisitions of credit institutions, and sets up a somewhat different regime operated by the Minister for Finance, if the Minister considers that the merger or acquisition is necessary in the interests of the general stability of the financial system.

## **Work of the Chief State Solicitor's Office in 2008**

The following is a summary of the work dealt with in the Legal Divisions of the Chief State Solicitor's Office during 2008.

### **Public Law Division**

The Public Law Division is made up of the Commercial and Constitutional Section and the Judicial Review Section and deals with a wide range of litigation with many of the cases being high profile, requiring compliance with strict time limits and involving complex issues of law.

### **Commercial and Constitutional Section**

This Section is responsible for the defence of a wide range of civil actions against the State and State Authorities. During 2008 the Section received 583 new cases. Most of the cases that were dealt with went to full plenary hearing. Issues of law dealt with included commercial, constitutional, contract, employment, insurance, international, environmental, planning, electoral, public health, intellectual property, housing, social welfare, administrative and European Union Law.

## **Judicial Review Section**

This Section represents the State and State Authorities in judicial review applications. Judicial Review is the process by which judicial control of administrative action is exercised and by which the High Court exercises jurisdiction over the proceedings and decisions of inferior courts, tribunals and other bodies who carry out quasi-judicial functions or who are charged with the performance of public acts or duties. This Section also has responsibility for habeas corpus applications, cases stated, adoption cases, letters of request from foreign tribunals and service of documents under EU Council Regulation No 1348/2000 and the 1965 Hague Convention on the service abroad of judicial and extra judicial documents in civil and commercial matters.

In 2008 the Section received 233 judicial reviews, 82 habeas corpus applications, 10 adoption cases, 7 cases stated, 3 letters of request from foreign tribunals and 281 documents for service under EU Council Regulation No 1348/2000 and the Hague Convention on service abroad of judicial and extra judicial documents in civil and commercial matters.

## **Asylum and Legal Services Division**

There are two Sections in this Division, the Asylum Section and the Legal Services Section.

### **Asylum Section**

This Section handles all asylum, immigration and repatriation related cases on behalf of the Department of Justice, Equality and Law Reform, the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal and the Garda National Immigration Bureau. The majority of the work is of a litigious nature dealing primarily with judicial review applications (both leave and substantive hearings) as well as habeas corpus applications (where the Section acts on behalf of the Prison Governor) in the Asylum area and necessitates daily attendance before the High Court and to a lesser degree the Supreme Court. The Section also deals with District Court applications pursuant to the Refugee Act 1996 as amended. In 2008, 958 new asylum related files were opened in the Section.

## **Legal Services Section**

This Section has responsibility for legal costs accounting (including assessing bills of costs and attending at the taxation of same) and the recovery of legal costs due to the State. It is further responsible for the payment of Counsels' fees and acts for the Commissioner of Valuation in appeals before the Valuation Tribunal. The Section is also involved in the preparation of Ministerial Prosecutions in the District Court. The Section Head chairs a Committee which oversees a legal training scheme for clerical staff in the Office.

## **State Property Division**

The State Property Division deals with property transactions, landlord and tenant matters, grants, escheated estates and planning and title issues for the State. It is organised into three Sections, the Office of Public Works / Health and Children Section, the Defence, Marine and Sports Capital Programme Section and the Finance, Education, Justice and Heritage Section.

## **Office of Public Works / Health and Children Section**

The Section acts mainly for the Commissioners of Public Works in Ireland ("OPW") and handles the acquisition, disposal and leasing work of the OPW Property Management Services. OPW Property Management Services are responsible for the procurement of office accommodation for Government Departments, Offices, Agencies and Tribunals, as well as the ongoing management of the State's property portfolio, which is the largest property portfolio in the State. The Section handles some work for the OPW Project Management Services, OPW Engineering Services and OPW Property Maintenance Services. The Section also handles work for the Department of Health and Children and the Department of Finance. During the year the Section took on responsibility for two additional areas of work – heritage transactions and State Property Act waivers.

The work of the Section comprises commercial conveyancing, including commercial leasing; landlord tenant issues and advice; acquisitions and disposals; construction and related matters and advice; commercial agreements relating to property and title advices. Acquisitions and disposals of property take place under various Government

Programmes and leasing of accommodation for Government Departments is an ongoing requirement.

Work handled during 2008 included the following:- acquisition of new accommodation in Dublin for the Office of the Director of Public Prosecutions, the Film Censor's Office and HIQA; the National Concert Hall Licence; continued work on affordable housing disposals – Harcourt Street Phase II and Broc House; the first registration of properties acquired under the Decentralisation Programme and the School Site Acquisition Programme; the continued granting of mobile phone, broadband and digital radio licences on State property; work on the grant of the Philips Duphar income share lease to the Digital Hub Development Agency; continued work on the Digital Hub Project and property advice for the Department of Health and Children in relation to the leasing arrangements for the Tallaght Hospital Co-Location Project.

### **Defence, Marine and Sports Capital Programme Section**

During 2008 this Section dealt with transactional and advisory property matters for the following Government Departments – Departments of Defence; Agriculture, Fisheries and Food; Arts, Sports and Tourism; Community Rural and Gaeltacht Affairs; Transport; Enterprise, Trade and Employment and Communications and Natural Resources. The work included sales under the Affordable Housing Initiative, for example Gormanstown Camp, Co. Meath and Magee Barracks, Co. Kildare and sales of military properties that are surplus to requirements such as Nenagh Barracks and RDF Barracks, Cahir Co., Tipperary. The Section also dealt with land swaps, for example 400 acres at Abbotstown Co. Dublin for the new headquarters of the Football Association of Ireland and Foreshore Licences and Leases to include the development of Dublin Port and Cork Docklands area. In 2008 the Section dealt with Capital Grants under the Sports Capital Programme (e.g. Lansdowne Road Stadium), ACCESS Programme (e.g. Wexford Opera House and the Light House Cinema, Dublin) and the Swimming Pools Programme (e.g. Waterford Crystal pool and Loughrea pool, Co. Galway).

## **Finance, Education, Justice and Heritage Section**

In 2008 the work of this Section included the property aspects of the Residential Institutions Redress Indemnity Scheme, dealing with escheated estates where the State was the ultimate intestate successor, school leases, purchases of sites for schools and prisons, commercial leases for the Minister for Justice, Equality and Law Reform, and claims for compensation under Section 120 of the Registration of Title Acts 1964-2006. The heritage work involved the acquisition of national monuments and historic properties. A large amount of bogs and turbary rights in various counties were acquired on behalf of the Minister for the Environment, Heritage and Local Government for conservation purposes. Major transactions handled in 2008 included acting on behalf of the Commissioners of Public Works in relation to the purchase of property on the Great Blasket Island, Co.

Kerry.

## **Justice and Common Law Division**

This Division comprises three Sections, the Justice and Crime Section, the Personal Injuries Section and the Tortious Claims Section.

### **Justice and Crime Section**

This Section deals with Extradition cases and European Arrest Warrant applications in the High and Supreme Courts on behalf of the Attorney General and the Minister for Justice, Equality and Law Reform. In addition, it deals with Mutual Assistance applications in the District, Circuit and High Courts on behalf of the Minister for Justice, Equality and Law Reform. The Section also provides Solicitor services to the Garda Síochána and client Departments in matters such as Inquests, Licensing applications, Police Property Act applications, Transfer of Sentenced Persons applications, Appeals to the Courts Martial Appeals Court and Ministerial Prosecutions.

During 2008 the Section dealt with 198 new European Arrest Warrant applications, 6 new Extradition cases from outside the European Union, 87 new Mutual Assistance applications, 135 Companies Office prosecutions, 14 Inquests, 21 Transfer of Sentenced Persons applications, 183 Intoxicating Liquor Licence applications, 13 Police Property Applications, 1 Court Martial Appeal and a range of Ministerial

prosecutions including 549 Social and Family Affairs prosecutions and 15 Enterprise, Trade and Employment prosecutions.

Also during 2008, the Head of Section managed the on-call panel of staff in the Office which provides a round the clock service out of office hours in Extradition, European Arrest Warrant, Habeas Corpus and other urgent matters. In 2008, 7 out of Dublin Inquests were managed as well by the Head of Section.

### **Personal Injuries Section**

This Section deals with civil actions against the Garda Síochána. The cases include claims for damages for assault, wrongful arrest, false imprisonment, defamation and malicious prosecution. Further, it handles non party discovery applications seeking disclosure of documentation from the Gardai.

The Section also deals with all claims by Gardaí under the Garda Síochána (Compensation) Acts 1941 and 1945.

In addition, the Section acts for the Garda Authorities before the Dublin Archdiocese Commission of Investigation.

In 2008, the Section dealt with 154 general Garda cases and 213 Garda Compensation cases.

### **Tortious Claims Section**

This Section deals with all childhood abuse litigation arising out of claims of abuse in Residential Institutions and Day Schools. Following the coming into operation of the National Treasury Management Agency (Delegation of Claims Management Functions) Order 2005 (SI No 503 of 2005) on the 1<sup>st</sup> September 2005, the State Claims Agency took over the responsibility for the management of childhood abuse litigation and the Section provides legal services to the SCA in respect of such claims. There is a team of Solicitors in the Section to handle Day School Abuse litigation and a special Unit to deal with Residential Abuse cases.

The Section also deals with claims for damages for injury suffered by a member of the Defence Forces, outside the State, whilst in the service of the State, Civil Service bullying and harassment cases and appeals to the High Court by persons infected by Hepatitis C or HIV or both, through the administration of blood or blood products. There were 128 new cases in the Section in 2008.

### **Advisory Division**

The Advisory Division consists of four Sections - the Specialist Advisory Section, the General Advisory Section, the State and European Litigation Section and the Commercial Contracts Section.

### **Specialist Advisory Section**

This Section has responsibility for dealing with Tribunals of Inquiry work and provided representation to the Department of Justice, Equality and Law Reform at the Morris Tribunal and dealt with costs issues arising therefrom. The Section also deals with natural resources cases and contractual and regulatory advisory work as well as certain Ministerial prosecutions and provides a back up to the General Advisory Section.

### **General Advisory Section**

This Section has responsibility for general advisory matters which include instituting Plaintiff litigation on behalf of the State, third-party discovery, mutual assistance, company law proceedings, arbitrations, adoption matters, civil registration matters, Garda Síochána advice matters, advising the Irish Prison Service, mining and petroleum exploration and development, wildlife prosecutions, habitat prosecutions, debt collection to include recovery of overpayment of State pensions and non-payment of vehicle storage charges, grants and REPS payments, recovery and enforcement of Pensions Ombudsman's determinations, as well as representing the State on public interest issues before Tribunals of Inquiry and advising the Minister for Finance on costs claimed by third parties at Tribunals.

### **State and European Litigation Cases**

This Section deals with cases before the European Court of Justice and the Court of First Instance. It handles legal proceedings before the ECJ instituted by the European

Commission against Ireland and proceedings taken by Ireland against the Commission as well as cases in which Ireland intervenes in proceedings involving another member State. The Section also deals with Employment work and represents Government Departments and Offices at hearings before Rights Commissioners, the Labour Court, the Employment Appeals Tribunal and the Director of Equality Investigations. Further, the Section provides legal advices on Civil Service employment issues as well as handling company restoration applications.

### **Commercial Contracts Section**

This Section provides advice on commercial contracts to Government Departments and Offices including dealing with public procurement issues, contractual negotiations and drafting. It handles contractual work in a wide range of areas including information technology, intellectual property, employment, pensions, maritime, aviation and natural resources.

## **Part II: Organisational Developments**

### **Management Advisory Committees**

A joint Management Advisory Committee (Main MAC), representative of senior management of both the Merrion Street Office and the Chief State Solicitor's Office, met on **5** occasions during 2008 to advise the Director General on issues of common concern to both Offices including issues relating to the Modernisation agenda. A Legal MAC representative of both Offices and attended by the Attorney General was established in 2006 in the context of a recommendation of the Report on the Attorney General's Office (Sullivan Report, June, 2006). The Legal MAC met on **3** occasions in 2008 and focused on current legal issues in the Office. Separate local Management Advisory Committees (MACs) also met on a monthly basis to advise the Director General, Chief Parliamentary Counsel and Chief State Solicitor, as appropriate.

### **Staffing**

By the end of 2008 the authorised staff complement in the Merrion Street Office was 138. The authorised staff complement in the Chief State Solicitor's Office at the end of 2008 was 249. During the year new legal advisory, drafting, administrative and clerical staffs were recruited in the Merrion Street Office and legal, technical and administrative staff in the Chief State Solicitor's Office.

### **Statement of Strategy 2008 – 2010**

In accordance with the relevant Government Decision a review of the Statement of Strategy 2008 - 2010 was initiated to take account of changes to Government announced in May 2008 and other recent developments. The review was completed in late 2008 and a revised Strategy Statement was submitted to the Attorney General for his consideration in accordance with the statutory deadline.

### **Quality Customer Service**

Progress on the implementation of commitments set out in the Merrion Street Office's *Client Service Guide 2005 – 2007* and *Client and Customer Charters* and the Chief State Solicitor's Office's *Customer Action Plan 2005 – 2007* and *Client and Customer Charters* is outlined in Chapters 4 to 7 of this Report. These Chapters also include progress achieved towards the development of Client and Customer Charters 2008 – 2010, Client Service Guide 2008 – 2010 and Customer Action Plan 2008 – 2010.

### **Information Technology**

The Office continued to make significant progress in the implementation in both the Merrion Street Office and the Office of the Chief State Solicitor of its Information Technology Strategy. During 2008 the main focus continued to be in relation to further embedding in both Offices of a new Case and Records Management System (ACME) and the continued embedding, enhancement and utilisation of the integrated Financial Management System and the Human Resources Management System. Also, the Office continued to keep its IT infrastructure under review and carried out a number of enhancements to ensure that it continues to operate efficiently and effectively. A number of Office IT Project oversight Committees (joint Office Committees in most cases) continued to meet throughout the year to review project progress and address issues as appropriate. Progress achieved is outlined in Chapter 7 of this Report.

### **Knowledge Management**

During 2008 the Office continued to promote a culture of knowledge sharing within the Offices and work progressed in relation to the development of a new Knowledge

Management Strategy. Progress achieved in this regard is outlined in Chapter 7 of this Report.

### **Development of Legal Services**

During 2008, the Office continued to focus on the development and enhancement of further specialisation to meet the changing needs of Government and client Departments and Offices and in pursuit of its strategy of increased specialisation in key areas.

### **Better Regulation**

In line with commitments set out in the Government's White Paper "Regulating Better" the Office's proposals for improving the accessibility and coherence of Irish Statute Law continued to have an impact on the work of the Office in 2008.

### **Report of the Review of the Office of the Attorney General (Sullivan Report, June, 2006)**

During 2008 the Office continued to keep under review its Action Plan to monitor the implementation of the recommendations of the Sullivan Report on the Review of the Office of the Attorney General published in June, 2006. Notwithstanding the fact that all recommendations were implemented prior to 2008 the local Merrion Street and CSSO MACs, the joint Merrion Street/CSSO MAC and the Partnership Committee in the Merrion Street Office were consulted in relation to developments arising out of the Report as appropriate. The Office reported on implementation of the recommendations of the Sullivan Report in its Fourth Progress Reports under *Towards 2016* to the Civil Service Performance Verification Group in June, 2008.

### **Cross-Functional Working Initiatives**

During 2008 cross-functional teams involving staff from the Merrion Street Office and the Chief State Solicitor's Office continued to operate in projects including the Case and Records Management System Project, the Financial Management System Project, the Human Resource Management System Project and the Knowledge Management Strategy Project.

Also, staff from both Offices worked together on issues such as the finalisation of the Value for Money and Policy Review in respect of the Administration of the Attorney General's Scheme.

### **Organisational Flexibility in the Merrion Street Office**

During 2008 the Office continued to implement proposals to increase organisational flexibility in line with commitments set out under the Social Partnership Agreement *Towards 2016*. In the Merrion Street Office there is significant mobility of staff, between the Advisory Counsel Groups and also within the Parliamentary Counsel Groups and indeed within Administration Business Units, to respond to urgent work demands.

During 2008 specific examples of flexibility demonstrated by the Merrion Street Office included the following:

- The continued assignment of full-time project managers and other personnel for the Case and Records Management System and the MIF/Financial Management System projects;
- The continued availability of legal and administrative staff to be involved in the various IT projects, particularly in relation to representation on and involvement in the work of relevant project governance and business users' committees;
- The intensification of the provision of training to users of the ACME System and FMS.

This flexibility occurred at a time when the workload of the Office increased significantly since the previous year.

A cross-functional team comprising Registry, legal, drafting and administrative staff continued to co-operate to identify documents due for transfer to the Office of National Archives for release in January, 2009. In total 1,494 files were transferred in 2008 and 49 withheld in accordance with Section 8(4) of the National Archives Act 1986 as they contained personal information.

## **Organisational Flexibility in the Chief State Solicitor's Office**

Organisational flexibility is a priority within the Office, with reorganisation of staff, responsibilities and Sections as required, in response to the ongoing changing demands of clients.

The Office continued to be flexible in the allocation of its staff to deal with work related to Tribunals and Commissions of Inquiry.

During 2008 some of the more specific examples of flexibility demonstrated by the Office included the following:

- A panel of solicitors set up for short-term employment to replace established staff on career breaks and extended leave, continued to operate;
- The continued outsourcing of all outdoor 'clerking' duties to a private firm operated to the satisfaction of the Office;
- The on-call panel for out of hours urgent court applications continued to operate;
- A panel was established to deal with inquests outside Dublin;
- The Office continued to operate an internal staff mobility policy;
- A panel of external solicitors was available for the Office of Public Works to provide the OPW with expert legal service at competitive costs. This was over and above the work undertaken by the Office directly for the OPW;
- Legal staff dealt with an increased number of High Court cases at provincial venues as a result of the High Court listing cases for hearing around the country.

## **Freedom of Information Requests**

Statistics on requests to the Merrion Street Office and the Chief State Solicitor's Office under the Freedom of Information Acts are set out in **Annex G**. During 2008 Advisory Counsel continued to advise the Central Policy Unit in the Department of Finance on legal issues relating to the implementation and application of the Acts.

## **Other Organisational Developments**

Progress achieved in 2008 in relation to other significant developments such as Internal Audit, the *Towards 2016* Social Partnership Agreement, the Partnership process and the Official Languages Act is outlined in Chapter 7 of this Report.

## **International, EU organisations and Interdepartmental issues**

Legal and Administrative staff in the Offices also participated in working groups and were involved in a range of interdepartmental issues listed at **Annex F**.

## **Chapter 4: Progress Achieved in reaching Goal 1**

### **Goal 1 – Advisory Counsel**

To provide high quality and specialist support and advice to the Attorney General in carrying out the duties of his office through the provision of specialist Advisory Counsel services in a responsive, efficient and effective manner in areas of law of importance to Government.

The objectives, strategies and performance indicators to meet this Goal will be:

#### **Objective 1**

To deliver a high quality specialist legal advisory service to our clients supported by knowledge management and information technology.

#### **Strategy 1**

Deliver the Office's key commitments in its *Client Service Guide 2008 – 2010* and *Client and Customer Charter for Advisory Counsel and Administration*.

#### **Performance indicators**

Compliance with the Client Service Guide and Charter commitments evaluated through regular formal reviews, annual meetings of Client Panel and client surveys in 2008 and 2010. Benchmark progress and improvement against previous survey and review results which consider:

- Effectiveness in communicating proactively with clients;
- Responsiveness and timeliness in service delivery performance;
- Accuracy, quality and consistency of work outputs/advice provided;
- General service delivery and professionalism of Advisory Counsel;
- Client contributions to service delivery;
- Improvements achieved over intervening periods.

#### **Strategy 2**

Maintain close co-operation with the OPC, the CSSO and Departmental legal adviser in the handling of legal work

#### **Performance Indicators**

- Procedures and practices set out in the Report of the Group on the Quality Control of Legislation monitored and reviewed;
- Demonstrate co-ordination with legal advisers in Government Departments and other State Offices with regular review meetings with those legal units;
- Pursue continuous improvement in the operation and development of the case and records management system and use of system in handling all legal work.

### **Strategy 3**

Continued development of knowledge management.

#### **Performance Indicators**

- Contribute to and participate in legal issues meetings;
- Continued inclusion of relevant documents on know-how database;
- Continue to share knowledge and expertise at legal Group meetings.

### **Strategy 4**

Implement the risk management policies of the Office.

#### **Performance Indicators**

- Provision of information to Director General, Management Advisory Committees and Attorney General on areas of significant risk;
- Embed the Office's Risk Management Strategies including regular formal review of Group and Corporate Risk Registers;
- Continue to develop and review system for monitoring of sensitive legal files;
- Report three times yearly to Government on sensitive litigation;
- Agree and monitor adherence to Office policies, protocols and workflows.

### **Strategy 5**

Participate in the development of Financial Management in the Office to ensure the delivery of outputs in accordance with the Office's Annual Output Statement and ensuring value for money.

#### **Performance Indicators**

- Monitor inputs and the delivery of outputs across a range of selected legal tasks in the context of the Advisory Counsel Programme for the Office's Annual Output Statement;
- Plan and allocate resources having regard to trends in workloads and complexity and volume;
- With CSSO, monitor and evaluate the quality of service provided by external counsel.

### **Strategy 6**

Plan for the future in advisory legal services.

### **Performance Indicators**

- Annually review legal services provided and other activities to ascertain what changes, if any, should be made in method of delivery or organisational management;
- Monitor and respond to emerging legal issues.

### **Objective 2**

To implement the Office's Human Resources Strategy relevant to Advisory Counsel.

#### **Strategy 1**

Recruit, train and develop new Advisory Counsel.

### **Performance Indicators**

- Seek appropriate Department of Finance sanction for and recruit Advisory Counsel as necessary;
- Review Office's induction of new Advisory Counsel entrants;
- Review on an ongoing basis specific training and development requirements for Advisory Counsel.

#### **Strategy 2**

Develop and implement strategic training programme in legal and management issues.

### **Performance Indicators**

- Develop and implement programme for further/ongoing strategic training and development for Advisory Counsel;
- Provision of ongoing support and training to seconded Advisory Counsel.

#### **Strategy 3**

Ensure correct application of PMDS for legal staff.

### **Performance Indicators**

- Implement the integrated PMDS and HR training and development priorities;
- Annual review for members of each specialist Group of progress toward meeting targets in PMDS, education, training and development.

### **Objective 3**

To assist in the co-ordination of legal services of the State

## **Strategy 1**

Contribute to effective public service by assisting in the co-ordination of the legal services of the State.

### **Performance Indicators**

- Demonstrate co-ordination with legal advisers in Government Departments and other State Offices with regular review meetings with those legal units;
- Embed and refine the operation of the secondment of Advisory Counsel to Government Departments including annual reviews of operation of the secondment of Advisory Counsel arrangements;
- Review and enhance the system to facilitate and co-ordinate the approach to domestic and ECJ litigation;
- Review and further develop the role of Legal Counsellor to the Irish Permanent Representation to the European Union;
- Participate in the work of the AGO/Law Reform Commission Consultative Committee.

## **Strategy 2**

Provide legal services to Government in the implementation of litigation and compensation scheme policies and in the handling of cross-Departmental issues.

### **Performance Indicator**

- Participation in and providing advice to interdepartmental working groups and committees on cross-Departmental issues.

## **Progress achieved**

### **Objective 1**

During 2008 the focus for the Advisory side of the Merrion Street Office was on the further development, enhancement and refinement of specialisation as the key to the achievement of the Office's Goals, Objectives and Strategies. This overarching strategy of specialisation is the key to providing effective legal services in the exceptionally wide range of legal work in which the Advisory side is involved.

During the year the Office undertook a re-organisation of the Advisory Groups with a view to aligning the delivery of services with changing client needs. The process entailed an analysis and review of the workload and composition of all Advisory Groups thus facilitating the identification of new emerging areas of law, areas of law that are expanding, reviewing and identifying all activities/services which should be

managed by other competent authorities and the need to anticipate client needs and client feedback received in all areas of law.

In 2008 the Advisory Groups continued to review work through a formalised system of eight-week review cycles. The Groups prioritised work through regular formal and informal meetings with client Departments held throughout the year. In addition to addressing work related matters these meetings also provided an opportunity to gauge feedback from clients on service delivery issues and to highlight new and emerging issues. For example, the bi-monthly extradition/European Arrest Warrant meetings with client Departments, Garda Síochána and the CSSO held during the year dealt with issues in relation to individual cases, categories of cases, management of the area, communications between stakeholders, approaches and strategies to be communicated to panel of counsel and liaison with requesting States and the Courts Service.

Groups met regularly during the year to discuss workload and case specific issues. Examples of such meetings included the monthly Legal Issues meeting, the asylum lawyers group and the weekly Advisory Counsel Group meetings. These meetings provided valuable opportunities for the exchange of legal know-how ideas and experiences across different specialist Groups.

### **Quality Customer Service**

In March, 2008 the Office, facilitated by an external consultant undertook a follow-up satisfaction survey of clients and customers of the Advisory and Administration sides. The findings of the survey, benchmarked against the results of the previous survey, compared very positively against the findings of the 2004 survey in the key areas of communications, responsiveness and timeliness, accuracy and quality of outputs and service delivery. The report of the survey also highlighted very positive feedback in relation to service delivery issues and issues raised informed the development of the new Client and Customer Charters 2008 – 2010 and Client Service Guide 2008 - 2010.

The table below provides a summary of overall ratings received in respect of the Advisory side and illustrates changes in client expectations.

## Performance Ratings & Importance – Advisory Counsel

<b>Factor</b>	<b>Overall Score (out of 10)</b>	<b>Importance (out of 10)</b>
Communications	2008: 6.95 2004: 6.56	2008: 8.62 2004: 8.25
Responsiveness/Timeliness	2008: 7.13 2004: 6.75	2008: 8.82 2004: 8.42
Accuracy & Quality of Outputs	2008: 7.66 2004: 7.26	2008: 9.34 2004: 8.61
Service Delivery	2008: 7.55 2004: 7.14	2008: 8.85 2004: 7.95

The Office’s Legal Management Advisory Committee representative of all legal areas of the Office – Advisory, OPC and CSSO as well as the Attorney General met on **3** occasions to discuss ongoing legal issues within the Office. Bi-monthly meetings were also held between the Office and the Office of the Director of Public Prosecutions to discuss constitutional cases common to both Offices.

Nominated Advisory Counsel continued to participate throughout the year in the work of various project governance committees and working groups in the context of the ongoing embedding of the new Case and Records Management System. Also all Advisory Counsel continued to use the system throughout the year.

During the year consultations with the Office of the Director of Public Prosecutions continued in relation to the transfer of responsibility for fisheries prosecutions to that Office. Also during the year interim arrangements were put in place whereby the Merrion Street Office outsourced a significant amount of work to State Solicitors in the Office of the Director of Public Prosecutions in the context of making arrangements to permanently transfer fisheries prosecutions to that Office.

During 2008 Advisory Counsel continued to support the Law Reform Commission, particularly in the context of its programme of work included in the Commission's new Third Programme for Law Reform.

### **Comparisons with other public law offices in other jurisdictions**

In early 2008 the Advisory side in conjunction with the CSSO legal side undertook a project to carry out comparisons with public law offices in other jurisdictions to demonstrate how the Office compares in an international context. This project compared the Advisory function in the Merrion Street Office and the legal function in the Chief State Solicitor's Office with 10 comparable legal Offices in other jurisdictions. A summary of the Report of the project which was submitted to the Civil Service Performance Verification Group with the Office Fourth Progress Report under *Towards 2016* in June, 2008 is set out below.

### **Report of comparisons with other public law offices in other jurisdictions**

As part of Public Service Modernisation the Attorney General's Office sought comparators in European States so that similar legal constraints would broadly apply. Direct comparators are not readily identifiable since in most civil law states public law functions are scattered across different ministries and a small constitutional unit, while much advisory and litigation work is often dealt with by outside firms. In many states which might appear comparable the principal law office is the prosecutor. The Office looked for comparators dealing with advisory and litigation work. The Office was particularly interested in comparing how the workload, and the performance and service delivery of comparable legal service is measured and evaluated.

The Director General made contact with 10 European jurisdictions and received comprehensive information from the comparable offices of Government lawyers in Northern Ireland and Scotland and from the EU Commission Legal Service. These offices share our role of providing advice and litigation services to a public executive body with separate departments. The Offices are not involved in benchmarking with other law offices except that the UK bodies have contact with the other government law offices and other parts of the UK.

From the information provided by those jurisdictions the Office assessed the different approaches to

- A. Performance Measurement
- B. Service Delivery
- C. Use of Resources

- A. As to performance management the E.U. Commission Legal Service has targets for its lawyers on the number of cases they deal with per year and the targets feed into the individual lawyers' personal evaluations. The comparable offices in Scotland and Northern Ireland use performance management system with objectives and evaluation criteria which are similar to those in operation here.
- B. The E.U. Commission Legal Service staff are entirely centralised but the staff of the N.I. and Scottish body are to a small extent seconded to Government Departments. All the offices have some of their litigation carried out outside by private lawyers. This is most prevalent in contract and commercial matters and some litigation. The U.K. lawyers assist their client departments in managing and evaluating the work which is contracted out. Best value reviews have been used for that purpose.
- C. The E.U. Commission Legal Service has no formal link between targets and resources and they do not have resource based accounting. The U.K. offices operate within a resource allocation budgeting system. The lawyers in Northern Ireland do not charge for the advisory function so as not to discourage use. However in the area of litigation and commercial/ property transaction they charge their client departments, and since they use time accounting they are sometimes asked to use notional charging.

The contact with offices in European civil law jurisdictions has achieved a response but not so far one which leads to useful comparison. Responses from Denmark, Norway and the Czech Republic are awaited.

### **Knowledge Management**

During 2008 Advisory Counsel continued to promote a culture of knowledge sharing, underpinning the delivery of legal advice to Government, Departments and Offices

through attendance and participation in Legal Issues meetings and contributing to the preparation of Legal and European Convention on Human Rights (ECHR) Bulletins. Advisory Counsel participated in the Knowledge Management Committee and the Know-how Sub-Committee in the context of the development of a new knowledge management strategy.

### **Risk Management**

During 2008 Advisory Counsel contributed to the further embedding of formal risk management policies within the Office. Advisory Counsel reported throughout the year to the Attorney General and Legal MAC and indeed to meetings of the Director General, Deputy Director General and Advisory Counsel I and to Advisory Counsel Group meetings on areas and matters of significant risk. In the context of recommendations arising out of the Sullivan Report, Advisory Counsel participated in the process of identification of sensitive and constitutional cases for inclusion in reports submitted to Government on such cases in March, July and November, 2008. Also during 2008 an Advisory Counsel I chaired meetings of the joint Merrion Street Office/CSSO Risk Management Committee and reported regularly to meetings of local and Main MACs and the Audit Committee in the context of the Committee's embedding of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers. Heads of Advisory Groups reviewed the Advisory Counsel risk register in the latter part of 2008 and completed an assurance statement in this regard in line with the risk management policy. Meetings were also held with private sector organisations with a view to determining what might be learned in their approaches to managing risk in these organisations.

### **Financial Management**

Throughout 2008 Advisory Counsel Groups participated in the Office's Resource Allocation Business Planning (RAB) Project in the further development and finalisation of framework models to determine notional cost for the provision of legal services across Groups having regard to trends in workloads and complexity and volume. The models explore the link between financial Estimates and Strategy Statements to the outputs of the Offices.

A nominated Advisory Counsel I also participated in the process of developing the Office's Annual Output Statement, specifically in relation to monitoring inputs and the delivery of outputs across a range of selected legal tasks associated with the Advisory Counsel Programme included in the Statement.

### **Performance Management and Development System (PMDS)**

In 2008 Advisory Counsel participated in the process of embedding the new PMDS model including Upward Feedback within the Office. At the beginning of the year individual Role Profile Forms were agreed with managers, Interim Reviews were carried out mid-year and a significant number of annual reviews were completed by year-end. PMDS training was provided to new Advisory Counsel within 1 to 2 months of arrival in the Office.

### **Co-operation with Legal Advisers in Government Departments**

Throughout the year Advisory Counsel continued to foster constructive and close working relationships with legal advisers in Government Departments. The Office continues to recognize the importance of these links given the increasing number of complex inter-Departmental legal issues which arise. Links with Departmental legal advisers also play a crucial role in the preparation of legislation. Advisory Counsel and Departmental Legal Advisers co-operated during the year in a large range of matters so as to ensure a consistency in advices given by them with other advices given by the Attorney General.

### **Secondment of Advisory Counsel to Government Departments**

During 2008 the Office contributed significantly to effective public service by assisting in the co-ordination of the legal services of the State. Significant progress was achieved during the year in the further implementation of the Office's initiative to recruit, train and second Advisory Counsel to participating Government Departments. By end-2008 a total of 14 Advisory Counsel were seconded to participating Departments. The participating Departments are Justice, Equality and Law Reform (2 secondees), Finance, Communications, Energy and Natural Resources, Agriculture, Fisheries and Food, Enterprise, Trade and Employment, Environment, Heritage and Local Government, Health and Children (2 secondees), Education and Science (2 secondees), Social and Family Affairs and Transport.

Each secondee received general training, coupled with specific training tailored to the needs of the particular Department to which they will be seconded. Specific training provided included training in handling European and international legal issues, familiarisation with practice and procedure at the European Court of Justice (ECJ), the Court of First Instance and the European Convention on Human Rights (ECHR). Training in horizontal legal issues such as the legislative process, the drafting process, delegated legislation and the exercise of delegation, employment law as regards civil service contracts, the role of the Comptroller and Auditor General and the Public Accounts Committee, ethics in Government and governance issues was also provided. The Office also continued to provide ongoing advice and support to those Advisory Counsel already seconded to participating Departments.

### **Inter-Departmental Committees and Working Groups**

During 2008 Advisory Counsel advised and participated in Working Groups on a range of important “cross-cutting” or interdepartmental issues.

A list of the key interdepartmental Committees and Working Groups is set out at **Annex F** of this Report.

### **Management of Litigation – particularly mass claims**

During the year the Office continued to implement the important strategy to manage litigation, particularly mass claims, in a strategic manner. Overall legal strategy was directed by the Merrion Street Office and regular review meetings took place between Advisory Counsel in the Merrion Street Office, legal staff in the Chief State Solicitor’s Office and officials in the relevant Departments to ensure that mass litigation was being effectively managed on an ongoing basis.

### **European Court of Justice litigation and Interventions**

During the year Advisory Counsel continued to provide direction of legal strategy as appropriate to ensure the ongoing effective management of European Court of Justice (ECJ) litigation. This involved regular review meetings with legal staff in the CSSO and Departmental officials. **Annex J** of this Report sets out details of some important cases before the ECJ in 2008.

### **Law Reform Commission**

An important component in co-ordinating the legal services of the State is to adopt a co-ordinated approach to law and contacts to facilitate the Law Reform Commission in its role in reviewing, examining and formulating proposals for law reform. During 2008 the Advisory side maintained close collaborating with colleagues in the Commission in this regard.

## **Chapter 5: Progress Achieved in reaching Goal 2**

### **Goal 2 – Office of the Parliamentary Counsel**

To provide a high quality professional, specialist and efficient legislative drafting service to Government.

#### **Objective 1**

To draft

- Government Bills in accordance with the priorities set out in the Government Legislation Programme;
- Committee and Report Stage amendments to Bills in a timely manner;
- Statutory instruments (including regulations giving effect to acts of the European Communities) in a timely manner.

#### **Strategy 1**

Co-operate with the Government Legislation Committee in monitoring and supervising the implementation of the Government Legislation Programme.

#### **Performance Indicators**

- Preparation of weekly reports for the GLC on the Bills that are being drafted in the Office;
- Attendance by the Chief Parliamentary Counsel and Group Managers at meetings of the GLC;
- Ensure that, where Ministers attend meetings of the GLC, officers from the Office who are drafting Bills for the Department for which he or she is responsible attend also.

#### **Strategy 2**

Deliver the Office's key commitments in its Client Service Guide 2008 – 2010 and Client and Customer Charter for Parliamentary Counsel.

#### **Performance Indicators**

Compliance with the Client Service Guide and Charter commitments evaluated through regular formal reviews and biennial client surveys. Benchmark progress and improvement against previous survey and review results which consider:

- Effectiveness in communicating with Government Departments;
- Responsiveness and timeliness in delivery of draft legislation;
- Accuracy, quality and consistency of draft legislation;
- General service delivery and professionalism of Parliamentary Counsel;
- Departmental contributions to service delivery;
- Improvements achieved over intervening periods.

### **Strategy 3**

Co-operation with Advisory Counsel in the handling of legislation files.

#### **Performance Indicators**

- Procedures and practices set out in the Report of the Group on the Quality Control of Legislation monitored and reviewed;
- Pursue continuous improvement in the operation and development of the case and records management system and use of system in handling all drafting work.

### **Strategy 4**

Continued development of knowledge management.

#### **Performance Indicators**

- Dissemination of information and knowledge among drafters;
- Collaboration with Advisory Counsel in the sharing of knowledge and expertise.

### **Strategy 5**

Implement the risk management policy relevant to Parliamentary Counsel.

#### **Performance Indicators**

- Provide feedback to the Chief Parliamentary Counsel, Management Advisory Committees and Attorney General on areas of significant risk;
- Embed the Office's Risk Management Strategy including regular formal reviews of Group and Corporate Risk Registers;
- Agree and monitor adherence to Office policies, protocols and workflows.

### **Strategy 6**

Participate in the development of Financial Management in the Office to ensure the delivery of outputs in accordance with the Office's Annual Output Statement and ensuring value for money.

#### **Performance Indicators**

- Monitor inputs and the delivery of drafting outputs in the context of the Parliamentary Counsel Programme for the Office's Annual Output Statement;

- Plan and allocate resources having regard to trends in workloads, complexity and volume.

### **Strategy 7**

In conjunction with the Government Legislation Committee plan for the delivery of the Government Legislation Programme.

### **Performance Indicators**

- Review annually drafting services to ascertain what changes, if any, should be made in method of delivery or organisational management;
- Monitor and respond to emerging issues relevant to legislative drafting.

### **Objective 2**

To implement the Office's Human Resources Strategy relevant to Parliamentary Counsel.

### **Strategy 1**

Recruit, train and develop new Parliamentary Counsel.

### **Performance Indicators**

- Seek appropriate Department of Finance sanction for and recruit Parliamentary Counsel as necessary;
- Review Office's induction of new Parliamentary Counsel entrants;
- Regular meetings held with recently recruited drafters, supervise them closely and give them regular feedback on drafting;
- Training log for recently recruited drafters to be prepared and kept up-to-date by them and kept under review by Group Manager on a regular basis.

### **Strategy 2**

Implement training programme relevant to Parliamentary Counsel.

### **Performance Indicators**

- Implement OPC programme for further/ongoing training and development.

### **Strategy 3**

Ensure correct application of PMDS for OPC staff.

#### **Performance Indicators**

- Implement the integrated PMDS and HR training and development priorities;
- Annual review for members of each specialist group of progress toward meeting targets in PMDS, education, training and development.

### **Objective 3**

To assist in the co-ordination of legal services of the State.

### **Strategy 1**

Contribute to the ongoing process of making Acts of the Oireachtas more accessible and easier to produce.

#### **Performance Indicators**

- Liaise with Houses of the Oireachtas staff on formatting of Bills;
- Ensure ongoing consultation with the Houses of the Oireachtas in relation to collaboration on the production of the Acts of the Oireachtas;
- Participating in collaborative initiatives that promote accessibility and coherence of the electronic Irish Statute Book.

### **Strategy 2**

Contribute to effective public service by assisting in the co-ordination of the legal services of the State.

#### **Performance Indicators**

- Ensure effective ongoing project management of the Statute Law Revision Project in the context of the Better Regulation agenda;
- Ensure continued co-operation with the Law Reform Commission in their preparation of future restatements and the Chronological Tables to the Statutes;
- Co-operation with legal advisers in Departments in relation to the finalisation of Heads of Bills;

- Continued participation in the delivery of appropriate training courses for the Civil Service on the legislative process.

## **Progress achieved**

### **Objective 1**

#### **Government Legislation Committee**

During 2008 the OPC continued to be centrally involved in the work of the Government Legislation Committee. The Committee oversees each proposed Government Bill from the time of its inclusion in the Government's Legislation Programme to the completion of its progress through the Houses of the Oireachtas and deals with any problems that arise in relation to the smooth and speedy implementation of the Programme.

During the year the OPC reported weekly to the Government Legislation Committee, detailing progress on the drafting of Bills and European Union statutory instruments. The OPC's continued participation in the work of the Committee provided a vital mechanism for mediating between the competing claims of Departments for the services of the OPC.

#### **Quality Customer Service**

In July, 2008 the OPC, facilitated by an external consultant undertook a follow-up satisfaction survey of clients of the Office. The findings of the survey, benchmarked against the results of the previous survey, compared very positively against the findings of the 2004 survey in the key areas of communications, responsiveness and timeliness, accuracy and quality of outputs and service delivery. The report of the survey also highlighted very positive feedback in relation to service delivery issues and issues raised informed the development of the new Client and Customer Charters 2008 – 2010 and Client Service Guide 2008 - 2010.

The table below provides a summary of overall ratings received in respect of the OPC and illustrates changes in client expectations.

## Performance Ratings & Importance – Parliamentary Counsel

Factor	Overall Score (out of 10)	Importance (out of 10)
Communications	2008: 7.48	2008: 8.79
	2004: 6.56	2004: 8.25
Responsiveness/Timeliness	2008: 7.64	2008: 8.86
	2004: 6.75	2004: 8.42
Accuracy & Quality of Outputs	2008: 8.11	2008: 9.43
	2004: 7.26	2004: 8.61
Service Delivery	2008: 7.77	2008: 8.76
	2004: 7.14	2004: 7.95

During 2008 Parliamentary Counsel collaborated closely with Advisory Counsel colleagues in the context of the drafting of legislation. This entailed regular review meetings to discuss legal issues as they arose during the drafting process.

### Comparisons with other public law offices in other jurisdictions

In early 2008 the OPC undertook a project to carry out comparisons with public law offices in other jurisdictions to demonstrate how the Office compares in an international context. This project compared the OPC to a similar organisation in another jurisdiction. A summary of the report on the outcome of this project was submitted to the Civil Service Performance Verification Group with the Office Fourth Progress Report under *Towards 2016* in June, 2008 and is set out below.

### Report of comparisons with other public law offices in other jurisdictions

When considering which drafting office to use as a comparator to ascertain how the OPC performs in an international context, it was decided that a drafting office in an English speaking common law jurisdiction would be the most appropriate. It was also felt that the most accurate comparison could be made with a drafting office other than one serving a devolved assembly or parliament. Accordingly the Parliamentary Counsel Office in London (PCO) was chosen as the comparator.

The 5 year period from 2003 to 2007 was considered. During that period the OPC employed on average 19 permanent drafters and 5 contract drafters, while the PCO

currently employs 59 permanent drafters (2 of whom are at present seconded to the Law Commission and 6 of whom are at present seconded to the Tax Law Rewrite Project).

The following Table outlines the number of Bills drafted by the relevant offices and enacted in each of the last 5 years.

Year	Bills enacted (OPC Dublin)	Bills enacted (PCO London)
2007	42	31
2006	42	55
2005	34	24
2004	44	38
2003	46	45

**OPC Dublin: Annual average over 5 year period - 41.6**

**PCO London: Annual average over 5 year period - 38.6**

An important difference between the OPC and the PCO, is that in addition to drafting Bills, the OPC drafts or settles a significant number of statutory instruments (in the region of 280 a year), while the PCO do not draft or settle statutory instruments other than in a small number of cases where a statutory instrument amends primary legislation.

### **Knowledge Management**

During 2008 the Office of the Parliamentary Counsel continued to promote a culture of knowledge sharing, underpinning the delivery of legislation to the Government. Parliamentary Counsel collaborated throughout the year as appropriate with Advisory Council colleagues in the course of the legislative drafting process. Parliamentary Counsel also attended and participated in Legal Issues meetings and fully participated in the Knowledge Management Committee and the Know-how Sub-Committee in the context of the development of a new knowledge management strategy.

## **Risk Management**

During 2008 Parliamentary Counsel contributed to the further embedding and implementation of formal risk management policies within the Office. Throughout the year risk related matters were discussed at meetings between the Chief Parliamentary Counsel and Group Managers, at individual Group meetings and Legal MAC meetings. The Chief Parliamentary Counsel attended and contributed to meetings of the joint Merrion Street Office/CSSO Risk Management Committee in the context of the Committee's implementation of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers. Group Managers reviewed individual Group risk registers in the latter part of 2008 and completed an assurance statement in this regard in line with the risk management policy. The OPC also participated in meetings held with private sector organisations with a view to determining what might be learned in their approaches to managing risk in these organisations.

## **Financial Management**

Throughout 2008, Parliamentary Counsel Groups participated in the Office's Resource Allocation Business Planning (RAB) Project in the further development and finalisation of framework models to determine notional cost for the provision of legal services across Groups having regard to trends in workloads and complexity and volume. The models explore the link between financial Estimates and Strategy Statements to the outputs of the Offices.

A nominated Parliamentary Counsel also participated in the process of developing the Office's Annual Output Statement, specifically in relation to monitoring inputs and the delivery of drafting outputs associated with the Parliamentary Counsel Programme included in the Statement.

## **Government Legislation Programme**

The OPC Groups met regularly during the year with the Chief Parliamentary Counsel to discuss workload issues. These meetings provided valuable opportunities for the exchange of legal know-how and drafting ideas and experiences across different specialist Groups. The meetings also highlighted issues that enabled the OPC to respond more efficiently to client needs in the context of the ongoing re-prioritisation of Bills included in the Programme.

### **Performance Management and Development System (PMDS)**

In 2008 Parliamentary Counsel participated in the process of embedding the new PMDS model including Upward Feedback within the Office. At the beginning of the year individual Role Profile Forms were agreed with managers, Interim Reviews were carried out mid-year and a significant number of annual reviews were completed by year-end. PMDS training was provided to new Parliamentary Counsel within 1 to 2 months of arrival in the Office.

### **Training**

During the year the Office continued to implement the Parliamentary Counsel Training Plan in respect of the most recently recruited drafters. The Drafting Manual and the Statutory Instruments – Drafting Checklist and Guidelines are also used in the training process. As in previous years the OPC participated in training courses provided by CMOD on the legislative process. These courses facilitate Departments becoming familiar with the legislative process and in identifying for client Departments the level of instructions that is required to facilitate an efficient drafting service.

### **Accessibility of Legislation**

During 2008 the OPC consulted as appropriate with the Houses of the Oireachtas in relation to their proposed changes to the layout and presentation of Bills.

### **Electronic Irish Statute Book (eISB)**

During the year the OPC actively participated in the work of the Merrion Street Office eISB Group to oversee the maintenance of the Irish Statute Book website (eISB). In February, 2008, the eISB was updated to include the 2006 Acts and the 2005 Legislation Directory (formerly known as the Chronological Tables). In June the website was updated to include the Acts for 2007 and a schedule for the publication of 2008 Acts was progressed. Also during 2008 the first 155 electronic Statutory Instruments (eSI) for 2008 produced through the electronic Statutory Instruments System (eSIS) were made available in pdf format from a link on the eISB homepage.

A request for tender (RFT) for the publication of outstanding Statutory Instruments for the period 2005 to 2008 issued in 2008 with a view to completing the project in early 2009.

### **Statute Law Revision**

During 2008 the Office obtained Government authorisation to draft a Statute Law Revision Bill to repeal all obsolete Local and Personal Acts and Private Acts passed prior to 6 December, 1922. By end-2008 significant progress was made to prepare the Heads of the Bill. However financial cutbacks have meant that a smaller scale Bill than was originally planned would be published in 2009. This Bill will deal with Local and Personal Acts up to and including 1850, and Private Acts up to and including 1750.

### **Consolidation**

During 2008 the OPC participated with the relevant Department in regard to the process of consolidation of company law legislation. Drafts of Parts 1 to 6 of the Companies Consolidation Bill were furnished to the Department of Enterprise, Trade and Employment in early 2008. The furnishing of those drafts represents seven-eighths of the amount of the legislative material, delivery of which is scheduled as part of the first milestone for this Bill.

## **Chapter 6: Progress Achieved in reaching Goal 3**

### **Goal 3 – Chief State Solicitor’s Office**

To deliver a high quality specialist solicitor service to the Attorney General, the Departments and Offices in the areas of litigation and to provide high quality specialist legal advice and in property and transactional matters.

#### **Objective 1**

To use best practice in the delivery of legal services supported by the use of information technology and high quality knowledge and understanding of legal practice.

#### **Strategy 1**

Deliver the Office’s key commitments in its Customer Action Plan 2008 – 2010 and Customer Charter.

#### **Performance Indicators**

Compliance with the Customer Action Plan and Charter commitments evaluated through regular formal reviews and biennial client surveys. Benchmark progress and improvement against previous survey and review results which consider:

- Relationship and Understanding;
- Service Quality;
- Responsiveness;
- Documentation;
- Feedback;
- Complaints;
- Service through Irish;
- Physical Access.

#### **Strategy 2**

Maintain close co-operation with the Attorney General’s Office and Departmental legal advisers in the handling of legal work.

#### **Performance Indicators**

- Demonstrate co-ordination with legal advisers in Government Departments, Tribunals and Inquiries and other State Offices with regular review meetings;
- Pursue continuous improvement in the operation and development of the case and records management system and use of system in handling all legal work.

#### **Strategy 3**

Continued development of knowledge management.

#### **Performance Indicators**

- Contribute to and participate in legal issues meetings;

- Continued inclusion of relevant documents on know-how systems;
- Continue to share knowledge and expertise at Division and Section meetings.

#### **Strategy 4**

Implement the risk management policies of the Office.

##### **Performance Indicators**

- Provision of information to Chief State Solicitor and CSSO Management Advisory Committee and to the Attorney General's Office on areas of significant risk;
- Embed the Office's Risk Management Strategies including regular formal review of legal Risk Registers and Corporate Risk Register;
- Continue to develop and review system for monitoring of sensitive legal files;
- Contribute to Report three times yearly to Government on sensitive litigation;
- Agree and monitor adherence to Office policies, protocols and workflows.

#### **Strategy 5**

Participate in the development of Financial Management in the Office to ensure the delivery of outputs in accordance with the Office's Annual Output Statement and ensuring value for money.

##### **Performance Indicators**

- Monitoring inputs and the delivery of outputs across a range of selected legal tasks in the context of the CSSO Programme for the Office's Annual Output Statement;
- Planning and allocation of resources having regard to trends in workloads and complexity and volume;
- With AGO, monitor and evaluate the quality of service provided by external counsel;
- Implement policy of collection of legal costs where awarded and viable;
- Review of Office practices on taxation of costs in light of the Report of the Legal Costs Working Group (Haran Report).

#### **Strategy 6**

Planning for the future in CSSO legal services.

### **Performance Indicators**

- Review annually legal services provided and other activities to ascertain what changes, if any, should be made in method of delivery or organisational management;
- Monitor and respond to emerging legal issues.

### **Objective 2**

To implement the Office's Human Resources Strategy relevant to CSSO legal staff.

#### **Strategy 1**

Recruit, train and develop new CSSO legal staff.

#### **Performance Indicators**

- Seek appropriate Department of Finance sanction for and recruit legal staff as necessary;
- Ensure provision of adequate induction for new legal entrants;
- Review on an ongoing basis specific training and development requirements for new legal staff.

#### **Strategy 2**

Develop and Implement strategic training programme in legal issues.

#### **Performance Indicator**

- Develop and Implement CSSO programme for further/ongoing strategic training and development.

#### **Strategy 3**

Ensure correct application of the PMDS for legal staff.

#### **Performance Indicators**

- Implement the integrated PMDS and HR training and development priorities;
- Annual review for members of each Division and Section of progress towards meeting targets in PMDS, education, training and development.

### **Objective 3**

To assist in the co-ordination of legal services of the State

#### **Strategy 1**

Contribute to effective public service by assisting in the co-ordination of the legal services of the State.

## **Performance Indicators**

- Demonstrate co-ordination with legal advisers in Government Departments, Tribunals and Inquiries and other State Offices with regular review meetings;
- Review and enhance the system to facilitate and co-ordinate the approach to domestic and ECJ litigation.

## **Strategy 2**

Provide legal services to Government in the implementation of litigation policies and in the handling of cross-Departmental issues.

## **Performance Indicators**

- Participation in interdepartmental working groups and committees on cross-Departmental issues including the implementation of cross-Departmental policies where they arise;
- Continue to represent Attorney General on the Courts Rules Committees and the Courts Service User Group.

## **Progress achieved**

### **Objective 1**

During 2008 the Chief State Solicitor's Office continued to focus on the development, enhancement and refinement of legal services in areas of importance to client Departments and Offices. The primary focus during the year, in consultation with client Departments, was on identifying areas of work which are expanding and requiring specialist legal services, such as Commercial Contracts, Commercial and Constitutional litigation, European Arrest Warrant applications, Mutual Assistance requests, Civil Service employment cases, Garda litigation, Conveyancing for Government Departments and Offices and asylum, immigration and repatriation work.

The Office's MAC regularly discussed the issue of redeploying its resources to meet the changing needs of clients. Some staff were redeployed during the year and others remained in situ to cover important areas of work:

- Redeployment of two Legal Executives to the Justice and Common Law Division to deal with Garda Compensation cases.
- Redeployment of a Solicitor to, inter alia, advice on Garda Compensation cases.
- Redeployment of a Legal Executive to the Justice and Common Law Division to deal with Mutual Assistance requests.
- Redeployment of a Solicitor to deal with European Arrest Warrant applications.
- Redeployment of a Solicitor to deal with Commercial Contracts.
- Continued provision of a specialised service handling asylum, immigration and repatriation work
- Continued operation of a special unit to deal with residential abuse litigation.
- Continued operation of a team to deal with day school abuse litigation.
- Continued operation of dedicated teams to deal with special needs, child welfare and nursing home charges litigation.
- Continued operation on an on-call panel to deal with European Arrest Warrants, Extraditions, habeas corpus applications and other urgent matters in Court, out of office hours.

### **Quality Customer Service**

During 2008 the Office continued to liaise both formally and informally with clients in regard to matters relating to service delivery. The Office initiated the process of reviewing the Customer Charter and Customer Action Plan taking account of the separate follow-up CSSO Customer satisfaction survey report undertaken in 2007, the report of the review of Charters published by Fitzpatrick Associates in June, 2007 and the 2008 Edition of Guidelines for the preparation of Customer Charters & Customer Action Plans/Guides. By end-2008 significant progress had been made in developing a new Customer Charter 2008 – 2010 and new Customer Action Plan 2008 – 2010.

### **Comparisons with other public law offices in other jurisdictions**

A report on the project to carry out comparisons with the Advisory function in the Merrion Street Office and the legal function in the Chief State Solicitor's Office is set out in Chapter 4 of this Report.

### **Knowledge Management**

During 2008 legal staff in the CSSO continued to promote a culture of knowledge sharing, underpinning the delivery of legal advice to Government, Departments and Offices through attendance and participation in Legal Issues meetings and contributing to the preparation of Legal Reference Guides. Also work on identifying further communities of practice which would be supported by the Offices to enhance knowledge-sharing in critical legal areas continued during the year. The CSSO Library and Know-how Unit continued to promote legal research skills and assist staff in attaining a level of proficiency in the use of electronic sources of legal information. CSSO staff also participated in the Knowledge Management Committee and the Know-how Sub-Committee in the context of the development of a new Office-wide knowledge management strategy.

### **Risk Management**

During 2008 the CSSO actively contributed to the further embedding and implementation of formal risk management policies within the Office. Throughout the year risk related matters were discussed at Divisional and Section meetings and local and Legal MAC meetings. Divisional Heads attended and contributed to meetings of the joint Merrion Street Office / CSSO Risk Management Committee in the context of the Committee's implementation of an Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers. Divisional Heads reviewed risk registers in the latter part of 2008 and completed an assurance statement in this regard in line with the risk management policy. The CSSO also participated in meetings held with private sector organisations with a view to determining what might be learned in their approaches to managing risk in these organisations.

### **Financial Management**

Throughout 2008 the CSSO participated in the Office's Resource Allocation Business Planning (RAB) Project in the further development and finalisation of framework models to determine notional cost for the provision of legal services across Divisions and Sections having regard to trends in workloads and complexity and volume. The models explore the link between financial Estimates and Strategy Statements to the outputs of the Office.

Divisional Heads also participated in the process of developing the Office's Annual Output Statement, specifically in relation to monitoring inputs and the delivery of outputs across a range of selected legal tasks associated with the CSSO Programme included in the Statement.

### **Performance Management and Development System (PMDS)**

In 2008 legal staff in the CSSO participated in the process of embedding the new PMDS model including Upward Feedback within the Office. At the beginning of the year individual Role Profile Forms were agreed with Division and Section Heads, Interim Reviews were carried out mid-year and a significant number of annual reviews were completed by year-end. PMDS training was provided as appropriate to new legal staff within 1 to 2 months of arrival in the Office.

### **Management of Litigation – particularly mass claims**

During the year CSSO staff attended regular review meetings with Advisory Counsel in the Merrion Street Office and officials in the relevant Departments in the context of managing litigation, particularly mass claims, in a strategic manner. Also, close liaison was maintained between the CSSO and the State Claims Agency in regard to the management of childhood abuse litigation.

The CSSO continued to operate specific initiatives to manage mass litigation, including:-

- The provision of an asylum law litigation service to support the Department of Justice, Equality and Law Reform and the immigration / asylum agencies.
- The provision of dedicated teams to handle special needs, child welfare and nursing home charges litigation.
- Actively handling and defending where appropriate, the Office's current caseload of residential and day school abuse cases.
- Actively handling and defending where appropriate, the civil servant employment law caseload.
- Actively handling and defending where appropriate, all civil proceedings taken against An Garda Síochána or members of An Garda Síochána.

### **European Court of Justice litigation and Interventions**

During 2008 legal staff in the CSSO continued to co-operate with Advisory Counsel in the Merrion Street Office in the provision of a direction of legal strategy as appropriate to ensure the ongoing effective management of European Court of Justice (ECJ) litigation. This involved regular review meetings with Advisory Counsel and Departmental officials. **Annex J** of this Report sets out details of some important cases before the ECJ in 2008.

### **Transfer of State Solicitor Service to the Office of the Director of Public Prosecutions**

Under the terms of the agreement with the State Solicitors Association for the transfer of responsibility for the local State solicitor service to the Office of the Director of Public Prosecutions pursuant to the Nally Report, State Solicitors continued to deal with some civil work up to end-June, 2008. The Office actively managed the remaining work until that date and used the interim period to form a view on the amount of work involved and the requirement for external providers.

### **Provision of critical legal services outside of normal Office hours**

Throughout 2008 the Office continued to operate the on-call legal panel to manage issues which arise out of hours. During the year additional legal staff were made available for the on-call panel.

### **Value for Money & Policy Reviews**

During 2008 the CSSO in conjunction with the Merrion Street Office made significant progress to finalise the Report of the joint AGO/CSSO Value for Money and Policy Review (VFM & P) in respect of the Attorney General's Scheme. Also progress was made during the year to complete Reports on the Reviews of Stenographer's Services and Costs Recovery.

## **Chapter 7: Progress Achieved in reaching Goal 4**

### **Goal 4 – Business Support Services**

To provide modern and professional corporate and business support services that deliver the highest quality service to internal and external clients and customers.

#### **Objective 1**

To develop human resource management to support the overall objectives of the Office and to develop the training and development function within the Offices.

#### **Strategy 1**

Implement the Merrion Street Office and CSSO HR Strategies 2008 – 2010.

#### **Performance Indicators**

- Merrion Street Office and CSSO HR Strategies put in place;
- Merrion Street Office and CSSO Action Plans put in place in respect of HR Strategies.

#### **Strategy 2**

Review and develop specific recruitment and selection methodology so as to enhance the ability of the Merrion Street Office and CSSO to attract, select and retain suitable and high potential candidates.

#### **Performance Indicators**

- Core skills and competencies identified for all staff in both Offices reviewed in conjunction with Groups/Divisions/Sections/Business Units as appropriate;
- Continued use of formal competency and ability testing introduced in Merrion Street Office and CSSO;
- New staff in Merrion Street Office and CSSO receive induction training within 2 months of taking up duty;
- Undertake an analysis of atypical working arrangements for staff within the Merrion Street Office and CSSO and devise/review appropriate policies.

### **Strategy 3**

In both Offices develop comprehensive Training & Development Strategies to address anticipated needs over the next three years. Strategy to include management development programmes.

#### **Performance Indicators**

- In conjunction with senior managers undertake an analysis of the staff skills, knowledge and experience required by each section in the Offices to carry out their work both current and anticipated;
- Set out in strategy form how these skills can be most effectively imparted to new entrants and further developed in more experienced staff;
- As part of the Strategy documents set out Action Plans to ensure that the objectives of the Strategy are met;
- Formal Management Development Programme for Merrion Street Office and CSSO implemented;
- Through the Performance Management and Development System (PMDS) ensure that the strategic training and development needs of the Offices are being met;
- At the end of 2008 carry out an interim review to evaluate progress made against the aims of the strategy.

### **Strategy 4**

Further develop and enhance Human Resource IT system.

#### **Performance Indicators**

- Review effectiveness of the Human Resource Management System in both Offices;
- Develop appropriate management reports.

### **Strategy 5**

Provide suitable accommodation for all staff.

#### **Performance Indicators**

- In the context of regular reviews of Office needs, identify suitable additional accommodation for Merrion Street Office and CSSO through ongoing consultation with appropriate authority;
- Continued upkeep and maintenance of existing office space;

- Review annually Health and Safety Statement and Business Continuity Plans;
- Accessibility, to and security of, all buildings kept under review.

### **Strategy 6**

Continue to review and develop the Partnership process.

#### **Performance Indicator**

- Annual review of Partnership process conducted in both Offices.

### **Strategy 7**

Review operation of CSSO Documentation Centre.

#### **Performance Indicator**

- Review completed.

## **Objective 2**

To develop financial management processes that control and monitor the financial resources of the Office to ensure the delivery of outputs and value for money.

### **Strategy 1**

Implement final elements of Management Information Framework Project Plan in the Merrion Street Office and CSSO.

#### **Performance Indicators**

- MIF fully embedded and utilisation of full functionality of FMS achieved in Merrion Street Office and CSSO;
- Continued use of statistical reporting for use in Management Reporting in Merrion Street Office and CSSO for review by relevant Office Committees;
- Improved Management Reports used in Merrion Street Office and CSSO;
- Costing Framework used in Merrion Street Office and CSSO in conjunction with the RAB project and initial Costing Reports utilising financial and non-financial information completed;
- RAB Models to be updated annually;
- Annual Output Statements submitted to the Dáil.

## **Strategy 2**

### **Maintain Office capability to operate FMS (Agresso).**

#### **Performance Indicators**

- Existence of core skills to maintain Office capability to operate FMS effectively;
- Compliance with statutory requirement to submit Annual Appropriation Account;
- Payment of interest and compensation under Prompt Payment legislation, where applicable, minimised and reported as appropriate.

## **Strategy 3**

Recommendations of Mullarkey Report on accountability of Secretaries General and Accounting Officers reviewed annually in Merrion Street Office and CSSO within set timeframes.

#### **Performance Indicators**

- Annual year-end review of internal financial procedures in Merrion Street Office and CSSO and verified by Audit Committee to ensure monitoring and control of all income and expenditure through efficient and effective systems;
- Risk Policy, Risk Registers for Groups/Divisions/Sections/Business Units and Corporate Risk Register reviewed in Merrion Street Office and CSSO bi-annually by Risk Committee and reported to local MAC's, Main MACs and Audit Committee;
- Annual Internal Audit Programme for Merrion Street Office and CSSO agreed by Audit Committee. Audits undertaken and recommendations implemented within agreed timeframes;
- Annual Report made to Audit Committee on implementation by the Offices of all Audit Reports;
- Programme of Value for Money Policy Reviews in Merrion Street Office and CSSO in place. Reviews undertaken, externally reviewed and published.

## **Objective 3**

To implement cost effective ICT systems that support all professional transactional, management and service delivery activities in the Office.

### **Strategy 1**

Further develop the Office's Case and Records Management System to ensure that it effectively supports the Office in its strategic and operational requirements.

#### **Performance Indicators**

- Achieve maximum use in the Offices of system for all business;
- Evaluation of feedback from staff on areas where the system could be improved;
- Implementation of approved improvements.

### **Strategy 2**

Further develop the Financial Management System to ensure that it effectively supports the Office in the management of its finance function and its management information needs.

#### **Performance Indicators**

- Achieve maximum use in the Offices of system for all business;
- Evaluation of feedback from staff of the Office on areas where the system could be improved;
- Implementation of approved improvements.

### **Strategy 3**

Implement appropriate IT Systems to support the Merrion Street Office and CSSO Knowledge Management Strategy.

#### **Performance Indicators**

- Definition of business requirements for the system;
- Implementation of appropriate Know-how systems to match requirements identified.

### **Strategy 4**

Develop a new IT Strategy for the Office.

#### **Performance Indicator**

- Implement new IT Strategy, integrated with the Office's business objectives.

### **Strategy 5**

Keep under review the Office's technical architecture and ensure that it continues to provide a robust foundation for the delivery of IT Services to the Merrion Street Office and CSSO.

#### **Performance Indicator**

- Developments in IT assessed and opportunities for improvement availed of.

### **Objective 4**

To implement a Modernisation Programme that supports the achievement of the Office's Goals and is allied with the Civil Service Modernisation Programme.

### **Strategy 1**

Implement agreed commitments set out in Modernisation Action Plans in Merrion Street Office and CSSO within agreed timeframes.

#### **Performance Indicators**

- Progress reported in Merrion Street Office and CSSO Progress Reports in line with central deadlines and verified externally by CSPVG;
- Recommendations of CSPVG actioned and implemented in advance of submission of subsequent Merrion Street Office and CSSO Progress Reports.

### **Strategy 2**

Delivery of the Office's key service delivery commitments as set out in the Client and Customer Charters and Client Service Guide 2008 – 2010 and Customer Action Plan 2008 - 2010.

#### **Performance Indicators**

- Client and customer satisfaction levels in Merrion Street Office (AC and Administration sides) gauged through annual meetings of Client and Customer Panel;
- Client and customer satisfaction levels measured through separate Merrion Street Office and CSSO annual client and customer surveys.

### **Strategy 3**

Undertake comprehensive organisational review in the context of the Organisational Review Programme.

#### **Performance Indicator**

- Review undertaken and Action Plan to implement recommendations of review developed and implemented within agreed timelines

### **Strategy 4**

Ensure that clients are directed to the appropriate access and referral points for information on the Office.

#### **Performance Indicators**

- Annual Reports published for 2008, 2009 and 2010 and made available in accessible formats;
- Internet site formally monitored, reviewed and updated regularly by Working Group;
- Office meeting its obligations under the Freedom of Information Acts and Data Protection Act.

### **Objective 5**

To provide staff with access to the information and knowledge required to deliver high quality services through the strategic development of information and knowledge management.

### **Strategy 1**

**Establish a co-ordinated approach to the organisation of office-wide information and knowledge management.**

#### **Performance Indicators**

- Revise and implement strategies for the continued development of knowledge management in AGO and CSSO;
- Review the need for the development of an AGO/CSSO taxonomy/office-wide thesaurus to support key business applications;
- Contribute professional expertise to the ongoing development of AGO/CSSO file-plans.

## **Strategy 2**

Identify and implement appropriate technical solutions to deliver improved library, research and know-how services to users.

### **Performance Indicators**

- Review shared AGO/CSSO/ODDP e-journals solution to ensure that it is meeting the requirements of users;
- Review the Know-how procedures in AGO and CSSO. Select and implement appropriate AGO and CSSO know-how databases;
- Review the joint AGO/CSSO/LRC Library Management System (LMS) with a view to planning the future development of the LMS. Plan/implement any necessary developments or enhancements to the system;
- Continue to support and develop the level and range of services available to the Advisory Counsel seconded to Government Departments and Offices;
- Review the level of library and research services provided to external Government lawyers.

## **Strategy 3**

Review and implement enhanced research and know-how services.

### **Performance Indicators**

- Continue to monitor increased areas of specialisation in the Offices, and ensure library, research and know-how services reflect these;
- Review staffing levels and structures required to deliver specialised research services;
- Identify communities of practice in key legal areas and support these with research services where required;
- Identify measures to support the development of independent research skills for lawyers including a review of appropriate e-learning tools;
- Identify opportunities for collaboration with the Training & Development Units and IT Units to co-ordinate approach to training & learning provision in the Offices;
- Incorporate library and know-how training/educational initiatives into organisational training strategies.

## **Strategy 4**

Provision of the appropriate physical environment to maximise access to our print collections and reading room facilities

## **Performance Indicators**

- Review layout of print collections;
- Review collection development policy to ensure it continues to meet the needs of the Offices.

## **Objective 6**

To maintain and develop the Registry and Records function to support the legal, drafting and administration areas of the Office.

### **Strategy 1**

Administration and maintenance of an efficient records centre and filing system.

### **Performance Indicators**

- Files, both legal and administration, closed electronically and physical files appropriately stored for subsequent archiving;
- To comply with the Offices' obligations under the National Archives Act.

### **Strategy 2**

Development of statistical/data strategy for the Offices.

### **Performance Indicator**

- Production of appropriate statistical data for use in management and other reports.

## **Progress Achieved**

### **Merrion Street Office**

#### **Objective 1**

#### **Human Resource Strategy, Merrion Street**

During 2008 the Office commenced the implementation of the Human Resources Strategy 2008 - 2010. The embedding of the new PMDS model was a key development during the year.

## **Recruitment**

During 2008 the Office, with the assistance of the Public Appointments Service, ran 2 separate competitions **for vacancies at Advisory Counsel Grade III and Assistant Parliamentary Counsel Grade II**. The competencies required for each of these positions were carefully considered in conjunction with the relevant Groups and Units and reflected in the competition documentation. The selection process takes these requirements into account and the Office was very happy with the standard of candidates who accepted permanent positions with the Office.

The Office continued to offer a very wide range of atypical working arrangements during the year.

## **Human Resources Management System (HRMS)**

During 2008 the Office continued to utilise and further embed the new PeopleSoft HRMS.

## **Performance Management and Development System (PMDS)**

During 2008, the focus for the Office was the further embedding of the new PMDS model including Upward Feedback within the culture of the Office. Training in the new model was provided to all new staff within 1 to 2 months of their arrival in the Office. In early-2008 in the context of the finalisation of PMDS Role Profile Forms, each staff member was encouraged to indicate his or her training and development priorities for the year. At an organisational level, the Office delivered a comprehensive modular Management Training & Development Programme for all staff at middle and senior-management level. The Programme included 5 Modules covering Management and Leadership in the Office, Stepping back: Strategic Thinking, Leading Teams to Results, Managing others for Results and Developing others for Results.

## **Accommodation**

During 2008 the Office continued to keep under review the accommodation needs of the Office and liaised with representatives from the Department of Finance and the Office of Public Works with a view to sanctioning additional office space in close proximity to the Merrion Street Office. Due to the worsening fiscal situation a decision regarding the provision of additional accommodation was deferred.

### **Partnership Committee**

During 2008, the Partnership Committee in the Merrion Street Office continued to be centrally involved in the ongoing development of the change culture in the Office. During the year the Committee met on **8** regular occasions. The focus for the Committee, which has Office-wide representation, was to deal with core Office-related issues and matters relating to the implementation of the Public Service-wide Programme for Modernisation. Sub-Groups were set up to review issues such as HR Strategy, Quality Customer Service, PMDS, Training and Development, *Towards 2016*, Probation Procedures and Exceptional Performance Awards reported to the Committee during the year.

### **Gender Representation**

At end-2008 the Office continued to exceed the Government targets in relation to employment of women. The proportion of staff at or above Assistant Principal Officer level who are female was [%], while the proportion of female staff at or above Principal Officer level was [%].

The end-2008 figures for permanent staff were as follows:

<b>Grade</b>	<b>Female</b>		<b>Male</b>	
	No.	(%)	No.	(%)
Director General	1	(100)	0	(0)
Chief Parliamentary Counsel	1	(100)	0	(0)
First Parliamentary Counsel	0	(0)	1	(100)
Deputy Director General	0	(0)	1	(100)
Assistant Secretary	3	(33)	6	(67)
Principal Officer	12	(46)	14	(54)
Assistant Principal	13	(54)	11	(46)

### **Accessibility for Persons with Disabilities**

The proportion of staff with disabilities at the end of 2008 meets the Government target. The Office continued to improve its accessibility including through its website, and ensured that all renovation or maintenance work took into account the needs of persons with disabilities.

In line with an established practice introduced in previous years, the Office, for all its recruitment competitions, informed the Public Appointments Commission as to the availability of suitable facilities in the Office and its willingness to employ people with disabilities.

### **Training and Development**

In 2008, Merrion Street Office Training and Development Unit continued to provide a high standard of training and development opportunities and deliver on it's responsibility for the planning, organisation and evaluation of training courses offered to all staff.

Throughout the year staff were encouraged and facilitated in undertaking training identified in their Role-Profile Forms for 2008. The Office further embedded the importance of PMDS for continued professional and personal development and endeavoured to deliver on its commitment to developing the skills and potential of all staff.

Overall expenditure on training and development in 2008 was €522,155. This amount represented 4.9% of the payroll allocation for the year. A full list of courses attended and a breakdown of training expenditure is contained in **Annex H** of this Report.

## **Chief State Solicitor's Office**

### **Human Resource Strategy**

During 2008 the focus for the Office continued to be on implementing the Action Plan in respect of the Human Resources Strategy. The elements of the Action Plan were reviewed six-monthly and annually by local and Main MACs respectively. By end-2008 the Office had made significant progress on implementing the following priority areas of the Action Plan:

### **Recruitment**

During 2008 the Office filled the following internal vacancies:- Deputy Assistant Chief State Solicitor, Principal Solicitor, State Solicitor Higher, Higher Legal Executive, Assistant Principal and Higher Executive Officer. Three staff members

successfully completed during 2008 the internal Training Solicitor programme and were appointed to the grade of State Solicitor. One member of staff successfully completed the Trainee Legal Executive Scheme and appointed as a Legal Executive.. The Office with the assistance of the Public Appointments Service the Office made assignments to the State Solicitor, Executive Officer, Staff Officer and Clerical Officer grades. During 2008 the position of Law Librarian was filled. The competencies required for each of these positions were carefully considered and reflected in the competition documentation. The selection process takes these requirements into account and the Office is very happy with the standard of candidates who attended for interview.

### **Performance Management and Development System**

The role profile, interim review and annual review phases of the 2008 PMDS cycle, including the Staff Mobility Policy and upward feedback, were managed, monitored and reviewed, practice directions and guidelines issued. Team-working was further developed as a core competency for 2009 and five core competencies and generic model key deliverables were recommended and approved by Partnership and a reporting system was operated to audit for consistency and verify correct application of PMDS.

During 2008 a two day PMDS training programme was provided for new staff to the Office.

### **Continued Professional Development**

With effect from 1<sup>st</sup> January 2008, (S.I. 807 of 2007 refers), all solicitors employed by the State must now complete compulsory Continuing Professional Development (CPD). In the cycle commencing 1<sup>st</sup> January 2008 a total of 10 hours must be received. Individual solicitor must keep a record of training received, as under the process, the Law Society may audit compliance with this requirement. A reporting system was operated to audit for compliance.

### **Accommodation**

During 2008 ongoing discussion took place with OPW regarding the provision of additional accommodation for the staff of the Office.

### **Training and Development and Training courses provided in 2008**

Annex H of this Report sets out details in relation to training and development and training courses provided to CSSO staff during 2008. During 2008 a wellness at work programme was initiated in the Office and workshops on bereavement, awareness of skin cancer were organised for staff. A comprehensive IT training programme was rolled out for staff during 2008. Staff also attended Induction training during 2008.

### **Dignity Charter**

In early 2008 the Office launched its Dignity Charter which was well attended by staff. Positive Working Environment seminars were held for staff during 2008.

### **Gender Representation**

At end 2008 the Office continued to exceed the Government targets in relation to employment of women. At year-end the proportion of staff at or above Assistant Principal Officer level who are female was 60%, while the proportion of female staff at or above Principal Officer level was 48%.

### **Accessibility for Persons with Disabilities**

At end 2008 the proportion of staff with disabilities exceeded the Government target of 3%.

### **Partnership Committee**

During 2008, the Partnership Committee in the Chief State Solicitor's Office continued to contribute to the ongoing development of the change culture in the Office. During the year the Committee met on the second Tuesday of each month. The committee dealt with issues arising out of the modernisation agenda e.g. PMDS, Statement of Strategy and progress under *Towards 2016* along with accommodation and Health and Safety issues. Sub-Groups set up to review issues such as HR (including PMDS, Training, HR Practice and Procedures), Premises, Irish Language Policy, IT Policy, Office Communications, Health and Safety, Social, PMDS Rating and Green Policies reported to the Committee during the year.

## **Objective 2**

### **Management Information Framework (MIF)**

During 2008 the focus for the Offices was on the continued embedding and implementation of the Offices' MIF Project Plan. The MIF Project Board supported by a Sub-Group, continued to monitor the implementation of the Plan. Under the Board's direction, work was undertaken to further develop the functionality of the Agresso FMS and the development of management reports within the ACME system. During the year the Offices made further progress towards the development of an interface between the new Case and Records Management System and the Financial Management System. This development, when fully implemented in 2009 will assist in the identification of further priorities, financial and non-financial and costing management information reporting requirements.

During 2008 enhanced Management and Costing Reports were developed and made available to the local Merrion Street Office/CSSO MACs, joint Merrion Street Office/CSSO MAC and to senior management. This information already facilitates greater cost awareness among those responsible for resource allocations.

In March, 2008 the Offices submitted separate Annual Output Statements to the Dáil for consideration in the context of the Estimates process.

### **Financial Management System**

During 2008 the Offices continued to further develop and embed the Agresso FMS. Electronic funds transfer has been a feature of the FMS for the last number of years. The AGO continues to encourage suppliers to accept payment for goods and services by this method. The volume of EFT payments now exceeds 98% of regular payments.

An asset tracker system has been fully implemented in the Office ensuring that adequate systems of controls are maintained over all assets. Audits of assets, using a barcode scanner, were carried out during the year by both IT and Services Units.

The system continues to be utilised in providing a full range of financial services to the Office including the preparation of :

- Appropriation Account 2007;
- Monthly financial reports to Management Advisory Committee and Department of Finance;
- Annual Output Statement 2008.

### **Report of the Working Group on the Accountability of Secretaries General & Accounting Officers (Mullarkey Report)**

During 2008 the Offices continued to keep under review internal financial controls aspects of which were also reviewed in the context of specific internal audits.

The Offices' Risk Management Committee reviewed the Offices' risk management strategy including the risk management policy, corporate risk register and risk registers for the legal and administrative sides of both Offices. In line with the risk management policy, Heads of legal Groups and Business Units reviewed risk registers and submitted assurance statements to the Secretary to Main MAC in mid-2008.

### **Audit Committee**

The Audit Committee, comprising 3 external personnel and a representative from each Office, met on **3** occasions during 2008. Matters dealt with included consideration and review of the following Audit Reports outlined in the Internal Audit Programme for 2008:

- Examination of Compliance with the Prompt Payment of Accounts Act in the Office of the Attorney General, the Chief State Solicitor's Office and the Law Reform Commission.
- Follow-up Examination of Monthly Procedures in the Office of the Attorney General, the Chief State Solicitor's Office and the Law Reform Commission.

The position of internal auditor was vacant for the period end-January to June, 2008 when it was filled on a permanent basis.

During 2008 the Audit Committee also reviewed developments in the MIF and ACME projects and the Offices' risk management strategy.

### **Value for Money and Policy Review Plan**

During 2008 the Offices made significant progress on finalising Value for Money and Policy Reviews. The Report of the joint Merrion Street Office/CSSO VFM and Policy Review of the Administration of the Attorney General's Scheme was reviewed further in mid-2008 following observations put forward by the Director General and the Chief State Solicitor.

The draft Report on the Review on the Maintenance of the Electronic Irish Statute Book (eISB) was forwarded to stakeholders for comment and to the external evaluator for quality assessment in April, 2008.

Further progress on finalising Reviews of Stenographer's Services and Costs Recovery in the CSSO was made during the year.

### **Interest Payments under Prompt Payment of Accounts legislation**

In the Merrion Street Office a total of €25.55 was incurred in penalty interest payments during 2008.

In the CSSO, a total amount of €4,399.00 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation.

See **Annex E** for the Offices Reports on Payment Practices for 2008.

## **Objective 3**

### **Case & Records Management System (ACME)**

The focus during 2008 was on further embedding of the new ACME system and an intensification of user training on the use of the system. Continued support was provided by Helpdesk staff to all users of the system.

### **Human Resources Management System (HRMS)**

Progress achieved on the implementation of the HRMS is outlined above under Objective 1 of this Chapter.

### **Business Continuity Management Services**

During 2008 the Merrion Street and CSSO IT Units co-ordinated a project to develop a cross-office Business Continuity Management Plan. Full implementation of the Plan will ensure that the Offices are in a better position to continue to provide core business services to clients in the event of a potential threat to the delivery of services.

### **IT Systems aligned with the Offices business and strategy and operational requirements**

During 2008 the IT Units in the Merrion Street Office and CSSO regularly reviewed the hardware, software and infrastructure to ensure it meets the requirements of the Offices.

### **Development of Intranet in CSSO**

The CSSO Intranet was rolled out to users in March 2008. The development of the intranet involved the creation of html pages and the transfer of all relevant office documents from the CSSO Internal Bulletin Board in Lotus Notes. These included transfer of PMDS forms, Office policy documents and HR forms and information.

The development also included the set up of links to internal resources such as the CSSO and AGO telephone directories, Payslips Online and VisionTime, as well as to other relevant external websites.

## **Objective 4**

### **Social Partnership Agreement *Towards 2016***

During 2008 the Offices remained fully committed to implementing the relevant provisions of *Towards 2016*. In June, 2008 the Merrion Street Office and the Chief State Solicitor's Office submitted separate Fourth Progress Reports respectively on the implementation of each Office's Modernisation Revised Action Plan under *Towards 2016*. On the basis of these Progress Reports the CSPVG decided that staff of both Offices and the Law Reform Commission had qualified for payment of pay increases due during the year. The Progress Reports were published on the Office website.

### **Client and Customer Satisfaction Surveys**

The Merrion Street Office undertook separate follow-up satisfaction surveys of clients and customers of the Advisory and Administrative sides and the Office of the Parliamentary Counsel in March and July, 2008, respectively. The findings of the surveys, benchmarked against the results of the previous survey undertaken in 2004, compared very positively against the findings of the 2004 survey in the key areas of communications, responsiveness and timeliness, accuracy and quality of outputs and service delivery.

### **QCS Publications**

In line with developments at central level the Merrion Street Office and the CSSO commenced the process of developing revised Client and Customer Charters 2008 – 2010, Client Service Guide 2008 – 2010 (Merrion Street) and Customer Action Plan 2008 – 2010 (CSSO) in late-2008. The new Charters, Guide and Plan will take account of the reports of follow-up client and customer satisfaction surveys undertaken in both Offices, the report of the review of Charters published by Fitzpatrick Associates in June, 2007 and the 2008 Edition of Guidelines for the preparation of Customer Charters & Customer Action Plans/Guides.

### **Official Languages Act**

Following the publication of the Offices' joint AGO/CSSO Scheme to implement the provisions of the Official Languages Act 2003 which commenced in June, 2007 the Offices put in place an Action Plan to facilitate the monitoring of the implementation of the Scheme.

The Scheme which covers the three year period from the commencement date sets out the Offices commitments to provide certain services through the medium of Irish, the medium of English, the medium of Irish and English and the measures to be adopted to ensure that any service not provided by the Office through the medium of the Irish language will be so provided within an agreed timeframe.

Responsibility for monitoring and reviewing the scheme will rest with the local Management Advisory Committees and the joint AGO/CSSO Main Management Advisory Committee within the Offices.

During 2008 the Office was fully compliant in terms of meeting the commitments set out in the Scheme. These included:

- Publications in Irish and English; e.g. Statement of Strategy 2008-2010 (as finalised in February, 2008);
- Maintaining equal prominence of Irish and English versions of websites;
- Replying in Irish to correspondence received in Irish;
- Assignment of legal staff proficient in Irish in any legal proceedings instituted in Irish;
- Nomination of counsel fluent in Irish in any legal proceedings instituted in Irish;
- Actively promoting the Irish language generally among staff and encouraging staff to attend Irish training. (3 members of staff are currently attending lessons with Gaelagras and Irish course opportunities are regularly circulated by Training Officer);
- Undertaking of a review of the operation of the Scheme by Oifig an Choimisinéir Teanga in June/July, 2008. Issues raised in relation to the Merrion Street Office were a reminder to proceed quickly with the publication of the updated FOI Booklet and that a system will operate to ensure the review of the number of staff who are fluent in Irish.

### **Publications**

As outlined in Chapter 3 of this Report a review of the Statement of Strategy 2008 - 2010 was initiated to take account of changes to Government announced in May 2008 and other recent developments. The review was completed in late 2008 and a revised Strategy Statement was submitted to the Attorney General for his consideration in accordance with the statutory deadline.

### **Regulatory Requirements Compliance**

The Office kept under review during the year compliance in the Merrion Street Office and in the CSSO with the Freedom of Information Acts, Data Protection Acts, National Archives Act and Health and Safety legislation. Arrangements in both Offices were largely satisfactory during the year.

## **Website**

The IT Units in the Merrion Street Office and the CSSO continued to manage the presentation and design as well as the publication of contents on the Offices' website during the year. It continues to exist as an important resource and reference tool for customers, clients and members of the public. Access is provided to e.g. the Electronic Irish Statute Book, *Towards 2016*, Revised Action Plans and Progress Reports, procedures applying to the engagement of external counsel and the Offices' publications.

## **Objective 5**

During 2008 the focus for the Merrion Street Office and CSSO Library & Know-how Units was on the continued delivery of high quality legal information, research and know-how services to staff in both Offices. The Units also provided services to Advisory Counsel seconded to Government Departments, to state solicitors assigned to the various Tribunals of Inquiry, Criminal Assets Bureau and local State Solicitors.

Some of the important services provided by the Units included: iLink (online library catalogue), cataloguing, classification and abstracting of legal material, access to a substantial law collection in both hardcopy and electronic formats, legal know-how database, legal information/research services, information skills training, current awareness services, legislative proof-reading and access to external libraries and information services.

### **Enhanced legal information and research services**

During 2008 legal research services continued to be provided by both Units to all staff. Legal Researchers in the Merrion Street Office provided legal research and know-how support to discrete Groups of Advisory Counsel and Parliamentary Counsel in support of the ongoing legal specialisation within the Office. They also attended legal group meetings where practicable in order to strengthen their knowledge of legal issues of interest to the Office.

The Units continued to provide a range of current awareness services during 2008 and provided access to a wide range of legal information resources and legal reference guides through the Units intranet pages.

Both Units continued to provide training to legal and admin staff on library applications and legal information databases during the year. Staff had the opportunity to avail of formal information skills training programmes as well as customised individual training sessions.

### **Knowledge Management**

During the year both Units continued to promote a culture of knowledge sharing within and between the Offices. Legal staff in both Offices continued to share knowledge on topical issues of interest through the medium of legal issues meetings. The Units published ten issues of both the Legal and ECHR Bulletins during the year.

The Units contributed to the significant progress made during the year on the development of a new Knowledge Management Strategy and the future development of a know-how application in accordance with a key recommendation of the KM Strategy.

During 2008, in the context of reviewing the Offices' Knowledge Management Strategy, a KM Committee, consisting of staff representatives of both the AGO and CSSO continued to develop a new KM Strategy for the period 2009 – 2012. Specific tasks undertaken during 2008 included the following:

- Detailed familiarisation with best practice and literature on legal Knowledge Management;
- Development of a framework for consultation throughout the Offices in April 2008;
- Developed a consultation document (May-June, 2008), which was then the subject of focus group meetings throughout the Offices during the period September-October 2008;
- Commencement of the process of drafting this Strategy in November, 2008.

The Offices' Sub-Group of the KM Committee made significant progress on identifying options for the future development of a know-how application and this included a review of user requirements and specifications. These requirements together with a number of recommendations in regard to know-how form part of the new KM Strategy.

In addition following recommendations made by the Sub-Group to the Offices' IT Steering Committee in late 2007 a solution for marking and sending of documents on the Case and Records System (ACME) for profiling on the current know-how application was successfully implemented in March 2008.

## **Annex A**

### **Government Bills Published during 2008**

#### **Title of Bill**

- 1 Immigration, Residence and Protection Bill 2008
- 2 Finance Bill No. 3 of 2008
- 3 Social Welfare and Pensions Bill 2008
- 4 Motor Vehicle (Duties and Licences) Bill 2008
- 5 Student Support Bill 2008
- 6 Local Government Services (Corporate Bodies)  
(Confirmation of Orders) Bill 2008
- 7 Twenty-Eighth Amendment of the Constitution Bill 2008
- 8 Electricity Regulation (Amendment) (Eirgrid) Bill 2008
- 9 Employment Law Compliance Bill 2008
- 10 Legal Service Ombudsman Bill 2008
- 11 Dublin Transport Authority Bill 2008
- 12 Chemicals Bill 2008
- 13 Broadcasting Bill 2008
- 14 Intoxicating Liquor Bill 2008
- 15 Arbitration Bill 2008
- 16 Prevention of Corruption (Amendment) Bill 2008
- 17 Prison Development (Confirmation of Resolutions) Bill  
2008
- 18 Electoral (Amendment) Bill 2008
- 19 Ombudsman (Amendment) Bill 2008
- 20 Housing (Miscellaneous Provisions) Bill 2008
- 21 Harbours (Amendment) Bill 2008
- 22 Credit Institutions (Financial Support) Bill 2008
- 23 Nursing Homes Support Scheme Bill 2008
- 24 Cluster Munitions and Anti-Personnel Mines Bill 2008
- 25 Mental Health Bill 2008
- 26 Social Welfare (Miscellaneous Provisions) Bill 2008
- 27 Gas (Amendment) Bill 2008
- 28 Finance (No. 2) Bill 2008
- 29 Motor Vehicle (Duties and Licences) (No. 2) Bill 2008
- 30 Health Bill 2008
- 31 Appropriation Bill 2008
- 32 Industrial Development Bill 2008
- 33 Health Insurance (Miscellaneous Provisions) Bill 2008

## **Annex B**

### **Public Bills Enacted in 2008**

#### **Title of Act**

- 1 Control of Exports Act 2008
- 2 Social Welfare and Pensions Act 2008
- 3 Finance Act 2008
- 4 Passports Act 2008
- 5 Motor Vehicle (Duties and Licences) Act 2008
- 6 Voluntary Health Insurance (Amendment) Act 2008
- 7 Criminal Justice (Mutual Assistance) Act 2008
- 8 Criminal Law (Human Trafficking) Act 2008
- 9 Local Government Services (Corporate Bodies)  
(Confirmation of Orders) Act 2008
- 10 Prison Development (Confirmation of Resolutions) Act  
2008
- 11 Electricity Regulation (Amendment) (Eirgrid) Act 2008
- 12 Legal Practitioners (Irish Language) Act 2008
- 13 Chemicals Act 2008
- 14 Civil Law (Miscellaneous Provisions) Act 2008
- 15 Dublin Transport Authority Act 2008
- 16 Nuclear Test Ban Act 2008
- 17 Intoxicating Liquor Act
- 18 Credit Institutions (Financial Support) Act 2008
- 19 Mental Health Act 2008
- 20 Cluster Munitions and Anti-Personnel Act 2008
- 21 Health Act 2008
- 22 Social Welfare (Miscellaneous Provisions) Act 2008
- 23 Appropriation Act 2008
- 24 Motor Vehicle (Duties and Licences) (No. 2) Act 2008
- 25 Finance (No. 2) Act 2008

## Annex C

### **Office of the Attorney General**

#### **Vote 3, Merrion Street Office**

##### **Outturn for 2008 and Estimate for 2009**

Outturn for 2008 and Estimate of the amount required in the year ending 31 December, 2009 for the salaries and expenses of the **Office of the Attorney General**, including a grant-in-aid.

	<b>Service</b>	<b>Estimate Provision 2008 €000</b>	<b>Provisional Outturn 2008 €000</b>	<b>Estimate Provision 2009 €000</b>
	<b>ADMINISTRATION</b>			
A.1.	SALARIES, WAGES AND ALLOWANCES	11,180	10,665	11,191
A.2.	TRAVEL AND SUBSISTENCE	284	220	208
A.3.	INCIDENTAL EXPENSES	1,030	1,037	850
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	208	114	143
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	1,031	824	850
A.6.	OFFICE PREMISES EXPENSES	313	348	252
A.7.	CONSULTANCY SERVICES	75	68	25
A.8.	VALUE FOR MONEY AND POLICY REVIEWS	60	70	-
A.9.	CONTRACT LEGAL EXPERTISE	1,100	1,115	1,017
	<b>SUBTOTAL</b>	<b>15,281</b>	<b>14,461</b>	<b>14,536</b>
	<b>OTHER SERVICES</b>			

B.	CONTRIBUTIONS TO INTERNATIONAL ORGANISATIONS	36	34	38
C.	LAW REFORM COMMISSION (GRANT-IN-AID)	4,162	3,554	3,581
D.	GENERAL LAW EXPENSES	80	60	78
	<b>Gross Total</b>	<b>19,559</b>	<b>18,109</b>	<b>18,233</b>
	<b>Deduct</b>			
E.	APPROPRIATIONS-IN-AID	8	30	733
	<b>Net Total</b>	<b>19,551</b>	<b>18,709</b>	<b>17,500</b>

## Office of the Chief State Solicitor

### Vote 13

#### Outturn for 2008 and Estimate for 2009

Outturn for 2008 and Estimate of the amount required in the year ending 31 December, 2009 for the salaries and expenses of the Office of the Chief State Solicitor.

	<b>Service</b>	<b>Estimate Provision 2008 €000</b>	<b>Provisional Outturn 2008 €000</b>	<b>Estimate Provision 2009 €000</b>
	<b>ADMINISTRATION</b>			
A.1.	SALARIES, WAGES AND ALLOWANCES	16,124	15,441	16,303
A.2.	TRAVEL AND SUBSISTENCE	227	91	127
A.3.	INCIDENTAL EXPENSES	1,467	1,344	1,288
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	566	414	466
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	1,248	901	893
A.6.	OFFICE PREMISES EXPENSES	1,089	295	605
A.7.	CONSULTANCY SERVICES	121	101	29
A.8.	LOCAL STATE SOLICITOR SERVICE (a)	-	-	-
A.8.	EXTERNAL LEGAL SERVICES (a)	487	-	443
A.9.	VALUE FOR MONEY AND POLICY REVIEWS	66	5	46
	<b>SUBTOTAL</b>	<b>21,395</b>	<b>18,592</b>	<b>20,200</b>

	<b>OTHER SERVICES</b>			
B.	FEES TO COUNSEL	15,888	17,798	15,151
C.	GENERAL LAW EXPENSES	4,500	3,976	3,976
	<b>Gross Total</b>	<b>41,783</b>	<b>39,327</b>	<b>39,327</b>
	<b>Deduct</b>			
D.	APPROPRIATIONS-IN-AID	500	705	3,441
	<b>Net Total</b>	<b>41,283</b>	<b>35,886</b>	<b>35,886</b>

**(a) Responsibility for the greater part of this function (formerly titled Local State Solicitor Service) has been transferred to the Office of the Director of Public Prosecutions.**

**Annex D**

**Vote 3**

**Office of the Attorney General**

**2008 Output Statement**

## **1. Mission Statement**

*The Mission of the Office is to provide the highest standard of professional legal services to the Government, Departments and Offices.*

This Mission Statement contained in the Statement of Strategy covers the Office as a whole and includes the Advisory side of the Office, the Office of the Parliamentary Counsel to the Government and the Chief State Solicitor's Office. All three parts of the Office work closely together to achieve their common mission. This Output Statement does not cover the Office of the Chief State Solicitor which has a separate Vote.

## **2. High Level Goals:**

The Output Statement accounts for the Vote of the Office under three Programmes:

- The Advisory Service that provides legal advice and directs litigation strategy to clients.
- The Office of the Parliamentary Counsel to the Government (OPC) that provides a legislation drafting service to the Government.
- The Law Reform Commission (LRC), an independent body funded by way of Grant-in-Aid from the Vote that keeps the law under review.

The high level goals for each of these Programmes are:

### **Advisory Programme**

To provide a high quality and specialist Advisory Counsel service to the Attorney General in carrying out the duties of his office so that issues of legal importance to the Government are resolved in a responsive, independent, objective and effective manner. Advisory Counsel engage closely in their work as appropriate with Parliamentary Counsel and the Chief State Solicitor's Office.

### **Parliamentary Counsel Programme**

To provide a high quality, professional, specialist and efficient legislative drafting service to the Government.

### **Administration**

The Administrative sections of the Office also have a high level goal to provide modern and professional corporate and business support services to the Advisory Service and to the Office of the Parliamentary Counsel that deliver the highest quality service to clients and customers.

### **Law Reform Commission Programme**

To keep the law under independent, impartial and expert review, and make recommendations for its reform, under a Programme of Law Reform and arising from specific requests from the Attorney General; to prepare Statute Law Restatements; and to update and maintain the Legislation Directory (Chronological Tables to the Statutes).

### 3. Total Budget by Source of Funding

	<b>2007 Estimate €000</b>	<b>2007 Outturn €000</b>	<b>2008 Estimate €000</b>	<b>Change on Outturn %</b>
Net Expenditure	19,220	16,134	19,551	21
Appropriations in Aid	8	38	8	-79
Gross Voted Expenditure	<b>19,228</b>	<b>16,172</b>	<b>19,559</b>	<b>21</b>
Non Voted LRC Funds	47	68	6	-91
<b>Total Gross Expenditure</b>	<b>19,275</b>	<b>16,240</b>	<b>19,565</b>	<b>20</b>

The Appropriations in Aid in 2007 consisted mostly of a refund of salary paid in respect of an Assistant Parliamentary Counsel who is seconded to another State organisation.

### 4. Reporting on Performance Indicators

The Office manages its performance as follows:

- Key Performance Indicators listed in its Statement of Strategy.
- The individual Group/Unit Business Plans.
- The individual Performance Management Development System Role Profile Forms.
- Monthly Financial Reports to the Management Advisory Committee.
- Project Reports to the Management Advisory Committee and relevant Project Status Groups.
- Its Annual Report.
- Its Action Plans and Progress Reports submitted to the Civil Service Performance Verification Group.

The Law Reform Commission manages its performance in the following ways:

- Key Performance Indicators listed in its Strategy Statement.
- Quarterly Business Plan Reports.
- Individual Performance Management Development System integrated in to its Business Plan.
- Reports to Monthly meeting of its Management Committee.
- Its Annual Report includes a full review of activities, covering:
  - > the Programme of Law Reform and Attorney General requests;
  - > Statute Law Restatements ; and
  - > The Legislation Directory.
- Office Action Plans and Progress Reports submitted to the Civil Service Performance Verification Group includes the Commission's actions and progress reports.

## 5. Breakdown of Total Gross Expenditure by Programme

	<b>2007 Estimate €000</b>	<b>2007 Outturn €000</b>	<b>2008 Estimate €000</b>	<b>%Change on Outturn</b>
Advisory Programme	7,713	7,017	8,655	23
Legislative Drafting Service	6,605	5,588	6,742	21
Law Reform Programme	4,957	3,635	4,168	15
<b>Total Gross Programme Expenditure</b>	<b>19,275</b>	<b>16,240</b>	<b>19,565</b>	<b>20</b>
Exchequer Pay and Pensions included in above gross total	11,868	10,868	13,367	23
Number of Associated Public Service employees and pensioners	<b>162</b>	<b>146</b>	<b>168</b>	<b>15</b>

## Programme 1 – Legal Advice.

### High-Level Goal:

To provide a high quality and specialist Advisory Counsel service to the Attorney General in carrying out the duties of his office so that issues of legal importance to the Government are resolved in a responsive, independent, objective and effective manner.

### Key Strategies:

Deliver the Office's key commitments in its Client Service Guide and Client and Customer Charter for Advisory Counsel and Administration.

Maintain close co-operation with the OPC, Chief State Solicitor's Office and Departmental legal advisers in the handling of legal work.

Maintain an organisational environment that develops and enhances the expertise, competencies, capacity and capability of individual staff at all levels to carry their roles in a professional and ethical manner.

<b>Programme Expenditure</b>	<b>2007 Estimate €000</b>	<b>2007 Outturn €000</b>	<b>2008 Estimate €000</b>	<b>%Change on Outturn</b>
Current	3,968	3,531	4,373	24
Programme Administration	734	805	747	-7
Pay	112	84	163	94
Non Pay				
Support Expenditure	2,899	2,597	3,372	30
Gross Programme Expenditure	<b>7,713</b>	<b>7,017</b>	<b>8,655</b>	<b>23</b>
<b>Number of staff employed (whole-time equivalents) as at 31 December 2007</b>				51
<b>Output Statistics</b>	Target 2007	Output Achieved 2007	Target 2008	% Change on Output Achieved
Advisory Request Files	****	1,311	1,311	-
Advice on Litigation Files	****	2,202	2,414	+10%
of which: Constitutional Actions*	-	217	-	
Other Sensitive Cases*	-	157	-	
Advice on Drafting Files	****	42	42	-

\*\*\*\* No targets were set in the 2007 Output Statement \*  
As at 30 November, 2007

## **Output Data**

New information systems are enabling the Office (including the Chief State Solicitor's Office) further to develop more comprehensive and useful business statistics. The benefits of this project will be available for most of the year ending 2008 when the Office (with the Chief State Solicitor's Office) will be in a position to track trends and volumes in respect of litigation involving the State and advices requested and furnished.

By the year ending 2008 the Office will also be in a position to report statistics based on the number of legal advisory requests, and requests fulfilled, on files generally during the year. The effort/number of advices varies from file to file and there are files which require significant numbers of advices over sustained periods.

## **Targets for 2008**

The work of the Office of the Attorney General is to provide legal advice to its clients in response to their requests. The volume of such requests can sometimes be difficult to predict and varies between different legal areas. Volumes cannot be controlled by the Office.

**Programme 2 – Legislation Drafting Service  
(Office of the Parliamentary Counsel to the Government (OPC)).**

**High Level Goal:**

To provide a high quality, professional legislation drafting service to the Government.

**Key Strategies:**

- Co-operate with the Government Legislation Committee in monitoring and supervising the implementation of the Government Legislation Programme.
- Deliver the Office’s key commitments in its Client Service Guide and Client and Customer Charter for Parliamentary Counsel.
- Co-operate with Advisory Counsel in the handling of legislation files.
- Recruit, train, and develop new Parliamentary Counsel.
- Contribute to the ongoing process of making Acts of the Oireachtas more accessible and easier to produce.
- Contribute to effective public service by assisting in the co-ordination of legal services of the State – working with the Law Reform Commission and Civil Servants participating in the legislative process.

<b>Programme Expenditure</b>	<b>2007 Estimate €000</b>	<b>2007 Outturn €000</b>	<b>2008 Estimate €000</b>	<b>Change on Outturn %</b>
Current	3,507	2,993	3,592	20
Programme Administration – Pay	652	655	674	3
Non-Pay	106	293	337	15
Support Expenditure	2,340	1,647	2,139	30
Gross Programme Expenditure	<b>6,605</b>	<b>5,588</b>	<b>6,742</b>	<b>21</b>
<b>Number of staff employed on Programme (whole-time equivalents) at 31 December 2007</b>				30
<b>Output Statistics</b>	Target 2007	Output Achieved 2007	Target 2008	% Change on Output Achieved
Bills Published	***	38	40	5
Bills in progress at year-end	***	26	***	
Committee & Report Stage amendments to Bills	***	4,022	***	
Statutory Instruments completed	***	314	300	-4
Statutory Instruments in progress at year-end	***	122	***	

\*\*\*Targets and priorities are set and approved by the Government in the context of the Government Legislation Programme for each Dáil session via the ‘A’ list. The Committee oversees each proposed Government Bill from the time of its inclusion in the Government’s Legislation Programme to the completion of its progress through the Houses of the Oireachtas.

In any given year, the requirements of sponsoring Departments control the lifecycle of the progress of the Bills for which they are responsible. In addition to the ‘A’ list, priority is also given to emergency legislation arising from, amongst other things,

decisions of the courts or responses to social, economic or political controversies. The number of amendments required to be drafted in any year also affects the overall output of Bills and Acts for that year. This means that the drafting resources of the OPC can, as the figures for 2007 demonstrate, very often be largely devoted to drafting amendments to Bills initiated in previous years. This is a vital task of the OPC.

The demands of Government Departments in any given year for the services of the Office of the Parliamentary Counsel to the Government in relation to Statutory Instruments is difficult to quantify at the beginning of the year as there is no centralised programme for the delivery of Instruments in contrast to Bills. Output of Statutory Instruments is dependent on the type and content of Instruments required.

### Programme 3 – Law Reform Commission.

#### High Level Goal:

To keep the law under independent, impartial, and expert review, and make recommendation for its reform, under a Programme of Law Reform and arising from specific requests from the Attorney General; to prepare Statute Law Restatements; and to upgrade and maintain and update the Legislation Directory.

#### Key Strategies:

- Complete to the maximum extent possible the examination of particular areas of the law in the Commission’s current Programme of Law Reform 2008 – 2014 that details 37 projects to review law in 9 distinct areas.
- Prepare a Statute Law Restatement Programme.
- Update and Maintain the Legislation Directory.

<b>Programme Expenditure</b>	<b>2007 Estimate €000</b>	<b>2007 Outturn €000</b>	<b>2008 Estimate €000</b>	<b>Change on Outturn %</b>
Current	1,417	1,380	1,662	20
Programme administration - Pay Non Pay	165 7	170 7	179 8	5 14
Support Expenditure	3,368	2,078	2,319	12
Gross Programme Expenditure	<b>4,957</b>	<b>3,635</b>	<b>4,168</b>	<b>15</b>
<b>Number of staff employed on Programme (whole-time equivalents) at 31 December</b>				23
<b>Output Statistics</b>	Target 2007	Output Achieved 2007	Target 2008	% Change on Output achieved
Reports/Restatements	5	5	10	100
Consultation Papers	5	5	5	-
Other Outputs	-	27	***	-

The Commission’s Grant-in-Aid in 2007 included an increase in staffing costs and an exceptional provision for accommodation to cater for increased numbers as well as provision being made for work associated with the transfer of responsibility to the Commission from the Office of the Attorney General relating to the preparation of Restatement of Legislation and the Legislation Directory. The level of costs incurred in staffing was less than anticipated as much of the recruitment took place at end 2007.

In 2007, the Commission held 3 major public conferences, 5 seminars, made a presentation to the Oireachtas Committee on Justice, Equality, Defence and Women’s Rights made a presentation to the Interdepartmental Committee on Multi-Unit Developments, presented papers to over 20 conferences organised by other bodies and held over 40 meetings with interested bodies concerning the Commission’s work programme.

\*\*\*In 2008, the Commission intends to hold one major public conference (Annual Conference), a number of seminars, present papers to conferences organised by other bodies and hold meetings with interested bodies concerning the Commission's work programme. The Commission will also continue its work on the development of a road map for eConveyancing in Ireland.

**Vote 13**

**Office of the Chief State Solicitor**

**2008 Output Statement**

## 1. Mission Statement

*The Mission of the Office is to provide the highest standard of professional legal services to the Government, Departments and Offices.*

This Mission Statement contained in the Statement of Strategy covers the Office of the Attorney General as a whole and includes the Advisory side of the Office, the Office of the Parliamentary Counsel to the Government and the Chief State Solicitor's Office. All three parts of the Office work closely together to achieve their common mission. This Output Statement does not cover the Office of the Attorney General which has a separate Vote.

The work of the CSSO primarily involves the provision of solicitor services in civil law issues to the Attorney General and to Government Departments/Offices.

The Output Statement is presented in two Programmes: the service provided by the CSSO and the funding of the local State Solicitors for their work on behalf of the Director of Public Prosecutions and the Attorney General.

## 2. High Level Goals:

To deliver a high quality specialist solicitor service to the Attorney General, the Departments and Offices in the areas of litigation and to provide high quality specialist legal advice and in property and transactional matters.

## 3. Total Budget by Source of Funding

	<b>2007 Estimate €000</b>	<b>2007 Outturn €000</b>	<b>2008 Estimate €000</b>	<b>%Change on Outturn</b>
Net Voted Expenditure	50,157	47,487	41,283	-13
Appropriations in Aid	270	1,142	500	-56
<b>Gross Voted Expenditure</b>	<b>50,427</b>	<b>48,629</b>	<b>41,783</b>	<b>-14</b>

## 4. Reporting on Performance Indicators

The Office manages its performance as follows:

- Key Performance Indicators listed in its Statement of Strategy.
- The individual Division/Section Business Plans.
- The individual Performance Management Development System Role Profiles Forms.
- Monthly Financial Report to the Management Advisory Committee.
- Project Reports to the Management Advisory Committee and relevant Project Status Groups.
- Office Annual Report.
- Action Plans and Progress Reports submitted to the Civil Service Performance Verification Group.

## 5. Breakdown of Total Gross Expenditure by Programme

	2007 Estimate €000	2007 Outturn €000	2008 Estimate €000	%Change on Outturn
Solicitor Service	38,627	37,329	41,783	12
Local State Solicitors	11,800	11,300	0	n/a
Gross Programme Expenditure	<b>50,427</b>	<b>48,629</b>	<b>41,783</b>	<b>-14</b>
Exchequer Pay and Pensions included in above Gross Total	15,527	13,936	16,161	16
Number of Associated Public Service employees and pensioners	250	239	249	4

## 6. Individual Programme details:

### Programme 1 – Solicitor Service

#### 2. High Level Goals:

To deliver a high quality specialist solicitor service to the Attorney General, the Departments and Offices, in the areas of litigation, provision of legal advice, and in property and transactional matters

#### Key Strategies:

To provide a solicitor service to Government Departments and Offices with a particular emphasis on high quality service in the following areas:

- The defence of all Constitutional actions taken against the State, both in the High Court and Supreme Court.
- Representation of the State in European Court of Justice.
- Handling of European Arrest Warrants, Extradition and Mutual Assistance

requests.

- The defence of all commercial cases instructed to the Office.
- - The defence of all judicial review and habeas corpus proceedings on behalf
    - of Government Departments, Offices and clients.
    - The provision of an asylum law litigation service to support the Department of Justice, Equality and Law Reform and the immigration / asylum agencies.
    - The provision of a conveyancing and property law service for the State.
    - Defending all civil proceedings taken against An Garda Síochána or its members.
    - Dealing with childhood abuse cases arising out of abuse in residential institutions and day schools.
    - Provision of a solicitor service to support Government Departments and Offices in the bringing of court proceedings in Ireland on behalf of the State.
    - Provision of solicitor service to State offices in specific technical areas.
    - Representation of State parties in the taxation of legal costs before the Taxing Masters.
    - Recovery and taxation of costs.
  - Advising and preparing commercial contract for Departmental clients.
- To apply best practice in support of the delivery of legal services through the use of information technology, high quality knowledge and understanding of legal practice.

	2007 Estimate €000	2007 Outturn €000	2008 Estimate €000	%Change on Outturn
<b>Programme Expenditure</b>				
Current	30,745	29,294	31,720	8
Programme Administration - Pay	1,805	2,667	3,093	16
Non Pay	6	23	62	170
Support Expenditure	6,071	5,345	6,908	29
<b>Gross Programme Expenditure</b>	<b>38,627</b>	<b>37,329</b>	<b>41,783</b>	<b>12</b>
<b>Number of staff employed (whole-time equivalents) at 31<sup>st</sup> Dec. 2007</b>				239
	Target 2007	Output Achieved 2007	Target 2008	% Change on Output Achieved
<b>Output Statistics</b>				
<b>Public Law<sup>9 10</sup></b>	The level of demand for the Office's services is determined by its client government Departments and Offices. Some indicative demands can be anticipated by reference to the preceding year.		The Office is committed to maintaining its overall capability and infrastructure to service a comparable level of demand in 2008 (allowing for adjustments as indicated in footnote 5).	
New cases		880		
Cases closed		996		
Cases in Progress		3,620		
<b>Advisory<sup>11</sup></b>				
New cases		816		
Cases closed		158		
Cases in Progress		2,462		
<b>State Property</b>				
New cases		1,591 <sup>14</sup>		
Cases closed	577			
Cases in Progress	7,580			
<b>Asylum and Legal Services<sup>12</sup></b>				
New cases	2,653			
Cases closed	2,999			
Cases in Progress	7,074			
<b>Justice and Common Law<sup>13</sup></b>				
New cases	563			
Cases closed	816			
Cases in Progress	3,481			
<b>Total</b>				
New cases	6,503			
Cases closed	5,546			
Cases in Progress	24,217			

<sup>9</sup> These cases include commercial and constitutional litigation taken against the State and, also, judicial review cases.

<sup>10</sup> The Public Law Division handles most of the constitutional challenges taken against the State. As of November 2007 this Division together with the Asylum Section, handled 217 Constitutional Actions.

<sup>11</sup> These cases include commercial contract cases, ECJ cases, tribunal cases and employment rights cases.

<sup>12</sup> Legal Services includes ministerial prosecutions, Garda compensation cases, valuation appeals, and legal cost accounting cases. Asylum cases include all asylum refugee and residency cases arising from these related functions of Government.

<sup>13</sup> These cases include extradition, EAW cases, transfer of sentenced persons, inquests and District Court appearances in Dublin. They also include personal injuries and tortious claims against the State such as in the areas of child abuse, Garda litigation and litigation taken by civil servants.

<sup>14</sup> Figures given for new cases in the State Property Division are accounted for by particular scheme-related Departmental demands. These, in turn, have created a higher than expected demand for certain legal services. These files are currently under review for the purpose of identifying additional provisions of legal staff, application of outsourcing solutions and / or other efficiencies.

Figures provided for workload outputs are provided from legacy systems. The Office expects that figure to be produced for 2009 will be provided from its new case and record management system and will enable more exact and stratified reporting. Figures indicate growing demands for legal services in most areas. This trend continues to have implication for the Office in terms of estimates, human resources and management policies.

## Programme 2 – Local State Solicitors

### Key Strategies:

- Representation of DPP and Attorney General in the conduct of business outside of Dublin area

	<b>2007 estimate €000</b>	<b>2007 Outturn €000</b>	<b>2008 Estimate €000</b>	<b>%Change on Outturn</b>
<b>Programme Expenditure</b>				
Current	11,800	11,300	0	n/a
Programme Administration - Pay & Non Pay				
Support expenditure				
<b>Gross Programme Expenditure</b>	<b>11,800</b>	<b>11,300</b>	<b>0</b>	<b>n/a</b>

The 32 State Solicitors are now remunerated through the Vote of the Office of the Director of Public Prosecutions.

### Outputs:

Representation of DPP in criminal cases outside Dublin area.

Representation of Attorney General in civil cases outside Dublin area.

## Annex E

# Statements of Compliance; Reports on Payment Practices 2008

## Office of the Attorney General (Merrion Street Office)

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

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 and were updated this year, including procedures 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
- 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

The Office's Report of Payment Practices for 2008 follows.

### **Office of the Attorney General**

## **Report on Payment Practices for 2008**

### **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 €3,821 million in 2008 were made from the Vote of the Office of the Attorney General in respect of payments to which the Legislation applies.
- Prompt payment interest totalling €25.55 was paid during the year. This arose in respect of the late payment of 3 invoices totalling €20,173.57 which were paid 3, 4 and 10 days late respectively. This amounts to less than 0.527% of total payments. No compensation was paid on late payments during 2008, nor was there any claim in that regard.

## **Statement of Compliance with the Prompt Payment of Accounts Act 1997 and with 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 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 arrangement, the prompt payment deadline of 30 days applies to all payments.
- All invoices received are forwarded directly to Finance Unit where they are date stamped. This date is the date from which the prescribed payment period is calculated.
- Staff in Finance Unit registers the Invoice on the new Financial Management System and then forward the invoice to the Officer dealing with the purchase related to the invoice.
- 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 Finance Unit in accordance with the Act and with the Regulations.

### **Interest Payments under Prompt Payment of Accounts legislation**

In the CSSO, a total amount of €4,399 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation.

## **REPORT ON PAYMENT PRACTICES FOR 2008**

## CHIEF STATE SOLICITOR'S OFFICE

The terms of the Prompt Payment of Accounts Act 1997 as amended by the European Communities (Late Payment in Commercial Transactions) Regulations 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 terms of 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 2008:**

Total Value of all Payments:	€8,123,615
Total Value of all late payments (under €320 inclusive):	€305,783
Total Value of all late payments (over €320):	€112,714
Value of late payments as % of total payments:	5.15%
Number of late payments in excess of €320:	2
Amount of Interest paid:	€4,399
Amount of interest as percentage of total payments:	0.068%
Broad indication of Length of Delays:	51 Days

## **Annex F**

### **Office Representation on Committees and Working Groups in 2008**

Advisory Board National Children's Office  
Advisory Forum on Financial Services Legislation  
Assistant Secretaries Network  
Better Regulation Group  
Change Management Network  
Circuit Court Rules Committee  
Civil Service Training Officers Network  
Commission for Democracy through Law  
Commission on the Assisted Human Reproduction  
Company Law Review Group  
Consultative Committee on Law Reform  
Consumer Advisory Council  
Corporate and Public Lawyers Association  
Council of Europe Committee on Administrative Law  
Council of Europe Committee of Experts in Family Law  
Court Service Forum  
Courts Service User Group  
Court of Appeal Committee  
Criminal Law Codification Committee  
Cross-Departmental Team on Infrastructure  
Cross-Departmental Group on EU Enlargement and Freedom of Movement  
Cross-Departmental Group on the Services Directive  
District Court Rules Committee  
EU Working Group on Legal Data Processing  
EU Working Group on Contract Law  
EU Intergovernmental Convention Oversight Group  
Expenditure Reviewers Network  
FOI Interdepartmental Working Group

FOI Liaison Officers Network  
FOI Users Network Group  
Garda Síochána Working Group on Vetting  
Garda Síochána Implementation Group on Vetting  
Government Legislation Committee  
Government Library Managers Network  
Greco Evaluation Team  
Hague Conference on Private International Law  
Information and Communications Technology Managers' Forum  
Information Society Legal Working Group  
Implementation Group on Compensation Issues  
Implementation Group of Secretaries General  
Interdepartmental Committee on the Reform of Marriage  
Interdepartmental Co-ordinating Committee on European Affairs  
Interdepartmental eLegislation Group  
Interdepartmental Group on Special Education Needs Litigation  
Interdepartmental Working Group on Nursing Homes Charges  
Interdepartmental Committee on Nuclear Issues  
Interdepartmental Group on Childhood Abuse Litigation  
Interdepartmental Working Groups on Disability  
Interdepartmental Committee on Infrastructure  
Interdepartmental Committee on State Aids  
Interdepartmental Group on the Commission proposal for a European Fishing Control Agency  
Interdepartmental Group on the EU Convention  
Interdepartmental Group on Legislative Issues for the Information Society  
Interdepartmental Group on Oireachtas Scrutiny of EU legislation

Interdepartmental Task Force on the Report of the Commission on the Status of People with Disabilities

Interdepartmental Working Group on Compensation Issues  
Interdepartmental Committee on Multi-Unit Developments  
Internal Audit Network  
International Maritime Organisation Legal Committee  
International Expert Group on Nuclear Liability (INLEX)

Management Group for Judicial Reviews in Asylum Cases  
Ministers and Secretaries Group on European Matters  
Money Laundering Steering Committee (Official side)  
“No-Fault” Advisory Group  
Northern Ireland (various groups dealing with Northern Ireland matters)  
Nuclear Law Committee (Nuclear Energy Agency, a branch of the OECD)  
Personnel Officers Network  
  
PMDS Network  
Public Law Committee – International Bar Association  
Secretaries General and Heads of Offices Group  
Single Regulatory Authority Implementation Advisory Group  
State Claims Agency Liaison Committee  
  
Steering Committee for the Pilot Project to establish an on-line small-claims procedure  
  
Steering Group on Systems Review of Department of Agriculture and Food  
Strategic Management Initiative Communications Sub-Group  
Strategic Management Initiative Implementation Groups  
Superior Courts Rules Committee  
Tax Strategy Group  
UNCITRAL (The United Nations Commission on International Trade Law)  
UNCITRAL Working Group on Arbitration  
UNCITRAL Working Group on Security Issues  
UNCITRAL Working Group on Electronic Commerce  
UNCITRAL Working Group on Insolvency Law  
UNIDROIT  
  
Working Group on Company Law Compliance and Enforcement  
  
Working Group to Review Coroners Services

## Annex G

### Statistics of requests made under the Freedom of Information Acts

#### Office of the Attorney General, Merrion Street Office

Office of the Attorney General	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requests Part Granted
1998	22	6	16	0	4	1
1999	27	7	20	0	2	4
2000	25	3	22	0	3	3
2001	23	4	19	0	2	2
2002	22	4	18	0	3	1
2003	18	3	15	0	5	4
2004	6	2	4	0	2	0
2005	3	1	2	0	0	0
2006	6	0	6	0	1	0
2007	1	1	0	0	0	0
<b>2008</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>0</b>
<b>Total</b>	158	32	126	0	24	15

Office of the Attorney General	Requests Refused	Requests refused under section 46 (1) (b) (Figure included in Total Requests Refused)	Requests Transferred	Requests Withdrawn or handled outside FOI	Live Cases	Internal Reviews Received	Appeals to Info Comm.	Fees No.	Charged Amount
1998	15	12	1	0	1	6	2	0	Nil
1999	21	18	0	1	0	6	0	0	Nil
2000	18	14	0	1	0	4	0	0	Nil
2001	16	13	0	0	3	2	2	0	Nil
2002	20	20	0	0	1	0	0	0	Nil

2003	9	9	0	1	0	1	1	3	€45
2004	4	3	0	0	0	0	0	4	€60
2005	2	2	1	0	0	0	0	1	€15
2006	5	5	0	0	0	0	0	6	€90
2007	1	1	0	0	0	0	0	0	Nil
<b>2008</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>€45</b>
<b>Total</b>	112	98	2	4	n/a	19	5	17	€255

## Statistics for 2008

### Office of the Attorney General

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
01/01/08 to 31/12/08	5	2	1	0	0	2

## Statistics from 21 April 1998 to 31 December 2007

Office of the Attorney General	Applications Received	Journalists	Business	Oireachtas	Staff	Others
21/04/98 to 31/12/07	158	43	34	3	5	73

## Statistics of requests made under the Freedom of Information Acts

### Chief State Solicitor's Office

Chief State Solicitor's Office	Applications Received	Personal	Non-Personal	Mixed	Requests Granted	Requests Part Granted
1998	17	14	3	0	10	0
1999	9	3	6	0	4	0
2000	23	11	12	0	15	4
2001	9	6	3	0	5	0
2002	9	5	4	0	2	0
2003	6	2	4	0	0	1
2004	3	1	2	0	0	0
2005	2	2	0	0	2	0
2006	2	0	2	0	0	0
2007	3	2	1	0	2	0
<b>2008</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>
<b>Total</b>	89	52	37	0	42	5

Chief State Solicitor's Office	Requests Refused	Requests refused under section 46 (1) (b) (Figure included in Total Requests Refused)	Requests Transferred	Requests Withdrawn or handled outside FOI	Live Cases	Internal Reviews Received	Appeals to Info Comm.	Fees No.	Charged Amount
1998	4	4	2	0	1	1	0	0	Nil
1999	4	4	1	0	1	3	1	0	Nil
2000	5	2	0	0	0	1	1	0	Nil
2001	4	3	0	0	0	1	1	0	Nil
2002	7	7	0	0	0	0	0	0	Nil
2003	1	1	2	2	0	1	0	0	Nil
2004	0	0	0	2	1	0	0	0	Nil
2005	0	0	0	0	0	0	0	0	Nil
2006	2	2	0	0	0	1	0	1	15
2007	0	0	0	1	0	0	0	1	15
2008	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Nil</b>
<b>Total</b>	29	23	6	5	4	8	3	2	30

## Statistics for 2008

### Chief State Solicitor's Office

<b>Chief State Solicitor's Office</b>	<b>State</b>	<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
01/01/08	to	3	0	0	0	2	1
31/12/08							

## Statistics from 21 April 1998 to 31 December 2008

<b>Chief State Solicitor's Office</b>	<b>State</b>	<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
21/04/98	to	83	12	2	0	34	35
31/12/08							

## Annex H

### Training and Development - Merrion Street Office

The bulk of the Office's training in 2008 related to the (ongoing) implementation of the Office's new electronic case-management system (ACME). This training was delivered in-house by external trainers, and is reflected in the costs relating to consultants and external trainers in the table below.

#### **Expenditure on Training & Development – 2008**

<b>Item</b>	<b>Expenditure €</b>
Seminars, Conferences & Training Courses	230,686.82
Refund of Fees	24,917.00
Cost of consultants & external trainers	29,426.67
IT Training	10,504.72
Trainers' salaries & overheads	87,442.60
Cost of administration	73,164.77
Cost of courses attended by trainers	360.00
Purchase of new training materials	2,119.92
Master's in Policy Analysis	
Other	63,532.59
<b>Total</b>	<b>522,155.09</b>
<b>Total Payroll costs A1</b>	<b>10,665,000</b>
<b>Expenditure on T &amp; D as % of salary cost</b>	<b>4.9%</b>

## Training and Development 2008 CSSO

### Breakdown of Chief State Solicitor's Office Expenditure on Training & Development 2008

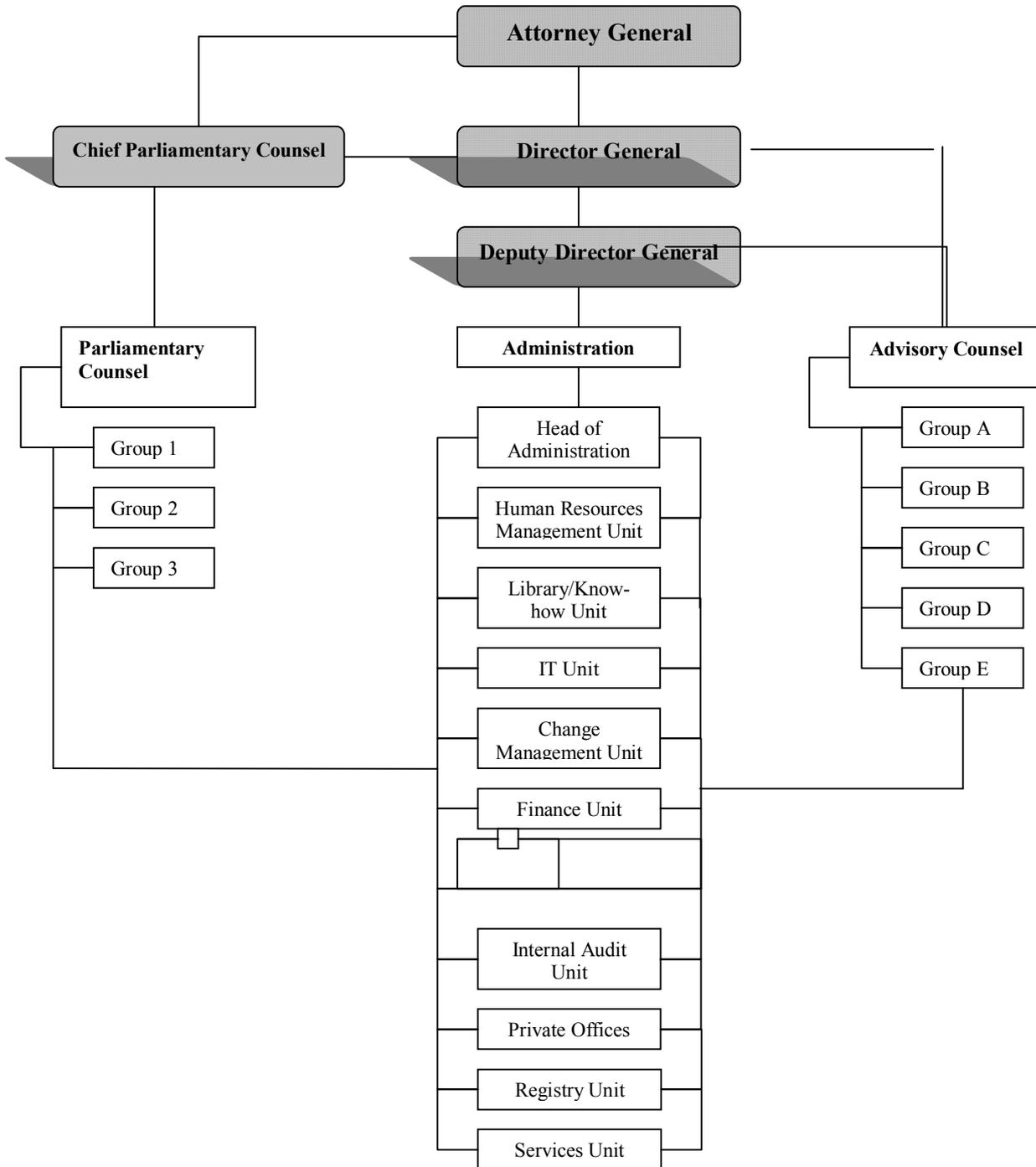
- The total expenditure on Training and Development in 2008 was €287,603.73
- The Training budget allocation was broken into three specific areas:
- Delegated Budget
- The total expenditure for the Delegated Budget during 2008 was €91,140.36.
- Refund of Fees
- A total of 23 people claimed refund of fees in respect of the Refund of Fees scheme during 2008. The amount refunded under this scheme in 2008 was €58,648.00.
- Holding Fund
- The Holding fund expenditure for 2008 was €137,815.37. The fund was used for expenditure on training including paying for venues for courses held throughout the year and other training such as First Aid etc.

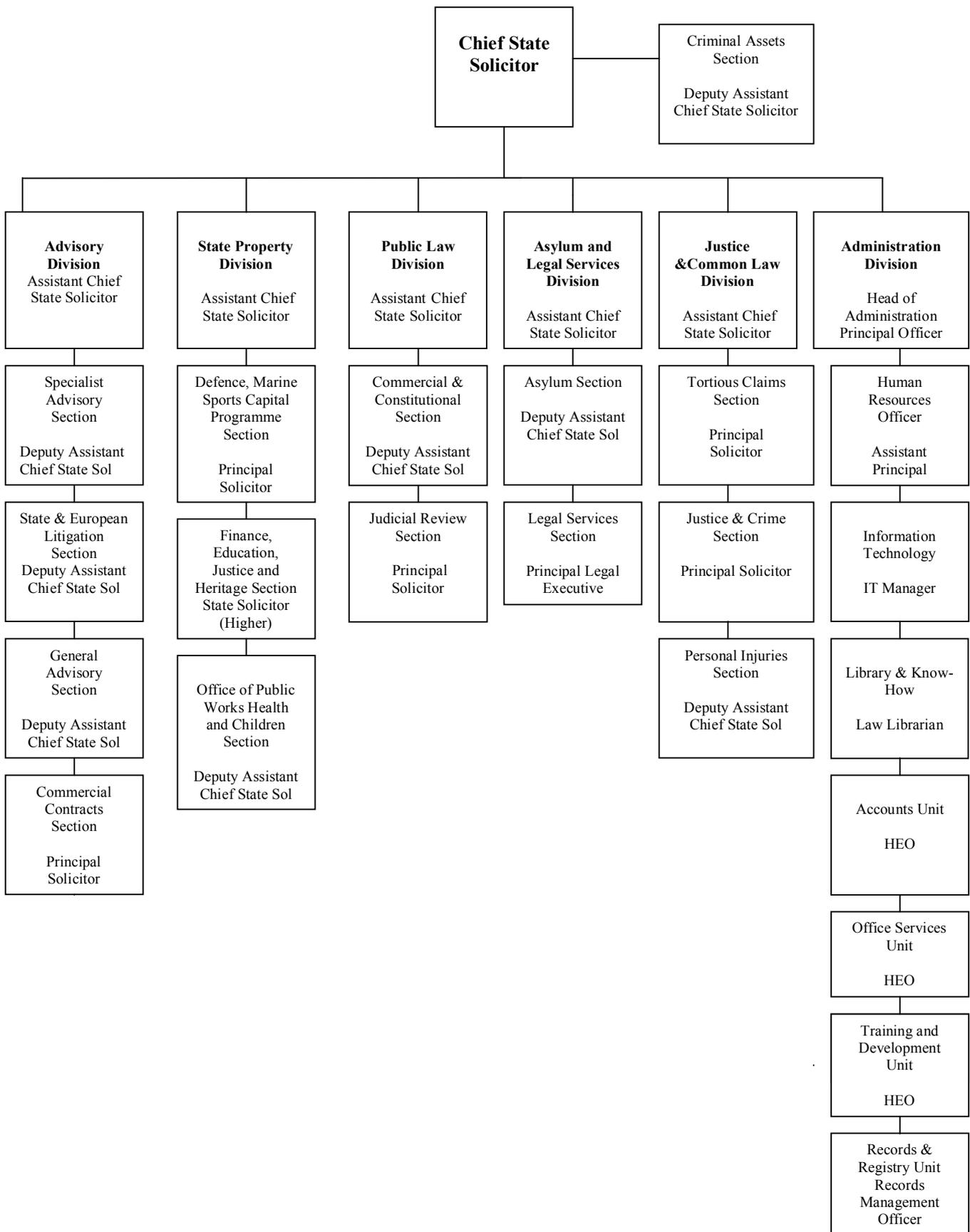
### Expenditure on Training & Development - 2008

<b>Item</b>	<b>Expenditure €</b>
Holding Fund	€137,815.37
Refund of Fees	€58,648.00
Delegated Budget	€91,140.36
Trainers' salaries & overheads	€85,187.70
<b>Total</b>	<b>€372,791.43</b>
<b>Total Payroll costs A1</b>	<b>€15,442,290</b>
<b>Expenditure on T &amp; D as % of salary cost</b>	<b>2.41%</b>

## **Annex I**

**Organisation Chart:**





## **ANNEX J**

### **HIGH COURT CASES FROM 2008 INVOLVING THE STATE**

#### **Sergejs Rimša v The Governor of Cloverhill Prison and The Minister for Justice, Equality and Law Reform**

Judgment delivered on 11/01/2008

Applicant challenged the legality of his detention pending his surrender to Latvian authorities due to the inability of the Latvian authorities to get tickets from Riga to Dublin and was agreed between the central authorities of both states.

#### **Eamon Dunne v The Governor of Cloverhill Prison**

Judgment delivered on 15/01/2008

Applicant challenged his detention following his re-arrest immediately following his release ordered by Edwards J on 3<sup>rd</sup> January 2008.

#### **Thomas Kavanagh and Joanne Byrne v Ireland and The Attorney General**

Judgment delivered on 15/01/2008

The plaintiffs sought a declaration that all or all relevant parts of the Proceeds of Crime Act, 1996 were repugnant to the Constitution, as well as a declaration that all or several parts of the same Act were incompatible with the European Convention on Human Rights.

#### **T.K. and J.B. v Ireland and The Attorney General**

Judgment delivered on 15/01/2008

Plaintiffs challenged the determination of preliminary issues in a case concerning a challenge to the Proceeds of Crime Act 1996.

#### **B. Doe and Anor. v The Revenue Commissioners**

Judgment delivered on 18/01/2008

Plaintiffs brought a preliminary application seeking approval to issue proceedings under an assumed name.

#### **Thomas Donnelly v the Commissioner of An Garda Síochána, The Minister for Justice, Equality and Law Reform, Ireland and The Attorney General**

Judgment delivered on 18/01/2008

Plaintiff sought damages for personal injuries (significant and irreversible hearing loss) allegedly sustained while working as a dog handler for the defendant.

#### **The Minister for Justice Equality and Law Reform v Eamon Devlin**

Judgment delivered on 24/01/2008

Respondent challenged his surrender under a European Arrest Warrant to Northern Ireland in connection with fraud offences in part on the grounds that there was a question whether the offence was committed in whole or in part of the territory of the executing member state.

#### **The Minister for Justice, Equality and Law Reform v Marek Ster**

Judgment delivered on 24/01/2008

Respondent challenged his surrender to the Czech Republic on foot of a European Arrest Warrant in connection with offences of causing grievous bodily injury and theft.

**Eamon Dunne v The Governor of Cloverhill Prison**

Judgment delivered on 25/01/2008

Applicant challenged the lawfulness of his detention and extension of time for the delivery of the book of evidence pursuant to s. 4B(3) of the Criminal Procedure Act, 1967 (as inserted by s. 9 of the Criminal Justice Act, 1999).

**Director of Public Prosecutions v Barry Callaghan**

Judgment delivered on 31/01/2008

Consultative case stated in connection with a defendant charged with unlawfully selling intoxicating liquor at a reduced price in a licensed premises.

**Elaine Farrell v Alan Whitty, the Minister for the Environment, Ireland and the Attorney General and The Motor Insurance Bureau of Ireland**

Judgment delivered on 31/01/2008

These proceedings related to the interpretation of how an EC Directive is applied.

**Keith Farrell v The Director of Public Prosecutions**

Judgment delivered by Edwards J on 05/02/2008

Applicant sought judicial review for an order of prohibition on the grounds of prosecutorial delay.

**Marie Fuller and Ors. v The Minister for Agriculture, Food and Forestry and the Minister for Finance**

Judgment delivered by Gilligan J on 08/02/2008

These judicial review proceedings involved applicants seeking to be paid their full wages and the reinstatement of their pension entitlements as if they had been available to work their normal duties even though they were in fact not available to work by reason that they were on strike.

**Patrick Kenny v Judge John Coughlan, and The Director of Public Prosecutions**

Judgment delivered by O'Neill J on 08/02/2008

Judicial review proceedings where the applicant sought an order of certiorari in respect of his conviction for a driving offence.

**The Minister for Justice, Equality and Law Reform v Thomas Ollsen**

Judgment delivered by Peart J on 20/02/2008

Respondent challenged his surrender to Sweden on foot of a European Arrest Warrant on the grounds that *inter alia* he would be deprived his right to liberty if surrendered due to his not being entitled to apply for pre-trial release in Sweden.

**A.C. (A Minor) v The Director of Public Prosecutions**

Judgment delivered by Dunne J on 21/02/2008

Applicant sought an injunction restraining the respondent from taking any further steps in a criminal prosecution for arson.

**The Minister for Justice, Equality and Law Reform v John Ward**

Judgment delivered by Peart J on 04/03/2008

Respondent challenged his extradition to England on foot of a European Arrest Warrant in connection with prosecution of offences for perverting the course of justice and causing death while driving.

**The Minister for Justice, Equality and Law Reform v Michael Breen**

Judgment delivered by Finnegan J on 04/03/2008

Respondent challenged his extradition to Jersey (Channel Islands) on foot of a European Arrest Warrant in connection with his escape from an English prison while serving a 10-year prison term.

**The Minister for Justice, Equality and Law Reform -v- Marian-Constantin Ciobanica**

Judgment delivered by Peart J on 05/03/2008

Respondent challenged his surrender to Romania on foot of a European Arrest Warrant in connection with theft offences.

**Kevin Treacy v District Judge Aenas McCarthy and The Director of Public Prosecutions**

Judgment delivered by McGovern J on 06/03/2008

Judicial review proceedings in which the applicant challenged a contempt of court finding against him.

**Kevin Treacy v District Judge Tom O'Donnell and The Director of Public Prosecutions**

Judgment delivered by McGovern J on 06/03/2008

Judicial review proceedings in which the applicant sought reliefs on the ground that he was denied a fair hearing.

**O'Shea Fishing Co. Ltd v The Minister for Agriculture, Fisheries and Food**

Judgment delivered by Clarke J on 07/03/2008

Applicant challenged previously determined decision on the allocation of the mackerel quota.

**J. and E. Davy (t/a as Davy) v Financial Services Ombudsman, Ireland and The Attorney General**

Judgment delivered by Kelly J on 13/03/2008

Appeal and application for judicial review in respect of a decision of the Financial Services Ombudsman.

**Nangles Nurseries v The Commissioners of Valuation**

Judgment delivered by MacMenamin J on 14/03/2008

This appeal by way of a case stated sought to determine whether the Valuation Tribunal correctly concluded that an area of land was a 'nursery' under the Valuation Act 2001.

**Mark Christopher Breslin and Ors. v Seamus McKenna and Ors.**

Judgment delivered by Gilligan J on 20/03/2008

Plaintiffs sought a court order of discovery for use of transcripts from criminal proceedings in civil proceedings

**John J. Riney v The Governor of Loughan House Prison and The Attorney General**

Judgments delivered by Edwards J on 21/03/2008 and 22/03/2008

Applicant challenged his detention for defaulting on the payment of a fine following his conviction for a public order offence where he was ordered to pay a fine or, in lieu of payment, was to be imprisoned for 80 days.

**Vicky Leonard v Dublin City Council, Ireland and The Attorney General**

Judgment delivered by Dunne J on 31/03/2008

Applicant challenged eviction in relation to s. 62 of the Housing Act 1966 on the basis of the measure's compatibility with the European Convention on Human Rights.

**Barry O'Sullivan v Superintendent in Charge of the Garda Station, Togher Garda Station, Cork; Andrew Creighton v The Director of Public Prosecutions**

Judgment delivered by Dunne J on 01/04/2008

This was a case stated in which the interpretation of s. 29 of the Road Traffic Act 1961, as amended, was considered.

**The Minister for Justice, Equality and Law Reform v James Anthony Tighe (a/k/a Bernard Tighe)**

Judgment delivered by Feeney J on 03/04/2008

The respondent challenged the granting of a restraint order in aid of a confiscation co-operation order on behalf of the United Kingdom.

**Pat Jennings v The Director of Public Prosecutions and Judge Donagh McDonagh**

Judgment delivered by Sheehan J on 07/04/2008

Judicial review proceedings in which the applicant sought an order of prohibition to restrain the respondents from continuing with the prosecution of the applicant.

**The Minister for Justice, Equality and Law Reform v Florin Gheorgie; The Minister for Justice, Equality and Law Reform v Violeta Corina Gheorgie**

Judgment delivered by Peart J on 09/04/2008

Respondents challenged their surrender to Romania on foot of a European Arrest Warrant in connection with offences of swindling and forgery arising out of a property transaction.

**Gary Breen v The Governor of Wheatfield Prison, The Minister for Justice, Equality and Law Reform, Ireland and The Attorney General**

Judgment delivered by Gilligan J on 11/04/2008

The matter related to the question of whether the prison authorities allowed an attack on the plaintiff by a fellow inmate or were negligent in allowing the attack to take place.

**The Minister for Justice, Equality and Law Reform v Clive Kavanagh**

Judgment delivered by Peart J on 13/04/2008

Respondent challenged his surrender to The Netherlands on foot of a European Arrest Warrant in connection with drug offences.

**Michael Berry and Ors. v Judge Aeneus McCarthy and The Director of Public Prosecutions**

Judgment delivered by Gilligan J on 14/04/2008

Applicant challenged his being tried summarily on the grounds that his right to an expeditious trial had been breached by failure of the prosecution to afford him a full hearing within a reasonable time in the District Court proceedings.

**J.McD. v P.L. and B.M.**

Judgment delivered by Hedigan J on 16/04/2008

Applicant sought guardianship and access orders in respect of a child conceived by way of a sperm donation made by the first respondent.

**Anne Donegan and Ors. v The Minister for Transport, Aer Rianta cpt and Dunloe Ewart plc**

Judgment delivered by McGovern J on 17/04/2008

This was a preliminary issue on whether the plaintiff's claims in the substantive proceedings could be brought or maintained against the first defendant, having regard to the provisions of s. 58 of the Air Navigation and Transport (Amendment) Act 1998.

**Darren Clake v Minister for Defence, Ireland and The Attorney General**

Judgment delivered by Irvine J on 18/04/2008

Plaintiff sought damages for physical injuries sustained following a mortar attack on the compound where he was stationed.

**Chris Fitzpatrick & John Ryan v F.K. and The Attorney General**

Judgment delivered by Laffoy J on 25/04/2008

Plaintiffs sought to have determined the issue of in which circumstances may a court intervene in the case of an adult patient, who is not *non compos mentis*, who has refused medical treatment, and authorise the hospital to administer such treatment to the patient.

**Thomas O'Leary v Superintendent Michael Maher**

Judgment delivered by Clark J on 25/04/2008

Judicial review in respect of a decision to refuse the applicant a firearms certificate.

**The Director of Public Prosecutions v Thomas O' Malley**

Judgment delivered by Gilligan J on 01/05/2008

This case stated involved a determination of certain points of law arising from a charge of driving while over the legal alcohol limit.

**The Minister for Justice, Equality and Law Reform v Jaroslaw Stankiewicz**

Judgment delivered by Peart J on 02/05/2008

Respondent challenged his surrender to Poland on foot of a European Arrest Warrant.

**Sergejs Rimša v Governor of Cloverhill Prison, Ireland and The Attorney General**

Judgment delivered by Peart J on 02/05/2008

Respondent challenged his surrender to Latvia on foot of a European Arrest Warrant.

**William Goodison v Superintendent D.J. Sheahan**

Judgment delivered by Peart J on 02/05/2008

Judicial review in respect of a decision to refuse the applicant a firearms certificate.

**Mark O'Neill, Elizabeth O'Brien and Frank Massey v An Taoiseach, Ireland and The Attorney General**

Judgment delivered by the Master of the High Court Mr. Edmund Honohan, S.C. on 07/05/2008

Plaintiffs sought an order for discovery of specified categories of documents in order to have a fair hearing of the action.

**AHP Manufacturing B.V. (t/a Wyeth Medica Ireland) v The Director of Public Prosecutions, The Environmental Protection Agency, Ireland and The Attorney General**

Judgment delivered by O'Higgins J on 08/05/2008

Respondents sought to set aside leave which had been granted in which to apply for judicial review in respect of the applicant's failure to abide by the time limits for challenging decisions made by the second respondent.

**Anthony Donegan v Dublin City Council, Ireland and Attorney General**

Judgment delivered by Laffoy J on 08/05/2008

Applicant challenged eviction in relation to s. 62 of the Housing Act 1966 on the basis of the measure's compatibility with the European Convention on Human Rights.

**Bertie Ahern v The Mahon Tribunal**

Judgment delivered by Kelly J on 08/05/2008

Judicial review where parliamentary privilege and legal professional privilege were considered in the context of questioning before the Tribunal.

**Personal Injuries Assessment Board v The Commissioner of Valuation**

Judgment delivered by McCarthy J on 08/05/2008

Judicial review proceedings challenging the decision of the respondent in its determination rates in relation to the applicant's property.

**The Minister for Justice, Equality and Law Reform v Charles Hall**

Judgment delivered by Peart J on 30/05/2008

Respondent challenged his surrender to the United Kingdom on foot of a European Arrest Warrant in respect of sentences for handling stolen goods, theft and escaping from lawful custody.

**The Minister for Justice, Equality and Law Reform v Thomas Martin McCague**

Judgment delivered by Peart J on 30/05/2008

Respondent challenged his surrender to the United Kingdom on foot of a European Arrest Warrant in connection with offences of conspiracy and fraudulently evading excise duty.

**The Minister for Justice, Equality and Law Reform v Vera Dunkova**

Judgment delivered by Peart J on 30/05/2008

Respondent challenged his surrender to the Czech Republic on foot of a European Arrest Warrant in connection with a theft offence.

**The Director of Public Prosecutions v Martin Lynch**

Judgment delivered by McCarthy J on 05/06/2008

Case stated from the District Court on a point of law concerning interpretation of a word in the statutory offence of harassment contained in s. 10 of the Non-Fatal Offences against the Person Act 1997.

**James Bowes v The Governor of Cork Prison**

Judgment delivered by Abbott J on 10/06/2008

Applicant challenged his detention because he had all of his privileges forfeited due to a disciplinary matter.

**Patrick O'Doherty v The Attorney General, Limerick City Council and Ors.**

Judgment delivered by Sheehan J on 10/06/2008

Plaintiff sought injunctive relief restraining Limerick City Council and Fianna Fáil from co-opting a new member to fill a casual vacancy following the resignation of a Councillor.

**James Byrne v The Governor of Mountjoy Prison**

Judgment delivered by Peart J on 10/06/2008

Applicant challenged his detention in respect of being re-arrested on foot of re-issued warrants.

**Ralph Keane and Anor. v The Director of Public Prosecutions**

Judgment delivered by Hanna J on 10/06/2008

Judicial review proceedings in which the applicants sought an order of prohibition against prosecution for reckless endangerment in the absence of new evidence.

**Cussens, Jennings and Kingston v T.G. Brosnan (Inspector of Taxes)**

Judgment delivered by Charleton J on 11/06/2008

This was a case stated pursuant to the Taxes Consolidation Act 1997 in which the applicants challenged a determination that they were not exempt from paying VAT on the sale of houses they built.

**Gerard Neeson v Judge Patrick Brady and The Director of Public Prosecutions**

Judgment delivered by Hedigan J on 11/06/2008

Judicial review proceedings seeking to quash an order refusing to grant him a legal aid certificate and order of prohibition or stay on the continuance of proceedings against him.

**Antonio Casimiro Lopes v The Minister for Justice, Equality and Law Reform**

Judgment delivered by Hanna J on 11/06/2008

Plaintiff challenged the amount of damages awarded to him on the basis of racial discrimination.

**The Minister for Justice, Equality and Law Reform v Simon Martin Ross**

Judgment delivered by Peart J on 13/06/2008

Respondent challenged his surrender to the United Kingdom on foot of a European Arrest Warrant.

**The Minister for Justice, Equality and Law Reform v Olimpia Iordache**

Judgment delivered by Peart J on 13/06/2008

Respondent challenged his surrender to Romania on foot of a European Arrest Warrant in connection with an offence of theft.

**The Minister for Justice, Equality and Law Reform v Roman Snela**

Judgment delivered by Peart J on 13/06/2008

A Polish national challenged his surrender to Germany on foot of a European Arrest Warrant in connection with an offences committed in Germany.

**Teahan and Ors. v The Minister for Communications, Energy and Natural Resources and The South Western Regional Fisheries Board**

Judgment delivered by Laffoy J on 18/06/2008

Applicants challenged the validity of a bye-law on the grounds that it infringed their rights to fair procedures.

**Bryan David Bennets v The Governor of Cloverhill Prison, District Judge William Early and The Minister for Justice, Equality and Law Reform**

Judgment delivered by Birmingham J on 20/06/2008

Applicant, an asylum seeker from South Africa, challenged his detention which was based on reasonable grounds that the applicant posed a serious threat to public order in Ireland.

**Kathleen Fitzpatrick v Board of Management of St. Mary's Touraneena National School and The Minister for Education and Science**

Judgment delivered by Irvine J on 24/06/2008

Judicial review proceedings where applicant challenged the first respondent's request to submit to an independent medical examination before returning to work following a prolonged sick leave.

**Liam Grogan v The Parole Board and The Minister for Justice, Equality and Law Reform**

Judgment delivered by McMahon J on 27/06/2008

Judicial review proceedings in which the issue to be considered was whether the Constitution requires that the applicant be furnished with legal aid for the preparation of legal submissions to the parole board.

**Desmond Fogarty v District Judge Hugh O'Donnell and The Director of Public Prosecutions**

Judgment delivered by Charleton J on 27/06/2008

Judicial review proceedings in which the applicant alleged that there was a breach of fair procedures and bias in how his case for careless driving was handled.

**Colin Harvey v District Judge Claire Leonard and The Director of Public Prosecutions**

Judgment delivered by Hedigan J on 03/07/2008

Judicial review proceedings which challenged the jurisdiction of the District Judge to send the applicant back before a Court that had imposed the suspended sentence and that the applicant was not at the time a convicted person.

**Ronan McCarron v Superintendent Peadar Kearney**

Judgment delivered by Charleton J on 04/07/2008

Judicial review in respect of a decision to refuse the applicant a firearms certificate.

**The Minister for Agriculture v John Barry and Ors.**

Judgment delivered by Edwards J on 07/07/2008

Appeal on a question of law against a decision of the Employment Appeals Tribunal concerning the employment status of the respondents.

**Brian Kelly v Minister for Defence and The Attorney General**

Judgment delivered by Dunne J on 08/07/2008

These proceedings involved whether s. 17(3) of the Courts Act 1981 applied to proceedings which were compromised – i.e. whether these proceedings can be said to have been “determined” in the High Court.

**The Minister for Justice, Equality and Law Reform v Krzyszttof Wroblewski**

Judgment delivered by Peart J on 09/07/2008

Respondent challenged his surrender to the Poland on foot of a European Arrest Warrant in respect of offences of theft and obtaining credit by false pretences.

**John Ahern and Ors. v The Minister for Agriculture and Food, Ireland and The Attorney General**

Judgment delivered by Laffoy J on 11/07/2008

Plaintiffs sought an order directing their former solicitors to deliver files and that payment of taxed costs of the former solicitors be deferred pending the successful outcome of their claims in respect of declarations and damages arising from the implementation of the milk quota regime prior to 1990.

**National Broadband v Minister for Communications, Energy and Natural Resources**

Judgment delivered by McGovern J on 11/07/2008

Judicial review proceedings seeking to quash the decision to exclude satellite broadband coverage from a map prepared by the Minister.

**Celtic Roads Group (Dundalk) Limited v The Comissioner of Valuation and Anor.; West-Link Toll Bridge Limited v The Comissioner of Valuation and Anor.**

Judgment delivered by Charleton J on 11/07/2008

Appeal of a decision of first respondent challenging the method by which revision of rates was calculated in respect of hereditaments.

**M.J.L. v Ireland and The Attorney General and Anor.**

Judgment delivered by Charleton J on 14/07/2008

Judicial review proceedings in which the applicant sought a declaration that s. 5 of the Domestic Violence Act 1996 was unconstitutional and that in consequence, a protection order made against him on an *ex parte* basis should fall.

**The Minister for Justice, Equality and Law Reform v Florin Hahui**

Judgment delivered by Peart J on 18/07/2009

Respondent challenged his surrender to Romania on foot of a European Arrest Warrant in connection with an offence of robbery.

**C.D. v The Minister for Health and Children and The Hepatitis C Compensation Tribunal**

Judgment delivered by Herbert J on 23/07/2008

Appellant sought to review the Taxing Master's decision in respect of solicitors' instructions fees.

**Louis O'Regan v An Bord Pleanála**

Judgment delivered by O'Neill J on 24/07/2008

Judicial review proceedings in which the applicant sought leave to challenge a decision of the respondent.

**J.B. v The Mental Health (Criminal Law) Review Board, The Minister for Justice, Equality and Law Reform, Ireland and The Attorney General and Anor.**

Judgment delivered by Hanna J on 25/07/2008

Judicial review proceedings in which the applicant challenged his continued detention in the Central Mental Hospital.

**Jonathan Gormley v District Judge Bryan Smith and The Director of Public Prosecutions**

Judgment delivered by O'Neill J on 29/07/2008

Judicial review proceedings in which the applicant challenged a decision to try him on indictment following an earlier decision to dispose of the charges summarily.

**Mary Weir v The Director of Public Prosecutions**

Judgment delivered by O'Neill J on 29/07/2008

This was a cases stated from the District Court in which questions were raised in respect of a statutory requirement of written authorisation to set up a checkpoint and whether oral authorisation was sufficient.

**S.McD. (A Minor) v The Minister for Education and Science, Health Service Executive, Ireland and The Attorney General**

Judgment delivered by O'Neill J on 29/07/2008

Judicial review proceedings in which the applicant, a child with autism, challenged the first respondent's decision to terminate a home tuition grant.

**Prendergast -v- The Higher Education Authority, The Minister for Education and Science, Ireland and The Attorney General**

Judgment delivered by Charleton J on 30/07/2008

Plaintiff challenged the requirements for entry to medical degree courses in Ireland.

**J. & E. Davy (t/a Davy) v The Financial Services Ombudsman, Ireland and The Attorney General**

Judgment delivered by Charleton J on 30/07/2008

Judicial review proceedings where the applicant challenged the statutory and constitutional procedural powers of the of the first respondent.

**The Minister for Justice, Equality and Law Reform v Istvanne Ficzer**

Judgment delivered by Peart J on 30/07/2008

Respondent challenged his surrender to Hungary on foot of a European Arrest Warrant in connection with an offence of swindling.

**Frank Prendergast -v- The Higher Education Authority, The Minister for Education and Science, Ireland and The Attorney General**

Judgment delivered by Charleton J on 30/07/2008

Plaintiff challenged the legality and constitutionality of the quota on places available to EU students for entry to medical degree courses in Ireland.

**Judge Alan P. Mahon, Judge Mary Faherty and Judge Gerald B. Keys v Noel Lawlor, (Administrator Ad Litem of the Estate of Liam Lawlor, deceased) and Hazel Lawlor**

Judgment delivered by Laffoy J on 30/07/2008

Proceedings arising from a series of judgment mortgages declared well charged in respect of the land owner who had since died.

**June Traynor v Judge Catherine Delahunty, The Director of Public Prosecutions and the Garda Síochána Complaints Board**

Judgment delivered by McMahon J on 31/07/2008

Judicial review proceedings in which the applicant sought the disclosure of certain documents from respondents generated in the course of the third respondent's investigations.

**Dandean Limited v Talebury Properties Limited, Gerard Barrett and Catherine Barrett**

Judgment delivered by Edwards J on 31/07/2008

The applicant sought orders under the Planning Act 2000, including an injunction the respondents to cease unauthorised development at the site, to restore the lands to their original condition prior to development, and to carry out the development in conformity with planning permission granted by An Bord Pleanála.

**The Minister for Education and Science v The Information Commissioner**

Judgment delivered by McGovern J on 31/07/2008

This matter related to a appeal from the decision of the respondent not to certain document as an exempt record under the Freedom of Information Act.

**Hazel Lawlor v The Members of the Tribunal of Inquiry into Certain Planning Matters and Payments**

Judgment delivered by Murphy J on 31/07/2008

Judicial review proceedings in which the applicant sought reliefs in respect of the standard of proof required before findings of fact are made by a tribunal and the provision of costs.

**John Paul Kelly v The Governor of Mountjoy Prison**

Judgment of Charleton J on 31/07/2008

The applicant in these proceedings sought judicial review of a decision not to provide him with braces on his teeth.

**R.C. v The Director of Public Prosecutions**

Judgment delivered by MacMenamin J on 31/07/2008

Judicial review proceedings in which the applicant sought a prohibition of his criminal trial pending before the Circuit Court.

**Stephen Doherty and Anthony Carroll v The Health Service Executive**

Judgment delivered by Laffoy J on 01/09/2008

Plaintiffs sought an interlocutory injunction restraining the defendant from implementing a disciplinary penalty of unpaid suspension pending the action.

**Funmilayo Bashir v The Governor of Mountjoy Prison (An Dochas) and The Minister for Justice, Equality and Law Reform**

Judgment delivered by Sheehan J on 02/09/2008

Applicant, an asylum seeker, challenged her detention in prison.

**Deerland Construction Ltd. v The Aquaculture Licences Appeals Board, The Minister for Communciations, the Marine and Natural Resources and Anor.**

Judgment delivered by Kelly J on 10/09/2008

Judicial review proceedings in which the applicant sought reliefs in respect of a decision by the first respondent to grant an aquaculture licence and against the second respondent for refusing to consider an application for a foreshore lease.

**Patrick Hickey, Drishlawn Limited, Hickey's Pharmacy Ltd., Wheaton Pharmacy Ltd., Gleeson's Pharmacy Ltd., Philip Dillon Ltd., Estherfield ltd., DGM Pharmacies Ltd. (t/a Hickeys Pharmacy v The Health Service Executive**

Judgment delivered by Finlay Geoghegan J on 11/09/2008

Plaintiffs challenged that certain standard form contracts in which the defendant unilaterally reduced reimbursement of the cost of drugs dispensed under the General Medical Services scheme was in breach of community pharmacy contractor agreements.

**John Kearney v The Governor of Limerick Prison**

Judgment delivered by Clarke J on 18/09/2008

Judicial review proceedings in which the applicant sought an order for *habeas corpus* on the basis of a delay in the delivery from the prison governor of his application to the High Court.

**Cork County Council v Slattery Pre-cast Concrete Limited, Patrick Slattery, Rose Slattery and Declan Slattery; Brian Froggat, William Cashin and Dennis Daly v Slattery Pre-cast Concrete Limited, Rose Slattery, Declan Slattery Patrick Slattery**

Judgment delivered by Clarke J on 19/09/2008

Plaintiffs sought enforcement orders to constrain defendants' business to that outlined in the original retention permission.

**Marie Monahan v The Legal Aid Board, The Minister for Justice, Equality and Law Reform, Ireland and The Attorney General**

Judgment delivered by Edwards J on 06/10/2008

Judicial review proceedings in which the applicant challenged a decision by the first respondent to refuse legal aid in respect of a notice to quit issued for a protected dwelling.

**Cork County Council v The Health and Safety Authority and Vincent D'Arcy (Inspector for The Health and Safety Authority)**

Judgment of Hedigan J on 07/10/2008

This was a consultative case stated concerning the law governing the Health and Safety Authority's statutory powers concerning the safety of road works and risks associated with the use of temporary road surfaces.

**The Minister for Justice, Equality and Law Reform v Micheál Ó Fallúin**

Judgment delivered by Peart J on 08/10/2008

Respondent challenged his surrender to the United Kingdom on foot of a European Arrest Warrant in connection with an offence of conspiracy to defraud.

**North Wall Property Holding Company Ltd. and Sean Dunne v Dublin Docklands Development Authority and North Quay Investments Ltd. (Notice Party)**

Judgment delivered by Finlay Geoghegan J on 09/10/2008

Judicial review proceedings in which the applicants challenged a decision of the first respondent in respect of a proposed development.

**The Minister for Justice, Equality and Law Reform v Anthony Abimboia**

Judgment delivered by Peart J on 15/10/2008

Respondent challenged his surrender to Germany on foot of a European Arrest Warrant in connection with a conviction for rape.

**Dona Sfar v District Judge Flann Brennan, The Director of Public Prosecutions, Ireland and The Attorney General**

Judgment delivered by O'Neill J on 16/10/2008

Judicial review proceedings the applicant challenged an alleged violation of the right to fair procedures.

**Galway City Council v Samuel Kingston Construction Limited and Geoffrey F. Hawker**

Judgment delivered by McMahon J on 17/10/2008

Plaintiff sought to remit and/or set aside the award of the second named defendant under provisions of the Arbitration Act 1954.

**John Reilly v Judge Michael Patwell and Cobh Town Council and The Attorney General (Notice Parties)**

Judgment of McCarthy J on 17/10/2008

Judicial review proceedings in which the applicant sought an order quashing the order of the respondent judge and a declaration that a provision in the Litter Pollution Act 1997 was invalid.

**Peter Dunne v The Eastern Regional Health Authority, The South Western Area Health Board, John O'Brien and Matthew McHugh**

Judgment delivered by Peart J on 17/10/2008

Plaintiff alleged professional negligence owing to the defendants' negligence.

**Jason Mulligan v The Director of Public Prosecutions (at the suit of Garda Linda Ryan)**

Judgment delivered by Charleton J on 29/10/2008

In this case stated from the District Court the appellant challenged his conviction for public order offences.

**The Director of Public Prosecutions (At the suit of Garda Francis W. McMahon) v John Rafferty**

Judgment delivered by Charleton J on 29/10/2008

In this case stated from the District Court challenging the correctness of the District Judge as a matter of law in dismissing the prosecution in circumstances where the charge sheet identified the location of the offence as being the street where the Garda asked the accused to pull over his rather than the street where the Garda first stopped the accused.

**Ryanair Limited v Dublin Airport Authority Plc**

Judgment delivered by MacMenamin J on 29/10/2008

Plaintiff sought an order restraining the defendant from interfering with the installation of self-service kiosks at Dublin Airport pending the outcome of proceedings.

**Brendan Rafferty v The Minister for Agriculture and Food and Rural Development, Ireland and the Attorney General; John Elmore v The Minister for Agriculture and Food and Rural Development, Ireland and the Attorney General**

Judgment delivered by McGovern J on 31/10/2008

Plaintiffs challenged the level of compensation awarded following the culling of animals to prevent the spread of Foot and Mouth disease.

**S.M. v The Mental Health Commissioner, The Mental Health Tribunal, The Clinical Director of St. Patrick's Hospital, Dublin**

Judgment delivered by McMahon J on 31/10/2008

Judicial review proceedings in which the applicant challenged the power vested in a consultant psychiatrist to make a renewal order which "does not exceed 12 months" without fixing a more definition period.

**The Director of Public Prosecutions v Jonathan Finnegan**

Judgment delivered by Clark J on 05/11/2008

This was an appeal by way of case stated of a conviction for refusal to provide breath samples under road traffic legislation.

**John Lyons, Angela Lyons, Aoife Lyons (A Minor), Daragh Lyons (A Minor) and Ciara Lyons (A Minor) v Executive Travel Group Ltd and Panter Associates Ltd (t/a Tour America) v S.L.E. Worldwide Travel Ltd Europea and Novae Corporate Underwriting Ltd (Third Parties) and Kindlon Insurances Ltd (t/a K.M.T. Travel Insurance Services) (Notice Party)**

Judgment of McMahon J on 06/11/2008

Notice party sought to have a third party notice issued by the second defendant set aside on the basis of delay.

**The Director of Public Prosecutions v Judge James O'Connor, and Cyril O'Brien (Notice Party)**

Judgment delivered by Budd J on 10/11/2008

Judicial review proceedings in which a preliminary issue arose from a conflict of facts following a granting of leave *ex parte* by the High Court to the DPP to apply for an order quashing an order made by the respondent dismissing the prosecution against the notice party for a road traffic offence.

**J.D. v The Residential Institutions Redress Review Committee, Ireland and The Attorney General**

Judgment delivered by O'Neill J on 11/11/2008

Judicial review in which the applicant challenged a decision of the first respondent denying redress on the basis of the age of majority.

**Dublin City Council v Liam Gallagher**

Judgment of O'Neill J on 11/11/2008

In this consultative case stated from the District Court in which procedures contained in the housing legislation were challenged.

**The Minister for Justice, Equality and Law Reform v Kaspars Koncis**

Judgment delivered by Peart J on 12/11/2008

Respondent challenged his surrender to Latvia on foot of a European Arrest Warrant in connection with offences of robbery and assault.

**The County Council of the County of Meath v Patrick Shiels**

Judgment delivered by Hedigan J on 13/11/2008

The applicant sought orders under planning legislation to restrain the respondent from carrying out and continuing with the unauthorised development of the quarry, to prohibit the respondent from carrying out any intensification of quarrying activities and to direct the removal from the lands of any machinery, equipment or materials used in connection with the unauthorised development.

**Patrick Reilly v Drogheda Borough Council**

Judgment delivered by Laffoy J on 19/11/2008

Plaintiff challenged the compulsory retirement age of retained firefighters.

**The Minister for Justice, Equality and Law Reform v Mircea Remus Contras**

Judgment delivered by Peart J on 19/11/2008

Respondent challenged his surrender to Italy on foot of a European Arrest Warrant in connection with unauthorised entry and forgery of administrative documents and trafficking therein.

**Thomas Murphy v The Director of Public Prosecutions, Judge Flann Brennan and The Special Criminal Court**

Judgment delivered by O'Neill J on 19/11/2008

Judicial review proceedings in which the applicant sought an order quashing a decision by the second respondent to amend the return for trial on the basis that his constitutional right to fair procedures had been breached.

**Joseph Magee v Patrick Murray and Dennis Roche**

Judgment delivered by Birmingham J on 24/11/2008

Applicant challenged conditions imposed on a firearms certificate.

**Joanne Tuohy v North Tipperary County Council, and Elizabeth Cleary (Proposed Third Party)**

Judgment delivered by Peart J on 25/11/2008

This case related to the question of costs arising following the determination of a motion issued by the Proposed Third Party and the Court's discretion to under Order 99 of the Rules of the Superior Courts.

**The Minister for Justice, Equality and Law Reform v Ferenc Horvath**

Judgment delivered by Peart J on 25/11/2008

Respondent challenged his surrender to Hungary on foot of a European Arrest Warrant in connection with 17 offences.

**The Minister for Justice, Equality and Law Reform v Darius Tomella**

Judgment delivered by Peart J on 27/11/2008

Respondent challenged his surrender to Poland on foot of a European Arrest Warrant in connection with fraud.

**Augustin Ferradas Martinez v Ireland, The Attorney General and District Judge James McNulty**

Judgment delivered by O'Neill J on 27/11/2008

Judicial review proceedings in which the applicant challenged the proportionality of mandatory forfeiture of catch and gear with respect to EU law and the principle of the separation of powers under the Constitution.

**Manorcastle Limited v Commission for Aviation Regulation**

Judgment delivered by Charleton J on 28/11/2008

Applicant appealed a decision of the respondent to refuse to renew the applicant's licence to act as a tour operator based on the trading position of the applicant.

**J.J. Quigley (Inspector of Taxes) v Robert Harris**

Judgment delivered by Laffoy J on 28/11/2008

In this case stated the Appeal Commissioner sought an interpretation of a provision of the Taxes Consolidation Act 1997.

**The Director of Public Prosecutions (at the suit of Garda Martin O'Brien) v Keith O'Sullivan**

Judgment delivered by Charleton J on 01/12/2008

In this case stated from the District Court in which the accused/respondent challenged the form of fixed charge notice used in connection with a charge that he exceeded a special speed limit.

**P.K. v Stephen Deignan, Matthew Gaffney and The Minister for Education**

Judgment delivered by Dunne J on 02/12/2008

These proceedings related to an application for the dismissal of proceedings on the grounds of inordinate and inexcusable delay in which allegations of physical, psychological and sexual abuse were made.

**David Rawson v The Minister for Defence**

Judgment delivered by Hedigan J on 02/12/2008

Judicial review proceedings in which the applicant sought an order quashing the order directing his discharge from the army.

**Carol English v Health Service Executive and Judge Brophy and the Minister for Health and Children**

Judgment delivered by McMahon J on 05/12/2008

Judicial review proceedings in which the applicant sought an order to quash a conviction under child care legislation in connection with the number of competent adults supervising pre-school children.

**John Campbell v The Director of Public Prosecutions**

Judgment delivered by O'Neill J on 05/12/2008

Judicial review proceedings in which the applicant sought an order of prohibition in respect of three charges of sexual assault on the grounds of prosecutorial delay.

**Thomas Griffin v An Bord Pleanála, and Primark, Waterford City Council and Brendan McCann (Notice Parties)**

Judgment delivered by MacMenamin J on 05/12/2008

Judicial review proceedings in which the applicant sought to quash a decision of the first respondent to grant permission to the second respondent.

**The Director of Public Prosecutions (at the suit of Garda Alan Carroll) v Greg Carpenter**

Judgment delivered by O'Neill J on 08/12/2008

In this case stated by the District Court, the Court was asked whether the District Judge was correct in law in striking out the case in circumstances where the accused had already pleaded guilty to the offence where the District Judge subsequently noticed that the requisite statement under the road traffic legislation was not signed by the Garda and the defendant changed his plea before conviction.

**The Motors Insurers Bureau of Ireland v Paula Stanbridge and Ors.**

Judgment delivered by Laffoy J on 08/12/2008

Plaintiff brought proceedings seeking to recover monies paid to the now deceased wife/mother of defendants on foot of a 1994 judgment, which certain defendants disclaimed a share on intestacy.

**Zivas Fitzgerald v Judge John O'Neill and The Director of Public Prosecutions**

Judgment delivered by Clark J on 09/12/2008

Judicial review proceedings in which the applicant sought an order to quash a conviction under the road traffic legislation.

**The Director of Public Prosecutions v Judge Geoffrey Browne, and Michael Mullane (Notice Party)**

Judgment delivered by McMahon J on 09/12/2008

Judicial review proceedings in which the applicant sought to quash an order for disclosure made by the respondent.

**L.McG. v Her Honour Judge Yvonne Murphy Judge of the Circuit Court and The Director of Public Prosecutions**

Judgment delivered by Hanna J on 09/12/2008

Judicial review proceedings in which the applicant sought an order banning publication of the names of the accused or the alleged injured party in an incest case.

**L.C. Autolink Ltd and Lee Cullen v Joseph Feehily David Ward, Brian Harkin, Revenue Commissioners, Ireland and The Attorney General**

Judgment delivered by MacMenamin J on 12/12/2008

Judicial review proceedings in which the applicants sought to challenge a number of determinations made by the first four respondents, who were officials of the Revenue Commissioners, to detain and seize four automobiles on the basis that those decisions were *ultra vires* and unlawful.

**The Attorney General v Liam Rafferty (t/a Carhill Car Sales)**

Judgment delivered by MacMenamin J on 12/12/2008

Plaintiff sought an order pursuant to a provision of the Finance Act 2001 for the forfeiture and condemnation of six vehicles by reason of non-payment of vehicle registration tax.

**Anthony Shields v The Director of Public Prosecutions**

Judgment delivered by O'Neill J on 12/12/2008

Judicial review proceedings in which the applicant sought an order prohibiting his trial on the basis the delay in executing a bench warrant.

**P.G. v Michelle Branigan and Health Service Executive and Mental Health Commission (Notice Parties)**

Judgment delivered by McCarthy J on 12/12/2008

Applicant challenged the constitutionality of her detention on foot of a replacement renewal order under the Mental Health Acts.

**Laurence Pullen and Ors. v Dublin City Council and by order, The Human Rights Commission (Amicus Curiae) and The Attorney General (Notice Party)**

Judgment delivered by Irvine J on 13/12/2008

Plaintiffs challenged housing legislation (under which the first defendant sought a warrant for possession following complaints of un-neighbourly conduct) on the basis that it was necessary to have an independent hearing where the finding of anti-social behaviour made by the defendant, which finding was the justification for terminating the tenancy, could be challenged by the plaintiffs prior to the warrant being enforced.

**E.P.I., N.A.I. (A Minor) and J.T.I. (A Minor) v The Minister for Justice, Equality and Law Reform**

Judgment delivered by Hedigan J on 16/12/2008

Judicial review proceedings in which the applicants questioned the objectivity of previous interlocutory determinations made by the Court in the course of proceedings which would prevent a completely fair and independent hearing.

**M.F. Quirke and Sons v Micheal Maher**

Judgment delivered by Herbert J on 16/12/2008

Judicial review proceedings in which the applicant sought an order quashing a decision of the respondent to refuse to issue a certificate for the transfer and use of explosives at a quarry.

**The Minister for Justice, Equality and Law Reform v Janusz Mazurkiewicz**

Judgment delivered by Peart J on 17/12/2008

Respondent challenged his surrender to Poland on foot of a European Arrest Warrant in connection with an offence against property.

**J.M. v The Director of Public Prosecutions and District Judge Sean McBride**

Judgment delivered by McCarthy J on 17/12/2008

Judicial review proceedings in which the applicant sought an order restraining the DPP from continued prosecution of two charges of sexual assault against him.

**The Minister for Justice, Equality and Law Reform v Jaroslaw Nowakowski**

Judgment delivered by Peart J on 17/12/2008

Respondent challenged his surrender to Poland on foot of a European Arrest Warrant in connection with an offences of theft, forgery and possession and supply of drugs.

**Kanwell Developments Ltd. v The Revenue Commissioners**

Judgment delivered by Hedigan J on 17/12/2008

Plaintiff challenged the setting off of VAT payments by the defendants.

**Vera Dooley and Ors. v Killarney Town Council and Kerry County Council**

Judgment delivered by Peart J on 18/12/2008

Judicial review proceedings in which the applicant sought costs from the respondents, having failed to obtain a number of reliefs by way of an earlier judicial review application.

**Varis Mednis v District Judge Geoffrey Browne, and The Director of Public Prosecutions (Notice Party)**

Judgment delivered by Peart J on 18/12/2008

Judicial review proceedings in which the applicant sought an order quashing his conviction for drunk driving.

**The Director of Public Prosecutions (at the Suit of Enda O'Dwyer) v Mark O'Sullivan**

Judgment delivered by Hanna J on 18/12/2008

In this consultative case stated from the District Court, the question arose whether it was lawful to deprive a person who was to be charged with any offence of his liberty to facilitate the charge sheet procedure when there was no reason to believe the person would not answer summons and the consequences of a finding on this point.

**Angela Pearce v Westmeath County Council and Shay Boyhan (Notice Party)**

Judgment delivered by Hanna J on 19/12/2008

Judicial review proceedings in which the applicant challenged the decision of the local planning authority under s. 261(7) of the Planning and Development Act 2000.

**J.P. v The Director of Public Prosecutions, Ireland and The Attorney General**

Judgment delivered by Murphy J on 19/12/2008

Plaintiff challenged the constitutionality of section 3 of the Criminal Law (Sexual Offences) Act 1993.

**Z.S. v The Director of Public Prosecutions, Ireland and The Attorney General**

Judgment delivered by Murphy J on 19/12/2008

Plaintiff challenged the constitutionality of section 2 of the Criminal Law Amendment Act on the basis that it does not incorporate a mental element.

**Bula Limited (In Receivership), Bula Holdings, Thomas C. Roche, Thomas J. Roche, Richard Wood and Michael Wymes v Tara Mines Limited and Ors.**

Judgment delivered by Dunne J on 19/12/2008

Plaintiffs sought an order dismissing an application for leave to issue execution of a costs order granted by the two of the defendants (one of whom was the Minister for Energy) against four of the plaintiffs, on the grounds of delay and pursuant to the inherent jurisdiction of the court.

**The Director of Public Prosecutions v District Judge Bridget Reilly, and Moorehouse and Ors.  
(Notice Parties)**

Judgment delivered by Cooke J on 19/12/2008

Judicial review proceedings in which the applicant sought an order quashing defective orders made in respect of the notice parties, or in the alternative, an order of *mandamus* to direct the respondent Judge to hear and determine an application made by the DPP to cure the defects under the “slip rule”.

**Dublin City Council v Martin Gavin and Ors.**

Judgment delivered by Peart J on 19/12/2008

Plaintiff sought to remove a traveller campsite from its lands which were the subject of a contract for sale, completion of which depended upon there being vacant possession.

## COURT OF CRIMINAL APPEAL CASES FROM 2008 INVOLVING THE STATE

### **The Director of Public Prosecutions v Adriano Martins Costa and Jose Claudio Batista**

Judgment delivered by Kearns J on 21/01/2008

Applicants sought leave to appeal murder convictions on the basis of allegedly insufficient evidence.

### **The Director of Public Prosecutions v Michael Joseph Kelly**

Judgment delivered by Kearns J on 01/02/2008

Applicant sought to have his murder conviction quashed on the basis of what were contended to be "newly discovered facts".

### **The Director of Public Prosecutions v Linda Mulhall**

Judgment delivered by Macken J on 08/02/2008

Applicant sought a review of the sentence passed because of the absence of probation and psychological reports at the time of sentencing.

### **The Director of Public Prosecutions v Wayne Dundon**

Judgment delivered by Macken J on 13/02/2008

Applicant sought leave to appeal against conviction for threatening to kill on the grounds of an error in law of the trial judge, the trial judge's misdirection to the jury, the trial judge's failure to distinguish words from gestures and the severity of the sentence imposed.

### **The Director of Public Prosecutions v Martin Stafford**

Judgment delivered by Geoghegan J on 14/02/2008

Applicant sought to have a sentence imposed on the respondent reviewed on the grounds that the sentence was unduly lenient.

### **The Director of Public Prosecutions v P.A.**

Judgment delivered by Finnegan J on 21/02/2008

Applicant sought leave to appeal his conviction on the basis of oppression.

### **The Director of Public Prosecutions v Abdulakim Yusuf**

Judgment delivered by Kearns J on 13/03/2008

Applicant appealed sentences passed under s. 11 of the Criminal Justice Act 1984 to clarify interpretation as to whether that section requires cumulative consecutive sentences to be imposed.

### **The Director of Public Prosecutions v M.J.**

Judgment delivered by Finnegan J on 14/03/2008

Applicant appealed against his conviction on the basis of judicial error.

### **The Director of Public Prosecutions v T.O'R.**

Judgment delivered by Finnegan J on 14/03/2008

Applicant sought leave to appeal against his conviction for rape on grounds that the jury had not heard certain evidence and the judge's charge.

### **The Director of Public Prosecutions v James Kennedy**

Judgment delivered by Kearns J on 14/04/2008

Applicant appealed against the sentence imposed following his conviction for indecent assault on the basis of his age and health.

**The Director of Public Prosecutions v Martin Joyce**

Judgment delivered by Macken J on 21/04/2008

Applicant appealed against his conviction for the offence of keeping prohibited goods contrary to finance legislation on the grounds that the search warrant was invalid and the trial judge erred in law in permitting the prosecution to reopen its case and the trial judge's failure to acquit the applicant.

**The Director of Public Prosecutions v Colm Maguire**

Judgment delivered by Macken J on 07/05/2008

Applicant appealed against his conviction for the offence of being a member of an unlawful organisation on the grounds that there was inadequate evidence before the trial court upon which to convict the applicant of the offence charged.

**The Director of Public Prosecutions v Kim Kavanagh**

Judgment delivered by Finnegan J on 24/07/2008

Applicant sought leave to appeal conviction and sentence for robbery on the grounds that the trial judge erred in law and in fact by permitting particular evidence to be adduced, the trial judge erred in law and in fact by making an adverse and prejudicial comment and that the trial judge erred in law and in fact by refusing to permit a defence witness from being called, yet later allowed information contained in that witness's report to be used on cross-examination.

**The Director of Public Prosecutions v A.D.**

Judgment delivered by Finnegan J on 25/07/2008

The applicant appealed his conviction for rape on the basis that the trial judge erred in law in failing to withdraw the case from the jury at the close of the prosecution case; the jury's decision was perverse and the trial judge failed to rule that one interview and video were admissible.

**The Director of Public Prosecutions v G.K.**

Judgment delivered by Finnegan J on 31/07/2008

Applicant appealed against a life sentence imposed when he was convicted of aggravated sexual assault on the basis of exceptional circumstances of the offender.

**The Director of Public Prosecutions v Gerard Quigley**

Judgment delivered by Macken J on 11/12/2008

Applicant appealed against his sentence following his pleading guilty to attempted possession of cannabis resin on the grounds of how penalty provisions are interpreted in misuse of drugs legislation.

**The Director of Public Prosecutions v Michael Breen**

Judgment delivered by Fennelly J on 16/12/2008

Applicant appealed against his conviction for possession of a firearm in suspicious circumstances on the basis of evidence admitted at trial.

**The Director of Public Prosecutions v Darren Larkin**

Judgment delivered by Kearns J on 19/12/2008

Applicant appealed against the sentence imposed on his conviction for attempted murder and possession of a firearm and ammunition with intent to endanger life.

**The People (The Director of Public Prosecutions) v Cuan de Paor and Anor.**

Judgment delivered by Hardiman J on 19/12/2008

The applicant sought a review of the respondent's sentence on the grounds of undue leniency.

## **SUPREME COURT CASES FROM 2008 INVOLVING THE STATE**

### **In the Matter of Tralee Beef and Lamb Ltd. (In Liquidation) Kavanagh v Delaney & Anor.**

Judgment delivered by Hardiman J on 01/02/2008

This was an appeal from an order of the High Court against a restriction order granted under companies legislation.

### **The Minister for Justice, Equality and Law Reform v Ciaran Francis Tobin**

Judgment delivered by Fennelly J on 25/02/2008

The State appealed against a High Court decision refusing to surrender the respondent to Hungary on foot of a European Arrest Warrant after his conviction for a fatal road traffic accident through negligence.

### **P. O'C. v The Director of Public Prosecutions**

Judgment delivered by Finnegan J on 04/03/2008

The DPP appealed an order of prohibition from further proceeding with the prosecution against respondent.

### **McFarlane v The Director of Public Prosecutions**

Judgments delivered by Geoghegan, Fennelly and Kearns JJ on 05/03/2008

Appellant sought to have determined whether delay in the hearing and determination of proceedings relating to the prosecution of the applicant with offences in 1983 breached his right to trial in due course of law.

### **The Director of Public Prosecutions v Independent Newspapers (Ireland) Ltd. and Ors.**

Judgments delivered by Geoghegan, Fennelly and Hardiman JJ on 05/03/2008

Judicial review proceedings in which the respondent challenged the jurisdiction of the Court and in which the applicant/appellant challenged the High Court decision to refuse to make an order directing the attachment and committal and/or sequestration of the assets of the respondents and each of them for criminal contempt of court in respect of material published in the *Evening Herald* in 2004.

### **The Minister for Justice, Equality and Law Reform v David Johnston**

Judgment delivered by Macken J on 12/03/2008

Respondent appealed a ruling by the High Court ordering his surrender to the United Kingdom on foot of a European Arrest Warrant on the grounds of delay and legitimate expectation that he would not be prosecuted.

### **Algimantas Butenas v The Governor of Cloverhill Prison, and The Minister for Justice, Equality and Law Reform (Notice Party)**

Judgment delivered by Murray CJ on 12/03/2008

Applicant challenged his detention pending his surrender to Lithuania on foot of a European Arrest Warrant.

### **Patrick Brennan and Ors. v The Governor of Portlaoise Prison, and The Director of Public Prosecutions (Notice Party)**

Judgment delivered by Geoghegan J on 12/03/2008

Appellants appealed against a High Court order refusing their release on *habeas corpus* applications.

**John Devoy v District Judge James Scally and The Director of Public Prosecutions**

Judgments delivered by Denham and Kearns JJ on 07/04/2008

This was an appeal by the second appellant from a High Court order prohibiting the trial of the respondent on the basis of prosecutorial delay.

**Martin Maher v The Minister for Social Welfare**

Judgment delivered by Denham J on 09/04/2008

The applicant appealed against refusal of the High Court to grant *certiorari* of a decision of a deciding officer and subsequently, an appeals officer of the respondent, that the applicant was not entitled to disability benefit as the applicant was not incapable of work

**J.F. v The Minister for Health and Children**

Judgments delivered by Denham and Finnegan JJ on 10/04/2008

Appellant challenged an award made under the Hepatitis C Compensation Tribunals Acts 1997 to 2006.

**J.T. v The Director of Public Prosecutions**

Judgment delivered by Denham J on 17/04/2008

Applicant appealed from judgment of the High Court refusing to prohibit his trial in the Circuit Criminal Court on 104 charges of indecent assault.

**P.D. v The Director of Public Prosecutions**

Judgments delivered by Hardiman and Fennelly JJ on 23/04/2008

The DPP appealed against a High Court finding prohibiting continued prosecution for sexual offences on the basis that, although there was no breach of the constitutional right to a trial with due expedition, sufficient grounds of specific prejudice to the likely fairness of the trial had been established (including the unavailability of certain evidence) to warrant making an order prohibiting continued prosecution.

**Mohammed Iqbal v The Minister for Justice, Equality and Law Reform; Maros Sulej v The Attorney General and The Minister for Justice, Equality and Law Reform; Tomas Puta v The Attorney General and The Minister for Justice, Equality and Law Reform**

Judgments delivered by Murray CJ and Fennelly J on 06/05/2008

The three appellants challenged orders for surrender to their respective issuing states on foot of European Arrest Warrants.

**Rattigan v The Director of Public Prosecutions**

Judgments delivered by Murray CJ, Geoghegan and Hardiman JJ on 06/05/2008

Appellant challenged a High Court decision refusing to grant an injunction to prohibit prosecution on the grounds of delay.

**Michael Campbell v Pdraig O'Donnell, Gavin Boyle and The Motor Insurers Bureau of Ireland**

Judgment delivered by Kearns J on 07/05/2008

Appellant challenged a High Court decision where it was held that plaintiff was not entitled to issue proceedings without the authorisation of Personal Injuries Assessment Board on the basis that the claim is not a "civil action" within the meaning of the relevant legislation.

**R.C. and Ors. v The Minister for Health and Children and The Hepatitis C and HIV Compensation Tribunal, and Ors. (Notice Parties)**

Judgments delivered by Finnegan and Kearns JJ on 07/05/2008

Appellants appealed a decision of the High Court on the issue of whether multiple dependents had a right of appeal for individual awards under the relevant legislation.

**D.S. v The Judges of the Cork Circuit Court and The Director of Public Prosecutions**

Judgments delivered by Kearns and Denham JJ on 10/06/2008

Second appellant challenged a High Court decision to prohibit re-trial of the applicant/respondent on the basis of an accused's right to due process.

**Peter Bolger v Patrick O'Toole; Peter Bolger -v- Judge Gerard Haughton, Ireland and The Attorney General**

Judgment delivered by Fennelly J on 17/06/2008

In two sets of proceedings the State appealed against a High Court order that plaintiff/respondent be released by reason of a lapse of time pursuant to the relevant legislation, while the plaintiff/respondent appealed against the dismissal of an application for judicial review of the decision of the District Court directing his delivery to England and Wales.

**Ciaran Savage v The Director of Public Prosecutions**

Judgments delivered by Denham, Hardiman and Fennelly JJ on 03/07/2008

Appellant challenged the High Court decision not to prohibit his trial on the grounds that evidence destroyed pre-trial would result in an unfair trial.

**Louis Blehein v The Minister for Health and Children, Ireland and The Attorney General**

Judgment delivered by Denham J on 10/07/2008

The State appealed against a High Court declaration that a provision under the Mental Treatment Act 1945 was unconstitutional.

**Bupa Ireland Ltd and Bupa Insurance v The Health Insurance Authority, The Minister for Health & Children, Ireland and The Attorney General and Anor. (Notice Party)**

Judgment delivered by Murray CJ on 16/07/2008

Appellant challenged the validity of the risk equalisation scheme brought into effect by the relevant legislation.

**Mark Breslin and Ors. v Seamus McKenna and Ors.**

Judgment delivered by Geoghegan and Hardiman JJ on 16/07/2008

This was an appeal from a judgment of the High Court on the issue of whether the defendants/appellants are permitted by the law of this jurisdiction to comply with orders made by the Northern Ireland High Court and Court of Criminal Appeal requiring production for inspection of books and transcripts of evidence arising out of the trials of the appellants in the Special Criminal Court in this jurisdiction.

**The Attorney General v Simon Murphy**

Judgment delivered by Murray CJ on 21/07/2008

This was an appeal from a judgment of the High Court ordering the appellant's surrender to the United States under Part II of the Extradition Act 1965.

**D.D. v The Director of Public Prosecutions**

Judgment delivered by Finnegan J on 23/07/2008

The appellant appealed to the Supreme Court against a High Court order insofar as prohibition of trial was refused, and the respondent cross-appealed insofar as prohibition was granted in respect of a portion of the counts of indecent assault.

**James Talbot and Margaret Talbot v An Bord Pleanála, Kildare County Council, Ireland and The Attorney General**

Judgments delivered by Fennelly and Kearns JJ on 23/07/2008

This was an appeal against refusal to grant planning permission to build a house in a rural area which did not fall within the Development Plan criteria.

**Patrick Enright v District Judge Terence Finn and The Director of Public Prosecutions**

Judgment delivered by Denham J on 29/07/2008

Applicant sought to prohibit his trial on ten offences on the grounds non-compliance with criminal procedure legislation in respect of exhibits, as well as, *inter alia*, delay and loss of witnesses.

**The Director of Public Prosecutions v Michael McKeivitt**

Judgment delivered by Geoghegan J on 30/07/2008

This was an appeal to the Supreme Court under the Courts of Justice Act 1924 (as amended) from a decision of the Court of Criminal Appeal refusing leave to the appellant to appeal from a decision of the Special Criminal Court convicting him of the offence of directing the activities of the 'Real IRA'.

**The Minister for Justice, Equality and Law Reform v Saulius Ferencas**

Judgments delivered by Murray CJ, Geoghegan and Macken JJ on 31/07/2008

This was an appeal from a decision of the High Court ordering the surrender of the appellant to the Lithuanian authorities pursuant to a European arrest warrant.

**The Minister for Justice Equality and Law Reform v Ivans Desjatnikovs**

Judgment delivered by Denham J on 31/07/2008

This was an appeal from a judgment of the High Court ordering the surrender of the appellant to the Latvian authorities to face prosecution for an offence involving misappropriation.

**Denis Ludlow v The Director of Public Prosecutions**

Judgments delivered by Hardiman and Denham JJ on 31/07/2008

This was an appeal by the respondent against a High Court order prohibiting the trial on a charge of dangerous driving causing death.

**Mary O'Leary and Ors. v An Bord Pleanála, Ireland and The Attorney General**

Judgment delivered by Murray CJ on 31/07/2008

This was an appeal by the applicants in two separate proceedings against an order of the High Court refusing their application for the adjournment of each set of proceedings pending the outcome of potential proceedings being brought by the EU Commission in the ECJ against Ireland for an alleged failure to correctly transpose an EC Directive.

**The Director of Public Prosecutions (at the suit of Garda Martha Cleary) v Frank McDonagh**

Judgments delivered by Finnegan and Denham JJ on 16/10/2008

This was a consultative case stated from the Circuit Court in respect of intoxilyser tests administered under road traffic legislation.

**Stephen Cormack and Keith Farrell v The Director of Public Prosecutions and Judges of the Metropolitan District Court**

Judgment delivered by Kearns J on 02/12/2008

These were appeals in two cases which involvdd similar issues concerning the effects of delay on the summary prosecution of criminal offences in circumstances where there has been a failure to execute bench warrants expeditiously.

**Liam Toohey v The Director of Public Prosecutions and The Judges of the Circuit Court**

Judgment delivered by Finnegan J on 03/12/2008

Appellants/respondents challenged the result of judicial review proceedings in which the High Court ordered that appellants be restrained from further prosecuting the applicant/respondent on charges arising from a serious road traffic accident.

**Garrett O'Brien v The Director of Public Prosecutions**

Judgment delivered by Denham J on 16/12/2008

This was an appeal by the DPP from a judgment and order of the High Court restraining the them from prosecuting the applicant on a charge of dangerous driving causing serious bodily harm to another person and four other offences arising out of the same incident.

**Louise O'Keeffe v Leo Hickey, The Minister for Education and Science, Ireland and The Attorney General**

Judgments delivered by Fennelly, Hardiman and Geoghegan JJ on 19/12/2008

This appeal involved the question of whether the State is vicariously liable for the sexual abuse of a child by a school principal who was employed and working in a national school under the management of the local Catholic priest.

**The Minister for Justice, Equality and Law Reform v Piotr Sliczynski**

Judgments delivered by Supreme Court Murray CJ and Macken J on 19/12/2008

Applicant challenged his surrender to Poland on foot of a European Arrest Warrant.

**David McConnell and Thomas (Nikki) McConnell (a Minor) v Dublin City Council, District Judge Fitzpatrick (Judge of the Dublin Metropolitan District Court), Ireland and The Attorney General**

Judgment delivered by Murray CJ on 15/12/2008

This is an appeal from a decision of the High Court refusing relief to the applicants in judicial review proceedings in respect of a Notice to Quit in respect of a dwelling owned by the Local Authority.

## **JUDGMENTS OF THE ECJ AND CFI INVOLVING IRELAND IN 2008**

Case C-211/07: Judgment of the Court (Sixth Chamber) of 21 February 2008 – Commission v Ireland (Failure of a Member State to fulfil obligations – Incorrect transposition – Directive 84/5/EEC – Article 1(4) – Compulsory insurance for civil liability in respect of motor vehicles – Conditions for the exclusion from compensation of passengers in an uninsured vehicle)

Case C-215/06: Judgment of the Court (Second Chamber) of 3 July 2008 – Commission of the European Communities v Ireland (Failure of a Member State to fulfil obligations – No assessment of the environmental effects of projects within the scope of Directive 85/337/EEC – Regularisation after the event)

Case C-316/06: Judgment of the Court (Fifth Chamber) of 11 September 2008 – Commission v Ireland (Failure of a Member State to fulfil obligations – Environment – Directive 91/271/EEC – Pollution and nuisance – Treatment of urban waste water)

Case C-66/06: Judgment of the Court (Second Chamber) of 20 November 2008 – Commission of the European Communities (Failure of a Member State to fulfil obligations – Directive 85/337/EEC – Assessment of the effects of projects on the environment – Consent given without an assessment)

## **EUROPEAN COURT OF HUMAN RIGHTS**

- There were no hearings involving Ireland as a Respondent in 2008.
- There were no judgments against Ireland as a Respondent in 2008.
- There was one decision involving Ireland in 2008 - *Boyce v Ireland* (application no. 23663/06). This was struck out of the list 6 May 2008.
- Ireland filed third party written observations in the case of *TV Vest v. Norway* (application no. 21132/2005). The Chamber hearing in this case took place on 26 June 2008. Ireland did not participate in the oral hearing

## **JUDGMENTS OF THE ECJ AND CFI INVOLVING IRELAND IN 2008**

### **European Court of Human Rights (Information supplied by DFA)**

- There were no hearings involving Ireland as a Respondent in 2008.
- There were no judgments against Ireland as Respondent in 2008.