

# **Office of the Attorney General**

## **Annual Report 2010**

**Incorporating the**

- **Third Progress Report on Implementation of Statement of Strategy 2008 – 2010, and**
- **Second Progress Report on Implementation of Merrion Street Office’s Client Service Guide 2008–2010 and Chief State Solicitor’s Office Customer Action Plan 2008–2010**

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## **Foreword by the Attorney General**

**Máire R Whelan, SC**  
**Attorney General**

## **Introduction by the Director General**

**Liam O'Daly**  
**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
- to assist and advise the Attorney General in carrying out his functions as described in Section 6 of the Ministers and Secretaries Act 1924, including those functions pertaining to the public interest.

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 (subject areas). In addition, the Deputy Director General and the Head of EU and ECHR law also have responsibility for specific subject areas. The Advisory side comprises 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.

## **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 including an increased involvement with the ECJ, more ECHR related actions, 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, Corporate Services, Clerical Support, Private Office Support, Change Management, Information Technology, Internal Audit, Registry and Records 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 of common interest.

### **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 as economically and efficiently as possible*”.

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

- To provide high quality specialist legal advice and support to the Attorney General in carrying out the duties of his office and to client Departments and Offices 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, Departments and Offices in litigation and to provide high quality specialist legal advice 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 2010**

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

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

##### **The work of Advisory Counsel in 2010**

During 2010 Advisory Counsel advised Departments and Offices as requested across the full range of specialisms identified below. Each group is comprised of a Group Manager and Advisory Counsel and clerical support staff.

**Group A** had responsibility in the areas of *Criminal Law, the Garda Síochána, Prisons, Attorney General's Criminal Law functions, Legal Aid, Law Reform Commission, Statute Law Reform Bills, Criminal assets, Interception of telecom and postal packages including Mutual Legal Assistance aspects, International Co-operation in Criminal Matters, EU Criminal Justice Measures – Title V, Road Traffic Acts, Licensing, Good Friday Agreement, Electoral Law, Health and Safety (prosecutions) and Censorship.*

**Group B** had responsibility in the areas of *Private International Law, Casual and Occasional Trading, Statistics, Statutory Instruments, Personal Injury, Tobacco, Health, Blood, Childhood Abuse, Abortion, Adoption, Assisted Human Reproduction, Education, Family Law, Civil Legal Aid, Solicitors/Barristers, Prosecution of Offences Act 1974, Health and Safety (Authority), Environmental Law, Agriculture and Aquaculture, Foreshore, Fisheries, Nuclear and Planning Acts.*

**Group C** had responsibility in the areas of *Asylum, Immigration and Citizenship.*

**Group D** had responsibility in the areas of *International trade law, Telecommunications, National Infrastructure/NDP/PPPs., Revenue Law, Appropriation and Public Expenditure, Financial Services, Insurance, Company Law, Bankruptcy/Insolvency/Liquidation, Mergers and Monopolies, Gaeltacht, Defence, Metrology, Mining and Quarrying, Petroleum, Seabed Exploration Continental Shelf,*

*eCommerce, Semi-State bodies, Other State Authorities, State Property Act, Property, Relator Actions, Probate, Succession, Charities and Escheated Estates, Land Registration, Landlord and Tenant, Civil Justice, Coroners, Irish Language, Cultural, State aids and grants and Competition Law.*

**Group E** had responsibility in the areas of *Intellectual Property, Industrial Designs, Trade Marks, Public International Law, Official Secrets Act, Data Protection Act, Freedom of Information, Government Contracts and public procurement, Arbitration, Social Welfare Law, Public Service, Oireachtas, Ministers and Secretaries, Pay, allowances and pension of Ministers, Ethics, Labour Law, Tourism, Consumer Protection, Electricity, Gas, Postal Law, Road Haulage, Buses and Taxis, Rail Transport, Air Transport, Law of Sea, Shipping Law, Harbours, Irish Coast Guard Service, Commissioners of Irish Lights and Marinas.*

**European Union/European Court of Human Rights/Northern Ireland:** *The former Director General has responsibility in the areas of EU Institutional issues, EU Horizontal issues, Working Groups, COREPER and Council of Ministers, Council of Europe, Human Rights horizontal issues and Northern Ireland.*

Of particular note are the following work developments in 2010 in which Advisory Counsel assisted in the provision of advice and directions.

### **Legislation**

Advisory Counsel advised in relation to primary and secondary legislation drafted in the Office of the Parliamentary Counsel in 2010.

### **International Law**

The Office advised on many international Conventions, Protocols and Agreements, cases and legislative developments in international law in 2010. 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.

## **Tenders**

The Office provided significant input into several key matters in relation to public procurement and eTendering in 2010.

## **Education Issues**

Special needs litigation required a closely co-ordinated approach during 2010.

## **Nursing Home Litigation**

Nursing home litigation and the Health Repayment Scheme issues continued to be demanding areas that required significant attention in 2010.

## **Environmental Issues**

Environmental issues and in particular infringement actions against the State and domestic litigation continued to be a demanding area that required significant attention during the year.

## **Tribunals and Inquiries**

During 2010, 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**.

## **Health Insurance**

During 2010 the Office provided a considerable amount of advice to the requesting Department specifically in relation to the risk equalisation scheme (RES) and also issues arising from the European Commission.

## **Social Partnership**

During 2010 the Office continued to provide legal advice and support in relation to employment law measures including a range of proposals for legislation including the Employment Compliance Bill, the Industrial Relations Amendment Bill and Employment Agency Regulation Bill,

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

During 2010 the Office continued to advise on these two categories of litigation.

## **Justice and Criminal Law**

At EU level the Office has advised on a considerable number of proposed measures under Title VI of the 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 2010 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 2010, 161 subjects or European Arrest Warrants (EAW) were surrendered by the State under the European Arrest Warrant Act 2003. No subjects were extradited under the Extradition Acts.

## **The Law Reform Commission**

The Office continued to support the Law Reform Commission in its work during 2010.

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

### **2010**

One 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.

## **Banking Crisis, Euro Sovereign Debt Crisis, Fiscal Governance and Programmes of Financial Support to the State**

In view of the extraordinary situation and on-going financial crisis particular attention is being given to the banking crisis and related matters. A more extensive than usual description of what was involved is warranted by reason of the impact that it had on the Office generally during 2010.

During 2010 the Office was centrally involved in advising Government and the Department of Finance in relation to matters arising out of the banking and Euro sovereign debt crisis. The effort involved in advising on the development of policy, drafting of legislation, compliance with EU law, the interpretation of and giving effect to legislation, reviewing loan documentation, making court applications and

defending litigation was unprecedented in the history of the State. This was at a time of unique crisis when the financial stability and equilibrium of the State was under threat.

In 2010 approximately 85 new files were opened in respect of legal issues arising from the banking crisis and 14 new files in respect of the sovereign debt crisis dealing with fiscal responsibility, EU-led initiatives in respect of fiscal governance in the Euro area, the Stability Mechanisms and at the end of the year, the EU/IMF and the UK agreements to Ireland. In addition, files in these areas opened in previous years continued to generate significant volumes of work.

The work was particularly demanding legally by virtue of its importance, volume, complexity, continuously changing factual matrix and the constant level of urgency which has been measurable over such a period of years (since early 2008). These factors required Advisory Counsel and Parliamentary Counsel to adopt a flexible approach and become involved in the very early developmental stage of legislative proposals; working in very close co-operation with other members of a multi-stakeholder team involving some or all of the following: the Department of Finance, NTMA, Central Bank, NAMA, CSSO, external consultants, in-house and commercial lawyers retained by those bodies and counsel. In addition, the Office had an intensive involvement with the legal teams sent by the “Troika” (EU, IMF, ECB) in relation to the negotiation of the terms and conditions of the EU/IMF loan and by the UK in relation to its loan.<sup>1</sup> Teams of Advisory and Parliamentary Counsel worked for long hours, often seven days a week to ensure speedy delivery of service, a high quality of advice and urgent production of legislation in response to the ongoing crisis.

The Office put in place a system of allocation of resources for the urgent legal issues arising. Whereas, normally, Office resources would normally only allow for one Advisory and one Parliamentary Counsel on an issue, several were assigned to these projects to ensure speed, quality and the necessary 24/7 cover.

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<sup>1</sup> The work on the loans by Sweden and Denmark was mainly done in 2011.

The communication methods adopted and the management of enormous volumes of information increased accessibility and responsiveness to stakeholders and addressed the particular challenges of these projects such as the large number of stakeholders, the unprecedented volume of transactions and the need for extremely fast “turn around”.

The complex and time-consuming tasks of filing and organising files both manually and electronically which followed this level of effort is indicative of the volume and speed of the work involved.

The following selection of issues gives a flavour of the nature of the work and the challenges posed:-

- *Dellway Investments Limited and Others-v-NAMA* (High Court 1/11/’10) was a multi-faceted challenge. Litigation was active from June 2010 to July 2011 and for stretches of time during that period, outside the periods when the case was at hearing, required the full-time attention of one Advisory Counsel and one solicitor in the Chief State Solicitor’s Office. Both the High and Supreme Courts found that the legislation was constitutional and not in breach of EU State aid rules but the cost in time and attention of officials was unusually heavy. The Attorney General himself appeared in court in the case which required the full support of his Office.
- The Credit Institutions Stabilisation Act 2010 put in place a series of far-reaching and unique powers affecting the restructuring of banks, shareholders and bondholders in the context of *inter-alia* the National Recovery Plan, the EU/IMF funding programme of financial support for Ireland and the requirement to stabilise, preserve and restore the financial position of certain credit institutions. Completing the work on such a complex and ground-breaking Bill in the short timeframe of a month was an outstanding achievement. The President sought a consultation with the Council of State on the enacted Bill in December 2010, but decided not refer it to the Supreme Court under Article 26 of the Constitution.

- The first court application was made under the Credit Institutions (Stabilisation) Act 2010 immediately after its enactment on 21 December 2010. This application was to seek a Direction Order to recapitalise AIB to a required minimum standard by 31 December 2010. Owing to the novelty of the legislation and the lack of precedent, a large investment of care and effort was required in an extremely short timeframe.
- Issues relating to pensions, terms and conditions and other governance issues in the guaranteed banks.
- Issues pertaining to the interaction of the Government's bank guarantee with the restructuring steps to be taken with the guaranteed credit institutions and the burden sharing exercises undertaken with bondholders.
- Advice on various enquiries into aspects of the banking crisis and regarding the Department of Finance's engagement with the Nyberg Commission of Investigation and the PAC Committee into the banking sector including the disclosure of information.
- Issues regarding bank restructuring plans; the State's funding of the banking sector; contingency planning; related secondary legislation; disclosure issues; correspondence from persons affected by the NAMA Act, State Aid, extraterritorial issues on the operations of the guaranteed banks; relations with bondholders, the Anglo Irish Bank Corporation Act 2009, the NAMA Amendment Bill 2010 and initial advice on a Credit Institutions Special Resolution Bill.
- Central Bank Reform Act 2010 setting up a unitary Central Bank Commission and enhancing its powers over financial service providers.
- Advice on the Financial Responsibility Bill based *inter alia* on the EU/IMF requirement for a budget advisory council and the Government's desire to

have improved fiscal governance rules.

- The Euro sovereign debt crisis projects affecting the State including the Greek aid package, the European Financial Stabilisation Mechanism and the European Financial Stability Facility. Regarding the EU/IMF rescue package for Ireland, the Office advised on legal questions pertaining to the terms and conditions of the EU/IMF loan agreement, the MOU on specific economic policy conditionality and the UK loan agreement. Legislation drafted and advised on by the Office in this context included the Euro Area Loan Facility Act 2010 and the European Financial Stability Act 2010.
- Advice in relation to the package of six proposed economic governance measures issued by the EU Commission on reinforcing economic policy co-ordination at EU level (also known as the Van Rompuy package).

In addition to the above, Revenue law is raising cutting edge issues of the highest importance as Government is faced with reducing severe fiscal deficits over the coming years and implementing innovative fiscal solutions. The Office provided advice on difficult and sensitive issues being considered for the Finance Bill.

It can be seen from the above that the Office has had and continues to have a crucial role in providing legal advice to Government arising from the severe crisis in banking and Euro sovereign debt and in relation to public finance and Revenue matters. These four areas are of fundamental importance to the State's strategy to respond to the banking and sovereign crisis in a way that best ensures the economic survival of the State. It is noteworthy that a dedicated team in the Office has managed to deal with an explosion in the volume of work under the most severe timescales dealing with huge projects such as banking crisis, Euro sovereign debt, NAMA and public finances.

The above work was facilitated by the flexibility of the Office and by the exceptional commitment and competence of the Advisory and Parliamentary Counsel involved in this work as well as legal researchers, support staff and others. Excellent relations

and co-operation with other stakeholders, including CSSO and outside lawyers, was essential to the successful delivery of the Office's service in this area.

### **The work of Parliamentary Counsel in 2010**

The Office of the Parliamentary Counsel to the Government (OPC) drafted a significant number of Bills and Statutory Instruments during 2010. **Annex A** lists the 39 Government Bills that were published during 2010 and **Annex B** lists the 40 Bills that were enacted in the course of the year.

## **The work of the Chief State Solicitor's Office in 2010**

The following is a summary of the work dealt with in the Legal Divisions of the Chief State Solicitor's Office during 2010.

### **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 2010 the Section received 203 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, agricultural, insurance, international, environmental, planning, electoral, public health, intellectual property, housing, social welfare, administrative, European Convention on Human Rights 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 2010 the Section received 394 judicial reviews, 81 habeas corpus applications, 4 adoption cases, 3 cases stated, 1 letter of request from a foreign tribunal and 257 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 2010, 895 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 involved in the preparation of Ministerial Prosecutions in the District Court on behalf of the Minister for Social Protection and the Minister for Agriculture, Fisheries and Food. The Section also handles cases on behalf of the Minister for Social Protection for the recovery of monies fraudulently obtained or overpaid in error. 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 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. The Section handles some work for 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. The Section, in addition, handles heritage transactions and State Property Act waivers.

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

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

During 2010 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 Fishery Harbour Centre leasing, Conveyancing

of Forestry lands, legal charging under the Sports Capital Programme and Access Programme and disposal of Department of Defence properties.

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

In 2010 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 substantial 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.

### **Justice and Common Law Division**

This Division comprises three Sections, the Justice and Crime Section, the Garda Litigation Section and the General Litigation 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 2010 the Section received 365 new European Arrest Warrant applications, 13 new Extradition cases from outside the European Union, including 2 from the United States of America, 92 new Mutual Assistance applications, 5 Dublin Inquests, 14 Transfer of Sentenced Persons applications, 110 Intoxicating Liquor Licence

applications, 14 Police Property Applications, 2 Court Martial Appeals and a range of Ministerial prosecutions including finalisation of 152 Social and Family Affairs prosecutions.

Also during 2010, 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 2010, 9 out of Dublin Inquests were managed as well by the Head of Section.

### **Garda Litigation Section**

This Section deals with civil actions against the Garda Síochána. The cases include claims for damages for assault, wrongful arrest, false imprisonment, malicious prosecution, miscarriage of justice, deceit and defamation. 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 acted for the Garda Authorities before the Dublin Archdiocese Commission of Investigation and the Cloyne Diocese Commission of Investigation. There were 144 general Garda cases and 144 Garda Compensation cases received in the Section in 2010.

### **General Litigation 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.

The Section also deals with categories of claims not delegated to the State Claims Agency, including, inter alia, defamation, claims for damages for injury suffered by members 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 155 new cases in the Section in 2010.

### **Advisory Division**

The Advisory Division consists of three Sections - the General Advisory Section, the State and European Litigation Section and the Commercial Contracts Section. A total of 802 files were opened in the Division in 2010.

### **General Advisory Section**

This Section has responsibility for general advisory matters which include instituting Plaintiff litigation on behalf of the State, third-party discovery, 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 dealing with work before Tribunals of Inquiry and costs issues arising therefrom.

### **State and European Litigation Section**

This Section deals with cases before the Court of Justice of the European Union and the General Court. It handles legal proceedings before the ECJ instituted by the European Commission in direct actions, as well as cases in which Ireland intervenes in proceedings involving another member State, including its Institutions. 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 and the High Court and Supreme Court on appeals. Further, the Section provides legal advices on Civil Service employment issues as well as handling company restoration applications, and applications under section 371 of the Companies Amendment Acts together with other applications under Company Law.

## **Commercial Contracts Section**

This Section provides advice on commercial contracts to Government Departments and Offices including dealing with public procurement issues and 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 4 occasions during the year 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 during 2010 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**

At the end of 2010 the authorised staff complement in the Merrion Street Office was 126. The authorised staff complement in the Chief State Solicitor's Office at the end of 2010 was 226.

### **Quality Customer Service**

Progress on the implementation of commitments set out in the Merrion Street Office's *Client Service Guide 2008 – 2010* and *Client and Customer Charters* and the Chief State Solicitor's Office's *Customer Action Plan 2008 – 2010* and *Client and Customer Charters* is outlined in Chapters 4 to 7 of this Report.

### **Information Technology**

During 2010 the Office continued to refine and enhance its IT Systems to ensure that they remained aligned with the business demands of the Office. The IT Unit also continued to play a very significant role in the ongoing management and enhancement of the electronic Irish Statute Book (eISB). Progress achieved is outlined in Chapter 7 of this Report.

## **Knowledge Management**

During 2010 the Office continued to promote a culture of knowledge sharing within the Offices. The AGO and CSSO's Knowledge Management Strategy 2010-2013 was presented to and agreed by the Offices' Main Management Advisory Committee (Main MAC) during 2010. The new Knowledge Management Strategy builds on the achievements of the previous Strategy and makes specific recommendations in relation to KM and in relation to a know-how application. Work on implementing the recommendation in regard to a new know-how application commenced in late 2010 with the publication of a Request for Tender (RFT). Implementation of the Office's new Knowledge Management Strategy 2010 – 2013 commenced in late 2010. Progress achieved in this regard is outlined in Chapter 7 of this Report.

## **Development of Legal Services**

During 2010, 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 2010.

## **Public Service Agreement 2010 – 2014 (Croke Park Agreement)**

In October 2010 the Office of the Attorney General, Merrion St, in conjunction with the Office of the Chief State Solicitor and the Law Reform Commission, published an Action Plan to implement commitments under the Public Service (Croke Park) Agreement 2010 – 2014. The Plan includes many changes, developments and initiatives which have already been implemented, many currently in progress and several for the future. The objective of the changes is to enhance efficiency, customer service and reduce costs.

### **Statement of Strategy 2011 – 2013**

In August 2010 the Office's Statement of Strategy Editorial Board, representative of the Merrion Street Office and the Chief State Solicitor's Office commenced the process of developing a new Statement of Strategy 2011 – 2013. Progress achieved in this regard is outlined in Chapter 7 of this Report.

### **Official Languages Act 2003 – New Scheme**

In May 2010 the Office commenced the process of reviewing the current Scheme and preparing a draft new Scheme for the Merrion Street Office and the Chief State Solicitor's Office in accordance with section 15 of the Official Languages Act 2003. Progress achieved in this regard is outlined in Chapter 7 of this Report.

### **Appearance before Public Accounts Committee**

The Accounting Officers of the Merrion Street Office and the Chief State Solicitor's Office appeared before the Public Accounts Committee on 25 March 2010 to assist the Committee in examining the Appropriation Accounts for 2008.

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

During 2010 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 (ACME) Business Users Group, the ACME/Financial Management System Integration Project and the Knowledge Management Strategy Project.

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

During 2010 the Office continued to implement proposals to increase organisational flexibility in line with commitments set out under the Public Service Agreement 2010 – 2014 (Croke Park Agreement). In the Merrion Street Office there was significant mobility of staff, within the Advisory Counsel Groups, the Parliamentary Counsel Groups and Administration Business Units in order to respond to urgent work demands and staff shortages.

During 2010 specific examples of flexibility demonstrated by the Office included the following:

- Legal and administrative staff were involved in various IT projects.
- Staff provided representation on and involvement in the work of project governance and business users' committees.
- Throughout the year the majority of the staff in the Office worked additional hours in order to meet the demands for urgent and complex advice and drafting work.
- There was ongoing re-organisation of the roles and responsibilities of administration staff in response to a reduction in administrative staffing numbers during the year.

### **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.

During 2010 some of the more specific examples of flexibility demonstrated by the Office included the following:

- 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 maintained to deal with inquests outside Dublin;
- The Office continued to operate an internal staff mobility policy;
- Legal staff dealt with an increased number of cases at provincial venues as a result of the transfer of the local State Solicitor service to the Director of Public Prosecutions;
- Representation was provided to a number of clients before the Cloyne Diocese Commission of Investigation;

- Legal staff from the Asylum Section were available during the long vacation in September 2010 to attend at special sittings of the High Court dealing with Asylum cases;
- A dedicated team of legal and support staff was put together to defend NAMA and the State in a constitutional challenge brought against NAMA procedures in the High Court and the Supreme Court which was probably the most complex commercial/governmental litigation ever undertaken by the State .

### **Shared Services and close co-operation with Departments**

The Office recognises the benefits that accrue from the adoption of a shared service approach to certain activities undertaken in the Office.

Specific examples during 2010 include:

- Continuation of project to second Advisory Counsel and solicitors to participating Departments
- Maintaining close liaison with the State Claims Agency in regard to the management of childhood abuse litigation
- Continued close cooperation in context of the banking crisis with the private lawyers employed in the Department of Finance and the in-house lawyers in NAMA and the Advisory Counsel seconded to the banking division of the Department of Finance
- Co-operation and regular review meetings between legal staff in the Office and Departmental officials in devising appropriate legal strategies to ensure the ongoing effective management of domestic and European Court of Justice (ECJ) litigation
- Monthly meetings of separate local MAC in the Merrion Street Office and Chief State Solicitor's Office, quarterly meetings of the joint Merrion St

Office Office/Chief State Solicitor's Office MAC to discuss organisational developments

- Legal MAC representative of the Attorney General's Office and the Chief State Solicitor's Office and attended by the Attorney met 3 times in 2010 to discuss specific legal issues
- Co-operation and regular review meetings between legal staff in the Office and officials in client Departments so as to ensure that requests for advice, the drafting of Bills and managing mass litigation are effectively managed on an ongoing basis
- Co-operation and regular review meetings between legal staff in the Office and relevant Departmental officials so as to ensure that mass litigation is effectively managed on an ongoing basis
- Co-operation between the Office of the Parliamentary Counsel and the Government Legislation Committee

The Office also operates a shared service approach internally through a single Case and Records Management System and Financial Management System for the Merrion St Office and the Chief State Solicitor's Office, supported by a shared IT service between both Offices. The Offices also operate a single shared Internal Audit Unit and Change Management Unit. Other examples are set out below in the context of the delivery of legal services.

### **People and Leadership**

The Office recognises the importance of achieving flexibility in the mobility and redeployment of staff within and outside of the Office. During 2010, in an internal context Advisory Counsel and Parliamentary Counsel in the Merrion Street Office were regularly redeployed within specialist Groups and legal staff in the CSSO within specialist Sections. Also, in an external context the continuation of the project to second Advisory Counsel to participating Departments represents a strategic approach to the provision of specialist legal expertise to those Departments, supported by the resources and expertise of the Office. All Advisory Counsel recruited since 2005 are recruited on the basis that they may be seconded to Departments.

### **Strengthening Governance and Implementation Strategy**

During 2010 the Office provided specialist legal service to all Departments and Offices and to Government. This Civil Service wide role, allowed it to engage closely and integrate with the whole of Government. During the year the Office dealt with many cross-cutting issues and demonstrated a good understanding of departmental needs and priorities.

### **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 2010 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 2010 in relation to other significant developments such as Internal Audit, 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 legal advice and support to the Attorney General in carrying out his duties of the office and to client Departments and Offices 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.

Strategies	Performance Indicators
<p><b>1. Deliver the Office’s key commitments in its Client Service Guide 2008 – 2010 and Client and Customer Charter for Advisory Counsel and Administration.</b></p>	<p>Comply 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:</p> <ul style="list-style-type: none"> <li>• Effectiveness in communicating proactively with clients;</li> <li>• Responsiveness and timeliness in service delivery performance;</li> <li>• Accuracy, quality and consistency of work outputs/advice provided;</li> <li>• General service delivery and professionalism of Advisory Counsel;</li> <li>• Client contributions to service delivery;</li> <li>• Improvements achieved over intervening periods.</li> </ul>
<p><b>2. Maintain close co-operation with the OPC, the CSSO and Departmental legal advisers in the handling of legal work.</b></p>	<ul style="list-style-type: none"> <li>• Procedures and practices set out in the Report of the Group on the Quality Control of Legislation monitored and reviewed;</li> <li>• Demonstrate co-ordination with legal advisers in Government Departments and other State Offices with regular review meetings with those legal units;</li> <li>• Fully operate the Case and Records Management System in handling all legal work.</li> </ul>
<p><b>3. Continued development of knowledge management to ensure ‘best practice’.</b></p>	<ul style="list-style-type: none"> <li>• Contribute to Know-how database to ensure legal advices and other legal materials are accessible to staff;</li> <li>• Share knowledge through widespread participation by Advisory Counsel in legal information meetings and other fora.</li> <li>• Contribute to production of Knowledge Management Strategy to succeed and develop existing one;</li> </ul>

Strategies	Performance Indicators
<p><b>4. Implement the risk management policies of the Office.</b></p>	<ul style="list-style-type: none"> <li>• Designate appropriate officials in respect of specific risks on which they report to MAC</li> <li>• Provide information to Director General, and Attorney General and Management Advisory Committee on areas of significant risk, including weekly reports to Director General of work of Groups by Group Manager;</li> <li>• Regular formal review of Group and Corporate Risk Registers;</li> <li>• Review system for monitoring of sensitive legal files;</li> <li>• Report three times yearly to Government on sensitive litigation;</li> <li>• Agree and monitor adherence to Office policies, protocols and workflows.</li> </ul>
<p><b>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.</b></p>	<ul style="list-style-type: none"> <li>• Produce Annual Output Statement for the Advisory Counsel Programme;</li> <li>• Plan and allocate resources having regard to trends in workloads and their complexity and volume;</li> </ul>
<p><b>6. Plan for the future in advisory legal services.</b></p>	<ul style="list-style-type: none"> <li>• Annually review legal services provided and other activities to ascertain what changes, if any, should be made in method of delivery or organisational management;</li> <li>• Monitor and respond to emerging legal issues.</li> <li>• With CSSO, review panels of counsel annually.</li> </ul>

**Objective 2**

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

Strategies	Performance Indicators
<b>1. Develop and implement strategic training programme in legal and management issues.</b>	<ul style="list-style-type: none"> <li>• Develop and implement programme for further/ongoing strategic training and development for Advisory Counsel;</li> <li>• Provide support and training to trainee and seconded Advisory Counsel managed by a designated Advisory Counsel Training Manager.</li> <li>• Review induction and training programs.</li> <li>• Report to Management Advisory Committee every 6 months on training and development.</li> </ul>
<b>2. Ensure correct application of PMDS for legal staff.</b>	<ul style="list-style-type: none"> <li>• Implement the integrated PMDS and HR training and development;</li> <li>• Annual review for members of each specialist Group of progress toward meeting targets in PMDS, education, training and development.</li> </ul>

**Objective 3**

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

Strategies	Performance Indicators
<b>1. Contribute to effective public service by assisting in the co-ordination of the legal services of the State.</b>	<ul style="list-style-type: none"> <li>• Demonstrate co-ordination with legal advisers in client Departments and Offices through regular review meetings with them;</li> <li>• Operate the programme of secondment of Advisory Counsel to Departments and Offices with annual reviews of its operation;</li> <li>• Review and enhance the system to facilitate and co-ordinate the approach to domestic and ECJ litigation;</li> <li>• Participate in the work of the AGO/Law Reform Commission Consultative Committee.</li> </ul>
<b>2. Provide legal services to Government in the implementation of litigation and compensation scheme policies and in the handling of cross-Departmental issues.</b>	<ul style="list-style-type: none"> <li>• Participate in interdepartmental working groups and in the Committees and Commissions listed in Appendix 4;</li> <li>• Ensure appropriate communication with Government Departments in relation to European Court, of Justice litigation;</li> <li>• Liaise with State Claim Agency, Office of Director of Public Prosecutions, Revenue Solicitors Office and agent to European Court of Human Rights (Department of Foreign Affairs) in relation to litigation as appropriate.</li> </ul>

## **Progress achieved**

During 2010 the primary 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 important 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. In June 2010 the Office completed 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 as well as areas of law that are expanding. The process also involved anticipating client needs and reviewing the client feedback received in all areas of law and reviewing and identifying all activities/services that should be managed by other competent authorities.

In 2010 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. An example is the bi-monthly extradition/European Arrest Warrant meetings with client Departments, the Garda Síochána and the CSSO which were held during the year. These meetings 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 held regular meetings 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.

In 2010 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.

Advisory Counsel continued to support the Law Reform Commission during 2010, particularly in the context of its programme of work included in the Commission's Third Programme for Law Reform.

### **Knowledge Management**

During 2010 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 Bulletins. Advisory Counsel participated in the Knowledge Management Committee and the Know-how Sub-Committee in the context of the development and finalisation of a new Knowledge Management Strategy 2010 - 2013.

### **Risk Management**

During 2010 Advisory Counsel contributed to the further embedding of formal risk management policies within the Office. These policies included:

- Regular reporting throughout the year by Advisory Counsel to the Attorney General and Legal MAC, 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;

- Participation by Advisory Counsel 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 2010;
- Regular reports by the Deputy Director General 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.
- Reviews by Heads of Advisory Groups of the Advisory Counsel risk register and completion of an assurance statement in this regard in line with the risk management policy.

### **Financial Management**

In 2010 nominated Advisory Counsel participated in the project to develop an interface between the Case and Records Management System (ACME) and the Financial Management System FMS. This development, when fully implemented will assist in the identification of commitments, financial and non-financial and costing management information reporting requirements. Also, 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 2010 Advisory Counsel participated in the process of further embedding PMDS including Upward Feedback and the use of PMDS ratings for promotion and salary increment purposes. At the beginning of the year individual Role Profile Forms were agreed with managers, Interim Reviews were carried out mid-year and all annual reviews were completed after the end of the year. PMDS training was provided to new Advisory Counsel within 2 months of arrival in the Office.

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

Throughout 2010 Advisory Counsel continued to foster constructive and close working relationships with legal advisers in Government Departments. The Office

continues to recognise the importance of these links given the increasing number of complex inter-Departmental legal issues which arise on an ongoing basis. Links with Departmental legal advisers also play a crucial role in the preparation of legislation. Advisory Counsel and Departmental Legal Advisers co-operated during 2010 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 2010 the Office contributed significantly to effective public service by assisting in the co-ordination of the legal services of the State. The Office continued to provide ongoing advice and support to those Advisory Counsel seconded to participating Departments in the context of the Office's initiative to recruit, train and second Advisory Counsel to participating Government Departments. The secondment programme provides direct legal advice and guidance to participating client Departments and by end-2010 was successfully in place in 11 Departments.

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

During 2010 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 2010 the Office continued to implement the key strategy to manage litigation, particularly mass claims, in a strategic manner. The Merrion Street Office continued to direct the overall legal strategy 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 2010.

### **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 2010 the Advisory side maintained close collaboration 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.

Strategies	Performance Indicators
<p><b>1. Co-operate with the Government Legislation Committee in monitoring and supervising the implementation of the Government Legislation Programme.</b></p>	<ul style="list-style-type: none"> <li>• Prepare weekly reports for the GLC on the Bills that are being drafted in the Office;</li> <li>• Attendance by the Chief Parliamentary Counsel and Group Managers at meetings of the GLC;</li> <li>• 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.</li> </ul>
<p><b>2. Deliver the Office's key commitments in its Client Service Guide 2008 – 2010 and Client and Customer Charter for Parliamentary Counsel.</b></p>	<ul style="list-style-type: none"> <li>• Comply 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:</li> <li>• Effectiveness in communicating with Government Departments;</li> <li>• Responsiveness and timeliness in delivery of draft legislation;</li> <li>• Accuracy, quality and consistency of draft legislation;</li> <li>• General service delivery and professionalism of Parliamentary Counsel;</li> <li>• Departmental contributions to service delivery;</li> <li>• Improvements achieved over intervening periods.</li> </ul>
<p><b>3. Co-operation with Advisory Counsel in the handling of legislation files.</b></p>	<ul style="list-style-type: none"> <li>• Procedures and practices set out in the Report of the Group on the Quality Control of Legislation monitored and reviewed;</li> <li>• Fully operate the Case and Records Management System in handling all work.</li> </ul>

Strategies	Performance Indicators
<p><b>4. Continued development of knowledge management.</b></p>	<ul style="list-style-type: none"> <li>• Disseminate information and knowledge among drafters;</li> <li>• Collaborate with Advisory Counsel in the sharing of knowledge and expertise.</li> <li>• Contribute to Know-how database to ensure legal advices and other legal materials are accessible to staff.</li> <li>• Share knowledge through widespread participation by Parliamentary Counsel in legal information meetings and other fora.</li> <li>• Contribute to production of new Knowledge Management Strategy to succeed and develop the existing one.</li> </ul>
<p><b>5. Implement the risk management policy relevant to Parliamentary Counsel.</b></p>	<ul style="list-style-type: none"> <li>• Designate appropriate officials in respect of specific risks on which they report to Management Advisory Committee.</li> <li>• Provide feedback to the Chief Parliamentary Counsel, Management Advisory Committees and Attorney General on areas of significant risk;</li> <li>• Regular Formal reviews of Group and Corporate Risk Registers;</li> <li>• Agree and monitor adherence to Office policies, protocols and workflows.</li> <li>•</li> </ul>
<p><b>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 to ensure value for money.</b></p>	<ul style="list-style-type: none"> <li>• Produce Annual Output Statement for the Parliamentary Counsel Programme;</li> <li>• Plan and allocate resources having regard to trends in workloads and their complexity and volume.</li> </ul>
<p><b>7. In conjunction with the Government Legislation Committee plan for the delivery of the Government Legislation Programme.</b></p>	<ul style="list-style-type: none"> <li>• Review annually drafting services to ascertain what changes, if any, should be made in method of delivery or organisational management;</li> <li>• Monitor and respond to emerging issues relevant to legislative drafting.</li> </ul>

**Objective 2**

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

Strategies	Performance Indicators
<b>1. Recruit, train and develop new Parliamentary Counsel.</b>	<ul style="list-style-type: none"> <li>• Seek appropriate Department of Finance sanction for and recruit Parliamentary Counsel as necessary;</li> <li>• Review Office's induction of new Parliamentary Counsel entrants;</li> <li>• Further develop and progress the training of recently recruited drafters so as to ensure that they acquire requisite drafting skills within a timeframe that accords with international best practice;</li> <li>• Regular meetings held with recently recruited drafters, supervise them closely and give them regular feedback on drafting;</li> <li>• 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.</li> </ul>
<b>2. Implement training programme relevant to Parliamentary Counsel.</b>	<ul style="list-style-type: none"> <li>• Implement OPC programme for further/ongoing training and development;</li> <li>• Report to Management Advisory Committee every 6 months on training and development.</li> </ul>
<b>3. Ensure correct application of PMDS for OPC staff</b>	<ul style="list-style-type: none"> <li>• Implement the integrated PMDS and HR training and development priorities;</li> <li>• Annual review for members of each specialist group of progress toward meeting targets in PMDS, education, training and development.</li> </ul>

**Objective 3**

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

Strategies	Performance Indicators
<b>1. Contribute to the ongoing process of making Acts of the Oireachtas more accessible and easier to produce.</b>	<ul style="list-style-type: none"> <li>• Continue to liaise with Houses of the Oireachtas staff on formatting of Bills;</li> <li>• Participate in trial of Houses of the Oireachtas Parliamentary Workbench system;</li> <li>• Ensure ongoing consultation with the Houses of the Oireachtas in relation to collaboration on the production of the Acts of the Oireachtas;</li> <li>• Participate in collaborative initiatives (including the Interdepartmental Group on eLegislation chaired by the Department of the Taoiseach) that promote accessibility and coherence of the electronic Irish Statute Book.</li> </ul>

<p><b>2. Contribute to effective public service by assisting in the co-ordination of the legal services of the State.</b></p>	<ul style="list-style-type: none"> <li>• Ensure continued co-operation with the Law Reform Commission in its preparation of future Restatements and the Legislation Directory;</li> <li>• Co-operation with legal advisers in Departments in relation to the finalisation of Heads of Bills;</li> <li>• Continued participation in the delivery of appropriate training courses for the Civil Service on the legislative process.</li> </ul>
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## **Progress achieved**

### **Government Legislation Committee**

During 2010 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.

During the year 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.

The OPC Groups met regularly during the year with the Chief Parliamentary Counsel to discuss workload issues. Also, all Parliamentary Counsel attended regular meetings with the Attorney General throughout the year to discuss legislative drafting matters. 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 prioritisation of Bills included in the Programme.

**Knowledge Management**

During 2010 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 Counsel in the course of the legislative drafting process. Parliamentary Counsel also attended and participated in Legal Issues meetings and participated in the Knowledge Management Committee and the Know-how Sub-Committee in the context of the development of a new Knowledge Management Strategy 2010 - 2013.

**Risk Management**

During 2010 Parliamentary Counsel contributed to the further embedding and implementation of formal risk management policies within the Office. These policies included:

- Discussion of risk related matters pertaining to the legislative drafting process and the OPC took place at meetings between the Chief Parliamentary Counsel and Group Managers, at individual Group meetings and Legal MAC meetings.
- Attendance by the Chief Parliamentary Counsel and OPC Group managers at meetings of local and Main MACs to discuss the Office-wide risk management strategy including a risk policy, a corporate risk register and individual Group and Business Unit risk registers.
- Reviews by Heads of Parliamentary Groups of the Parliamentary Counsel risk register and completion of an assurance statement in this regard in line with the risk management policy.

**Financial Management**

In 2010 a nominated Parliamentary Counsel participated in the project to develop an interface between the Case and Records Management System (ACME) and the Financial Management System FMS. This development, when fully implemented will assist in the identification of commitments, financial and non-financial and costing management information reporting requirements. 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 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 2010 Parliamentary Counsel participated in the process of embedding PMDS including Upward Feedback and the use of PMDS ratings for promotion and salary increment purposes 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 all Annual Reviews were completed after the end of the year. PMDS training was provided to new Parliamentary Counsel within 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. 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.

### **Better Regulation and Regulatory Reform**

During 2010 in its high quality drafting work the Office contributed to the ongoing process of making Acts of the Oireachtas more accessible and easier to produce. The Office continued to be very involved with Better Regulation policy and the Regulatory Reform agenda. Significant areas of work during the year were the Statute Law Revision Project and the electronic Irish Statute Book. These measures are aimed at making legislation more accessible and consequently reducing costs for the end user.

### **Statute Law Revision Project**

Prior to 2010 considerable work was undertaken on the Statute Law Revision Project culminating in the enactment of the Statute Law Revision Act 2007 and subsequently, the Statute Law Revision Act 2009 in December 2009 resulting in the repeal of spent and obsolete pre-independence statutes. However, as a result of the current fiscal constraints, a review of the project had to be undertaken in 2010. By year-end the

Office was in advanced discussion with parties who indicated an interest in re-commencing the project with a view to completing the next phase on a greatly reduced cost basis.

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

The Office contributes significantly to the e-Government agenda and its future potential specifically in the context of the ongoing management and update of the electronic Irish Statute Book (eISB). The Office's eISB Group (in which the Office of the Parliamentary Counsel actively participates) oversees the process of managing this service.

During 2010, the Irish Statute Book Project Team (comprising a member of the OPC and colleagues on the Advisory and Administration sides of the Office) progressed the implementation of advanced search functionality for the eISB. From the beginning of 2010, Acts and statutory instruments were published on a monthly basis on the eISB. By the end of the year the eISB included Acts and statutory instruments from 1922 to 2010 and the Legislation Directory from 1922 to April 2010. In late 2010, the eISB was also customised to allow optimised access for mobile electronic devices such as smart phones, iPads, etc.

The eISB also functions as the source database for the EU N-Lex project which is a common access portal for sources of national law currently being developed by the EU Publications Office. The objective of this project is the development of a single harmonised multilingual search interface that will facilitate access to legislation across the European Union. The N-Lex project requires member states to provide electronic access to legislation on a non-fee basis.

## 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.

Strategies	Performance Indicators
<p><b>1. Deliver the Office’s key commitments in its Customer Action Plan 2008 – 2010 and Customer Charter.</b></p>	<p>Comply with the Customer Action Plan and Charter commitments evaluated through regular formal reviews, annual meetings of Client Panel and client survey in 2009. Benchmark progress and improvement against previous survey and review results which consider:</p> <ul style="list-style-type: none"> <li>• Relationship and Understanding;</li> <li>• Service Quality;</li> <li>• Responsiveness;</li> <li>• Documentation;</li> <li>• Feedback;</li> <li>• Complaints;</li> <li>• Service through Irish;</li> <li>• Physical Access.</li> </ul>
<p><b>2. Maintain close co-operation with the Attorney General’s Office and Departmental legal advisers in the handling of legal work.</b></p>	<ul style="list-style-type: none"> <li>• Demonstrate co-ordination with legal advisers in Government Departments, Tribunals and Inquiries and other State Offices with regular review meetings;</li> <li>• Fully operate the Case and Records Management System in handling all legal work.</li> </ul>
<p><b>3. Continued development of knowledge management.</b></p>	<ul style="list-style-type: none"> <li>• Share knowledge and expertise at Division and Section meetings and through widespread participation by Solicitors and Legal Executives in legal information meetings and other fora;</li> <li>• Contribute to Know-how database to ensure legal advices and other legal materials are accessible to staff;</li> <li>• Contribute to production of new Knowledge Management Strategy to succeed and develop the existing one.</li> </ul>

Strategies	Performance Indicators
<p><b>4. Implement the risk management policies of the Office.</b></p>	<ul style="list-style-type: none"> <li>• Designate appropriate officials in respect of specific risks on which they report to Management Advisory Committee;</li> <li>• Provision of information to Chief State Solicitor and CSSO Management Advisory Committee and to the Attorney General’s Office on areas of significant risk;</li> <li>• Regular formal review of legal Risk Registers and Corporate Risk Register;</li> <li>• Review system for monitoring of sensitive legal files;</li> <li>• Report three times yearly to Government on sensitive litigation;</li> <li>• Agree and monitor adherence to Office policies, protocols and workflows.</li> </ul>
<p><b>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 to ensure value for money.</b></p>	<ul style="list-style-type: none"> <li>• Produce Annual Output Statement for the CSSO Programme;</li> <li>• Plan and allocate resources having regard to trends in workloads and their complexity and volume;</li> <li>• With AGO, review panels of counsel annually;</li> <li>• Implement policy of collection of legal costs where awarded and viable;</li> <li>• Review of Office practices on taxation of costs in light of the Report of the Legal Costs Working Group (Haran Report).</li> </ul>
<p><b>6. Planning for the future in CSSO legal services.</b></p>	<ul style="list-style-type: none"> <li>• Review annually legal services provided and other activities to ascertain what changes, if any, should be made in method of delivery or organisational management;</li> <li>• Monitor and respond to emerging legal issues.</li> </ul>

**Objective 2**

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

Strategies	Performance Indicators
<b>1. Train and develop CSSO legal staff.</b>	<ul style="list-style-type: none"> <li>• Provide and review induction for new legal entrants;</li> <li>• Review on an ongoing basis specific training and development requirements for new legal staff.</li> </ul>
<b>2. Develop and Implement strategic training programme in legal issues.</b>	<ul style="list-style-type: none"> <li>• Develop and Implement CSSO programme for further/ongoing strategic training and development;</li> <li>• Report to Management Advisory Committee every 6 months on training and development.</li> </ul>
<b>3. Ensure correct application of the PMDS for legal staff.</b>	<ul style="list-style-type: none"> <li>• Implement the integrated PMDS and HR training and development priorities;</li> <li>• Annual review for members of each Division and Section of progress towards meeting targets in PMDS, education, training and development.</li> </ul>

**Objective 3**

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

Strategies	Performance Indicators
<b>1. Contribute to effective public service by assisting in the co-ordination of the legal services of the State.</b>	<ul style="list-style-type: none"> <li>• Demonstrate co-ordination with legal advisers in client Departments and Offices, Tribunals and Inquiries through regular review meetings;</li> <li>• Review and enhance the system to facilitate and co-ordinate the approach to domestic and ECJ litigation.</li> </ul>
<b>2. Provide legal services to Government in the implementation of litigation policies and in the handling of cross-Departmental issues.</b>	<ul style="list-style-type: none"> <li>• Participate in interdepartmental working groups and in the Committees and Commissions listed in Appendix 4;</li> <li>• Ensure necessary communication with Government Departments in relation to European Court of Justice litigation;</li> <li>• Represent Attorney General on the Courts Rules Committees and the Courts Service User Group;</li> <li>• Liaise with State Claims Agency, Office of Director of Public Prosecutions and Revenue Solicitor's Office and other law offices in relation to litigation as appropriate.</li> </ul>

## **Progress achieved**

During 2010 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 was on the provision of high quality legal services as economically and efficiently as possible. Resources were deployed within the Office in pursuance of that objective.

Important services provided during the year, included:

- Continued operation of a specialised service to deal with European Arrest Warrant applications and Extraditions
- Continued operation of a specialised service to deal with Commercial Contracts and procurement issues
- Continued operation of a specialised service handling asylum, immigration and repatriation work
- Continued operation of dedicated teams to deal with special needs, child welfare and nursing home charges litigation
- Continued operation of an on-call panel to deal with urgent matters in Court, out of office hours
- Continued operation of a panel to deal with inquests outside Dublin

## **Quality Customer Service**

In early 2010 the CSSO undertook a Customer Service Survey to further review client satisfaction with the service provided. The outcome of this survey was highly satisfactory confirming that the Office had maintained a strong performance in relation to its Customer Charter commitments and as evidenced through a comparison of the results with those of a Survey conducted by the Office in 2006. Key dimensions of customer service, namely service quality, responsiveness and standard of documentation were found to be of a particularly high level.

**Knowledge Management**

During 2010 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 legal staff participated in the Knowledge Management Committee and the Know-how Sub-Committee in the context of the development of a new Knowledge Management Strategy 2010 - 2013.

**Risk Management**

During 2010 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 Main Management Committee in the context of the 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 and completed an assurance statement in this regard in line with the risk management policy.

**Financial Management**

In 2010 a nominated solicitor participated in the project to develop an interface between the Case and Records Management System (ACME) and the Financial Management System (FMS). This development, when fully implemented will assist in the identification of commitments, financial and non-financial and costing management information reporting requirements. 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 2010 legal staff in the CSSO participated in the process of embedding PMDS including Upward Feedback and the use of PMDS rating for promotion and salary increment purposes. 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 annual reviews were completed after the end of the year. PMDS training was provided as appropriate to new legal staff within 2 months of arrival in the Office.

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

During 2010 CSSO staff continued to attend 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.

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

- 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 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 2010 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 2010.

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

Throughout 2010 the CSSO continued to operate the on-call legal panel to manage issues which arise out of hours.

## 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.

Strategies	Performance Indicators
<p><b>1. Implement the HR Strategies 2008 – 2010.</b></p>	<ul style="list-style-type: none"> <li>• Put HR Strategies in place;</li> <li>• Put Action Plans in place in respect of HR Strategies.</li> </ul>
<p><b>2. Review and develop specific recruitment and selection methodology so as to enhance the ability of the Offices to attract, select and retain suitable and high potential candidates.</b></p>	<ul style="list-style-type: none"> <li>• Review core skills and competencies identified for all staff, in conjunction with Groups/Divisions/Sections/Business Units as appropriate;</li> <li>• Introduce use of formal competency and ability testing;</li> <li>• Provide new staff with induction training within 2 months of taking up duty;</li> <li>• Undertake an analysis of atypical working arrangements for staff and devise/review appropriate policies.</li> </ul>
<p><b>3. Develop comprehensive Training &amp; Development Strategies to address anticipated needs over the next three years. including management development programmes.</b></p>	<ul style="list-style-type: none"> <li>• Undertake an analysis of the staff skills, knowledge and experience required by each section in the Offices, in conjunction with senior managers, to carry out their work both current and anticipated work;</li> <li>• Set out in strategy form how these skills can be most effectively imparted to new entrants and further developed in more experienced staff;</li> <li>• Ensure that the Offices' Action Plans meet the objectives of this Statement of Strategy;</li> <li>• Implement formal Management Development Programmes;</li> <li>• Carry out an interim review by the end Q1 2009 to evaluate progress made against the aims of this Statement of Strategy;</li> <li>• Report to Management Advisory Committee every 6 months on training and development.</li> </ul>

Strategies	Performance Indicators
<b>4. Further develop and enhance Human Resource IT system.</b>	<ul style="list-style-type: none"> <li>• Review effectiveness of the Human Resource Management System;</li> <li>• Develop appropriate management reports.</li> </ul>
<b>5. Provide suitable accommodation for all staff.</b>	<ul style="list-style-type: none"> <li>• Identify suitable accommodation for Merrion Street Office and CSSO through ongoing consultation with appropriate authority;</li> <li>• Continued upkeep and maintenance of existing office space;</li> <li>• Review annually Health and Safety Statement and Business Continuity Plans;</li> <li>• Keep accessibility to and security of, all buildings kept under review.</li> </ul>
<b>6. Continue to review and develop the Partnership process.</b>	<ul style="list-style-type: none"> <li>• Review Partnership process annually.</li> </ul>
<b>7. Review operation of CSSO Documentation Centre.</b>	<ul style="list-style-type: none"> <li>• Complete Review.</li> </ul>

### **Objective 2**

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

Strategies	Performance Indicators
<b>1. Implement final elements of Management Information Framework Project Plan.</b>	<ul style="list-style-type: none"> <li>• Fully embed MIF and achieve utilisation of full functionality of FMS;</li> <li>• Provide statistical reports for use in Management Reporting for review by relevant Office Committees;</li> <li>• Improve Management Reports;</li> <li>• Use costing Framework in conjunction with the RAB project with initial Costing Reports utilising financial and non-financial information completed;</li> <li>• Update RAB Models annually;</li> <li>• Submit Annual Output Statements on each Programme to Department of the Taoiseach.</li> </ul>

Strategies	Performance Indicators
<p><b>2. Maintain Office capability to operate FMS (Agresso).</b></p>	<ul style="list-style-type: none"> <li>• Develop core skills to maintain Office capability to operate FMS effectively;</li> <li>• Comply with statutory requirement to submit Annual Appropriation Account;</li> <li>• Pay interest and compensation under Prompt Payment legislation, where applicable, minimised and reported as appropriate.</li> </ul>
<p><b>3. Recommendations of Mullarkey Report on accountability of Secretaries General and Accounting Officers reviewed annually in Merrion Street Office and CSSO within set timeframes.</b></p>	<ul style="list-style-type: none"> <li>• Have annual year-end review of internal financial procedures verified by Audit Committee to ensure monitoring and control of all income and expenditure through efficient and effective systems;</li> <li>• Review risk Policy, Risk Registers for Groups/Divisions/Sections/Business Units and Corporate Risk Register twice yearly by Risk Committee and reported to local MAC's, Main MAC and Audit Committee;</li> <li>• Have Annual Internal Audit Programme agreed by Audit Committee with Audits undertaken and recommendations implemented within agreed timeframes;</li> <li>• Make Annual Report made to Audit Committee on implementation of all Audit Reports;</li> <li>• Put programme of Value for Money and Policy Reviews in place with regular reviews undertaken and externally reviewed and published.</li> </ul>

### **Objective 3**

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

Strategies	Performance Indicators
<p><b>1. Further develop the Case and Records Management System to ensure that it effectively supports the Office in its strategic and operational requirements.</b></p>	<ul style="list-style-type: none"> <li>• Achieve maximum use for all business;</li> <li>• Evaluation feedback from staff;</li> <li>• Implement approved improvements.</li> </ul>
<p><b>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.</b></p>	<ul style="list-style-type: none"> <li>• Achieve maximum use of system for all business;</li> <li>• Evaluate feedback from staff;</li> <li>• Implement approved improvements.</li> </ul>

Strategies	Performance Indicators
<b>3. Implement appropriate IT Systems to support the Merrion Street Office and CSSO Knowledge Management Strategy.</b>	<ul style="list-style-type: none"> <li>• Define business requirements for the system;</li> <li>• Implement appropriate Know-how systems to match requirements identified.</li> </ul>
<b>4. Develop a new IT Strategy for the Office.</b>	<ul style="list-style-type: none"> <li>• Implement new IT Strategy, integrated with the Office's business objectives.</li> </ul>
<b>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.</b>	<ul style="list-style-type: none"> <li>• Assess and improve IT systems as necessary.</li> </ul>

#### **Objective 4**

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

Strategies	Performance Indicators
<b>1. Implement agreed commitments set out in Modernisation Action Plans within agreed timeframes.</b>	<ul style="list-style-type: none"> <li>• Have progress reported in line with central deadlines and verified externally by CSPVG;</li> <li>• Have recommendations of CSPVG in place and implemented in advance of submission of subsequent Progress Reports.</li> </ul>
<b>2. Delivery of the Offices' 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.</b>	<ul style="list-style-type: none"> <li>• Gauge client and customer satisfaction levels through annual meetings of Client and Customer Panels;</li> <li>• Measure client and customer satisfaction levels through client and customer surveys in 2008 and 2010.</li> </ul>
<b>3. Undertake comprehensive organisational review in the context of the Organisational Review Programme.</b>	<ul style="list-style-type: none"> <li>• Undertake organisational review and implement recommendations within agreed times.</li> </ul>
<b>4. Undertake review of the Report of the Report of the Task Force on the Irish Public Service.</b>	<ul style="list-style-type: none"> <li>• Undertake review of Report and implement appropriate initiatives within agreed timelines.</li> </ul>
<b>5. Ensure that clients are directed to the appropriate access and referral points for information on the Office.</b>	<ul style="list-style-type: none"> <li>• Publish Annual Reports for 2008, 2009 and 2010 in accessible formats;</li> <li>• Review and update Internet site regularly by Working Group;</li> <li>• Meet obligations under the Freedom of Information Acts and Data Protection Act.</li> </ul>

**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.

Strategies	Performance Indicators
<p><b>1. Establish a co-ordinated approach to the organisation of office-wide information and knowledge management.</b></p>	<ul style="list-style-type: none"> <li>• Revise and implement strategies for the continued development of knowledge management;</li> <li>• Review the need for the development of a taxonomy/office-wide thesaurus to support key business applications;</li> <li>• Contribute professional expertise to the ongoing development of file-plans.</li> </ul>
<p><b>2. Identify and implement appropriate technical solutions to deliver improved library, research and know-how services to users.</b></p>	<ul style="list-style-type: none"> <li>• Review shared AGO/CSSO/ODDP e-journals solution to ensure that it is meeting the requirements of users;</li> <li>• Review the Know-how procedures. Select and implement appropriate know-how databases;</li> <li>• 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 and enhancements to the system;</li> <li>• Support and develop the level and range of services available to legal staff seconded to Government Departments and Offices;</li> <li>• Review the level of library and research services provided to external Government lawyers.</li> </ul>
<p><b>3. Review and implement enhanced research and know-how services.</b></p>	<ul style="list-style-type: none"> <li>• Continue to monitor increased areas of specialisation in the Offices, and ensure library, research and know-how services reflect these;</li> <li>• Review staffing levels and structures required to deliver specialised research services;</li> <li>• Identify communities of practice in key legal areas and support these with research services where required;</li> <li>• Identify measures to support the development of independent research skills for lawyers including a review of appropriate e-learning tools;</li> <li>• Identify opportunities for collaboration with the Training &amp; Development Units and IT Units to co-ordinate approach to training &amp; learning provision;</li> <li>• Incorporate library and know-how training/educational initiatives into organisational training strategies.</li> </ul>

Strategies	Performance Indicators
<b>4. Provision of the appropriate physical environment to maximise access to our print collections and reading room facilities</b>	<ul style="list-style-type: none"> <li>• Review layout of print collections;</li> <li>• Review collection development policy to ensure it continues to meet the Offices needs.</li> </ul>

### **Objective 6**

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

Strategies	Performance Indicators
<b>1. Administration and maintenance of an efficient records centre and filing system.</b>	<ul style="list-style-type: none"> <li>• Close files electronically and store physical files appropriately for subsequent archiving;</li> <li>• Comply with the Offices' obligations under the National Archives Act.</li> </ul>
<b>2. Development of statistical/data strategy for the Offices.</b>	<ul style="list-style-type: none"> <li>• Produce appropriate statistical data for use in management and other reports.</li> </ul>

## **Progress Achieved**

### **Merrion Street Office**

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

During 2010 the Office continued the implementation of the Human Resources Strategy 2008 - 2010. Also, the continued embedding of PMDS was a key development during the year.

#### **Recruitment**

During 2010 the positions of Director General, Deputy Director General, one position at Advisory Counsel (Grade I), one position at Advisory Counsel (Grade II), three positions at Assistant Parliamentary Counsel (Grade III) and two positions as Legal Researcher were filled in the Office.

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

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

During 2010 the Office continued to utilise and further embed PeopleSoft/HRMS.

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

The Office was in 100% compliance with PMDS in respect of 2010 with all role profiles, interim and annual reviews for the year completed and submitted to the HR Unit within agreed timeframes. The Office will continue to implement any enhancements to the system as agreed centrally.

### **Sick Leave**

The Office early in 2010 undertook an audit of its sick leave in respect of 2008 and 2009 as part of its strategy to address issues raised in the *Comptroller and Auditor General's Special Report on Sickness Absence in the Civil Service*. Recommendations were subsequently issued to MAC. Implementation of these recommendations has contributed to an overall reduction in the amount of sick leave amassed by staff members. The 2010 review of sick leave levels showed that 614 (or 30%) less days were taken in comparison to 2008. The savings compared to 2008 levels were €70,446.

### **Accommodation**

During the year the Office continued to review the accommodation needs of the Office and liaised with representatives from the Office of Public Works as necessary to ensure that all facilities were suitable.

### **Partnership Committee**

During 2010, 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 7 occasions. The focus for the Committee, which has Office-wide representation, was to deal with core Office-related issues and matters such as relating to the implementation of the Public Service-wide Programme

for Modernisation and the Office's Action Plan under the Public Service Agreement 2010 – 2014 (Croke Park Agreement). Sub-Groups of the Partnership Committee reviewed issues such as Quality Customer Service, PMDS, Training and Development and Exceptional Performance Awards.

### **Gender Representation**

At end-2010 the Office continued to exceed the Government targets in relation to the employment of women. 52% of staff were female at or above Assistant Principal Officer level while 47% of staff at or above Principal Officer level were female.

The end-2010 figures for permanent staff were as follows:

<b>Grade</b>	<b>Female</b>		<b>Male</b>	
	No.	(%)	No.	(%)
Director General	1	(100)	1	(100)
Chief Parliamentary Counsel	1	(100)	0	(0)
First Parliamentary Counsel	0	(0)	1	(100)
Deputy Director General	0	(0)	1	(100)
Assistant Secretary	5	(56)	4	(44)
Principal Officer	12	(46)	14	(54)
Assistant Principal	17	(59)	12	(41)

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

The proportion of staff with disabilities at the end of 2010 continues to exceed the Government target of 3%. The Office continued to monitor its accessibility including through its website, and ensured that all renovation or maintenance work took into account the needs of persons with disabilities.

### **Training and Development**

In 2010, Merrion Street Office Training and Development Unit continued to provide a high standard of training and development opportunities and deliver on its responsibility for the planning, organisation and evaluation of training courses offered to all staff. However, the difficult financial situation meant that managers and staff had to curtail and limit training opportunities undertaken to critical events only.

Throughout the year staff were encouraged and facilitated in undertaking training identified in their Role-Profile Forms for 2010. 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 2010 was €150,927. This amount represented 1.58% of the payroll allocation for the year. A full breakdown of training and development expenditure is contained in Annex H of this Report.

## **CSSO**

### **Human Resource Strategy**

During 2010 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-2010 the Office had made significant progress on implementing the following priority areas of the Action Plan:

### **Recruitment**

During 2010, 15 staff left the Office and of these two were retirements. During 2010, 7 staff joined the Office, some staff were returning from career breaks and 3 posts were filled under the redeployment scheme.

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

The role profile, interim review and annual review phases of the 2010 PMDS cycle, including the Staff Mobility Policy and upward feedback, were managed, monitored and reviewed, practice directions and guidelines issued. New generic model key deliverables relating to compliance with the Green Office Policy and Positive Working Environment were agreed and implemented for the 2010 PMDS cycle.

### **Continued Professional Development**

With effect from 1st January 2008, (S.I. 807 of 2007, as amended by S.I. 452 of 2009 refers), all solicitors employed by the State must now complete compulsory Continuing Professional Development (CPD). In the cycle commencing 1st January 2010 a total of 11 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 2010 the proposed building works adjacent to Osmond House were not undertaken and the site was used as a car park.

During the year the OPW carried out a review of Osmond House on how to make best use of the space available. A report of the review is expected in early 2011.

The Office reviewed options for file storage and retrieval during the year. More emphasis was placed on off-site storage in order to make corridors and offices compliant with Health and Safety requirements.

### **Training and Development and Training courses provided in 2010**

The role of the Training and Development Unit (TDU) is to provide targeted training for staff throughout 2010. During 2010, TDU undertook a number of areas of training which had been identified by staff in their Personal Training and Development Forms under Performance Management and Development System (PMDS) and areas prioritised by the Office including Health & Safety training such as manual handling training for all staff and fire marshal training, Various Legal Topics such as electronic discovery, insolvency law, the Meadows judgement and others legal area of interest to staff and Administrative issues such as suicide awareness and personal financial information. During 2010, TDU continued to focus on providing in-house training for staff.

The Office allocated a total of €241,000 to provide training, development and learning for Staff of the Office during 2010. **Annex H** of this Report sets out details in relation to training and development and training courses provided to CSSO staff during 2010.

**Dignity Charter**

The Office Dignity Charter launched in 2008 continued to operate throughout 2010. Positive Working Environment seminars were held for staff during the year.

**Gender Representation**

At the end of 2010 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 62%, while the proportion of female staff at or above Principal Officer level was 44%.

**Accessibility for Persons with Disabilities**

At the end of 2010 the proportion of staff with disabilities exceeded the Government target of 3%.

**Partnership Committee**

During 2010, the Partnership Committee and related sub groups in the Chief State Solicitor's Office continued to contribute to the ongoing development of the change culture in the Office.

In November 2010, the Office conducted a review of the operation of the partnership process in the Office resulting in renewed commitment by all parties to the Partnership Process

**Merrion Street Office and CSSO****Management Information Framework (MIF)**

During 2010 the focus for the Offices was on the continued embedding and implementation of the Offices' MIF Project Plan. 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 2011 will assist in the identification of

commitments, financial and non-financial and costing management information reporting requirements.

During 2010 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 , 2010 the Offices submitted separate Annual Output Statements to the Dáil for consideration in the context of the Estimates process.

### **Financial Management System**

During 2010 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 99% of regular payments. In June 2010 the Offices introduced new procedures to make payments to the Revenue Commissioners via EFT.

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 the following:

- Appropriation Account 2010;
- Monthly financial reports to Management Advisory Committee and Department of Finance;
- Annual Output Statement 2010.

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

During 2010 the Offices continued to keep under review internal financial controls aspects of which were also reviewed in the context of specific internal audits. A review of financial procedures in both Offices was undertaken by a former head of Administration in the CSSO and a draft report of the review was available for consideration at end-2010.

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-2010.

### **Audit Committee**

The Audit Committee, comprising 3 external personnel and a representative from each Office, met on 4 occasions during 2010.

The following are the Audit Reports reviewed by the Audit Committee in 2010:

- Examination of the Implementation and Compliance of the PMDS in the Office of the Attorney General, Chief State Solicitor's Office and the Law Reform Commission
- Examination of Expenditure in the Library & Know-How Units in the Office of the Attorney General, the Chief State Solicitor's Office and the Law Reform Commission
- Examination of Training in the Office of the Attorney General, the Chief State Solicitor's Office and the Law Reform Commission
- Examination of the Counsel Fees Process
- Follow-up Examination of Compliance with Dept of Finance Circular 11/82 governing Travel & Subsistence in the Office of the Attorney General, the Chief State Solicitor's Office and the Law Reform Commission
- Examination of Month-end Procedures regarding the General Ledger in the Office of the Attorney General and the Chief State Solicitor's Office

- Examination of Compliance with Health & Safety Regulations in the Office of the Attorney General, the Chief State Solicitor's Office and the Law Reform Commission
- Follow-up Recommendations Report in the Chief State Solicitor's Office, Office of the Attorney General and the Law Reform Commission

During 2010 the Audit Committee also reviewed developments in the MIF and ACME projects and the Offices' risk management strategy

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

In the Merrion Street Office no penalty interest payments were incurred during 2010.

In the CSSO, a total amount of €2,044.14 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 2010.

### **Case & Records Management System**

The focus during 2010 was on further embedding of the Case and Records Management System and refining and enhancing it further to ensure that it continued to serve the Office as effectively and efficiently as possible. Continued support was provided by Helpdesk staff to all users of the system.

### **Other IT related developments**

The IT Units continued to review the technology platforms and systems in use and further refine and develop these where appropriate to ensure the IT systems continued to meet the requirements of the Offices.

The Merrion Street IT Unit also played a very significant role in management and enhancement of the electronic Irish Statute Book. More specific details are provided elsewhere in this report.

### **Official Languages Act**

In May 2010 following a request from the Minister for Community, Equality and Gaeltacht Affairs the Office commenced the process of reviewing the current Scheme

and preparing a draft new Scheme for the Merrion Street Office and the Chief State Solicitor's Office in accordance with Section 15 of the Official Languages Act 2003. The process included seeking submissions from interested parties by way of advertisement in national newspapers and periodicals. Following consultation and discussion with the Department a new Scheme covering the period 2010 – 2013 was agreed with a commencement date of 18 October 2010. The new statutory Scheme sets out the services to be provided by the Offices through the mediums of Irish, English, Irish and English and the measures to be adopted to ensure that any service not provided by the Offices 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 2010 the Office was fully compliant in terms of meeting the commitments set out in the first Scheme and new commitments set out in the second Scheme. These included:

- 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. Gaelagras and other Irish course opportunities are regularly circulated by the Training Officer
- A system operated to ensure the review of the number of staff who are fluent in Irish

**Statement of Strategy 2011 – 2013**

In August 2010 the Office's Statement of Strategy Editorial Board, representative of the Merrion Street Office and the Chief State Solicitor's Office commenced the process of developing a new Statement of Strategy 2011 – 2013. By year-end significant progress had been made including the undertaking of a consultation process with Government Departments and Offices and other stakeholders and the public and an analysis of the working environment within which the Offices operate. Further development of the new Strategy Statement was deferred to 2011 following a Government Decision in this regard.

**Public Service Agreement 2010 – 2014 (Croke Park Agreement)**

In October 2010 the Office of the Attorney General, Merrion St, in conjunction with the Office of the Chief State Solicitor and the Law Reform Commission, published an Action Plan to implement commitments under the Public Service (Croke Park) Agreement 2010 – 2014. The Plan includes many changes, developments and initiatives which have already been implemented, many currently in progress and several for the future. The objective of the changes is to enhance efficiency, customer service and reduce costs. Some of the proposed initiatives set out in the action plan to enhance the delivery of legal services to clients include the allocation of resources for urgent legal issues, the enhancement of communication methods to increase accessibility and responsiveness to stakeholders, enhancing knowledge management, taking all measures necessary to facilitate clients of the Office in achieving the objectives of the Public Service Agreement, controlling expenditure on professional fees and recovery of costs awarded to the State. The Action Plan is available on the Office website.

**Regulatory Requirements Compliance**

During 2010 the Office kept under review 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 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, the Public Service Agreement 2010 – 2014 (Croke Park Agreement) Implementation Plans, procedures applying to the engagement of external counsel and the Offices' publications.

**Maintenance of efficient filing system and Records Centre:**

1890 files were closed in the Office of the Attorney General in 2010. Files are stored in the Office in numerical order in accordance with file numbering conventions within the Office or catalogued before being sent for secure off-site storage. Sensitive files are either retained in the Office or placed in secure Vault boxes with restricted access.

**Compliance with obligations under the National Archives Act:**

The AGO's National Archives Project for 2010 was completed ahead of schedule - 1755 files were transferred to the National Archives in Bishop Street, including 99.26% of all documented files scheduled for transfer. Certificates for the retention of those files not transferred are held by the Office.

**Production of statistical data for use in management reports:**

With assistance from the IT Unit, Registry can produce individual reports relating to the various functions of the Office. These reports are then further analysed in order to extract statistical data for use by management.

**Legal research and know-how services:**

During 2010 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 continued to provide 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 research services*

In 2010 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 the year 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 administrative 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.

In the Merrion Street Office formal training sessions and customised individual sessions were provided to staff during the year. Topics included the Irish Statute Book, Finding EU legislation, Electronic sources of case-law etc.

Also, in the CSSO formal training sessions and customised individual sessions were provided to staff. Topics included Electronic resources for legal research, the European Union on the web, specific commercial database training and using the Library OPAC.

In the Merrion Street Office, the Unit supported the provision of a training session on '*Administrative law for civil servants*' by Advisory Counsel.

***Contributing to 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 six issues of the Legal Bulletin and twelve issues of the Judgments Alert during the year.

Both Units participated in the Knowledge Management Committee and contributed significantly to the development of a new Knowledge Management Strategy during 2010 and the implementation of the recommendation regarding a know-how application as outlined in Chapter 3 Part II (Organisational developments).

## Government Bills Published during 2010

<b>Title of Bill</b>
<b>Appropriation Bill 2010</b>
<b>Biological Weapons Bill 2010</b>
<b>Central Bank Reform Bill 2010</b>
<b>Chemicals (Amendment) Bill 2010</b>
<b>Civil Law (Miscellaneous Provisions) Bill 2010</b>
<b>Climate Change Response Bill 2010</b>
<b>Communications Regulation (Postal Services Bill) 2010</b>
<b>Competition (Amendment) Bill 2010</b>
<b>Compulsory Purchase Orders (Extension of Time Limits) Bill 2010</b>
<b>Credit Institutions (Stabilisation) Bill 2010</b>
<b>Criminal Justice (Forensic Evidence and DNA Database System) Bill 2010</b>
<b>Criminal Justice (Psychoactive Substances) Bill 2010</b>
<b>Criminal Justice (Public Order) Bill 2010</b>

<b>Criminal Law (Defence and the Dwelling) Bill 2010</b>
<b>Criminal Law (Insanity) Bill 2010</b>
<b>Education (Amendment) Bill 2010</b>
<b>Electricity Regulation (Amendment) (Carbon Revenue Levy) Bill 2010</b>
<b>Energy (Biofuel Obligation and Miscellaneous Provisions) Bill 2010</b>
<b>Euro Area Loan Facility Bill 2010</b>
<b>European Financial Stability Bill 2010 (1 copy received)</b>
<b>Finance Bill 2010</b>
<b>Financial Emergency Measures in the Public Interest (No. 2) Bill 2010</b>
<b>George Mitchell Scholarship Fund (Amendment) Bill 2010</b>
<b>Health (Amendment) (No. 2) Bill 2010</b>
<b>Health (Amendment) Bill 2010</b>
<b>Health (Miscellaneous Provisions) Bill 2010</b>
<b>Immigration, Residence and Protection Bill 2010</b>
<b>Intoxicating Liquor (National Conference Centre) Bill 2010</b>
<b>Local Government (Mayor and Regional Authority of Dublin) Bill 2010</b>

<b>Nurses and Midwives Bill 2010</b>
<b>Petroleum (Exploration and Extraction) Safety Bill 2010</b>
<b>Public Health (Tobacco) (Amendment) Bill 2010</b>
<b>Social Welfare (Miscellaneous Provisions) Bill 2010</b>
<b>Social Welfare and Pensions Bill 2010</b>
<b>Social Welfare Bill 2010</b>
<b>Údarás Na Gaeltachta (Amendment) Bill 2010</b>
<b>Value-Added Tax Consolidation Bill 2010</b>
<b>Welfare of Greyhounds Bill 2010</b>
<b>Wildlife (Amendment) Bill 2010</b>

## Acts Passed In 2010

<b>Title of Act</b>
<b>Adoption Act 2010</b>
<b>Appropriation Act 2010</b>
<b>Arbitration Act 2010</b>
<b>Central Bank Reform Act 2010</b>
<b>Chemicals (Amendment) Act 2010</b>
<b>Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010</b>
<b>Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010</b>
<b>Competition (Amendment) Act 2010</b>
<b>Compulsory Purchase Orders (Extension of Time Limits) Bill 2010</b>
<b>Credit Institutions (Stabilisation) Act 2010</b>
<b>Criminal Justice (Money Laundering and Terrorist Financing) Act</b>
<b>Criminal Justice (Psychoactive Substances) Act 2010</b>
<b>Criminal Law (Insanity) Act 2010</b>

<b>Criminal Procedure Act 2010</b>
<b>Dog Breeding Establishments Act 2010</b>
<b>Electricity Regulation (Amendment) (Carbon Revenue Levy) Act 2010</b>
<b>Energy (Biofuel Obligation and Miscellaneous Provisions) Act 2010</b>
<b>Euro Area Loan Facility Act 2010</b>
<b>European Financial Stability Facility Act 2010</b>
<b>Finance Act 2010</b>
<b>Financial Emergency Measures in the Public Interest Act 2010</b>
<b>Fines Act 2010</b>
<b>George Mitchell Scholarship Fund (Amendment) Act 2010</b>
<b>Health (Amendment) (No.2) Act 2010</b>
<b>Health (Amendment) Act 2010</b>
<b>Health (Miscellaneous Provisions) Act 2010</b>
<b>Inland Fisheries Act 2010</b>
<b>Intoxicating Liquor (National Conference Centre) Act 2010</b>
<b>Merchant Shipping Act 2010</b>

<b>Petroleum (Exploration and Extraction) Safety Act 2010</b>
<b>Planning and Development (Amendment) Act 2010</b>
<b>Prevention of Corruption (Amendment) Act 2010</b>
<b>Public Health (Tobacco) (Amendment) Act 2010</b>
<b>Road Traffic Act 2010</b>
<b>Social Welfare (Miscellaneous Provisions) Act 2010</b>
<b>Social Welfare Act 2010</b>
<b>Social Welfare and Pensions Act</b>
<b>Udarás na Gaeltachta (Amendment) Act 2010</b>
<b>Value-Added Tax Consolidation Bill 2010</b>
<b>Wildlife (Amendment) Act 2010</b>

**Office of the Attorney General  
Vote 3 Merrion Street Office**

**Outturn for 2010 and Estimate for 2010 and 2011**

Estimate and Outturn for 2010 and Estimate of the amount required in the year ending 31 December, 2011 for the salaries and expenses of the **Office of the Attorney General**, including a grant-in-aid.

	<b>Service</b>	<b>Estimate Provision 2010 €000</b>	<b>Provisional Outturn 2010 €000</b>	<b>Estimate Provision 2011 €000</b>
	<b>ADMINISTRATION</b>			
A.1.	SALARIES, WAGES AND ALLOWANCES	10,148	9,570	10,391
A.2.	TRAVEL AND SUBSISTENCE	120	65	70
A.3.	INCIDENTAL EXPENSES	710	557	640
A.4.	POSTAL AND TELECOMMUNICATIONS SERVICES	120	107	125
A.5.	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	994	543	695
A.6.	OFFICE PREMISES EXPENSES	240	118	215
A.7.	CONSULTANCY SERVICES	20	1	20
A.8.	CONTRACT LEGAL EXPERTISE	966	720	668
	<b>SUBTOTAL</b>	<b>13,318</b>	<b>11,681</b>	<b>12,824</b>
	<b>OTHER SERVICES</b>			
B.	CONTRIBUTIONS TO INTERNATIONAL ORGANISATIONS	38	77	38
C.	LAW REFORM COMMISSION (GRANT-IN-AID)	2,385	2,349	2,191
D.	GENERAL LAW EXPENSES	60	80	50

	<b>Gross Total</b>	<b>15,801</b>	<b>14,187</b>	<b>15,103</b>
E.	<b>Deduct</b> APPROPRIATIONS-IN- AID	570	731	788
	<b>Net Total</b>	<b>15,231</b>	<b>13,456</b>	<b>14,315</b>

### Vote 13 - Office of the Chief State Solicitor

#### Outturn for 2010 and Estimate for 2010 and 2011

Estimate and Outturn for 2010 and Estimate of the amount required in the year ending 31 December, 2011 for the salaries and expenses of the Office of the Chief State Solicitor.

Service	Estimate Provision 2010 €000	Provisional Outturn 2010 €000	Estimate Provision 2011 €000
<b>ADMINISTRATION</b>			
A.1. SALARIES, WAGES AND ALLOWANCES	15,000	14,539	14,995
A.2. TRAVEL AND SUBSISTENCE	92	57	61
A.3. INCIDENTAL EXPENSES	1,120	947	1,070
A.4. POSTAL AND TELECOMMUNICATIONS SERVICES	450	369	400
A.5. OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	920	738	835
A.6. OFFICE PREMISES EXPENSES	385	359	412
A.7. CONSULTANCY SERVICES	29	18	29
A.8. EXTERNAL LEGAL SERVICES	439	241	280
A.9. VALUE FOR MONEY AND POLICY REVIEWS	14	-	-
<b>SUBTOTAL</b>	<b>20,200</b>	<b>18,559</b>	<b>18,449</b>
<b>OTHER SERVICES</b>			
B. FEES TO COUNSEL	14,350	12,372	14,350
C. GENERAL LAW EXPENSES	3,616	3,942	3,616

	<b>Gross Total</b>	<b>39,327</b>	<b>38,282</b>	<b>36,415</b>
	<b>Deduct</b>			
D.	APPROPRIATIONS-IN-AID	1,604	1,958	1,860
	<b>Net Total</b>	<b>35,886</b>	<b>33,593</b>	<b>34,811</b>

### Vote 3 Annual Output Statement 2010 Template

**1. Summary Statement of High Level Goals for the Vote of the Office, with associated Aggregate Impact Indicator for each High Level Goal consistent with the Statement of Strategy, and cross-referenced to the Programmes set out at sections 5 to 6 below under each High Level Goal.**

#### **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.

#### **Programmes:**

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

- The Advisory Counsel 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.

#### **High Level Goals**

The high level goals for each of these Programmes are:

##### **(a) *Advisory Counsel Programme***

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.

##### **(b) *Parliamentary Counsel Programme***

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

#### *Administration Units*

*The Administration Units of the Office also have a high level goal to provide modern and professional corporate and business support services that deliver the highest quality service to internal and external clients and customers. Resources are assigned to the Advisory Counsel and Parliamentary Counsel Programmes on an indicative basis.*

**(c) 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.

**2. Total Budget for Vote – by source of funding by year:**

	2009 REV € m	2009 Outturn, € m	2010 € m	Change on Outturn
<b>Net Voted Expenditure</b>	<b>17.500</b>	<b>15.651</b>	<b>15.231</b>	<b>-2.7%</b>
<b>Appropriations in Aid*</b>	<b>0.733</b>	<b>0.670</b>	<b>0.570</b>	<b>-14.9%</b>
<b>Gross Voted Expenditure</b>	<b>18.233</b>	<b>16.321</b>	<b>15.801</b>	<b>-3.2%</b>
<b>Non-Voted (State source)</b>	<b>0.030</b>	<b>0.024</b>	<b>0.007</b>	<b>-70.8%</b>
<b>Total Gross Expenditure</b>	<b>18.263</b>	<b>16.345</b>	<b>15.808</b>	<b>-3.3%</b>
<i>of which – Exchequer Pay</i>	<i>12.395</i>	<i>11.339</i>	<i>10.827</i>	<i>-4.5%</i>
<i>No. of Public Service Employees</i>	<i>169</i>	<i>149</i>	<i>143</i>	<i>-4.0%</i>
<i>of which directly engaged in the three Programmes</i>	<i>109</i>	<i>105</i>	<i>104</i>	<i>-0.9%</i>

\*The Appropriations-in-Aid in 2009 included the Pension Levy - €731,000 and the relevant estimated levy figure for 2010 is €562,000.

**3. Breakdown of Total Gross Expenditure at 2 above by Programme**

<i>Programme Name:</i>	2009 REV € m	2009 Outturn, € m	2010 € m	Change on Outturn
<b>Advisory Counsel</b>	<b>7.834</b>	<b>7.242</b>	<b>7.404</b>	<b>2.2%</b>
<b>Parliamentary Counsel</b>	<b>6.818</b>	<b>5.782</b>	<b>6.012</b>	<b>3.9%</b>
<b>Law Reform Commission</b>	<b>3.611</b>	<b>3.321</b>	<b>2.392</b>	<b>-28.0%</b>
<b>Total Gross Expenditure</b>	<b>18.263</b>	<b>16.346</b>	<b>15.808</b>	<b>-3.3%</b>

**4. Advisory Counsel Programme**

**High-Level Goal:** 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.

**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.

Recruit, train and develop new Advisory Counsel.

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

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

<b>Inputs</b>				
	<b>2009 € m</b>	<b>Outturn 2009 € m</b>	<b>2010 € m</b>	<b>Change on Outturn</b>
Programme Expenditure				
- Current	<b>5.176</b>	<b>4.167</b>	<b>3.908</b>	<b>-6.2%</b>
- Capital				
Administration and other Support <sup>2</sup>				
- Pay	<b>1.511</b>	<b>2.221</b>	<b>2.190</b>	<b>-1.4%</b>
- Non-Pay	<b>1.147</b>	<b>0.854</b>	<b>1.306</b>	<b>52.9%</b>
<b>Total Gross Programme Expenditure</b>	<b>7.834</b>	<b>7.242</b>	<b>7.404</b>	<b>2.2%</b>
Number of Staff employed on Programme (whole time equivalents) as at end year.	<b>49</b>	<b>45</b>	<b>47</b>	<b>4.4%</b>
- Civil servants				
- Other public servants				

<sup>2</sup> Administrative resources are assigned to each Programme on an indicative basis only.

<b>Outputs</b>		
<b>2009</b>	<b>2009</b>	<b>2010</b>
<b>Output Target</b>	<b>Output Achieved</b>	<b>Output Target</b>
	<b>HEADLINE OUTPUTS</b>	
	<b>Advice on Advisory Files</b>	
100% monitored turnaround of requests for legal advices as demanded by client Departments.	90.35% achieved	100% monitored turnaround of requests for legal advices as demanded by client Departments.
	<b>Advice on Litigation Files</b>	
100% monitored turnaround of requests for legal advices as demanded by client Departments.	97.8% achieved	100% monitored turnaround of requests for legal advices as demanded by client Departments.
	<b>Advice on Drafting Files</b>	
100% monitored turnaround of requests for legal advices as demanded by client Departments.	91.67% achieved	100% monitored turnaround of requests for legal advices as demanded by client Departments.

## Notes:

- (i) The % achieved figures represent the proportion during 2009 of requests received compared to those dealt with. Turnaround of 100% is not fully achievable in a practical sense as requests are not always received in time to furnish advice before the end of the same year.
- (ii) These figures cannot represent the full range of interaction with clients. There is of necessity a fluidity of interaction between Advisory Counsel and client Departments which takes into account the speed and pace of delivery of certain advices to Government. For instance the case and records management system (ACME) is designed to capture statistics in relation to formal paper and email based correspondence which forms the bulk of the incoming and out going work. However, much advice is also given during meetings or phone conversations with Departments. Additionally, work in relation to emergency or commercially sensitive issues may initially be dealt with outside of the ACME system and consequently would not be captured automatically. The work surrounding emergency financial measures would be an example of this.
- (iii) On Litigation Files, advice was provided mainly on the following legal areas:

ECJ/ECHR	-	623
Extradition	-	143
Judicial Review	-	323
Judicial Review Asylum	-	196
Ministerial Prosecutions	-	37
Plenary Summons	-	398

These include litigation files classified as *Sensitive*. At any point throughout the year the Office would be dealing with approximately 251 lead cases that are considered sensitive. Of these 126 would be constitutional and 125 general.

- (iv) The work of Advisory Counsel is to provide legal advice to its clients in response to their requests. The volume of such requests is difficult to predict with accuracy so our output targets are set to measure how we are meeting our client's demands.

### **Performance Indicators**

- A Client Survey in respect of the services provided by the Advisory Counsel in April 2008 found that the performance ratings in the delivery of services increased on the findings of a similar survey in 2006 under all factors – Communications, Responsiveness and Timeliness, Accuracy and Quality of Outputs and Service Delivery. This is noteworthy in a situation where client expectations had also increased in all four areas. The Office published a revised Client Service Guide and Client and Customer Charters in both languages in June 2009 taking account of the client and customer satisfaction survey, issues raised at meetings of the Office's separate Standing Client and Customer Panels for the Advisory and Administrative sides and the Office of the Parliamentary Counsel and relevant developments at central level. The next survey will take place in the autumn of this year.
- Advisory Groups were reorganised in January 2009 to reflect the outcome of the review of specialisms allocated to each of five specialist groups within the Office.
- The Office agreed with the Office of the Director of Public Prosecutions to permanently transfer responsibility for fisheries prosecutions to that Office with effect from 1 August 2009.
- During 2009, 1 new Advisory Counsel Grade III was recruited, 13 Advisory Counsel were in place on secondment to 10 Departments; Health & Children, Education & Science, Finance, Communications, Energy & and Natural Resources, Justice, Equality & Law Reform, Agriculture, Fisheries & Food, Environment, Heritage & Local Government, Transport and Social & Family Affairs. All of these Advisory Counsel were recruited and trained in the Office prior to their secondment. The secondments have facilitated routine issues being dealt with in the Department on an in-house and proactive basis. It also allows for a significant involvement by the Legal Advisers in more important matters and improves the engagement between the Office and the Departments on these matters.
- Advisory Counsel were involved in advising on many of the Bills drafted in the Office of the Parliamentary Counsel to the Government, some had very short timescales for delivery of the necessary and usually complex legal advice. Advisory Counsel was also involved in advising and directing litigation in co-operation with the Office of the Chief State Solicitor.
- Two one-day sessions of the 'Administrative law course for civil servants' were presented by Advisory Counsel on 11th February and 11th of June 2009. Thirty-eight civil servants from various Departments and Offices availed themselves of the sessions in 2009 and feedback was very positive. A further session of this course is scheduled for June 2010 and thirty-seven people have expressed an interest in attending thus far.

## 5. Parliamentary Counsel Programme

### High Level Goal:

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

<b>Inputs</b>				
	<b>2009 € m</b>	<b>Outturn 2009 € m</b>	<b>Year 2010 € m</b>	<b>Change on Outturn</b>
Programme Expenditure				
- Current	<b>4.767</b>	<b>3.458</b>	<b>3.408</b>	<b>-1.4%</b>
- Capital				
Administration and other Support <sup>3</sup>				
- Pay	<b>1.166</b>	<b>1.749</b>	<b>1.724</b>	<b>-1.4%</b>
- Non-Pay	<b>0.885</b>	<b>0.575</b>	<b>0.880</b>	<b>53.5%</b>
<b>Total Gross Programme Expenditure</b>	<b>6.818</b>	<b>5.782</b>	<b>6.012</b>	<b>4.0%</b>
Number of Staff employed on Programme (whole time equivalents) as at end year.	<b>31</b>	<b>35</b>	<b>38</b>	<b>8.6%</b>
- Civil servants				
- Other public servants				

<sup>3</sup> Administrative resources are assigned to each Programme on an indicative basis only.

<b>Outputs</b>			
	<b>2009</b>	<b>2009</b>	<b>2010</b>
	<b>Output Target</b>	<b>Output Achieved</b>	<b>Output Target</b>
<b>HEADLINE OUTPUTS</b>			
Bills Published	36	52	38
Bills in progress at year-end	-	27	-
Committee and Report Stage amendments to Bills completed	-	4,663	-
Statutory Instruments completed	250	270	250
Statutory Instruments in progress at year-end	-	126	-

#### **Note on Output Targets**

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 2009 demonstrate, very often be largely devoted to drafting amendments to Bills initiated in previous years. This continues to be 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 such Instruments in contrast to Bills. Therefore, output of Statutory Instruments is dependent on the type and content of Instruments required.

### **Performance Indicators**

- A number of significant and urgent drafting requests were received by the OPC during 2009 due primarily to the ongoing economic difficulties that the country was experiencing. A number of these Bills were related to banking and financial matters and had to be drafted and published as a matter of urgency.
- In total, 13 Bills not scheduled in the Government Legislation Programme for the particular Parliamentary Session were drafted as a matter of priority.
- 3 Assistant Parliamentary Counsel Grade II were recruited from the existing panel during 2009 as well as one Consultant Parliamentary Counsel who was recruited for a period of 6 months.
- In 2009, the Office continued to project-manage the Statute Law Revision Project following the Government's approval of the drafting of the Bill in April 2008. However, budgetary issues resulted in a smaller-scale Bill being undertaken and it dealt with Local and Personal Acts up to and including the year 1850 and Private Acts up to and including the year 1750. The Statute Law Revision Bill was published on 27 May 2009 and enacted in December 2009 as the Statute Law Revision Act 2009 (No. 46 of 2009). Further elements of the project have been postponed pending availability of funding. The Bill is the fourth major piece of statute law reform legislation and in conjunction with the Statute Law Revision Act 2007 constitutes one of the most extensive statute law revision programmes undertaken worldwide.
- In 2009 the Office continued to liaise with the Department of the Taoiseach, Office of the Houses of the Oireachtas, Law Reform Commission, the Government Supplies Agency and other stakeholders on how legislation might be more accessible and easier to produce. The Irish Statute Book Project Team (comprising members of the OPC and colleagues on the Advisory and Administration sides of the Office) managed a tender process for electronic publishing services to update the electronic Irish Statute Book on a more regular basis and to provide additional functionality in relation to the search engine. On foot of the process, a new contract was awarded and work on the project is ongoing.
- Parliamentary Counsel gave presentations on the Legislative Process in March, May, June and September to civil servants. The feedback as in previous years was very positive.

### **6. Law Reform Commission Programme**

**High Level Goal:** To keep the law under independent, impartial, and expert review, and make recommendation for its reform, under *the Third Programme of Law Reform 2008-2014* and arising from specific requests from the Attorney General; to prepare Statute Law Restatements; and to update and maintain the Legislation Directory.

**Key Strategies:**

Progress towards completion to a high standard the examination of: (1) the projects currently selected by the Commission from the 37 Projects in the *Third Programme of Law Reform 2008-2014*; and (2) the particular areas of law which the Attorney General has requested the Commission to examine.

Complete the First Programme of Statute Law Restatement.

Update and maintain the Legislation Directory.

<b>Inputs</b>				
	<b>2009 € m</b>	<b>Outturn 2009 € m</b>	<b>Year 2010 € m</b>	<b>Change on Outturn</b>
Programme Expenditure				
- Current	<b>1.417</b>	<b>1.445</b>	<b>0.989</b>	<b>-31.6%</b>
- Capital				
Administration and other Support				
- Pay	<b>0.518</b>	<b>0.665</b>	<b>0.470</b>	<b>-29.3%</b>
- Non-Pay	<b>1.676</b>	<b>1.211</b>	<b>0.933</b>	<b>-23.0%</b>
<b>Total Gross Programme Expenditure</b>	<b>3.611</b>	<b>3.321</b>	<b>2.392</b>	<b>-28.0%</b>
Number of Staff employed on Programme (whole time equivalents) as at end year.	<b>29</b>	<b>25</b>	<b>19</b>	<b>-24.0%</b>
- Civil servants				
- Other public servants				

<b>Outputs</b>		
<b>2009</b>	<b>2009</b>	<b>2010</b>
<b>Output Target</b>	<b>Output Achieved</b>	<b>Output Target</b>
<b>HEADLINE OUTPUTS</b>		
6 Reports	3 Reports	7 Reports
5 Consultation Papers	8 Consultation Papers	3 Consultation Papers
Restatements of 44 Acts including suites of Acts	Draft Restatements of 34 Acts (including suites of Acts) have been approved by relevant Departments and are being prepared for certification by the Attorney General.  Restatements of 10 Acts, including suites of Acts, were in progress at year end.	Final Restatements of all 44 Acts resulting in approx. 40 Restatements First Programme Acts including suites of Acts  Development of a Second Programme of Restatement
Updates of Legislation Directory 2006 - 2008	Updates of Legislation Directory 2006-2007  Tracking of statutory instruments 2006-2007	Updates of Legislation Directory 2008-2009  Tracking of statutory instruments 2008-2009  Upload of missing pre-1922 material
Annual Stakeholders' Conference	Annual Stakeholders' Conference	Annual Stakeholders' Conference
Draft Report Stage Amendments to Land and Conveyancing Law Reform Bill	Drafted Report Stage Amendments to Land and Conveyancing Law Reform Bill 2006. (Land and Conveyancing Law Reform Act 2009, operative date 1 Dec. 2009)	N/A
Customer Satisfaction Surveys for Seminars / Round Tables/ Annual Stakeholders' Conference	Presentation of papers to 20 third party conferences / 50 Meetings with interested bodies / Participation in eLegislation Group and 4 Seminars	Presentation of papers to third party conferences / Meetings with interested bodies / Participation in eLegislation Group and 4 Seminars

The Commission's Output Target 2010 includes:

- 10 Headline Outputs under the Commission's Third Programme of Law Reform 2008-2014, comprising 10 Consultation Papers/Reports. Among the Reports will be a Report on Personal Debt Management and Debt Enforcement (includes draft Debt Management and Debt Enforcement Bill), a Report on Alternative Dispute Resolution (includes draft Mediation

Bill) and a Report on Consolidation and Reform of the Courts Acts (includes draft Courts Consolidation and Reform Bill comprising 300 sections, and proposed repeal of over 100 pre-1922 Acts). Among the Consultation Papers will be a Consultation Paper on Jury Selection and Representativeness and a Consultation Paper on the Hearsay Rule in Civil and Criminal Cases.

- Completion of the First Programme of Restatement, resulting in the presentation for certification of an estimated 40 restatements by the AG. Each restatement involves a number of stages from initial draft to presentation for final certification by the AG. The majority of restatements in the First Programme have been approved by the relevant Departments and are currently being converted to XML to enable electronic publication and compatibility with the electronic repository of legislation. The next step will be final QA and their submission for certification by the AG. Work on the remaining (10) restatements in the First Programme is underway.
- Development of a Second Programme of Restatement based on consultation with a User Group representing stakeholders.
- Supply of HTML material for publication of the Legislation Directory 2006-2009 on the eISB and monthly updates of the Legislation Directory thereafter.

## Annual Output Statement 2010 Template

**1. Summary Statement of High Level Goals for the Ministerial Vote Group, with associated Aggregate Impact Indicator for each High Level Goal consistent with the Statement(s) of Strategy, and cross-referenced to the Programmes set out at sections 3 & 4 below under each High Level Goal.**

### Mission Statement

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

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 as one Programme: the Solicitor service provided by the CSSO.

### 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, and assistance in the negotiation of complex business contracts.

### 2. Total Budget for Chief State Solicitor's Office – by source of funding by year:

	2009 REV € million	2009 Outturn €million	2010 € million	% Change on Outturn
<b>Net Voted Expenditure*</b>	<b>35,886</b>	<b>33,491</b>	<b>34,811</b>	<b>-4</b>
<b>Appropriations in Aid*</b>	<b>3,441</b>	<b>4,708</b>	<b>1,604</b>	<b>-66</b>
<b>Gross Voted Expenditure*</b>	<b>39,327</b>	<b>38,199</b>	<b>36,415</b>	<b>-5</b>
<b>Non-Voted (State source)</b>				
<b>Total Gross Expenditure</b>				
<i>of which – Exchequer Pay</i>	<i>16,303</i>	<i>15,831</i>	<i>15,000</i>	<i>-5</i>
<i>No. of Public Service Employees</i>	249	233	230	-1

\* As in Budget Estimates / Revised Estimates

### 3. Breakdown of Total Gross Expenditure at 2 above by Programme

The Chief State Solicitor's Office's function is to provide solicitor services, including conveyancing and other transactional services, to Departments and Offices.

The Office is organised into five legal Divisions and an Administrative Division. Each legal Division is organised into Sections (or, in some cases, teams) on the basis of similarity of work or client.

The Chief State Solicitor is Ireland's Agent in cases before the European Court of Justice and before other international tribunals.

<i>Programme Name:</i>	<b>2009 REV € million</b>	<b>2009 Outturn €million</b>	<b>2010 € million</b>	<b>% Change on Outturn</b>
Solicitor Service	39,327	38,199	36,415	-5
<b>Total Gross Expenditure</b>	<b>39,327</b>	<b>38,199</b>	<b>36,415</b>	<b>-5</b>

\* As in Budget Estimates / Revised Estimates

#### 4. Individual Programme details for each programme

[PROGRAMME – PROVISION OF SOLICITOR SERVICE]

Statement of relevant High Level Goal as per Statement(s) of Strategy:

- **Key** strategies to achieve High Level Goal as per Statement(s) of Strategy:
  - Deliver the Office's key commitments in its Customer Action Plan 2008 – 2010 and Customer Charter.
  - Maintain close co-operation with the Attorney General's Office and Departmental legal advisers in the handling of legal work.
  - Continued development of knowledge management.
  - Implement the risk management policies of the Office.
  - 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.
  - Planning for the future in CSSO legal services.
  - Recruit, train and develop new CSSO legal staff.
  - Develop and Implement strategic training programme in legal issues
  - Ensure correct application of the PMDS for legal staff.
  - Contribute to effective public service by assisting in the co-ordination of the legal services of the State.
  - Provide legal services to Government in the implementation of litigation policies and in the handling of cross-Departmental issues.
- Rationale for how Programme outputs contribute to these 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 use best practise in the delivery of legal services supported by the use of information technology and high quality knowledge and understanding of legal practise.**

<b>Inputs</b>				
<b>Programme A etc. (As at 3)</b>	<b>2009 € million</b>	<b>Outturn 2009 € million</b>	<b>Year 2010 € million</b>	<b>%Change on Outturn</b>
Programme Expenditure				
- Current	<b>31,699</b>	<b>31,569</b>	<b>29,680</b>	<b>-6</b>
- Capital				
Administration and other Support	<b>4,177</b>	<b>3,940</b>	<b>3,708</b>	<b>-6</b>
- Pay	<b>3,451</b>	<b>2,690</b>	<b>3,027</b>	<b>13</b>
- Non-Pay				
<b>Total Gross Programme Expenditure</b>	<b>39,327</b>	<b>38,199</b>	<b>36,415</b>	<b>-4.7</b>
Number of Staff employed on Programme (whole time equivalents) as at end year.				
- Civil servants	<b>249</b>	<b>233</b>	<b>230</b>	<b>-1</b>
- Other public servants				
<b>Outputs</b>				
	<b>2009</b>	<b>2009</b>	<b>2010</b>	

Output Target	Output Achieved	Output Target
<b>HEADLINE OUTPUT(S)</b>		
<b>Public Law</b> <sup>1</sup>		<p>The Office operates a single programme, which is to provide legal services on issues referred to it by Government Departments and Offices. Given the unpredictability of demand for legal services, the nature, frequency and volume of these calls for legal service cannot be measured, in advance, in quantifiable terms. The Office's best commitment is to remain in a position to deliver, in 2010, a level of output and quality of service similar to that of 2009 taking into account a reduction in Vote and staff numbers. Where quantifiable indicators are available these indicators will be matched in 2010. The best example of such indicators is the customer survey ratings reported in the 2009/10 Customer Survey. A copy of the ratings from the survey is attached at Appendix 1.</p>
New Cases	891	
Cases Closed	518	
Cases in Progress	3854	
.		
<b>Advisory</b> <sup>2</sup>		
New Cases	856	
Cases Closed	909	
Cases in Progress	2196	
<b>State Property</b>		
New Cases	732	
Cases Closed	508	
Cases in Progress	4970	
<b>Justice &amp; Common Law</b> <sup>3</sup>		
New Cases	972	
Cases Closed	1369	
Cases in Progress	4264	
<b>Asylum &amp; Legal Services</b> <sup>4</sup>		
New Cases	1296	
Cases Closed	1333	
Cases in Progress	7345	

<sup>1</sup> The Public Law Division handles most of the constitutional challenges taken against the State

<sup>2</sup> These cases include commercial contract cases, ECJ cases, tribunal cases and employment rights cases.

<sup>3</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>4</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.

**Appendix 1: 2009/10 CSSO Customer Survey Report Ratings**

Scale: 1 = Rarely, 2 = Sometimes, 3 = Frequently, 4 = Almost Always, 5 = Always						
<b>Relationship &amp; Understanding</b>	Overall	Advisory	Asylum & Legal Services	Justice & Common Law	Public Law	State Property
1. Maintained an excellent working relationship with me as a client	4.3	4.5	4.4	4.4	4.1	3.9
2. Ensured regular interaction with me	4.1	4.2	4.3	4.5	3.9	3.7
3. Held regular meetings with me, as necessary	3.9	4.1	4.1	4.3	3.5	3.5
4. Ensured that my priorities were paramount when delivering a legal service to me	3.9	4.1	3.9	4.4	3.7	3.6
5. Identified my requirements for specialist legal service	4.1	4.3	3.4	4.1	3.9	4.1
6. Developed its legal capacity in light of such specialist requirements	3.8	4.1	3.1	4.1	3.5	3.8
7. Provides value for money	4.0	4.2	3.2	4.3	3.8	4.2
<b>Service Quality</b>						
9. Provided with respect and courtesy	4.7	4.8	4.7	4.8	4.7	4.5
10. Provided in a manner which complied with the principles of equality as enshrined in equality legislation	4.8	4.9	5.0	4.6	4.7	4.7
11. Of a high quality	4.3	4.4	4.1	4.5	4.3	4.2
12. Delivered in an efficient and effective manner	4.2	4.3	4.0	4.5	4.1	3.7
13. Delivered professionally and ethically	4.7	4.7	4.7	4.7	4.5	4.6
14. Provided in a way that made maximum use of information technology	4.1	4.2	4.1	4.5	4.1	3.5
<b>Responsiveness</b>						
16. Telephone calls are answered promptly	4.0	4.2	3.9	4.3	4.0	3.5
17. Where I cannot reach a staff member by telephone, they have a voicemail service and return messages within 24 hours	4.2	4.3	4.1	4.3	4.3	3.8
18. When a staff member is out of the office a message to that effect is left on their telephone voicemail service, together with an "out of office" response to incoming emails	4.2	4.4	4.0	4.0	4.1	4.2
19. Letters and emails I send are acknowledged within 7 working days	4.0	4.4	3.9	4.0	4.0	3.4
20. I am given as much advance notice as possible of consultations and court hearings	4.2	4.2	4.4	4.3	3.9	4.3
21. I am kept up to date of developments in my case(s) on an ongoing basis	4.0	4.2	3.9	4.3	3.9	3.5

<b>Documentation</b>						
23. Was accurate	4.5	4.6	4.6	4.5	4.5	4.5
24. Reflected my instructions	4.4	4.5	4.1	4.5	4.4	4.1
25. Used plain non-technical language	4.2	4.3	4.4	4.4	4.2	3.6
26. Was professional in layout and appearance	4.5	4.6	4.3	4.7	4.4	4.5
27. Contained the name of the officer dealing with the matter	4.8	4.8	5.0	4.8	4.6	4.9
28. Contained the telephone extension of the officer dealing with the matter	4.7	4.7	4.9	4.8	4.4	4.8
29. Contained the e-mail address of the officer dealing with the matter	4.6	4.7	4.7	4.5	4.4	4.7
<b>Feedback</b>						
31. Channels to provide feedback were readily available to me	3.8	4.1	3.3	3.7	3.3	4.1
32. I would feel comfortable providing feedback to the Office	4.3	4.5	4.3	4.3	4.0	4.1

**Annex E**

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

**Statements of Compliance; Reports on Payment Practices 2010  
Office of the Attorney General (Merrion Street Office)**

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

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

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

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

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

**Report on Payment Practices for 2010**  
**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 €2,187,959.87 in 2010 were made from the Vote of the Office of the Attorney General in respect of payments to which the Legislation applies.
- There were no Prompt payment interest payments incurred during the year.

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

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

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**

Payments totalling €3,745,048.00 in 2010 were made from the Vote of the Chief State Solicitor's Office in respect of payments to which the Legislation applies. A total amount of €2,044.14 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation.

**Report On Payment Practices For 2010**  
**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 2010:**

Total Value of all Payments:	€3,745,048.00
Total Value of all late payments (under €320 inclusive):	€1,528.48
Total Value of all late payments (over €320):	€122,623.26
Value of late payments as % of total payments:	0.03%
Number of late payments in excess of €320:	58
Amount of Interest paid:	€2044.14
Amount of interest as percentage of total payments:	0.0005%
Broad indication of Length of Delays:	

**Annex F****Office Representation on Committees and Working Groups in 2010**

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  
Courts Martial Rules 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)  
 Litigation Committee of the Law Society  
 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
2008	5	1	4	0	2	0
2009	7	2	5	0	1	1
2010	10	3	7	0	3	1
<b>Total</b>	175	37	138	0	28	17

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
2008	1	1	0	1	1	0	0	3	€45
2009	6	6	0	0	0	1	0	2	€25
2010	6	6	0	0	0	0	0	6	€90
<b>Total</b>	124	110	2	4	n/a	20	5	25	€370

**Statistics for 2010**  
**Office of the Attorney General**

<b>Office of the Attorney General</b>	<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
01/01/10 to 31/12/10	10	5	1	0	0	4

**Statistics from 21 April 1998 to 31 December 2010**

<b>Office of the Attorney General</b>	<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
21/04/98 to 31/12/10	175	51	35	3	5	81

**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
2008	6	6	0	0	2	0
2009	10	1	9	0	1	1
2010	5	2	3	0	2	0
<b>Total</b>	104	55	49	0	45	6

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	2	0	1	0	1	0	0	0	Nil
2009	3	3	2	2	2	0	0	4	60
2010	3	3	0	0	0	2	2	2	30
<b>Total</b>	35	29	8	7	6	10	5	8	120

**Statistics for 2010**  
**Chief State Solicitor's Office**

<b>Chief State Solicitor's Office</b>	<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
01/01/10 31/12/10	5	0	1	0	2	3

**Statistics from 21 April 1998 to 31 December 2009**

<b>Chief State Solicitor's Office</b>	<b>Applications Received</b>	<b>Journalists</b>	<b>Business</b>	<b>Oireachtas</b>	<b>Staff</b>	<b>Others</b>
21/04/98 to 31/12/10	104	16	3	0	39	47

**Training and Development  
Merrion Street Office**

**Breakdown of Expenditure on Training on Development for 2010 in respect of  
the Office of the Attorney General:**

- The total cost of training and development for 2010, including the cost of administration, was €150,927.00
- Excluding administration costs the training and development budget was broken into four specific areas, Staff Training and Development, Refund of Fees, Membership Fees and Conferences
- No members of staff received a refund of fees during 2010

**Expenditure on Training & Development – 2010**

<b>Item</b>	<i>Expenditure €</i>
Seminars, Conferences & Training Courses	91,442
Refund of Fees	0
Cost of consultants & external trainers	8,375
IT Training	8,865
Trainers' salaries & overheads	40,760
Cost of administration	0
Cost of courses attended by trainers	1,485
Purchase of new training materials	0
Master's in Policy Analysis	0
Other	0
<b>Total</b>	<b>150,927</b>
<b>Total Payroll costs A1</b>	<b>9,569,712</b>
<b>Expenditure on T &amp; D as % of salary cost</b>	<b>1.58%</b>

## **Training and Development 2010 CSSO**

### **Breakdown of Chief State Solicitor's Office Expenditure on Training & Development 2010**

The role of the Training and Development Unit (TDU) of the Chief State Solicitor's Office is to provide targeted training for staff throughout the office. Throughout 2010 the TDU undertook a number of areas of training which had been identified by staff in their Personal Training and Development Forms under Performance Management and Development System (PMDS) and areas of training prioritised by the office ranging from health & safety issues, to legal topics to administrative training requirements. 2010 continued the focus on providing in-house training for staff, taking into account the new 2009 CPD regulations requiring Solicitors to complete 11 hours CPD.

The following training was provided for staff during 2010:-

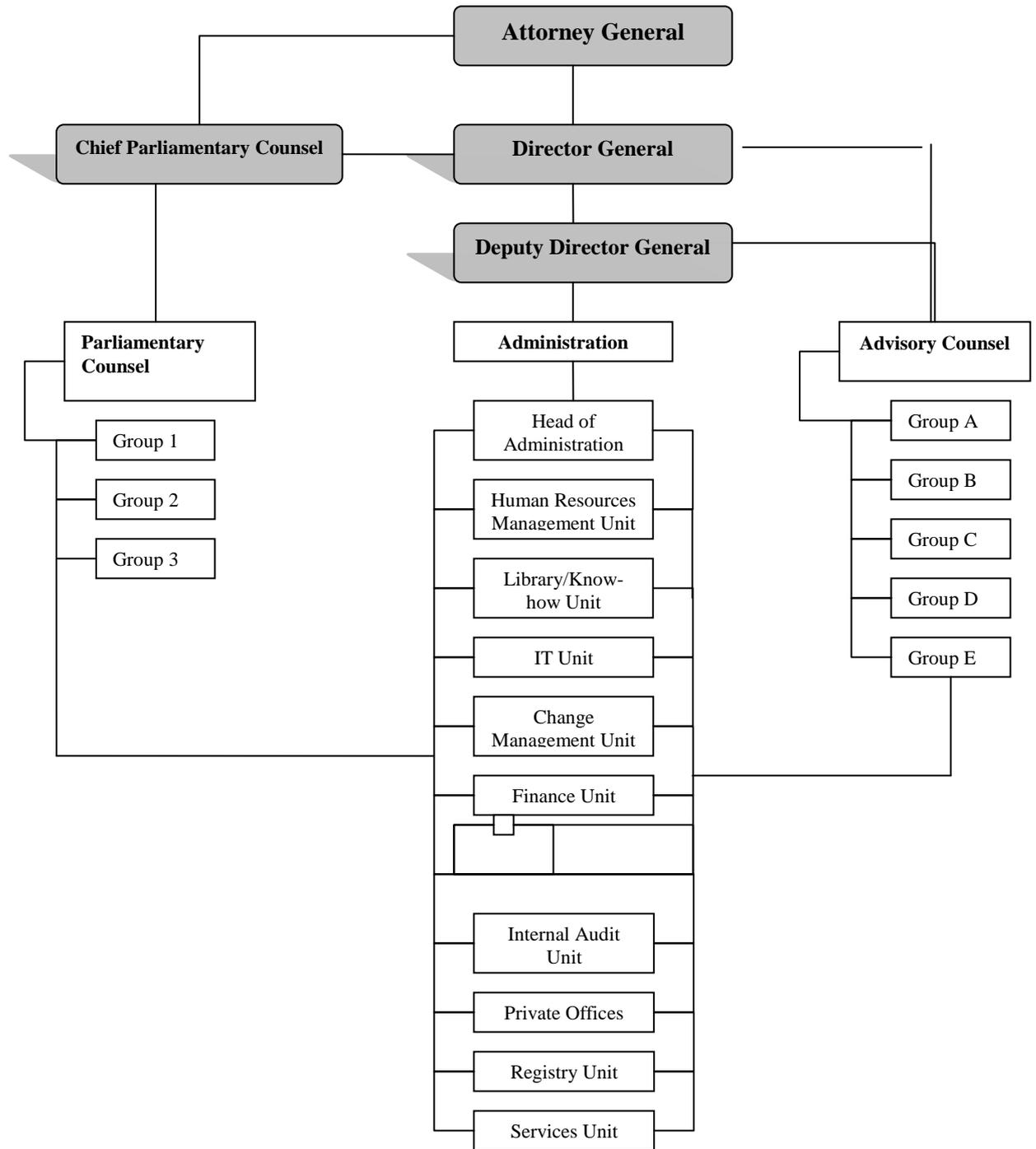
- Clerical Officer and Supervisor Training.
- Training sessions on the ACME system were provided for new entrants to the Office and staff that requested further training on the system.
- Fire Awareness training was provided for all staff during 2010.
- Other training relating to Health and Safety was provided for staff such as, Manual Handling Sessions, Fire Marshal training, Occupational & Refresher First Aid Training, and Evacuation Chair Training.
- TDU contacted and met with the Divisional Managers in early 2010 to look at topics that would be suitable for inviting speakers into the office to talk to staff under an in-house talk's initiative.
- Solicitor staff were required to complete 11 hours Continuing Professional Development (CPD) hours in 2010.
- A number of in house seminars on areas of law were organised throughout the year such as Electronic Discovery, Bullying and Harassment, Civil Forfeiture and the Proceeds of Crime, VAT Pertaining to Property Transactions, The Revenue Appeals Commissioners Process, Insolvency Law, Garda Litigation Issues, The Meadows Judgement, Habeas Corpus, Developments in EU Law, Irish Arbitration Law, Debt Collection Litigation, Bankruptcy Law, The Regulation of Solicitors.
- Further In House 'lunchtime talks' were provided throughout the year such as, Suicide Awareness, Stress Management, Role of the EAO, Public Service Friendly Society, Personal Finance Information

- External conferences and seminars relevant to the business undertaken by the Office were attended by staff throughout the year
- Based on information provided by staff under PMDS and requests made throughout the year the Training and Development Unit organised a number of general training courses for staff.

The Training Unit was allocated €241,000.00 in order to provide training and development for CSSO staff during 2010. The allocation was broken into three specific areas.

Area	Allocation	Spend	Summary
<b>Delegated Budget</b>	<b>€95,100.00</b>	<b>€56,332.80</b>	This amount was divided between the 6 divisions, with each division responsible for working within the allocated amount.
<b>Refund of Fees</b>	<b>€30,000.00</b>	<b>€24,283.55</b>	During 2010, a refund of fees to staff was made in relation to 9 courses
<b>Holding Fund</b>	<b>€115,900.00</b>	<b>€ 41,653.45</b>	This fund was used for expenditure by the TDU on a number of areas of training

Organisation Chart:





## SAMPLE HIGH COURT CASES FROM 2010 INVOLVING THE STATE

**The Minister for Justice, Equality and Law Reform v Grzegorz Jastrzebski**

Judgment delivered by Peart J on 12/01/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Liam Campbell and Brendan McGuigan (Applicants) v The Minister for Justice, Equality and Law Reform (Respondent) and The Information Commissioner (Notice Party)**

Judgment delivered by Peart J on 14/01/10

In these proceedings the applicants sought an order from the Court setting aside a Ministerial Certificate issued pursuant to the Freedom of Information Acts 1997-2003.

**Michael Sheehan (Applicant) v The Minister for Social and Family Affairs and Health Service Executive (Respondents)**

Judgment delivered by MacMenamin J on 14/01/10

This was a judicial review of a decision to terminate the applicant's Jobseekers Allowance.

**Attorney General v Rory P. Doyle (aka David West)**

Judgment delivered by Peart J on 21/01/10

This matter related to an extradition request from the United States.

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

Judgment delivered by Peart J on 25/01/10

The respondent challenged his surrender sought by a judicial authority in the United Kingdom under a European arrest warrant.

**Nottinghamshire County Council v K.B. and K.B. (Respondents) and the Health Service Executive (Notice Party)**

Judgment delivered by Finlay Geoghegan J on 26/01/10

This matter involved a decision in a child abduction case.

**Minister for Justice, Equality and Law Reform v Jindrich Marek**

Judgment delivered by Peart J on 03/02/10

The respondent challenged his surrender sought by a judicial authority in the Czech Republic under a European arrest warrant.

**The Minister for Justice, Equality and Law Reform v Grzegorz Jastrzebski**

Judgment delivered by Peart J on 03/02/10

The respondent sought to certify a point of law of exceptional public importance for the purpose of an appeal to the Supreme Court in respect of a challenge to his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Anthony Leahy (Applicant) v The Director of Public Prosecutions and His Honour Michael O'Shea (Respondents)**

Judgment delivered by Charleton J on 05/02/10

In these judicial review proceedings the applicant sought to prohibit his trial on a charge of dangerous driving causing death.

**Minister for Justice, Equality and Law Reform v Stephen O'Sullivan**

Judgment delivered by Peart J on 09/02/10

The respondent challenged his surrender sought by a judicial authority in the United Kingdom under a European arrest warrant.

**Attorney General v KME; Attorney General v TKE**

Judgment delivered by Peart J on 11/02/10

This matter related to an extradition request from the United States.

**Minister for Justice, Equality and Law Reform v Patrick Murtagh**

Judgment delivered by Peart J on 26/02/10.

The respondent challenged his surrender sought by a Northern Ireland judicial authority under a European arrest warrant.

**Peter Sweetman v An Bord Pleanála, Ireland, the Attorney General and the Minister for the Environment, Heritage and Local Government (Respondents) and Wexford County Council, Kilkenny County Council and the National Roads Authority (Notice Parties)**

Judgment delivered by Hedigan J on 02/03/10

This was an application seeking leave for judicial review under the Planning and Developments Acts 2000 - 2006.

**Michael Meade (Plaintiff) v. The Minister for Agriculture, Fisheries and Food (Defendant)**

Judgment delivered by Laffoy J on 03/03/10

In this case the plaintiff sought injunctive relief in respect of fisheries quotas.

**Shell E & P Ireland Ltd (Plaintiff) v Philip McGrath, James B Philbin, Willie Corduff, Monica Muller, Brid McGarry and Peter Sweetman (Defendants) and The Minister for Communications, Marine and Natural Resources, Ireland and the Attorney General (Defendants to Counterclaim)**

Judgment delivered by Laffoy J on 04/03/10

This was a challenge to Court's equitable jurisdiction to make declarations in relation to private rights and public rights in plenary actions.

**Paula Smyth and Vincent Smyth (Plaintiffs) v Railway Procurement Agency and Veolia Transport Dublin Light Rail Limited (Defendants) and The Attorney General (Notice Party)**

Judgment delivered by Laffoy J on 05/03/10

This was a matter involving the noise impact of the passage of trams on the plaintiffs' house and garden.

**Joseph Hosey, Joseph O'Loughlin and Gerard Hayes v The Minister for the Environment, Heritage & Local Government, Ireland and the Attorney General (Respondents) and The Irish Kennel Club Ltd (Notice Party)**

Judgment delivered by Edwards J on 09/03/10

These judicial review proceedings involved a challenge to the grant of a license to hunt protected wild birds.

**John Morgan v Judge Mary Collins, the Director of Public Prosecutions, Ireland and the Attorney General**

Judgment delivered by O'Neill J on 19/03/10

This was an application for judicial review of District Court criminal proceedings.

**Minister for Justice, Equality and Law Reform v Jaroslaw Ostrowski**

Judgment delivered by Peart J on 19/03/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**John Sisk v District Judge John O'Neill (Respondent) and the Director of Public Prosecutions (Notice Party)**

Judgment delivered by Kearns P on 23/03/10

These judicial review proceedings involved the duty of a District Judge to give reasons.

**Phonographic Performance [Ireland] Ltd v Ireland and the Attorney General**

Judgment delivered by Finlay Geoghegan J on 23/03/10

This was an interim decision to seek a preliminary ruling from the Court of Justice of the European Union pursuant to Article 267 TFEU.

**Brian McMonagle v Emer O'Shea, Ireland and the Attorney General (Respondents) and Minister for Defence (Notice Party)**

Judgment delivered by Hedigan J on 25/03/10

These judicial review proceedings related to *force majeure* leave of a member of the Defence Forces.

**The Garda Representative Association v The Minister for Finance**

Judgment delivered by Charleton J on 25/03/10

In these judicial review proceedings the applicant claimed that the respondent failed to properly exercise his discretion under section 8 of the Financial Emergency Measures in the Public Interest Act 2009 to exclude Gardaí from the "pension levy" introduced by that Act.

**Atlantic Marine Supplies Ltd and Sean Rogers (Plaintiffs) v Minister for Transport, Ireland and the Attorney General**

Judgment delivered by Clarke J on 26/03/10

In these proceedings the plaintiffs claimed the alleged failure of regulation in the maritime safety field on the part of the Minister.

**MD (A Minor) v Ireland, the Attorney General and the Director of Public Prosecutions**

Judgment delivered by Dunne J on 26/03/10

This was a challenge to provisions of the Criminal Law (Sexual Offences) Act 2006 on grounds of gender discrimination.

**William O'Neill v District Judge Michael Patwell, the Director of Public Prosecutions, the Courts Service, Ireland and the Attorney General**

Judgment delivered by Charleton J on 26/03/10

This was a judicial review challenge of a conviction for drunk driving because the District Court areas had been varied in accordance with changes to electoral areas.

**Patrick Morgan v The Minister for Defence, Ireland and the Attorney General**

Judgment delivered by Ryan J on 19/04/10

This was an application by defendants to dismiss action by the plaintiff alleging mistreatment and wrongful repatriation.

**Minister for Justice, Equality and Law Reform v Anthony Patrick Gorman**

Judgment delivered by Peart J on 22/04/10

The respondent challenged his surrender sought by a judicial authority in the United Kingdom under a European arrest warrant.

**Patrick Irwin v The Director of Public Prosecutions and Her Honour Judge Patricia Ryan**

Judgment delivered by Kearns P on 23/04/10

These judicial review proceedings involved an application to prohibit a trial on the basis of missing evidence.

**Rory Brady v The Director of Public Prosecutions**

Judgment delivered by Kearns P on 23/04/10

These judicial review proceedings were a challenge to whether the offence of breach of the peace contrary to common law is an offence known to Irish law.

**M.P. v The Health Service Executive, the Minister for Justice, Equality and Law Reform and Sheila Casey**

Judgment delivered by MacMenamin J on 27/04/10

This was an application to institute civil proceedings under mental health legislation.

**Fiona Byrne v Dr. Kieran Geraghty, the Coroner of the County of Dublin**

Judgment delivered by Hedigan J on 28/04/10

These judicial review proceedings were a challenge to the coroner's verdict of death by misadventure.

**Patrick Holmes v The Minister for Defence, Ireland and the Attorney General**

Judgment delivered by Ryan J on 28/04/10

This was an action against the army for negligence.

**Digital Rights Ireland Ltd v The Minister for Communications, Marine and Natural Resources, the Minister for Justice, Equality and Law Reform, the Commissioner of An Garda Síochána, Ireland and the Attorney General (Defendants) and the Human Rights Commission (Notice Party)**

Judgment delivered by McKechnie J on 05/05/10

This action involved the retention of telecommunications data by telecommunications services providers for law enforcement and security purposes.

**MI v The Health Service Executive**

Judgment delivered by Hedigan J on 05/05/10

These judicial review proceedings related to an HSE investigation into complaint of child sexual abuse.

**The Minister for Justice, Equality and Law Reform v Robert Rettinger**

Judgment delivered by Peart J on 07/05/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Vasile Covaciu v The Governor of Cloverhill Prison**

Judgment delivered by Peart J on 11/05/10

The respondent challenged his surrender sought by a judicial authority in Romania under a European arrest warrant.

**The Minister for Justice, Equality and Law Reform v Brendan McGuigan**

Judgment delivered by Peart J on 12/05/10

The respondent challenged his surrender sought by a judicial authority in Lithuania under a European arrest warrant.

**Pat O'Sullivan, Paul Tangney, Billy Tangney, Mark Tangney, Michael McCarthy, Michael Joy, Pat Joy, John Cronin, Dennis Doona, Jeremiah O'Shea, Michael Griffin, Richard O'Greene, Michael O'Grady, Gerard Cronin, John O'Grady, Michael Sweetman, Michael Moriarty, John Coffey, Hugh Mundell, Dan Murphy, Tom Hickey, Ultan Breene, Dennis O'Shea, Dan Ferris, Rose Hickey, Brendan Joy and Michael J. O'Donoghue (Applicants) v The National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government (Respondents)**

Judgment delivered by McKechnie J on 13/05/10

This was a dispute over a mandatory requirement of their permits to operate in Killarney National Park that jarveys have an approved dung-catching device fitted on their jaunting cars.

**The Minister for Justice, Equality and Law Reform v Wojciech Kasprowicz**

Judgment delivered by Peart J on 13/05/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Peadar Ó Maicín v Éire, An t-Ard-Aighne, An t-Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, An Breitheamh Cuarda Raymond Groarke, agus An Stiúrthóir Ionchúiseamh Poiblí**

Judgment delivered by Murphy J on 14/05/10

These judicial review proceedings related to whether the applicant is entitled to have his evidence heard before a bilingual jury.

**The Minister for Justice, Equality and Law Reform v Ondrej Pollak**

Judgment delivered by Peart J on 19/05/10

The respondent challenged his surrender sought by a judicial authority in the Czech Republic under a European arrest warrant.

**Atlantic Shellfish Limited and David Hugh-Jones (Plaintiffs) v Cork County Council, the Minister for the Marine and Natural Resources, Ireland and the Attorney General**

Judgment delivered by Laffoy J on 20/05/10

This was a claim for damages for the losses which the plaintiffs in relation to the operation of an oyster fishery and subsequent closure by reason of alleged conduct of Cork County Council in operating a sewage scheme.

**Jonathan Caffrey v The Governor of Portlaoise Prison**

Judgment delivered by Charleton J on 20/05/10

This was a *habeas corpus* application on a sentence to life imprisonment.

**Kieran Jackson v Minister for Justice, Equality and Law Reform, Ireland and the Attorney General (defendants) and Kevin Lennon (third party)**

Judgment delivered by Dunne J on 20/05/10

This matter related to a motion to dismiss for want of prosecution.

**Skellig Fish Ltd and Pesquerias Alonso Sociedad Anonima v The Minister for Transport, Ireland and the Attorney General**

Judgment delivered by O'Neill J on 20/05/10

Judicial review proceedings in respect of linguistic competence under maritime safety legislation.

**Stephen O'Sullivan v The Chief Executive of the Irish Prison Service, Ireland and the Attorney General**

Judgment delivered by McKechnie J on 25/05/10

This was a *habeas corpus* application in which the applicant challenged the lawfulness of his detention under the European Arrest Warrant Act 2003.

**BF v The Clinical Director of Our Lady's Hospital, Navan, the Clinical Director of the Central Mental Hospital, Ireland and the Attorney General**

Judgment delivered by Peart J on 04/06/10

These judicial review proceedings challenged certain provisions of mental health legislation.

**Ryanair Limited (Applicant) v Commission for Aviation Regulation (Respondent) and Dublin Airport Authority Public Limited Company (Notice Party)**

Judgment delivered by Kelly J on 04/06/10

This was an application for leave to apply for judicial review against a determination of the Respondent in respect of airport charges.

**The Minister for Justice, Equality and Law Reform v Krzysztof Serdiuk**

Judgment delivered by Peart J on 11/06/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Michael Carey, Richard O'Connor and Martin O'Sullivan v Minister for Finance**

Judgment delivered by Irvine J on 15/06/10

The plaintiffs each brought claims under the Garda Síochána (Compensation) Acts 1941 - 1945 seeking compensation for injuries maliciously inflicted on them in the course of their duties.

**The Minister for Justice, Equality and Law Reform v Alan Majewski**

Judgment delivered by Peart J on 15/06/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Minister for Justice, Equality and Law Reform v Thomas O'Rourke**

Judgment delivered by Peart J on 17/06/10

The respondent challenged his surrender sought by a judicial authority in the United Kingdom under a European arrest warrant.

**Clement Hayes v Ireland, the Attorney General and the Minister for Agriculture, Food and District Judge Finn**

Judgment delivered by McKechnie J on 18/06/10

This case related to violations to brucellosis in cattle legislation.

**Michael Murray v Newsgroup Newspapers Ltd, Independent Newspapers (Ireland) Ltd, Independent Star Ltd, Commissioner of An Garda Síochána, Minister for Justice, Equality & Law Reform, Ireland and the Attorney General**

Judgment delivered by Irvine J on 18/06/10

This was a claim for damages against the defendants for repeated disclosure of details concerning the plaintiff's identity, his convictions for offences and his whereabouts.

**Paula Smyth and Vincent Smyth (Plaintiffs) v Railway Procurement Agency and Veolia Transport Dublin Light Rail Limited (Defendants) and The Attorney General (Notice Party)**

Judgment delivered by Laffoy J on 18/06/10

This matter involved an application by the Attorney General for costs in proceedings against the plaintiffs.

**John Clinton, Eugene Dennehy, Stephen Delaney, Gabriel Keaveny, Gerry Wilson, Nigel Mallen, Phillip Rooney, William Keaty and John Davis (Plaintiffs) v Minister for Justice, Equality and Law Reform (Defendant)**

Judgment delivered by O'Keeffe J on 24/06/10

This was a matter involving the renewal of certain terms under Rules for the Government of Prisons 1947.

**Kevin Tracey and Karen Tracey v Ireland, the Attorney General, the Minister for Justice, Equality and Law Reform, Michael McDowell, the Director of Public Prosecutions, James Hamilton, Michael Liddy, David Scanlon, Michael White, Gabrielle Skinner, Tomas Skinner, Conor Parkinson, the Commissioner of An Garda Síochána, the Garda Complaints Board, Anthony Duggan, Edward Finucane, Paul Gillen, Josephine Dowling, Eunan Dolan, John Keenan, the Courts Service Board, Michael Connellan and Cornelius Murphy**

Judgment delivered by Charleton J on 29/06/10

The defendants sought to strike out pleadings of the plaintiffs against them.

**Lough Swilly Shellfish Growers Co-operative Society Limited and Atlanfish Limited v Danny Bradley and Robert Ivers**

Judgment delivered by DeValera J on 29/06/10

In these proceedings the defendants challenged the constitutionality of fisheries legislation.

**Benedict McGowan and others (Applicants) v The Labour Court, Ireland and the Attorney General (Respondents) and the Technical Engineering and Electrical Union and the Association of Electrical Contractors (Ireland) and the Electrical Contractors Association and the National Electrical Contractors of Ireland (Notice Parties); Minister for Enterprise, Trade and Employment (Prosecutor) v Camlin Electric Limited (Accused); Buncloddy Electrical Contracting Limited, Camlin Electric Limited and Southwestern Power Services Limited (Applicants) v The Labour Court, Ireland and the Attorney General (Respondents) and Technical Engineering and Electrical Union and the Association of Electrical Contractors (Ireland) and the Electrical Contractors Association (Notice Parties)**

Judgment delivered by Hedigan J on 30/06/10

This was a judicial review of a Labour Court decision in respect of a Registered Employment Agreement.

**Patrick Walsh v The Commissioner of An Garda Síochána and Rory Debruir, Francis Moore and John P. Quirke**

Judgment delivered by Kearns P on 05/07/10

In these judicial review proceedings the applicant sought an order of prohibition to bar proceedings before the Board of Inquiry.

**Christine Quinn v Athlone Town Council, Ireland and the Attorney General and the Human Rights Commission (Notice Party)**

Judgment delivered by Hedigan J on 08/07/10

These judicial review proceedings involved a challenge to the Housing Act 1966.

**Patrick Herlihy v District Judge David Riordan and Michael A. Finn (Notice Party)**

Judgment delivered by Kearns P on 09/07/10

This was a judicial review of a refusal of an application for firearms certificates.

**Joan Clarke (Applicant) v County Registrar for the County of Galway, Courts Service of Ireland and the Attorney General (Respondents) and Human Rights Commission (Notice Party)**

Judgment delivered by O'Keeffe J on 14/07/10

Judicial review proceedings challenging the constitutionality of provisions of the Juries Act dealing with deaf persons.

**Sean Mulligan (Applicant) v The Governor of Portlaoise Prison, Minister for Justice, Equality and Law Reform, the Irish Prison Service Ireland and the Attorney General (Respondents)**

Judgment delivered by MacMenamin J on 14/07/10

This was a judicial review over prison conditions.

**Simon Kelly v District Judge Dermot Dempsey and the Director of Public Prosecutions**

Judgment delivered by MacMenamin J on 14/07/10

These judicial review proceedings related to a claim that the prosecution failed to prove in evidence certain Regulations related to the misuse of drugs.

**The Attorney General (Applicant) v Sean Garland (Respondent)**

Judgment delivered by Peart J on 15/07/10

These proceedings related to objections to an extradition request by the United States of America. The respondent also sought discovery of certain documents in respect of his objections.

**Minister for Justice, Equality and Law Reform v Liam Adams**

Judgment delivered by Peart J on 21/07/10

These proceedings involved matters under a European Arrest Warrant.

**Michael McDermott v Governor of Cloverhill Prison, Ireland and the Attorney General and Human Rights Commission (Notice Party)**

Judgment delivered by McKechnie J on 27/07/10

This was an application for *habeas corpus* challenging provisions of the European Arrest Warrant Act 2003.

**G.V.M. Exports Limited (In Voluntary Liquidation) v Ireland, the Attorney General and the Minister for Agriculture, Food and Rural Development; G.V.M. Exports Limited (In Voluntary Liquidation) v The Minister for Agriculture, Food and Rural Development and District Judge Mary O'Halloran (Notice Party)**

Judgment delivered by McKechnie J on 28/07/10

This case related to violations to brucellosis in cattle legislation.

**Michael Faherty (Applicant) v Registrar General of Fishing Boats (Respondent)**

Judgment delivered by Charleton J on 29/07/10

This was a case stated to the High Court in respect of statutory interpretation of fisheries legislation.

**Digital Messenger Limited (Trading as Swords Express) (Applicant) v Minister for Transport (Respondent) and Dublin Bus/ Bus Átha Cliath (Notice Party)**

Judgment delivered by McMahan J on 30/07/10

This was a judicial review involving an application for a road passenger licence.

**James Bowes and Anthony O'Driscoll (Applicants) v The Governor of Mountjoy Prison and the Minister for Justice (Respondents)**

Judgment delivered by Clarke J on 30/07/10

This matter involved a *habeas corpus* application in respect of prison policy for long-term prisoners.

**Joao Carlos Santos Marques (Applicant) v Judge John Brophy of Trim District Court, Judge Raymond Fulham of Trim Circuit Court and the Attorney General (Respondents) and Andrea Marques (Notice Party)**

Judgment delivered by Irvine J on 30/07/10

This was a judicial review application in respect of maintenance payments.

**Minister for Justice, Equality and Law Reform v Jan Odstrcilik**

Judgment delivered by Peart J on 30/07/10

The respondent challenged his surrender sought by a judicial authority in the Czech Republic under a European arrest warrant.

**Pascal Mac Aodháin (Applicant) and Ireland and the Attorney General, the Irish Government, the Minister for Justice, Equality and Law Reform, and the Director of Public Prosecutions (Respondents)**

Judgment delivered by Clarke J on 30/07/10

These judicial review proceedings related to whether a provision of the Courts of Justice Act 1924 created a duty to ensure that District Court judges in Gaeltacht areas had a level of Irish necessary to hear evidence without the use of an interpreter.

**Louis Blehein v the Minister for Health and Children, Ireland and the Attorney General**

Judgment delivered by Laffoy J on 24/08/10

In these proceedings the plaintiff made claims following his detention under mental health legislation.

**The Minister for Communications, Marine and Natural Resources v Figary Watersports Development Company Limited**

Judgment delivered by McKechnie J on 03/09/10

These proceedings related to claims involving a breach of certain terms under a lease.

**Derek Byrne, Margaret McNicholl and Justice for the Forgotten Limited v The Taoiseach, Ireland and the Attorney General**

Judgment delivered by Laffoy J on 09/09/10

These proceedings related to dissatisfaction with investigations into the Dublin and Monaghan bombings.

**The Director of Public Prosecutions (at the suit of Sergeant Thomas McGrath) v John Gilligan**

Judgment delivered by Ryan J on 10/09/10

This was a consultative case stated in respect of prison disciplinary and criminal proceedings.

**Ahktar Mansoor v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Lavan J on 04/10/10

In this action the plaintiff sought reliefs in respect of a negligence claim.

**Minister for Justice, Equality and Law Reform v Trevor Adrian Davies**

Judgment delivered by Peart J on 08/10/10

The respondent challenged his surrender sought by a judicial authority in the United Kingdom under a European arrest warrant.

**UNITE the Union and Paul Gallagher v The Minister for Finance, Ireland and the Attorney General**

Judgment delivered by Kearns P on 08/10/10

These judicial review proceedings related to a challenge to a decision by the Minister for Finance not to exempt certain employees from deductions from the pension levy authorised by the Financial Emergency Measures in the Public Interest Act 2009.

**Minister for Justice, Equality and Law Reform v Damian Jankowski**

Judgment delivered by Peart J on 14/10/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Ladislav Klier v Governor of Cloverhill Prison and the Director of Public Prosecutions (Notice Party)**

Judgment delivered by Peart J on 16/10/10

This matter related to a claim by the applicant that his arrest was unlawful.

**Denis O'Brien and Dermot Desmond (Applicants) v The Tribunal of Inquiry into Payments to Messrs Charles Haughey and Michael Lowry and Mr Justice Moriarty (Sole Member of the Tribunal of Inquiry into Payments to Messrs Charles Haughey and Michael Lowry (Respondents))**

Judgment delivered by Hedigan J on 29/10/10

The applicants sought leave to apply for a judicial review of the decision to appoint Mr McDowell as counsel and relief restraining Mr McDowell from acting as counsel for the tribunal on the grounds that the respondent tribunal would be objectively biased.

**Íde de Búrca (Plaintiff) v the Minister for Transport, Minister for Finance, Ireland and the Attorney General**

Judgment delivered by Laffoy J on 29/10/10

These proceedings related to an employment law matter involving a civil servant.

**Minister for Justice, Equality and Law Reform v. Albert Jarzebak**

Judgment delivered by Peart J on 30/10/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Dellway Investment Limited, Metrospa Limited, Berkley Properties Limited, Maginotgrange Limited, May Property Holdings Limited, Sci 20 Place Vendome, Directdivide Trading Limited, Submitquest Limited, Belfast Office Properties Limited, The Forge Limited Partnership, Finbrook Investments Limited, Connis Property Services Limited, Formcrest Construction Limited, Chesterfield (The Pavements) Subsidiary Limited, Abey Developments Limited and Patrick McKillen (Applicants) v National Asset Management Agency, Ireland and the Attorney General (Respondents)**

Judgment delivered by Kearns P, Kelly and Clarke JJ on 01/11/10

This was a judicial review of the decision to acquire loans under the National Asset Management Agency Act 2009.

**Pearse Doherty (Applicant) v Government of Ireland, Attorney General (Respondents) and Dáil Éireann (Notice Party)**

Judgment delivered by Kearns P on 03/11/10

These judicial review proceedings involved a challenge to election laws.

**Minister for Justice, Equality and Law Reform (Applicant) v Kieron Daly Doran (Respondent)**

Judgment delivered by Peart J on 05/11/10

The respondent challenged his surrender sought by a judicial authority in France under a European arrest warrant.

**Dellway Investment Limited, Metrospa Limited, Berkley Properties Limited, Maginotgrange Limited, May Property Holdings Limited, Sci 20 Place Vendome, Directdivide Trading Limited, Submitquest Limited, Belfast Office Properties Limited, The Forge Limited Partnership, Finbrook Investments Limited, Connis Property Services Limited, Formcrest Construction Limited, Chesterfield (The Pavements) Subsidiary Limited, Abey Developments Limited and Patrick McKillen (Applicants) v National Asset Management Agency, Ireland and the Attorney General (Respondents)**

Judgment delivered by Kearns P, Kelly and Clarke JJ on 08/11/10

This was a request for a certificate of appeal a decision of the High Court to the Supreme Court under provisions of the National Asset Management Agency Act 2009.

**Christopher Doody Senior (Applicant) v Member in Charge Store Street Garda Station (Respondent); Anthony Doody (Applicant) v Member in Charge Whitehall Garda Station (Respondent)**

Judgment delivered by Peart J on 10/11/10

This matter related to a constitutional challenge to provisions of the Criminal Justice Act 2007.

**Tristor Limited (Applicant) v Minister for the Environment, Heritage and Local Government, Dún Laoghaire Rathdown County Council, Ireland and the Attorney General (Respondents) and Cradder (Notice Party)**

Judgment delivered by Clarke J on 11/11/10

These judicial review proceedings involved a challenge to provisions of the Planning and Development Act 2000.

**Mark Looby (Applicant) v Minister for Justice, Equality and Law Reform (Respondent)**

Judgment delivered by Hedigan J on 17/11/10

These judicial review proceedings related to a claim under the Garda Síochána (Compensation) Acts 1941 and 1945.

**Minister for Justice, Equality and Law Reform v Aiden Hooper**

Judgment delivered by Peart J on 17/11/10

The respondent challenged his surrender sought by a judicial authority in the United Kingdom under a European arrest warrant.

**John Burke v Judge David Anderson and the Director of Public Prosecutions**

Judgment delivered by Irvine J on 23/11/10

These judicial review proceedings sought to challenge convictions for the mistreatment of animals.

**John Burke v District Judge Mary Martin and the Director of Public Prosecutions**

Judgment delivered by Irvine J on 23/11/10

In these judicial review proceedings the applicant sought to prohibit a hearing in respect of a number of summonses until an appeal against another related matter is determined by the Supreme Court.

**John Burke v Judge Ray Fulham and the Director of Public Prosecutions**

Judgment delivered by Irvine J on 23/11/10

In these judicial review proceedings the applicant sought to quash an order made by the Circuit Court.

**John Burke v District Judge Hamill and the Director of Public Prosecutions**

Judgment delivered by Irvine J on 23/11/10

These judicial review proceedings involved issues surrounding his conviction for animal welfare offences.

**John Burke v Garda Kevin Bourke, Michael Murray, State Solicitor, Judge Terrance Finn and the Director of Public Prosecutions**

Judgment delivered by Irvine J on 23/11/10

These judicial review proceedings involved issues arising out of bench warrants issued for his arrest.

**Vincent Kelly (Plaintiff) v Declan Doyle and Minister for the Environment and Ireland and The Attorney General (Defendants)**

Judgment delivered by Charleton J on 23/11/10

In this case the first defendant sought to have the case against him struck out for inordinate and inexcusable delay.

**Minister for Justice, Equality and Law Reform (Applicant) v Dawid Piskunowicz (Respondent)**

Judgment delivered by Peart J on 24/11/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**An Táisce – The National Trust for Ireland (Applicant) v Ireland, the Attorney General and An Bord Pleanála (Respondent) and Monaghan County Council, John McQuade Quarries Limited and Peter Sweetman and Associates (Notice Parties)**

Judgment delivered by Charleton J on 25/11/10

In these judicial review proceedings the applicant sought an order quashing the decision of the planning authorities.

**John Hanrahan (Plaintiff) v The Minister for Agriculture, Fisheries and Food (Defendant)**

Judgment of McMahon J on 26/11/10

These proceedings dealt with quantum of damages following a 2009 judgment in respect of an agreement between the parties over the seizure of daily cattle in 2006 in which breach of contract was claimed.

**Michael McKenzie and the Permanent Defence Forces Other Ranks Representative Association v The Minister for Finance, the Minister for Defence, Ireland and the Attorney General**

Judgment delivered by Edwards J on 30/11/10

These judicial review proceedings involved a challenge to the purported implementation of a Department of Finance Circular.

**Francis McGuinness v The Commissioner of An Garda Síochána, Ireland and the Attorney General**

Judgment delivered by Herbert J on 07/12/10

This was a claim for damages following the seizure of items from his premises.

**In the Matter of the Valuation Act 2001; Kilsaran Concrete (Appellant) v Commissioner of Valuation (Respondent)**

Judgment delivered by Hedigan J on 07/12/10

This was a case stated by the Valuation Tribunal in respect of an exemption from rateability.

**Wicklow County Council v John O'Reilly, Brownfield Restoration Ireland Limited, Swalcliffe Limited (trading as Dublin Waste), Dean Waste Co. Limited and Samuel J. Stears**

Judgment delivered by O'Keeffe J on 07/12/10

These proceedings related to infringements under waste management legislation.

**Anne Weldon v Minister for Health and Children and Lourdes Hospital Redress Board**

Judgment delivered by Peart J on 10/12/10

This was a judicial review of a refusal the applicant compensation under the Lourdes Hospital Redress Scheme.

**Belinda Lockwood (Plaintiff) v Ireland, The Attorney General & The Commissioner of An Garda Síochána (Defendants)**

Judgment delivered by Kearns P on 10/12/10

In the present proceedings the plaintiff claimed damages arising from the alleged negligence and breach of duty of the defendants arising from when she was the complainant in a prosecution for rape.

**Tristor Limited (Applicant) v Minister for the Environment, Heritage and Local Government, Dún Laoghaire Rathdown County Council, Ireland and the Attorney General (Respondents) and Cradder (Notice Party)**

Judgment delivered by Clarke J on 12/10/10

These judicial review proceedings involved a challenge to provisions of the Planning and Development Act 2000.

**Minister for Justice, Equality and Law Reform v Noel McPhillips**

Judgment delivered by Peart J on 14/12/10

The respondent challenged his surrender sought by a judicial authority in Belgium under a European arrest warrant.

**Albert Jarzebak v The Governor of Cloverhill Prison**

Judgment delivered by Peart J on 16/12/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Edward Walsh and Constance Cassidy (Plaintiffs) v. Sligo County Council (Defendant)**

Judgment delivered by McMahon J on 20/12/20

This was a matter involving a claim over a public right of way at Lissadell House.

**MP v The Attorney General, the Health Service Executive and Sheila Casey**

Judgment delivered by MacMenamin J on 21/12/10

This was an application for leave to issue proceedings brought by the plaintiff/applicant and an application by the defendants for various prohibitory reliefs.

**COURT OF CRIMINAL APPEAL CASES FROM 2010 INVOLVING THE STATE****The People (at the suit of the Director of Public Prosecutions) v Raymond Gormley**

Judgment delivered by Finnegan J (with Hanna and Charleton JJ) on 04/03/10

The applicant sought leave to appeal against his conviction for attempted rape.

**Director of Public Prosecutions v Anthony McCarthy, Christopher Costello, David Stanners, James McCarthy and Desmond Dundon**

Judgment delivered by Fennelly J (with Dunne and McGovern JJ) on 16/06/10

This was an application to have certified a number of points of law claimed to be of exceptional public importance so as to enable them to pursue their appeals before the Supreme Court.

**The People (at the suit of the Director of Public Prosecutions) v Gareth McCarthy**

Judgment delivered by Macken J (with Budd and O'Keeffe JJ) on 12/10/10

The applicant sought to appeal against a decision of the Circuit Court in dismissing charges against the respondent.

**Director of Public Prosecutions v Derek Wade**

Judgment delivered by Macken J (with Budd and Herbert JJ) on 28/10/10

This was an application for leave to appeal a conviction for murder and attempted robbery.

**Catherine Nevin (Applicant) v The Director of Public Prosecutions (Respondent)**

Judgment delivered by Hardiman J (with McKeachie and Birmingham JJ) on 22/11/10

The applicant applied to the court pursuant to section 2 of the Criminal Procedure Act 1993 in respect of newly discovered facts which might demonstrate that there had been a miscarriage of justice in her case.

**Director of Public Prosecutions (Prosecutor) v Martin Conney (Applicant)**

Judgment delivered by Hardiman J (with Budd and DeValera JJ) on 22/11/10

The applicant applied to the court pursuant to section 2 of The Criminal Procedure Act 1993 for a declaration that newly discovered facts called into question the credibility of witnesses and clearly demonstrated that there had been a miscarriage of justice in his case.

## SUPREME COURT CASES FROM 2010 INVOLVING THE STATE

**Abosede Olunwatoyin Meadows v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgments delivered by Murray CJ, Kearns P, Denham and Fennelly and Hardiman JJ on 21/01/10  
This was an appeal in respect of a deportation order with reference to the appropriate test for judicial review.

**Dermot Sparrow v Minister for Agriculture, Fisheries and Food and Judge Hamill**

Judgment delivered by Denham J (with Geoghegan and Finnegan JJ concurring) on 29/01/10  
The applicant sought to prohibit his trial for summary offences on the grounds of ill health.

**Dolores Mannion v The Legal Aid Board, the Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Hardiman J (with Geoghegan and Finnegan JJ concurring) on 26/02/10  
This appeal involved the question of whether the Legal Aid Board is required to have a panel of private solicitors to conduct litigation.

**Mary Roche (Applicant/Appellant) v Thomas Roche, Anthony Walsh, David Walsh and SIMS Clinic Ltd (Respondents) and The Attorney General (Notice Party)**

Judgment delivered by Murray CJ (with Denham, Hardiman, Geoghegan and Fennelly JJ concurring) on 02/03/10

This was an appeal against a High Court decision to order costs against the Attorney General.

**John Rooney (Plaintiff/Appellant) v The Minister for Agriculture and Food, the Minister for Finance, the Taoiseach, Ireland and the Attorney General, Donal McDaid, Patrick Delaney, the Irish Farmers Association, ERAD, the Management Board for Disease Eradication and Others**

Judgment delivered by Finnegan J (with Hardiman and Macken JJ concurring) on 09/03/10

This matter related to the issue of making of restraint order by Supreme Court.

**The Minister for Justice, Equality and Law Reform v Dominik Slonski**

Judgment delivered by Macken J (with Finnegan and O'Donnell JJ concurring) on 25/03/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Vasile Covaciu (Appellant) v Minister for Justice, Equality and Law Reform (Respondent)**

Judgment delivered by Murray CJ (with Denham and O'Donnell JJ concurring) on 12/04/10

The respondent challenged his surrender sought by a judicial authority in Romania under a European arrest warrant.

**Joseph Murphy, Frank Reynolds and Joseph Murphy Structural Engineers Ltd (Applicants/Appellants) v Mr Justice Feargus M. Flood (the Former Sole Member of the Tribunal of Inquiry into Certain Planning Matters and Payments), His Honour Judge Alan P. Mahon, Her Honour Judge Mary Faherty and His Honour Judge Gerald Keys (the Members of the Tribunal of Inquiry into Certain Planning Matters and Payments), Ireland and the Attorney General (Respondents/Respondents)**

Judgments delivered by Denham J (with Geoghegan, and Finnegan JJ concurring), Hardiman and Fennelly JJ) on 21/04/10

This was a challenge to a tribunal's decision.

**The Irish Pharmaceutical Union, Mark Gouldson, Gouldson Pharmacy Ltd, Hunter's Pharmacy Windy Arbour Ltd, Belmire Ltd trading as Britton's Pharmacy, Corr's Pharmacy (Clonshaugh Ltd) v The Minister for Health and Children, Ireland and the Attorney General**

Judgment delivered by Macken J (with Murray CJ, Denham, Hardiman and Geoghegan JJ concurring) on 29/04/10

This matter related to pharmacy contracts between individual pharmacists and health boards in relation to the provision of pharmaceutical services.

**Pól Ó Murchú v The Taoiseach, the Tánaiste and Minister for Enterprise, Trade and Employment, Ireland, the Attorney General and Others**

Judgment delivered by Macken J (with Murray CJ, Kearns P, Hardiman and Fennelly JJ concurring) on 06/05/10

This case involved whether there is a constitutional obligation on the appellants to enact legislation in both official languages and whether there is a constitutional obligation on the appellants to translate statutory instruments into Irish simultaneously with the versions made or signed in English.

**Christopher McBrearty (A person of unsound mind not so found by inquiry suing by his mother and next friend, Anna McBrearty) v The North Western Health Board, Andrew McFarlane and, by order of the High Court, John Glynn and Jaspal Singh**

Judgment delivered by Geoghegan J (with Murray CJ, Denham, Hardiman and Fennelly JJ concurring) on 10/05/10

These proceedings related to a challenge to proceedings for medical negligence on the basis of delay.

**David Keating v Judge Timothy Crowley, Ireland and the Attorney General**

Judgment delivered by Murray CJ (with Denham, Hardiman, Geoghegan and Fennelly JJ concurring) on 12/05/10

This was an appeal brought by the second and third named appellants against an award of damages.

**Central Applications Office Ltd v The Minister for Community, Rural and Gaeltacht Affairs, Ireland and the Attorney General**

Judgment delivered by Fennelly J (with Hardiman and Finnegan JJ concurring) on 13/05/10

This case involved the question of whether the appellant was lawfully designated by the first named respondent as a public body for the purposes of the Official Languages Act 2003.

**The Minister for Justice, Equality and Law Reform v Rafal Adach**

Judgment delivered by Hardiman J (with Geoghegan and Finnegan JJ concurring) on 13/05/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Paul Lynch v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General; Peter Whelan v The Minister for Justice, Equality and Law Reform, Ireland and the Attorney General**

Judgment delivered by Murray CJ (with Denham, Hardiman, Geoghegan and Macken JJ concurring) on 14/05/10

This involved a constitutional and European Convention on Human Rights challenge to a provision of the Criminal Justice Act 1990 in respect of mandatory sentence of life imprisonment for offence of murder.

**Minister for Justice, Equality and Law Reform v Michéal Ó Fallúin (otherwise Michael Fallon)**

Judgments delivered by Murray CJ and Finnegan J (with Fennelly J concurring) on 19/05/10

The respondent challenged his surrender sought by a judicial authority in the United Kingdom under a European arrest warrant.

**Enitan Pamela Izevbekhai, Naomi Alero Izevbekhai (A Minor) and Jemima Temisanre Izevbekhai (A Minor) (Both suing by their Mother and Next Friend Enitan Pamela Izevbekhai) v The Minister for Justice, Equality and Law Reform**

Judgments delivered by Fennelly J (with Murray CJ, Hardiman and Macken JJ concurring) and Denham J on 09/07/10

This is a further application for judicial review in respect of asylum and refugee matters.

**The Minister for Justice, Equality and Law Reform v Robert Rettinger**

Judgments delivered by Fennelly and Denham JJ (with Finnegan J concurring) on 23/07/10

The respondent challenged his surrender sought by a judicial authority in Poland under a European arrest warrant.

**Sergejs Rimša (Applicant) v Governor of Cloverhill Prison (Respondent) and Minister for Justice, Equality and Law Reform (Notice Party)**

Judgment delivered by Murray CJ (with Kearns P and Hardiman, Fennelly and Finnegan JJ concurring) on 28/07/10

The respondent challenged his surrender sought by a judicial authority in Latvia under a European arrest warrant.

**Paulo Nascimento v Minister for Justice, Equality and Law Reform and Ireland and the Attorney General**

Judgment (*ex tempore*) delivered by Murray CJ (with Hardiman, Fennelly, Macken and Finnegan JJ) on 06/10/10

In this case the applicant sought his transfer to Portugal under the Transfer of Sentenced Persons Act 2003 to serve his sentence to life imprisonment.

**Peter Creighton (Plaintiff/Respondent) v Ireland, the Attorney General, the Minister for Justice, Equality and Law Reform and the Governor of Wheatfield Prison (Defendants/Appellants)**

Judgment delivered by Fennelly J (with O'Donnell and McKechnie JJ) on 27/10/10

This was an appeal by the defendants against the award of damages following a knife attack on the plaintiff and a cross-appeal by the plaintiff against the rejection of the claim as he had presented it.

**John Rooney (Plaintiff/Appellant) v The Minister for Agriculture, Food and Forestry, The Minister for Finance, Ireland and the Attorney General (Defendants/Respondents)**

Judgment delivered by Finnegan J (with Hardiman and Macken JJ concurring) on 18/11/10

This was an appeal against a decision involving the right to compensation under a bovine tuberculosis scheme.

**Board of Management of St. Molaga's National School (Applicant/Respondent) v The Secretary General of the Department of Education and Science, and Kevin Meehan, Máire Ní Mhairtín and Paddy Hogan (Respondents/Appellants) and A. and B. (Notice Parties)**

Judgment delivered by Denham J (with Murray CJ, Hardiman, Fennelly and Finnegan JJ concurring) on 23/11/10

This was a judicial review involving statutory interpretation of provisions of the Education Act 1998.

**Oliver Whelton (Appellant) v. District Judge Constantine O'Leary (Respondent) and the Director of Public Prosecutions (Notice Party)**

Judgments delivered by Fennelly and McKechnie JJ (with O'Donnell J) on 21/12/10

This was an appeal against refusal of order of *certiorari* in which the appellant challenged evidence.

**The Minister for Justice, Equality and Law Reform (Applicant/Respondent) v James Anthony Tighe (Appellant)**

Judgment delivered by Hardiman J (with Murray CJ and Denham J) on 21/12/10

The respondent challenged his surrender sought by a judicial authority in the United Kingdom under a European arrest warrant.

## JUDGMENTS OF THE ECJ AND GENERAL COURT FROM 2010 INVOLVING IRELAND

(Case C-456/08) Judgment of the Court (Third Chamber) of 28 January 2010: European Commission v Ireland (Failure of a Member State to fulfil obligations – Directive 93/37/EEC – Public works contracts – Notification to candidates and tenderers of decisions awarding contracts – Directive 89/665/EEC – Procedures for review of the award of public contracts – Period within which actions for review must be brought – Date from which the period for bringing an action starts to run)

(Case C-221/08) Judgment of the Court (Third Chamber) of 4 March 2010: European Commission v Ireland (Failure of a Member State to fulfil obligations – Directive 95/59/EC – Taxes other than turnover taxes which affect the consumption of manufactured tobacco – Article 9(1) – Free determination, by manufacturers and importers, of the maximum retail selling prices of their products – National legislation imposing a minimum retail selling price for cigarettes – Justification – Protection of public health – World Health Organisation Framework Convention on Tobacco Control)

(Case C-294/09) Judgment of the Court (Fifth Chamber) of 15 April 2010: European Commission v Ireland (Failure of a Member State to fulfil obligations – Directive 2006/43/EC – Statutory audits of annual accounts and consolidated accounts – Failure to transpose completely within the prescribed period – Failure to communicate the measures to transpose the directive)

(Case C-226/09) Judgment of the Court (Fourth Chamber) of 18 November 2010: European Commission v Ireland: (Failure of a Member State to fulfil obligations – Directive 2004/18/EC – Public procurement procedures – Award of a contract for interpretation and translation services – Services falling within the ambit of Annex II B of the Directive – Services not subject to all the requirements of the Directive – Weighting of the award criteria determined after tenders have been submitted – Weighting altered following an initial review of the tenders submitted – Compliance with the principle of equal treatment and the obligation of transparency)

## EUROPEAN COURT OF HUMAN RIGHTS

- A hearing before the Grand Chamber in **McFarlane v Ireland** (application no. 31333/2006) took place in March 2010.
- Judgment was delivered on 10 September 2010 by the Grand Chamber in the **McFarlane** case (application no. 31333/2006). Judgment was delivered on 16 December 2010 by the Grand Chamber in the case of **A, B and C v Ireland** (application no. 25579/2005). It is noted that in **Taxquet v Belgium** (application no. 926/2005) Ireland intervened as a third party in this case in support of Belgium but did not take part in the oral hearing. Judgment was delivered by the Grand Chamber on 16 November 2010.
- There were four decisions involving Ireland in 2010. The application of **Artemi and Gregory v Cyprus** (and 21 other EU Member States, including Ireland) (application no. 35524/06) was struck out on 30 September 2010. The application in **X v Ireland** (application no. 14079/04) was declared inadmissible on 20 January 2010 (date of publication). The application in **Stapleton v Ireland** (application no. 56588/07) was declared inadmissible on 4 May 2010. The application in **Kelly v Ireland** (application no. 41130/06) was declared inadmissible on 14 December 2010.