

Office of the Attorney General

Annual Report 2014

Incorporating the

Fourth Progress Report on Implementation of Statement of Strategy 2011 – 2014.

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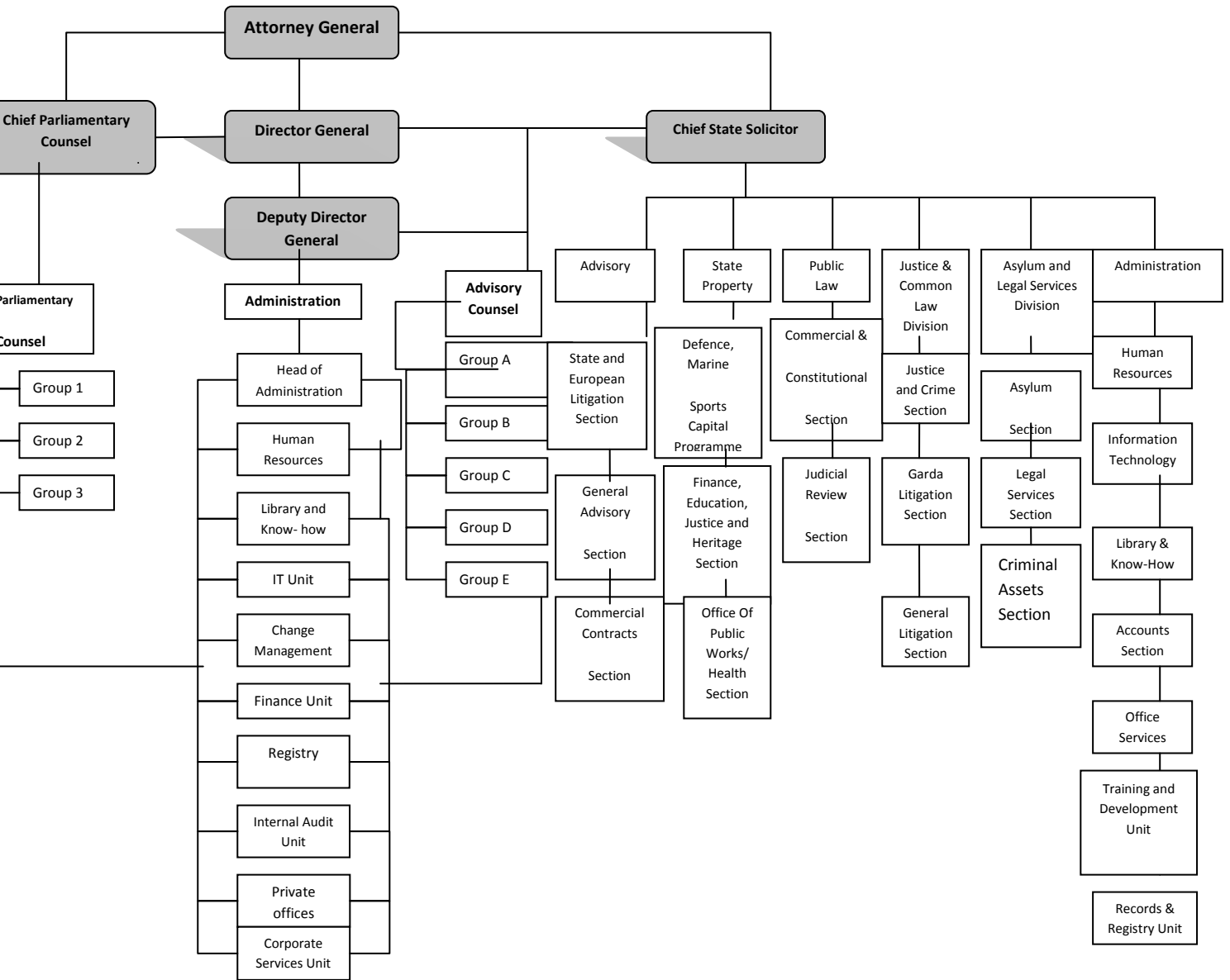
The Mission Statement of the Office of the Attorney General is:

To provide the highest standard of professional legal services to the Government Departments and Offices as economically and efficiently as possible.

We have six High Level Goals to pursue the above Mission Statement as set out in the Statement of Strategy 2011 - 2014

- To support the Attorney General in the performance of her constitutional role as legal adviser to the Government
- Delivery of a high quality specialist legal advisory service to our clients.
- To provide a high quality professional specialist and efficient legislative drafting service to Government.
- To support and assist in the coordination of the legal services of the State.
- To deliver a high quality specialist solicitor service to the Attorney General, Departments and Offices in areas of litigation and to provide high quality specialist legal advice and services in property and transactional matters.
- To provide modern and professional corporate and business management services in the Office that delivers the highest quality of service.

Organisation Chart



Foreword from AG

I am pleased to present the Office's Annual Report for 2014.

The publication of this Annual Report provides an opportunity to review the major legal and organisational developments in the work of the Office in 2014. This Annual Report also includes the fourth progress report arising out of the Office's Strategy Statement 2011 – 2014.

One particular area of reform which has been achieved by my Office in recent years and which warrants acknowledgement is that of Counsel's fees. In this regard, there has been a reduction in expenditure out of the CSSO Vote of 44.8% at the end of 2014 when compared to 2008 payments.

In addition to the reduction in expenditure, substantial progress has also been achieved in the equitable distribution of State work to Counsel. Since 2011, arrangements have been put in place in the Office of the Attorney General and the Chief State Solicitors Office to enhance the allocation of work among a greater number of Junior and Senior Counsel briefed by the State to avoid situations where a small number of Counsel earn very large sums from the State. These arrangements are closely monitored on a monthly basis to ensure their continued implementation and effectiveness.

In Chapter 5 of the Report the establishment of the Court of Appeal on the 28th October 2014 is discussed. The establishment of the Court of Appeal was a very seminal event for the Irish legal system generally. This reform of our legal landscape affected the substantial existing body of appeals pending before the Supreme Court. Thus, it was a very significant legal area dealt with by my Office in 2014 in terms of advice and drafting.

Finally I want to thank the staff in both Offices for their continued dedication, hard work and service.

Máire Whelan, SC

Attorney General

Chapter 1

The Role of the Attorney General's Office

The Attorney General is a constitutional office holder under Article 30 of the Constitution. She is the adviser to the Government in matters of law and legal opinion. Her office of lawyers and administrative staff assist her in the provision of advice to Government, Ministers of the Government and Government Departments, the drafting of legislation on instructions from Ministers and Government Departments and representing Ireland, the Attorney General and Government Departments in litigation. The Attorney General's own office is in Government Buildings, Merrion Street, Dublin where her staff of Advisory Counsel and Parliamentary Counsel are located while the solicitors in the Chief State Solicitor's Office (CSSO) are based nearer the courts at Ship Street and Chancery Lane. The administrative head of the Office is the Director General, Liam O'Daly. The Chief State Solicitor is Eileen Creedon and the Chief Parliamentary Counsel is Paul Linehan.

The administrative structure of the part of the Office located in Merrion Street and the CSSO is set out in the chart on page 4 of this Report. The CSSO is organised into Divisions and Sections with specific areas of work as described in the chart. During 2014 Advisory Counsel were organised into five separate Groups by reference to different areas of legal specialism, while Parliamentary Counsel within the Office of the Parliamentary Counsel to the Government (OPC) were organised into three Groups up to September 2014 and four Groups for the remainder of the year, each Group dealing with a number of Government Departments.

The Office is the principal law office of the State dealing with public law matters relating to how Ireland is governed and administered. It deals with core issues of constitutional importance, about how the Constitution may be interpreted, applied and occasionally amended. The Office provides advice to Government Departments on how laws are to be interpreted by those who must apply them and how they might be changed to reflect new domestic, European or international legal obligations or other circumstances. When a question exists about the interpretation or application of laws by Ministers or Departments the Attorney General's Office advises on their correct interpretation or application, represents the State in any resulting litigation and also advises on, and drafts, any necessary, remedial legislation.

The range of work with which the Office deals reflects the entire scope of governmental activity in a modern democracy, from the details of planning, implementing and defending new rules in technical areas of

industry or agriculture, through the arrangements for government services in education, healthcare, or justice, to significant questions of human rights, European integration and international relations. Government lawyers may be dealing with anything from public procurement issues, transactions in relation to state owned property, intellectual property disputes, compliance with EU Rules, applications in respect of criminal assets to constitutional challenges or criminal law legislation. The Office provides a professional service to its public service clients while at the same time ensuring its legal advice represents an independent assessment of the law on various matters raised. The range of work can be gauged by the fact that in 2014:-

- The Office opened 482 new judicial review files and 266 new files in the area of asylum and immigration law.
- In 2014, the State and European Litigation Section commenced 16 Court of Justice of the European Union (CJEU) cases in which Ireland participated in the written and/or oral procedure.
- Parliamentary Counsel drafted a significant number of Bills for consideration by the Oireachtas (45 Government Bills published in 2014) and Statutory Instruments (224 drafted and transmitted to Departments, of which 37 focused on the incorporation of EU obligations).

The work of the Office is extremely dynamic as Irish, European and international law continue to change and the Office takes steps to meet the highest professional standards and public service requirements. The clients of the Office include the Government, Ministers of the Government and Government Departments. Lawyers in the Office work closely with lawyers working for other public bodies such as the Office of the Director of Public Prosecutions, the National Treasury Management Agency, the Health Service Executive and other State agencies. To help service the legal needs of Government Departments there is an increased use of the secondment service developed by the Office with lawyers being seconded to work as legal advisers within Departments while some lawyers within the CSSO are specially contracted and funded to deal with specialised work from particular Departments.

The Law Reform Commission

The Law Reform Commission is a statutory body established by the *Law Reform Commission Act 1975*. The role of the Commission is to keep the law under independent, objective and expert review, to make consequent recommendations for law reform and to make current law accessible for all.

The Commission's role is carried out primarily under a Programme of Law Reform approved by the Government and placed before both Houses of the Oireachtas. The Commission also works on specific matters referred to it by the Attorney General under the 1975 Act.

The Commission is wholly funded via a Grant from the Offices' Vote.

For more details in relation to the role of the Attorney General's Office please visit our website at www.attorneygeneral.ie

Chapter 2 The Attorney General's Office in 2014

Staffing

At the end of 2014 the authorised staff complement in the Merrion Street Office was 130 and was 19 in the Law Reform Commission. The authorised staff complement in the CSSO at the end of 2014 was 243.

At end-2014 the Merrion Street Office exceeded the Government targets in relation to the employment of women. 54.25% of staff were female at or above Assistant Principal Officer level while 52.55% of staff at or above Principal Officer level were female. In relation to the CSSO, at the end of 2014 the Office also exceeded the Government targets in relation to employment of women. The proportion of female staff at or above Assistant Principal Officer level was 61.5%, while the proportion of female staff at or above Principal Officer level was 55.9%. Further details in relation to gender balance are available on the Office website at www.attorneygeneral.ie

In relation to the accessibility of staff with disabilities the proportion of staff with disabilities in the Merrion Street Office at the end of 2014 continues to exceed the Government target of 3%. The Office monitored its accessibility during the year including accessibility through its website, and ensured that all renovation or maintenance work took into account the needs of persons with disabilities. In the CSSO the proportion of staff with disabilities employed in the Office at the end of 2014 exceeded the Government target of 3%. The Office continued to support staff with disabilities and is always interested in receiving suggestions from staff.

Lawyers seconded to Government Departments

As part of the diversification of the model of delivery of legal services and in recognition of the expanding need for legal input at an early stage in Government Departments, the Office has been running a highly successful secondment programme since 2006 whereby Advisory Counsel are placed as legal advisers within Government Departments. Solicitors from the CSSO have also been seconded to a number of Departments.

Prior to secondment, Advisory Counsel undergo specific training in the Attorney General's Office to prepare them for their placements.

When placed within Departments they provide legal advice, often on a very broad range of matters referred to them by the Department and the relevant Minister. They deal with many aspects of the day to day

requirements for legal input that a Department may have, both in terms of assistance with legislative projects and discrete legal queries that may arise on key policy initiatives.

These seconded legal advisors are uniquely placed to have an insight into the legal requirements of a Department. They develop a specialist legal knowledge arising from the business of the department in which they are placed and provide effective, focussed and client specific legal advice against a broad background of public law expertise. They develop working relationships with all of the key stakeholders involved and provide an important point of liaison between the Departments and the legal offices of the State.

The legal advisors also play an important role in the overall formulation of briefing for the Attorney General's Office and assist Departments in identifying matters of potential legal or constitutional significance at an early stage and referring those for advice to the Attorney General.

By 2014, due to increasing demand, the secondment programme had significantly expanded and developed, with the Office placing more than 20 legal advisors across Government Departments and Offices.

The Office also assigns an Advisory Counsel as Legal Counsellor to the Permanent Representation of Ireland to the European Union in Brussels. The role of Legal Counsellor has become an essential and intrinsic element of the effective functioning of the Permanent Representation. In addition to the secondment programme to Government Departments, the Office also seconded an Advisory Counsel to work as a Seconded National Expert in the Legal Service of the European Commission.

In 2014, two solicitors were seconded from the CSSO to Tusla (the Child and Family Agency).

The Office welcomes the success of these programmes and intends to continue to introduce innovations as appropriate in seeking to meet the needs of Government for the provision of legal services into the future.

Knowledge Management

The Office is a Knowledge based organisation with a central focus on Knowledge Management (KM). The ease of retrieval of the organisation's knowledge has a significant impact on the organisation's time in all areas, not just in relation to legal knowledge. Improved efficiencies in working practices, improved consistency in legal advice and the reduction in duplication of efforts in all Office areas are key cost benefits of KM. In the area of risk management, KM is of particular importance in managing reputational risk.

The Office continues to build on the investment and development of staff to ensure continued professional excellence in order to provide optimum legal services through the development and implementation of KM

Strategies. During 2014 the Office engaged in reviewing trends and developments in the area of Knowledge Management with a view to preparing new KM Strategies.

Public Sector Reform

In March 2014 staff from the Office attended a "Town hall" meeting in Dublin Castle to put forward and discuss ideas for reform and renewal in the context of the development of a Strategy for Renewal of the Civil Service. The *Civil Service Renewal Plan* was published by the Minister for Public Expenditure and Reform on 30 October 2014. The Renewal Plan focuses on driving practical change through 25 specific actions in four key areas:

- Unified: Managing the civil service as a single unified organisation;
- Professional: Maximising the performance and potential of all civil service employees and organisations;
- Responsive: Changing our culture, structure and processes so that we become more agile, flexible and responsive;
- Open and Accountable: Continuously learning and improving by being open to external ideas, challenge and debate.

In July 2014 the Office submitted a progress report to the Department of Public Expenditure and Reform (D/PER) in relation to the implementation of the joint AGO/CSSO/LRC Integrated Reform Delivery Plan and a Revised Action Plan to implement commitments under the Public Service Agreement 2010 – 2014 (Croke Park Agreement). 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 initiatives set out in the revised plan to enhance the delivery of legal services to clients include reduction in costs – legal fees, recovery of legal costs, secondment programmes, proposals to reduce litigation costs and the Haddington Road Agreement reforms.

Details in relation to the Offices' Integrated Reform Delivery Plan are available on the Office website at www.attorneygeneral.ie

Regulatory Requirements Compliance

During 2014 the Office kept under review compliance in the AGO and CSSO with the Freedom of Information Acts, Data Protection Acts and Health and Safety legislation. Arrangements in both offices were satisfactory during the year.

The AGO's National Archives Project for 2014 was completed ahead of schedule and 1,834 files were transferred to the National Archives in Bishop Street, including 88% of all documented files scheduled for transfer. Certificates for the retention of those files not transferred are held by the Office.

In relation to energy usage and compliance with Regulation 12(2) of the European Communities (Energy End-use Efficiency and Energy Savings) Regulations 2009 SI No. 542 of 2009 details of usage during 2014 in both offices are available on the Office website at www.attorneygeneral.ie

Reduction in costs

In 2014 the AGO endeavoured to achieve further savings to reduce expenditure within the Vote. During the previous six years the Office's annual expenditure has reduced substantially. At the end of 2014 net expenditure was 28.7% lower than 2008. Net expenditure over that period was:

2008 €18.1 million

2009 €15.6 million (13.8 % reduction on previous year)

2010 €13.5 million (13.4 % reduction on previous year)

2011 €13.3 million (1.5% reduction on previous year)

2012 €13.5 million (1.5% increase on previous year)

2013 €13.3 million (1.5% reduction on previous year)

2014 €12.9 million (3 % reduction on previous year)

The CSSO has also achieved further savings to reduce expenditure within the Vote. During the past six years the Office's annual expenditure has reduced substantially. At the end of 2014 net expenditure was 37.1% lower than 2008. Net expenditure over that period was:

2008 €40.6 million

2009 €33.5 million (17.4 % reduction on previous year)

2010 €31.6 million (5.6 % reduction on previous year)

2011 €30.6 million (3.5% reduction on previous year)

2012 €28.8 million (5.9% reduction on previous year)

2013 €28.3 million (1.7% reduction on previous year)

2014 €25.5 million (9.9% reduction on previous year)

In relation to counsels' fees, there has been a reduction in expenditure out of the CSSO Vote of 44.8% at the end of 2014 when compared to 2008 payments.

The Office's Professional Fees Control Group (PFCG) met on a weekly basis in 2014 to monitor and control expenditure on professional fees. The Office also continued to implement a policy of collection of legal costs in all cases in which costs had been awarded to the State, where such collection was deemed viable.

Freedom of Information Requests

Statistics on requests to the AGO and the CSSO under the Freedom of Information Acts are available on the Office website at www.attorneygeneral.ie.

Participation in Committees and Working Groups

During 2014 legal staff 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 can be found on our website at www.attorneygeneral.ie

Chapter 3

Work of the Office of the Parliamentary Counsel to the Government in 2014

The 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.

The main work of the OPC is to draft Government Bills for publication and presentation to the Houses of the Oireachtas and to draft secondary legislation, where appropriate, for Government Departments and Offices, including instruments transposing EU legislation into domestic law under the European Communities Act 1972.

The OPC drafted a significant number of Bills and statutory instruments during 2014:

45 Government Bills published (Annex A)

44 Government Bills enacted (Annex B)

224 Statutory Instruments drafted and transmitted to Departments (37 of which related to the transposition of European Union measures).

Chapter 4

Progress achieved in reaching high level goals

Delivery of legal services

During 2014 staff in the Office provided ongoing and continuous support to the Attorney General in the performance of her constitutional role as legal adviser to the Government.

Legal staff provided observations and advice in relation to Memoranda for Government and discussed matters with the Attorney General in advance of responding to requests for observations and advice on the eCabinet system. They also sought her directions on significant issues of legal interpretation, the application of statutes, legislative or administrative solutions to legal difficulties, etc. Advisory Counsel and the CSSO sought the Attorney General's directions on the conduct of litigation.

In 2014 the Attorney chaired three meetings of the Office's Legal Management Advisory Committee representative of all legal areas of the Office – Advisory Counsel, the OPC and the CSSO to discuss ongoing important and sensitive legal issues within the Office with particular reference to the list of sensitive files which is regularly submitted to Government.

During the year Advisory Counsel Groups reviewed work through its formalised system of eight-week review cycles and 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.

During 2014 the OPC was 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.

The OPC reported regularly to the Government Legislation Committee, detailing progress on the drafting of Bills and European Union statutory instruments. The OPC's ongoing 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.

The focus for the CSSO during 2014 was on the development, enhancement and refinement of legal services in areas of importance to client Departments and Offices. The aim of the Office was delivery of high quality legal services to clients as economically and efficiently as possible. Resources were deployed within the Office in pursuance of that objective. The CSSO held fortnightly meetings with the Attorney General throughout the year to discuss significant work on hand.

During 2014, the Criminal Assets Section of the CSSO became the first section in any public law office to win the prestigious Public Sector Legal Team of the Year Award at the nationally recognised Irish Law Awards. These awards aim to identify, honour, and publicise outstanding achievements and excellence within the profession.

Management of Litigation

Implementing the key strategy to manage litigation, particularly mass claims, repeat litigation of issues, and individual fact-intensive cases in an efficient manner was a key priority for the Office during the year. Advisory Counsel met regularly with legal staff in the CSSO and officials in the relevant Departments to direct the overall legal strategy so as to ensure that these types of litigation were being effectively managed on an ongoing basis. This is an area in which advice of the Office is capable of saving public money in legal costs and in identifying the best use of the time of Departmental officials in preparation of cases.

Reducing Litigation costs

During 2014, the Office remained committed to the need to seek ways to reduce the cost to the State of litigation. In particular mechanisms such as continuing advice in respect of avoiding litigation and early resolution of appropriate cases were prime objectives. A substantial number of protocols have been developed by the Office (including protocols for increased co-operation between State Agencies) and these protocols are adhered to in order to facilitate the efficient and cost effective conduct of litigation. Also, alternative non litigation resolutions such as mediation were pursued during the year where practical.

A number of initiatives were progressed during the year to reduce legal costs being incurred by the State. These included the settlement and taxation of costs at reasonable levels and the development of a Costs Accounting Database and capturing of all data concerning legal costs so as to facilitate the overall cost effective management of litigation costs and a reform of the taxation of costs system.

The Article 40 Stakeholders Group was established in 2014 with a view to examining ways to reduce litigation costs arising from Article 40 applications. The Group has a very wide brief and has had some success in reducing the number of Article 40 applications as a result of, for example, considering dated

warrants. The Group also fosters co-operation between the stakeholders, for example, the Garda Síochána and the Irish Prison Service (IPS), are setting up a communications procedure where prisoners are being released on temporary release.

The group is comprised of representatives from AGO, CSSO, Garda Legal Services, Department of Justice, IPS and Courts Service.

Asset Reform Plan

During 2014, the CSSO continued its work for the Steering Group on Asset Reform. The Steering Group, established by the Government, and led by the Office of Public Works, is tasked with reform and rationalisation of the State's Property Portfolio. The Steering Group comprises senior representatives of Central Government, Local Authorities, the Health Service Executive and Semi State bodies, in addition to representatives from the Office of Public Works Section (State Property Division) of the CSSO.

The Steering Group, in consultation with and advised by the CSSO, published a Property Asset Management Delivery Plan which enumerated the strategic goals to achieve the Government's programme for State property reforms. One of the specific goals of this Plan was to develop Protocols to govern acquisitions, disposals and sharing of all State property.

The CSSO led the preparation of a State Property Transfer Protocol and a State Property Sharing Protocol to assist all Stakeholders in managing and sharing State property. These Protocols seek to streamline and improve efficiencies in intra-departmental/state organisation property transactions and also seek to assist stakeholders in the cost efficient utilisation of the State property portfolio. In summary, procedures are set down in the Protocols to streamline transfers from one State body to another and also in relation to the sharing of State properties by multiple State stakeholders.

Significant savings will be achievable for the State through the implementation of the Protocols and also the remaining goals set out in the Property Asset Management Delivery Plan.

Office of Government Procurement

During 2014, with the assistance of the Office of Government Procurement ("OGP") and the Department of Public Expenditure and Reform, the CSSO's Commercial Contracts Section continued to develop a specialist legal support team to provide a dedicated legal service to the OGP and Government Departments in public procurement and public contract support. Building on its experience in providing a legal service to

the National Procurement Service over previous years, the CSSO identified key structural legal supports required to enable it to provide the necessary legal advices to the OGP and other Departments vested with a role in public procurement to ensure that a standardised, professional and legally compliant approach is applied to public procurement processes so as to assist the State in complying with its obligations at EU law

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 production, management and update of the electronic Irish Statute Book (eISB). The Office's eISB Group oversees the process of managing this service.

The eISB was updated on a regular basis with both Acts and statutory instruments during 2014 with the Portable Document Format (PDF) version of statutory instruments published in a timely manner after notification in Iris Oifigiúil. The text of the Constitution is also available along with links to amending Acts. The Legislation Directory was updated for Acts (1922-2014) and statutory instruments (2000-2014). The texts of over 1,000 extant pre-1922 Acts are also available on the eISB.

The eISB is customised for optimal access to the content for users of mobile devices, including the free availability of “Apps” for iPhone/iPad and Android users.

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 managed by the EU Publications Office.

Risk Management

Legal staff in both Offices contributed to the further embedding of formal risk management policies within the Office during the year. These policies included:

- Regular reporting throughout the year by Advisory Counsel to the Attorney General and Legal Management Advisory Committee (MAC), meetings of the Director General, Deputy Director General and Advisory Counsel Groups on areas and matters of significant risk;
- 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.
- Regular reporting throughout the year by legal staff in the CSSO at Division / Section meetings and local and Legal MAC meetings;

- Participation by Advisory Counsel and legal staff in the CSSO 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 2014.
- 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.

Financial Management

Nominated legal staff in both Offices participated in the project to implement an interface between the Case and Records Management System (ACME) and the Financial Management System (FMS). This development will assist in the identification of commitments, financial and non-financial and costing management information reporting requirements.

Performance Management and Development System (PMDS)

In 2014 legal staff in both Offices 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.

Training and Development

During 2014 nominated Advisory Counsel and Parliamentary Counsel participated in the work of the Training and Development Committee and specifically with a view to progressing particular points of action set out in the Training and Development Strategy for the Office. The strategy included specific action points relating to the Advisory and Parliamentary Counsel including:

- Preparation of a procedures/training manual to reflect appropriate interaction between Advisory Counsel and Parliamentary Counsel in the legislative process;
- Development of a new Advisory Counsel Training Programme for new Advisory Counsel and Advisory Counsel returning from secondment, and
- Updating of the Advisory Counsel Protocol Document;
- Organisation of legal training events in the Office;

- Identification of elements of the new Advisory Counsel Training Programme to be incorporated in the Parliamentary Counsel Training Plan.

During 2014 Advisory and Parliamentary Counsel in the AGO and solicitors in the CSSO attended a wide range of training courses to enhance their legal knowledge and maximise their capabilities. Particular emphasis was given to in-house training which had the benefit of being customised and cost effective.

New staff received Induction Training and also training in the Performance Management Development System (PMDS).

A wide range of external training for both legal and administration staff was provided. Staff also availed of Diploma and Degree courses to enhance their career prospects thus ensuring they are equipped to take on more senior roles in the future and to ensure staff are prepared for mobility within the civil service.

During 2014 solicitors in the CSSO attended a wide range of training courses to enhance their legal knowledge and maximise their capabilities. Particular emphasis was given to in-house training which had the benefit of being customised and cost effective. Topics covered at in-house training courses which took place during the year included The Courts' Treatment of ECHR and Constitutional Claims, The Civil Liberty Act, Mutual Assistance, Police Powers in Ireland, Warrants and their Execution and a number of talks on other important matters given by external counsel. Furthermore, legal staff also attended a diverse range of training courses run by external bodies such as the Law Society, the Dublin Solicitors Bar Association and Public Affairs Ireland. General training courses were also run during the year for all staff in the Office on matters such as induction training, overview of the pensions model and PeoplePoint and talks were given on health and wellbeing.

The CSSO ensured that solicitors completed the requisite number of hours legal training as well as training in management and professional development skills and regulatory matters to comply with the Law Society's Continuing Professional Development requirements.

Corporate and Business Management Services

During 2014 the administration sides in the AGO and the CSSO provided modern and professional corporate and business management services in support of the delivery of the core legal services of the Office. Functional Business Units in the areas of Human Resources, Finance, Library and Know-how, IT, Registry, Private office support, Internal Audit, Corporate Services and Change Management provided the

necessary support structures, staffing, services and systems to facilitate the achievement of the Office's Mission Statement and High Level Goals.

Further details in relation to progress achieved in reaching high level goals in 2014 is available on the Office website at www.attorneygeneral.ie

Chapter 5

Attorney General's review of the year

In the foreword to this Report the Attorney General referred to one major legal area dealt with by the Office in 2014.

The establishment of the Court of Appeal on 28th October 2014 was a very significant event for the Irish legal system generally.

One component of the work it entailed for the AGO, OPC and CSSO was advice and drafting of a Court of Appeal Act 2014 to implement the 33rd Referendum of the Constitution.

The establishment of the Court of Appeal also affected the entire existing body of appeals pending before the Supreme Court, which had to be reviewed and divided as between the two courts. On 29th October the Supreme Court issued a practice direction on the principles it would apply to the division of its existing body of appeals between itself and the Court of Appeal.

The AGO and CSSO, as handlers of a large volume of appeals before the Supreme Court, spent a significant amount of time in the latter half of 2014 preparing for hearing the litigation accelerated forward by the availability of two courts and attending the directions lists of both courts.

Article 34.3 of the Constitution now provides that the Supreme Court shall have appellate jurisdiction from a decision of the Court of Appeal if the Supreme Court is satisfied that

- i. the decision involves a matter of general public importance, **or**
- ii. in the interests of justice it is necessary that there be an appeal to the Supreme Court.

It is a matter for an appellant to make the case for acceptance by the Supreme Court. Again, the AGO and CSSO as handlers of a large volume of appeals, spent significant time in 2014 reviewing applications to the Supreme Court and ensuring consistency in the State approach to agreeing or resisting.

Another innovation in the jurisdiction of the new form Supreme Court is that there are certain circumstances where it is possible to leap frog from the High Court to the Supreme Court, bypassing the Court of Appeal. Where either of the conditions mentioned for an appeal to the Supreme Court are in place and the Supreme Court is satisfied "that there are exceptional circumstances warranting a direct appeal" then an appeal can lie directly to the Supreme Court.

Section 44(10) of the Court of Appeal Act allows for paper based applications for leave to appeal to the Supreme Court but also requires the Supreme Court to give reasons of a general nature as to the decisions as to whether or not to allow an appeal.

Annex A

Government Bills published in 2014 that were drafted by the OPC

Total No. of Bills to Date	Title of Bill
1	Roads Bill 2014
2	Irish Human Rights and Equality Commission Bill 2014
3	Competition and Consumer Protection Bill 2014
4	Central Bank Bill 2014
5	Electoral (Amendment) (No. 2) Bill 2014
6	Children First Bill 2014
7	Health (General Practitioner Service) Bill 2014
8	State Airports (Shannon Group) Bill 2014
9	Employment Permits (Amendment) Bill 2014
10	Housing (Miscellaneous Provisions) Bill 2014
11	National Treasury Management Agency (Amendment) Bill 2014
12	Johnstown Castle Agricultural College (Amendment) Bill 2014
13	Social Welfare and Pensions Bill 2014
14	Vehicle Clamping Bill 2014
15	Radiological Protection (Miscellaneous Provisions) Bill 2014
16	Public Health (Standardised Packaging of Tobacco) Bill 2013
17	Registration of Lobbying Bill 2014
18	Education (Miscellaneous Provisions) Bill 2014
19	Strategic Banking Corporation of Ireland Bill 2014

20	Electoral (Amendment) (No. 4) Bill 2014
21	Court of Appeal Bill 2014
22	Civil Registration (Amendment) Bill 2014
23	Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014
24	Health (Miscellaneous Provisions) Bill 2014
25	Irish Collective Asset-management Vehicles Bill 2014
26	Workplace Relations Bill 2014
27	Medical Practitioners (Amendment) Bill 2014
28	Intellectual Property (Miscellaneous Provisions) Bill 2014
29	Criminal Justice (Terrorist Offences) (Amendment) Bill 2014
30	Garda Síochána (Amendment) (No. 3) Bill 2014
31	Criminal Justice (Mutual Assistance) (Amendment) Bill 2014
32	Sport Ireland Bill 2014
33	Environment (Miscellaneous Provisions) Bill 2014
34	European Stability Mechanism (Amendment) Bill 2014
35	Customs Bill 2014
36	Personal Insolvency (Amendment) Bill 2014
37	Social Welfare Bill 2014
38	Finance Bill 2014
39	Health Insurance (Amendment) Bill 2014
40	Water Services Bill 2014
41	Central Bank (Amendment) Bill 2014
42	Road Traffic (No. 2) Bill 2014
43	Redress for Women Resident in Certain Institutions Bill 2014
44	Appropriation Bill 2014

Annex B

Public Bills enacted in 2014

Total No. of Acts to Date	Title of Act
1	Local Government Reform Act 2014
2	European Parliament Elections (Amendment) Act 2014
3	Road Traffic Act 2014
4	County Enterprise Boards (Dissolution) Act 2014
5	ESB (Electronic Communications Networks) Act 2014
6	Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014
7	Fines (Payment and Recovery) Act 2014
8	Electoral (Amendment) (No. 2) Act 2014
9	Central Bank Act 2014
10	Johnstown Castle Agricultural College (Amendment) Act 2014
11	Criminal Justice (Forensic Evidence and DNA Database System) Act 2014
12	Public Health (Sunbeds) Act 2014
13	Industrial Development (Forfás Dissolution) Act 2014
14	Protected Disclosures Act 2014
15	Health Identifiers Act 2014
16	Social Welfare and Pensions Act 2014
17	Health Service Executive (Financial Matters) Act 2014
18	Court of Appeal Act 2014
19	Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Act 2014
20	Radiological Protection (Miscellaneous Provisions) Act 2014

21	Housing (Miscellaneous Provisions) Act 2014
22	Strategic Banking Corporation of Ireland Act 2014
23	National Treasury Management Agency (Amendment) Act 2014
24	Electoral (Amendment) (No. 2) Act 2014
25	Irish Human Rights and Equality Commission Act 2014
26	Employment Permits (Amendment) Act 2014
27	State Airports (Shannon Group) Act 2014
28	Health (General Practitioner Service) Act 2014
29	Competition and Consumer Protection Act 2014
30	Freedom of Information Act 2014
31	Forestry Act 2014
32	European Stability Mechanism (Amendment) Act 2014
33	Health (Miscellaneous Provisions) Act 2014
34	Civil Registration (Amendment) Act 2014
35	Appropriation Act 2014
36	Intellectual Property (Miscellaneous Provisions) Act 2014
37	Finance Act 2014
38	Companies Act 2014
39	Road Traffic (No. 2) Act 2014
40	Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Act 2014
41	Social Welfare and Pensions (No. 2) Act 2014
42	Health Insurance (Amendment) Act 2014
43	Merchant Shipping (Registration of Ships) Act 2014
44	Water Services Act 2014

Annex C

Office of the Attorney General

Vote 3 Merrion Street Office

Outturn for 2014 and Estimate for 2014 and 2015

Estimate and Outturn for 2014 and Estimate of the amount required in the year ending 31 December, 2015 for the salaries and expenses of the **Office of the Attorney General**, including a grant.

	Service	Estimate Provision 2014 €000	Provisional Outturn 2014 €000	Estimate Provision 2015 €000
	ADMINISTRATION			
A.1.	SALARIES, WAGES AND ALLOWANCES	10,834	10,001	11,532
A.2(i)	TRAVEL AND SUBSISTENCE	225	93	130
A.2(ii)	TRAINING AND DEVELOPMENT AND INCIDENTAL EXPENSES	600	628	540
A.2(iii)	POSTAL AND TELECOMMUNICATIONS SERVICES	70	64	70
A.2(iv)	OFFICE EQUIPMENT AND EXTERNAL IT SERVICES	499	513	499
A.2(v)	OFFICE PREMISES EXPENSES	156	120	156
A.2(vi)	CONSULTANCY SERVICES AND VALUE FOR MONEY AND POLICY REVIEWS	20	67	20
A.2(vii)	CONTRACT LEGAL	481	202	461

	EXPERTISE			
A.2(xi)	EU PRESIDENCY	-	-	-
	SUBTOTAL	12,885	11,688	13,408
	OTHER SERVICES			
A.3	CONTRIBUTIONS TO INTERNATIONAL ORGANISATIONS	38	35	38
A.4	LAW REFORM COMMISSION (GRANT- IN-AID)	2,091	1,952	2,149
A.5	GENERAL LAW EXPENSES	75	145	250
	Gross Total	15,089	13,820	15,845
	Deduct			
B.	APPROPRIATIONS-IN- AID	788	834	815
	Net Total	14,301	12,986	15,030

Vote 13 - Office of the Chief State Solicitor

Outturn for 2014 and Estimate for 2014 and 2015

Estimate and Outturn for 2014 and Estimate of the amount required in the year ending 31 December, 2015 for the salaries and expenses of the Office of the Chief State Solicitor.

	Service	Estimate Provision 2014 €000	Provisional Outturn 2014 €000	Estimate Provision 2015 €000
	ADMINISTRATION			
A.1	SALARIES, WAGES AND ALLOWANCES	14,800	14,126	15,318
A.2(ii)	TRAVEL AND SUBSISTENCE	61	59	70
A.2(iii)	TRAINING AND DEVELOPMENT AND INCIDENTAL EXPENSES	839	745	813
A.2(iv)	POSTAL AND TELECOMMUNICATIONS SERVICES	350	303	350
A.2(v)	OFFICE MACHINERY AND OTHER OFFICE SUPPLIES AND RELATED SERVICES	600	550	750
A.2(vi)	OFFICE PREMISES EXPENSES	290	142	300
A.2(vii)	CONSULTANCY SERVICES AND VALUE FOR MONEY AND POLICY REVIEWS	29	20	25
	SUBTOTAL	16,969	15,945	17,626

**OTHER
SERVICES**

A.3	EXTERNAL LEGAL SERVICES	200	179	200
A.4	FEES TO COUNSEL	9,600	9,823	9,600
A.5	GENERAL LAW EXPENSES	1,400	1,036	1,400
	Gross Total	28,169	26,983	28,826
	Deduct			
B.	APPROPRIATIONS-IN- AID	1,860	1,514	1,860
	Net Total	26,309	25,469	26,966

Annex D

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

Statements of Compliance; Reports on Payment Practices 2014

Office of the Attorney General (Merrion Street Office)

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

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

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

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

- If an invoice needs to be corrected or is in dispute, the procedures specified in the Act are followed. These procedures are applied by the Finance Unit and a written record of the procedures applied is recorded
- The staff in the Finance Unit monitor the payment due date and endeavour to ensure that payment is made within the prescribed period. In the event of payment being made outside of the prescribed time interest is calculated by Finance Unit in accordance with the Act and with the Regulations
- The Financial Management System prompts the staff in the Finance Unit of due payment date

Report on Payment Practices for 2014

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 €2,965,286 in 2014 were made from the Vote of the Office of the Attorney General in respect of payments to which the Legislation applies.
- Prompt payment interest payments totalling €40.70 were 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 the Finance Unit scan general invoices into the Financial Management System using Invoice Manager and the invoice approval process is carried out electronically. General Law invoices are inputted to the Financial Management System and forwarded to the relevant file handlers for approval.
- Staff have been advised that all invoices should be certified for payment and forwarded to the Finance Unit immediately on receipt. Arrangements should be made to ensure that invoices are not delayed due to staff being on leave etc.
- If an invoice needs to be corrected or is in dispute, the procedures specified in the Act are followed. These procedures are applied by the Finance Unit and a written record of the procedures applied is recorded.
- The staff in the Finance Unit monitor the payment due date and endeavour to ensure that payment is made within the prescribed period. In the event of payment being made outside of the prescribed time interest is calculated automatically by the Financial Management System and manually checked by Finance Unit in accordance with the Act and with the Regulations.

Interest Payments under Prompt Payment of Accounts legislation

Payments totalling €2.566m in 2014 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 €1,075.56 was incurred in penalty interest during the year under Prompt Payment of Accounts legislation.

Report On Payment Practices For 2014

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 2014:

Total Value of all Payments:	€2,566,166
Total Value of all late payments (under €320 inclusive):	€66,957.21
Total Value of all late payments (over €320):	€74,954.27
Value of late payments as % of total payments:	3.12%
Number of late payments in excess of €320:	37
Amount of Interest paid:	€1075.56
Amount of interest as percentage of total payments:	.042 %
Broad indication of Length of Delays:	51 days