Office of the Attorney General
Annual Report 2023

Incorporating the First Progress Report on Implementation of
Statement of Strategy 2023-2026

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Foreword from the Attorney General

2023 was my first full year as Attorney General, having been initially appointed on 17 December 2022. I thus write the foreword to this year's Annual Report having served as Attorney throughout the year the subject of the Report.

During the year, the Office continued to fulfil its most important and constitutional function of providing legal services to Government clients across an extensive range of areas, a necessarily truncated sample of which is described in this Report. While this day-to-day advisory and drafting work does not attract particular attention or acclaim, it is the essential oil in the machine of Government law and policy-making.

In June I launched the State Litigation Principles, following their approval by Government. These Principles represent the first attempt to consolidate and codify the ethical standards against which the conduct of Government and its lawyers should be measured. The Principles are not, and were not intended to be, radical or revolutionary; they are a statement of existing best practice. Whilst well received initially, the Principles' future success will depend on continuous efforts to explain, adapt and advocate for them. Ultimately, I hope the Principles will come to be recognised as a renewed and public commitment on the part of the State, to consider and act in the public interest in pursuing and managing litigation it is involved in.

Later in the year, I also had the privilege to attend a Council of State meeting and act in the first Article 26 reference for some 18 years, when the question of the constitutionality of the Judicial Appointments Commission Bill 2022 was referred to the Supreme Court. Together with colleagues, the State ultimately succeeded in defending the constitutionality of the Bill.

I wish to use this public forum to express my appreciation of the hard work and dedication of staff across all areas of the Office, by whose hands and minds the Government's legislation is drafted, its litigation managed and its legal queries answered.

I look forward to continuing to work with colleagues and clients across Government to provide the highest standard of professional legal services that we possibly can.

Rossa Fanning SC
Attorney General

Introduction by the Director General

Attorney General,

I am pleased to introduce the 2023 Annual Report of the Office of the Attorney General (including the Chief State Solicitor's Office) which outlines the diverse range and large volume of work carried out across the Office during the year.

The service provided by the Office encompasses the full range of Government business and policy, where novel challenges continued to be presented during the year. In 2023 the Office dealt with a very significant demand for legal advisory services from our clients across a wide and diverse range of issues involving points of EU, constitutional, international and domestic law.

The OPC drafted a significant number of Government Bills, as well as drafting Committee and Report Stage amendments to Bills. During the year, 37 Government Bills were published and 40 Government Bills were enacted. The OPC also drafted 284 of the Statutory Instruments that were made in 2023, 43 of which related to the transposition of European Union measures.

The Chief State Solicitor's Office continued to provide specialist solicitor services, covering litigation, property, Government contracts and other transactional services. Following on from the launch of the State Litigation Principles in June, the Office has been engaged in assisting clients in relation to the Principles and their application.

The Office continued to expand its secondment programme and 41 legal staff participated in 2023.

I would like to sincerely thank all staff across the Office for their exceptional commitment in providing our clients with the legal services they required, often in very urgent and challenging circumstances.

Damien Moloney
Director General

Part 1
The Office

Introduction

The Attorney General is the legal adviser to Government, as provided for in Article 30 of the Constitution. The Office, which comprises three constituent elements: the Advisory Counsel to the Attorney General and the Office of the Parliamentary Counsel to the Government ("the AGO") and the Chief State Solicitor's Office ("the CSSO"), assists the Attorney General in the provision of legal advice to Government. This includes advice to Ministers, Departments and certain other public bodies; the drafting of legislation; the representation of the State in litigation and the performance of a number of other functions, particularly statutory functions.

The mission of the Office is to provide the highest standard of professional legal services to the Government, its Departments and Offices, as economically and efficiently as possible and to support adherence to the rule of law. Our vision is to inspire excellence in our people, be at the forefront of legal developments and deliver an unrivalled service to our clients. Like any Department or Office, the Office must also endeavour to fulfil its mission within the resources which the Oireachtas makes available to it.

The AGO is located in Government Buildings at Merrion Street, Dublin 2, where it had 151 members of staff as of 31/12/2023. The staff includes Advisory Counsel, Parliamentary Counsel, administrative and support staff and Library and Know-How staff. The CSSO is based at Little Ship Street and Chancery Lane and had 358 members of staff as of 31/12/2023, including solicitors and legal executive officers as well as administrative staff and Library and Know-How staff.

The Attorney General is the chief law officer of the State and the Office is the principal State law office. The range of work in the Office reflects the entire scope of Government business and policy, including unforeseen events giving rise to requests for legal advice, the drafting of primary and secondary legislation and the defending of court proceedings. Highly contested and sensitive legal issues in areas such as EU law, immigration, education, healthcare, data protection and criminal justice are dealt with. The Office also provides commercial legal advice and legal transactional services to Government, Departments and Offices in the areas of public procurement, contracts, State aid, State property and intellectual property. It also advises on many aspects of State employment law such as appointment, discipline and pensions.

The Office has a deep understanding of the public service, Government and the legislative process and a high level of corporate memory and know-how. It participates in a large number of committees, working groups and professional networks of the public service, the legal profession and international

organisations. The independence of the Office necessarily derives from the constitutional role of the Attorney General, and is supported by the Office culture and values as well as the centralised nature of the Government's legal service. Synergies and efficiencies arise from the Office's central role especially when a whole-of-Government approach is required.

The dynamic nature of the work, with constant changes in Irish, European and international law and in circumstances and needs, requires a responsive Office that is compliant with the highest professional and public service standards.

Role of Advisory Counsel

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

- the provision of legal advice
- the direction of litigation
- legal advice in the provision of a legislative drafting service to Government.

Advisory Counsel are divided into five specialist groups and work closely with lawyers in both the Office of the Parliamentary Counsel to the Government, advising on legal issues in the drafting of legislation, and the CSSO, advising on the conduct of litigation and other legal advisory matters. Advisory Counsel also work closely with external counsel when required.

The assistance provided to the Attorney General prior to Government meetings is particularly important e.g. advising whether a proposed Government decision or legislative scheme complies with the provisions of the Constitution, legislation, Treaties and law of the European Union, the European Convention on Human Rights and other international treaties to which Ireland has acceded.

Role of the Office of the Parliamentary Counsel to the Government

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

Primary legislation (Government Bills) and some secondary legislation (statutory instruments including regulations and Government orders) of varying complexity and urgency is drafted by the specialist lawyers of the OPC (known as

Parliamentary Counsel) to reflect Government policy and to transpose EU legislation into Irish law.

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

The work of the OPC enables the Government to implement their Legislation Programme and the OPC liaises closely with the Government Legislation Committee in relation to Bills accorded priority by the Government.

The OPC is headed by the Chief Parliamentary Counsel and is divided into four drafting groups. The drafting of Bills and statutory instruments for the 18 Departments is divided among the drafting groups, with each group responsible for the drafting of legislation for specified Departments.

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

Role of the Chief State Solicitor's Office

The CSSO is the principal provider of Solicitor Services to the Attorney General and Government. The CSSO provides a broad range of legal services to the Attorney General and to Departments and Offices, across five legal Divisions - the Administrative Law Division; the Commercial & Employment Law Division; the Constitutional & State Litigation Division; the Justice Division; and the State Property Division. A full solicitor advisory, litigation and transactional legal service is provided across a broad range of areas including:

- constitutional, civil and commercial litigation concerning Government Departments, Offices and An Garda Síochána
- judicial review (both general and immigration and asylum-related)
- environmental and planning law
- representing the State before the Court of Justice, General Court and European Free Trade Association Court
- extradition, European Arrest Warrant and Mutual Assistance litigation
- employment law
- inquests and Ministerial Prosecutions
- recovery of fraudulent or criminally acquired monies
- tortious claims

- habeas corpus applications
- representing clients in conciliations and arbitrations and before Tribunals of Inquiry and Commissions of Investigation
- a transactional conveyancing service for Government Departments and the OPW
- commercial leasing and licensing and landlord and tenant matters
- security over property to protect State capital investments
- devolution of real and personal property to the State under the State Property Act 1954 and the Succession Act 1965
- public procurement law
- commercial law

Seconded Lawyers

As of 31/12/2023 there were 34 Advisory Counsel seconded as in-house Legal Advisers to 16 Government Departments. In addition, there was one Advisory Counsel seconded to Ireland's Permanent Representation to the European Union. Seconded Advisory Counsel are involved in all major legal issues within Departments and provide legal advice directly to Departments. They act as a link between the Department and the Office.

In 2023, 7 solicitors were seconded from the CSSO as follows:

1. European Commission - NEPT Programme
2. Department of Defence
3. Department of Education
4. Department of Justice - Disclosures Tribunal
5. Department of Justice - South East Commission of Investigation (formerly Hickson Commission)
6. Department of Justice - Stardust Inquest
7. Department of an Taoiseach - IBRC Commission of Investigation

Law Reform Commission

The Law Reform Commission is wholly funded through a grant from the vote of the AGO[1]. It is a statutory body established by the Law Reform Commission Act 1975. Its role is to keep the law under independent, objective and expert review, to make consequent recommendations for law reform and to make current law accessible for all. The Commission's programme is carried out primarily under a

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

programme of law reform approved by Government. The Commission also works on specific matters referred to it by the Attorney General under the Act of 1975.

More Information

For more details in relation to the Office, please visit our websites at Attorney General's Office and Chief State Solicitor's Office.

Part 2
Achievement of Strategic Goals in Statement of Strategy[2]

[2] As set out in Statement of Strategy 2023-2026

Strategic Goal 1: Serve our clients

To deliver a specialist legal service that meets our clients' needs

Objective 1: Deliver a specialist legal advisory service that meets our clients' needs

The principal roles of Advisory Counsel are to provide legal advice – including advice on issues arising in Departments across Government, and legal advice in relation to drafting legislation and in relation to directing litigation. A significant amount of advisory work was undertaken during the year and a sample under each of these headings is set out below.

Examples of legal advice to client Departments and Offices

Advice was provided on various issues in the lead up to the adoption of the Diplomatic Conference which led to the adoption of the Ljubljana – The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes and Other International Crimes.

The Office took part in and provided a body of advice in relation to the Government's review of Protocol 21 to the Treaty on the Functioning of the European Union. Protocol 21 pertains to the EU's competence to propose legislation in the fields of asylum, immigration, civil and criminal justice, and police cooperation (known as the Area of Freedom, Security & Justice).

Advices were also provided on various housing related matters to facilitate the delivery of the Government's policy programme in relation to housing.

Examples of legal advice in relation to litigation *(see also Objective 4 below re managing litigation)*

McGee v Governor of Midlands Prison, Ireland and Attorney General

The Supreme Court delivered judgment on 25 May 2023, dismissing the appellant's appeal and affirming the Order of the High Court that the appellant's claim was barred by s.11(2) of the Statute of Limitations 1957 ("the Statute").

The appellant sought damages for breach of his constitutional rights by reason of having to engage in the practice of 'slopping out' in prison. The net issue in this case, as described by the Supreme Court, was whether the so-called pure Meskell claim is one which is "founded on tort" so that the provisions of s. 11(2) of the Statute apply. The Supreme Court has now put it beyond doubt that a Meskell type claim for damages for breach of constitutional rights falls within the scope of s. 11(2). This was a significant judgment for the State.

Alan Harte v. Superior Courts Rules Committee & Ors.

Mr. Harte was convicted and sentenced to 30 years imprisonment by the Special Criminal Court for false imprisonment and assault (Kevin Lunny of Quinn Insurance). He brought a Judicial Review challenging the constitutionality of the Special Criminal Court and its rules of procedure, but the High Court held those proceedings were brought too late, in view of the time limits in the Rules of the Superior Courts, as set by the Superior Courts Rules Committee. Mr. Harte then challenged the constitutionality of those time limits, which would have substantial and wide-ranging consequences if successful. In April 2023 the High Court (Hyland J.) comprehensively dismissed all the reliefs sought by Mr. Harte, and made an award of costs against him. Mr. Harte tried to appeal against that judgment directly to the Supreme Court, but the Supreme Court rejected his application on all grounds.

Examples of legal advice in relation to legislation

Advisory Counsel worked closely with their Parliamentary Counsel colleagues in the preparation of legislation in 2023, providing legal advice, where requested, on issues arising. This included the key legal advice on significant Bills mentioned below under Objective 2 regarding the OPC specialist legislative drafting service. This collaboration between Advisory Counsel and Parliamentary Counsel on legislation illustrates the way in which the different groups within the Office work seamlessly to deliver a consistently high standard of service to Government.

The **Criminal Justice (Miscellaneous Provisions) Act 2023** introduced a range of amendments to a number of Acts including the Criminal Justice Act 1993 and Criminal Procedure Act 1993 to ensure that the Court of Appeal can properly deal with child offenders who have attained the age of 18 years before their appeal is determined. It also amended the Offences against the Person Act 1861 and the Criminal Justice Act 2006 in relation to the offences of conspiracy to murder under those Acts.

The **Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023** implements EU Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing

custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, and also amends the Transfer of Sentenced Persons Act 1995.

The legislation relating to European Arrest Warrants has been updated and extended to ensure full compliance by Ireland with EU legislation, case-law of relevance, and technological developments that have occurred in the two decades since the State joined the EAW system.

The **Road Traffic and Roads Bill 2023** amends the penalty points system to address certain anomalies, reduces certain default speed limits, amends the rules on testing for intoxicants to provide for drug testing to align with current rules on alcohol testing as well as making several miscellaneous technical amendments. This was a priority Bill which required the provision of urgent advices.

The Office advised on the **Garda Síochána (Recording Devices) Act 2023**, enacted in 2023, which dealt with cutting edge issues of technology and law. The Act regulates the powers of An Garda Síochána to use Automatic Number Plate Recognition Technology, CCTV and body worn cameras in their law enforcement functions.

Legal advice was provided to facilitate the enactment of the **Work Life Balance and Miscellaneous Provisions Act 2023** which gives effect to Directive (EU) 2019/1158 on work-life balance for parents and carers and which amends the Parental Leave Act 1998 to provide for the entitlement of certain employees to leave for medical care purposes and domestic violence leave and to request flexible working arrangements for caring purposes. It also provides for the entitlement of employees to request remote working arrangements.

The **Planning and Development Bill 2023** was published in November 2023 as part of the delivery of the Programme for Government. The Bill is over 700 pages in length and is one of the largest pieces of legislation in the history of the State. Some of the key reforms include improved consistency and alignment throughout all tiers of planning; significant restructuring and resourcing of An Bord Pleanála, which will be renamed An Coimisiún Pleanála; increased certainty across the planning system through the introduction of statutory timelines for decision-making, including for the first time, for An Coimisiún Pleanála; new strategic ten year Development Plans for Local Authorities and reform of planning Judicial Review.

This Bill is momentous in its significance to nearly every aspect of people's lives from infrastructure to conservation and tackling the climate transition.

The **Judicial Appointments Commission Bill 2022** was passed by both Houses of the Oireachtas on 4 October 2023 and it was subsequently presented to the President in accordance with the provisions of the Constitution. On 13 October 2023, after consultation with the Council of State, the President decided to refer the Bill to the Supreme Court under Article 26 of the Constitution. The Supreme Court gave judgment in December 2023 that the Judicial Appointments Commission Bill 2022 is constitutional.

The system for judicial appointment in Ireland is a crucial mechanism to achieve the goal of judicial independence which is a central element of the constitutional framework of Ireland and supporting the rule of law and the Bill will reform the system of judicial appointment in Ireland.

Objective 2: Deliver a specialist legislative drafting service that gives effect to Government policy

The OPC drafted primary and secondary legislation to give effect to the legislative policy set by the Government, in conformity with the Constitution and the State's obligations, which included a large volume of complex legislation addressing a broad spectrum of issues.

The OPC drafted a significant number of Government Bills during 2023. 37 Government Bills were published (listed at Annex A), and 40 Government Bills were enacted (listed at Annex B). The OPC also drafted Committee and Report Stage amendments to Government Bills. The OPC drafted 284 of the statutory instruments that were made in 2023, including 43 for the purposes of transposing EU measures into Irish law.

The OPC actively participated in the Government Legislation Committee, providing regular reports detailing progress on the drafting of priority and other Bills. This reporting enabled the Committee to manage, monitor and supervise the implementation of the Government Legislation Programme. The Attorney General (who is a member, and attends meetings, of the Government Legislation Committee) was briefed regularly by the OPC in relation to the progress of draft legislation and legal issues arising during the drafting process.

The OPC also engaged with client Departments in relation to the planning, prioritisation and management of drafting projects, including priority Bills and

other draft legislation required by them, in particular, in the context of setting the legislation programme.

Examples of legislation during 2023

The following examples outline significant legislation drafted by the OPC during 2023.

The **Policing, Security and Community Safety Bill 2023** provides for the most comprehensive overhaul of An Garda Síochána and policing in the State in recent times, involving the strengthening of governance in, oversight over, and accountability of, An Garda Síochána. It also provided for the establishment of a number of bodies and structures including An Grúpa Stiúrtha Náisiúnta um Shábháilteacht Pobail, local community safety partnerships, An tÚdarás Póilíneachta agus Sábháilteachta Pobail and oifig an Scrúdaitheora Neamhspleách um Reachtaíocht Slándála, and for their functions.

The **Judicial Appointments Commission Act 2023** provides for the establishment of the Judicial Appointments Commission and for the making of applications to that Commission for recommendation for appointment, or nomination for appointment or election, to judicial office, both in, or outside, the State. It provides for the making, by the Commission, of recommendations for such appointment or nomination to be based on merit. The Act also provides for the establishment of a Judicial Appointments Commission Office and the dissolution of the Judicial Appointments Advisory Board.

An important Act regulating the communications sector is the **Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023** (giving further effect to Directive 2018/1972 establishing the European Electronic Communications Code). It provides for administrative sanctions applicable to breaches of regulatory provisions. The Act makes specific provision in relation to the security of networks and services and in relation to vendors of critical components used in the provision of networks and services. It also provides for a number of measures to assist consumers and other end-users including quality-of-service standards and customer charters in respect of providers of internet access services and of publicly available interpersonal communications as well as procedures for the resolution of complaints and disputes in relation to roaming.

An important Act replacing and updating regulation in the area of national monuments and archaeological heritage is Parts 1-12 of the **Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023** which provides for the repeal of the National Monuments Acts 1930 to 2014 and their

replacement with provisions for the protection of historic heritage and protection of archaeological heritage. It gives effect to the EIA Directive and the Habitats Directive in relation to the carrying out of works at, on, in, under, to, or within the immediate surroundings of monuments and gives further effect to the European Convention on the Protection of the Archaeological Heritage (the Valletta Convention).

The **Environmental Protection Agency (Emergency Electricity Generation) (Amendment) Act 2023** was emergency legislation drafted and enacted within a week to complement the **Development (Emergency Electricity Generation) Act 2022**. The Act disapplies the Environmental Protection Agency Act 1992 and establishes a new development consent process based on the carrying out of an alternative assessment by An Bord Pleanála. The Act is supplemented by complex Regulations setting out the detail of the bespoke application and assessment regime for these emergency projects.

The **Energy (Windfall Gains in the Energy Sector) (Temporary Solidarity Contribution) Act 2023** and the **Energy (Windfall Gains in the Energy Sector) (Cap on Market Revenues) Act 2023** give effect to Council Regulation (EU) 2022/1854 on an emergency intervention to address high energy prices by providing for a temporary solidarity contribution to be payable by companies with activities in the fossil fuel sector in the years 2022 and 2023 and by imposing a cap on market revenues of certain electricity generators for revenues from December 2022 until June 2023.

The **Electricity Costs (Emergency Measures) Domestic Accounts Act 2023** provided for a scheme of grants to certain domestic consumers of electricity.

The **Digital Services Bill 2023** is to give effect to Regulation (EU) 2022/2065 on a Single Market for Digital Services. The Bill designated Coimisiún na Meán as a competent authority, known as the Digital Services Coordinator and provided it with powers for supervision and enforcement of the Digital Services Regulation.

There was one significant Bill in the electoral area. **The Local Government (Mayor of Limerick) and Miscellaneous Provisions Bill 2023** provided for the establishment of the office of a directly elected mayor in respect of the administrative area of a particular local authority (Limerick City and County Council) and transferred a significant number of functions to the mayor.

The **Road Traffic and Roads Act 2023** made significant changes to the road traffic code in the areas of driving licences, including where deportation orders are made, obligations on insurers to supply information to intermediaries,

powers of Gardaí in a case of suspected dangerous driving, disqualification of certain driving instructors and the regulation of powered personal transporters and pedal cycles.

The **Planning and Development Bill 2023** comprises 541 sections, in 22 Parts and 6 Schedules. It provides for processes and procedures for a hierarchy of development plans, development consents and procedures for applications for permissions. It also encompasses Local Authority and State Authority development, development at Dublin Airport, environmental assessments, housing strategy and supply, public components of certain developments, amenities, judicial review, architectural heritage, enforcement, appeals, planning registers, compulsory acquisition, compensation, events and funfairs, An Coimisiún Pleanála, Office of the Planning Regulator, financial provisions and strategic development and urban development zones.

In the financial services area, the **Central Bank (Individual Accountability Framework) Act 2023** provides for enhanced executive responsibility and accountability, a code of conduct, sanctions for breaches and a duty of responsibility on senior executives to take reasonable steps to ensure breaches do not occur.

In the ethics area, the **Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023** aims to strengthen compliance and enforcement, including of the 'cooling-off' provision, and through an 'anti-avoidance' clause and provides for administrative financial sanctions, including for a breach of the 'cooling-off' provision.

The **Agricultural and Food Supply Chain Act 2023** provides for the establishment of An Rialálaí Agraibhia (the Agri Food Regulator), the key function of which is to promote fairness and transparency in the agricultural and food supply chain.

The **Domestic, Sexual and Gender-Based Violence Agency Act 2023** provides for the establishment of a new agency with overall responsibility for supporting and overseeing the delivery of refuge accommodation and other services to victims of domestic, sexual and gender-based violence, and for coordinating government strategies, research and awareness campaigns with the aim of reducing the incidence of such violence.

The **Health (Termination of Pregnancy Services) (Safe Access Zones) Bill 2023** provides for the designation of 100 metre safe zones around certain healthcare premises where conduct aimed at impeding or obstructing access or

influencing decisions in relation to termination of pregnancy services is prohibited.

Objective 3: Provide a solution-driven legal service led by the CSSO that supports the delivery of our clients' transactional and business objectives in the fields of conveyancing, property, public procurement and commercial law

The following are some significant examples of commercial and property related work and other initiatives undertaken by the CSSO.

To ensure optimum service delivery, the CSSO restructured its operations in 2023 by establishing a stand-alone Public Procurement Law Section and Commercial Law Section, each of which is designed to focus on meeting the increased need of our clients for specialist advice in these areas. The CSSO won Commercial Law Team of the Year at the Irish Law Awards in 2023 and the two new Sections are well positioned to build on this success and further enable delivery of our clients' key objectives.

In 2023, the CSSO handled contractual and procurement related work in a wide range of areas including information technology, transport, infrastructure projects and natural resources. In particular, we advised the Department of Children, Equality, Disability, Integration and Youth extensively throughout the year on the critical procurement of accommodation centres and services for Ukrainian refugees and International Protection applicants.

Furthermore, we continued to work with the Department of Environment, Climate and Communications on the process for granting Maritime Area Consents (MACs) which will facilitate offshore energy projects. This culminated in the first six MACs being granted in December 2023.

The CSSO continued to advise and support a range of clients across diverse aspects of land law. Key projects over 2023 included the acquisition of school sites throughout the State as part of the Department of Education Schools Building Programme and the legal framework required to be structured for the lease aspect of the new port being developed by the Commissioners of Public Works in Ireland at Terminal 7, Rosslare Europort.

In 2023, the CSSO completed a number of administrations of estates on behalf of the Department of Public Expenditure, National Development Plan Delivery and

Reform and remitted the net estates to the Exchequer; one such estate being in excess of €600,000. The Large Scale Sports Infrastructure Fund provides Exchequer funding of at least €100m over the period 2019 to 2027; approximately 40% has been allocated to date.

The CSSO continued to support and advise the Department of Children, Equality, Disability, Integration and Youth in respect of the supply of emergency accommodation to Ukrainian beneficiaries of temporary protection. Key transactions have included the finalisation of a licence for the Fernbank Centre in Limerick and a further supplemental licence for the Citywest facility, Dublin 24.

Objective 4: Provide a litigation service that delivers optimum results

Significant litigation in which the CSSO was involved during 2023 included the following.

Little v Chief Appeals Officer, Social Welfare Appeals Office and the Minister for Social Protection [2023] IESC 25, Woulfe J
These Supreme Court proceedings involved an appeal of a High Court decision which dismissed a challenge to a refusal by a social welfare appeals officer to revise a decision on an application for domiciliary care allowance (DAC) based on additional evidence as to eligibility. The relevant evidence "had come into being almost three years after the original application for DCA".

The Supreme Court dismissed the appeal on the grounds that, inter alia, the approach to interpretation of Section 137(1)(a) of the Social Welfare (Consolidation) Act 2005 advocated by the Appellant could not be reconciled with the language, structure and context of the relevant statutory provisions. The Supreme Court affirmed the view expressed by the High Court that the question of eligibility for the allowance is always referable to the time of the initial claim.

Heneghan v Minister for Housing, Planning and Local Government, the Government of Ireland, the Attorney General and Ireland [2023] IESC 7, Charleton J.
These Supreme Court proceedings were issued by a UL graduate contesting that he should be entitled to vote in Seanad Éireann elections under the university and vocational panel. The Supreme Court declared that certain sections of the Seanad Electoral (University Members) Act 1937 were invalid due to

inconsistency with the Constitution. The Supreme Court later granted an order suspending the declaration of unconstitutionality until 31 May 2025.

Odum and Others v Minister for Justice and Equality [2023] IESC 26, O'Donnell CJ

This "leapfrog" appeal to the Supreme Court unanimously found that non-citizen children have constitutional rights to the care and company of their parent which may be impacted by a decision to deport a parent. However, the Supreme Court, upholding the decision of the High Court, unanimously held that, on the individual facts of this case, there was no evidence of a meaningful relationship between the Applicant parent and their children such as to establish a breach of this right. The Court found that factors that would operate to preclude deportation of those who had no legal right to be in the jurisdiction would have to be unusually weighty and by definition "wholly exceptional". This case offered welcome clarity on the family rights of non-citizens and how such issues are to be considered going forward.

MM v The International Appeals Tribunal and The Minister for Justice [2023] IECA 290, Ní Raifeartaigh J

These Court of Appeal proceedings involved an appeal of a "take back" request pursuant to Article 23(1) of the Dublin III Regulation and the question of when the conditions in Article 18(1)(d) are satisfied. The Irish authorities made a request to Sweden and the UK to "take back" the appellant pursuant to the Dublin III Regulation, which Sweden accepted. The decision to transfer the applicant to Sweden was appealed to the IPAT which upheld the decision. The Court of Appeal dismissed this appeal on the grounds that, inter alia, Sweden must have determined, implicitly or explicitly, that it had responsibility for examining the application, otherwise it would not have embarked on the process of examination. Accordingly, the Court of Appeal found that this fulfilled the requirement of Articles 23 and 18(1)(b)-(d) of the Dublin III Regulation.

The CSSO provided support to An Garda Síochána in the areas of personal injuries litigation, advices and the provision of representation at public inquiries. The CSSO provided representation to the Garda Commissioner before the Stardust inquest, the longest running inquest in the State to date.

It also continued to assist and support clients in the arena of international co-operation on cross border crime to fulfil the State's obligations in supporting the investigation, prosecution and conviction of individuals involved in child abduction, cybercrime and organised crime through the European Arrest Warrant (EAW), Mutual Assistance frameworks and third country extradition.

The Creeslough explosion in Donegal in October 2022 gave rise to the first ever application made to the High Court to extend the preservation of a scene in excess of the 7-day period available before the District Court, supported by expert technical reports from a number of experts involved in the multi-agency investigation.

The CSSO represented the State in leading CJEU extradition cases concerning Article 6 of ECHR in the context of in absentia conviction and the impact on fundamental human rights (LH& PH v Minister for Justice C514/21 &C515/21).

Objective 5: In light of fast-moving developments at EU level, deliver an enhanced EU law service to our clients

The European Union law service cuts across all three constituent elements of the Office, with advisory input in negotiation of new law, its incorporation into Irish law and litigation, while the OPC drafts Irish legislation to give effect to EU law and the CSSO manages litigation, including where Ireland intervenes at the EU courts on cases involving other member states.

The State intervened in a number of Article 267 References pending before the Court of Justice. This includes in particular a number of data protection references from the Courts of various EU member states. Judgments from the Court of Justice are expected over the coming months.

During 2023, the CSSO analysed, summarised and wrote to relevant Government Departments and Offices on 425 Article 267 preliminary references to the EU courts. The CSSO followed up with the Departments seeking a decision on each file to confirm whether intervention in the cases was desired or not. In addition, in order to highlight the possibility of intervention in other types of EU litigation the CSSO circulated the summaries of cases which are posted in the Official Journal of the EU each week.

Ireland intervened in the **CJEU case of C-333/22 European Super League Company**. The European Super League Company wished to set up a new football competition. FIFA and UEFA threatened to impose sanctions on clubs and players who might decide to participate. The CJEU held that where an undertaking in a dominant position has the power to determine the conditions in which potentially competing undertakings may access the market, that power must be subject to criteria which are suitable for ensuring that they are transparent, objective, non-discriminatory and proportionate. FIFA and UEFA were held to be abusing a dominant position.

In **C-457/21p European Commission -v- Luxembourg and Amazon**, the European Commission had found that State aid had been given by virtue of a tax ruling furnished to Amazon by the Luxembourg authorities. Amazon and Luxembourg successfully brought a case before the General Court seeking to have the decision annulled. The Commission appealed to the CJEU. Ireland intervened in support of Amazon and Luxembourg. The Court considered, in line with Ireland's argument, that the arm's length principle, which seeks to assess whether intra-group transactions are made in accordance with market conditions, has no autonomous existence in EU law and the Commission may rely on it only if it is incorporated into the national tax law concerned.

The OPC's role in relation to EU legislation is a crucial element of its work. While certain EU legislation has direct effect and does not therefore always require to be incorporated into Irish law, Directives, in particular, which comprise much of EU legislation, must be implemented into Irish law through primary or secondary domestic legislation. Accordingly, it is necessary to ensure that Directives are transposed in a way which fully complies with EU legal requirements and, in relation to certain transpositions, the OPC provides a drafting service to client Departments in this regard. The OPC worked with client Departments to ensure that all transpositions into Irish law of EU measures (such as Directives or Regulations) sought by clients complied with EU legal requirements.

Objective 6: Enhance clients' knowledge of and access to the Offices' services

Actions under the next Strategic Goal (Building Relationships) also supported this objective.

The Office delivered a Legal Lecture Series to officials in Government Departments to familiarise officials with the structure of the Irish legal system and relevant topics such as key provisions of the Constitution and the role of the Legislature. The Legal Lecture Series encourages positive engagement between the Office and Department officials and details the level of service, both advisory and drafting, provided by the Office. The involvement of the OPC in the initiative presented opportunities to further guide Departments in relation to the significant advantages of fully worked policy and drafting instructions in achieving fewer delays and blockages to delivery of drafting projects within required timelines. This initiative also supported Objective 2 of Strategic Goal 2 regarding raising the knowledge platform for clients.

The OPC also delivered presentations to the Department of Justice on the legislative process and the transposition of EU instruments into Irish law, to assist that Department in its work on formulating policy and drafting instructions on proposed legislation.

The CSSO continued to support access to the Offices' services by supporting client training and engagement over the range of legal disciplines. The launch of a Client Information Briefing ("The CSSO Review") in November 2023 was initiated to bring the work of the CSSO to greater focus and accessibility amongst clients.

Objective 7: Establish the State Litigation Principles which the State will endeavour to uphold as a litigant in legal proceedings

The State Litigation Principles were launched by the Attorney General in June 2023. The 15 Principles recognise the imperative that the State should act in the public interest, broadly construed, in pursuing litigation and should consider the broader public interest before taking certain procedural steps in litigation. The Principles apply where the State, through the Government, a Minister of the Government, a Department of State or an agency under its direct control engages in litigation. These Principles, for the first time, clearly articulate standards for the State and its lawyers in the conduct of legal proceedings.

The Principles are not intended to radically change how the State conducts litigation and many are already applied on a daily basis by officials and lawyers managing litigation on the State's behalf. The Principles may best be described as a codification and public statement of existing best practice. It is anticipated that the Principles will assist officials and lawyers acting on their behalf, in upholding the high standards already expected of the State; assist in explaining the approach of the State to litigation and foster a better understanding of how the State serves the public interest when litigating and set an example and demonstrate best practice to others.

The Principles are:

1. Avoid legal proceedings where possible
2. Deal with claims promptly
3. Deal with litigation efficiently
4. Identify lead cases when multiple sets of proceedings on same legal issue
5. Minimise legal costs for all parties
6. Make settlement offers, tenders or lodgments

7. Act honestly
8. Make discovery in compliance with best practice
9. Be consistent across claims
10. Not to take advantage of the less well-resourced litigant
11. Defend proceedings in accordance with the interests of justice
12. Not to appeal unless there is a reasonable prospect of success or in the public interest
13. Avoid bringing proceedings against another State Department or State body
14. Seek to agree claimant's costs without the requirement for formal adjudication
15. Apologise where the State has acted unlawfully

To assist with implementing the Principles, the CSSO drafted a Protocol, setting out the actions which the CSSO and the client will take in order to adhere to the Principles throughout the management and conduct of proceedings, enhancing the client's understanding of their role in implementing these principles. Information sessions have been rolled out to client Departments to assist in this process with more to follow.

The State Litigation principles have been applied across litigation files including in particular through the use of mediation and/or other dispute resolution mechanisms where appropriate with a view to achieving settlement or minimising litigation costs.

Strategic Goal 2: Build relationships

To improve the way we work and how we provide our services by building good relationships both internally and externally

A number of the examples presented below address more than one objective under this Strategic Goal, as all forms of engagement and cooperation within the Office and across Government help to build relationships in various ways. So the illustrative examples under each Objective should be regarded as serving multiple purposes and not exclusively aimed at that Objective.

Objective 1: Build stronger connections with our clients and stakeholders

Advisory Counsel held structured review meetings with clients during 2023, to discuss the most important legal and policy developments that client Departments were dealing with and engage in forward planning.

The OPC constructively engaged with client Departments at all stages in the drafting process in order to ensure the quality of the draft legislation. It also worked with Advisory Counsel and, where necessary, the Attorney General, to identify and resolve drafting or legal issues, including legal issues of a complex and novel nature. Participation in cross-departmental forums strengthened client relationships and the quality of the drafting service provided by the OPC.

The Office (and in particular the OPC and ICT Unit) have continued to build a strong working relationship with the Houses of the Oireachtas on the Reachtra project. This is a joint project to procure new software to facilitate the drafting, amendment and publishing of legislation.

The OPC attended at a number of conferences to build relationships with client Departments and stakeholders (including for example, the annual Revenue Legislation Services Conference, along with Advisory Counsel colleagues) and delivered a presentation to the Commonwealth Association of Legislative Counsel on ethics for parliamentary counsel providing legal services to Government. The OPC participated in reciprocal study visits with its counterparts in the Parliamentary Counsel Office in Scotland, to strengthen links and deepen its knowledge on drafting approaches in order to enhance the service provided by the OPC to client Departments.

The CSSO Client Relationship Officers worked collaboratively with clients to review work in hand, trends and pipeline matters. The CSSO provided tailored in-house training workshops to clients from time to time, to assist in the efficient delivery of legal services. The CSSO was represented by an Assistant Chief State Solicitor on the Ireland for Law Implementation Group and a small team represent the CSSO at the Dublin International Arbitration Conference. Specialist Property solicitors lectured on the Law Society Commercial Conveyancing Diploma and at the Law Society Annual Property Law Seminar. Solicitors in the CSSO participated in several Law Society Committees where the practice areas were relevant to the work of the Office and the interests of our client base.

Objective 2: Raise the knowledge platform for our clients

The CSSO held its inaugural Public Procurement Law Conference on 11 October 2023 ("Practical Considerations in Procurement") which was hosted by the Commercial Contracts Section and which was well received by clients.

The CSSO also held its second Annual Client Conference on 11 November 2023 at Farmleigh House. The conference, entitled "Principles in Practice", was attended by senior client delegates from across central Government Departments and Offices. The conference addressed three major aspects of State legal practice, and senior CSSO solicitors presented on each in the context of the overall theme of the day.

During the year, the CSSO launched a Client Information Bulletin ("The CSSO Review"), a new quarterly publication designed specifically for our clients with updates on cases that the State has been involved in, a CSSO explainer and other relevant news.

The AGO delivered a Legal Lecture Series to officials in Government Departments to familiarise officials with the structure of the Irish legal system and relevant topics such as key provisions of the Constitution and the role of the Legislature.

Objective 3: Promote early engagement with clients

The OPC engaged with Departments during pre-planning of the legislative programme and at all stages of the drafting process with a view to achieving greater efficiency in their interactions. Departments were encouraged to consult with seconded Advisory Counsel at an early stage in the development of legislative proposals and with other Departments whose remit may be affected

by the proposals. The OPC engaged with Departments to support their training initiatives relating to the legislative process.

Through the Client Relationship Officers and dedicated teams, early engagement with the CSSO as to the legal services required for key projects or early assessment of litigation strategy was actively encouraged. Regular solicitor to client meetings on status of legal matters and future pipeline forecasting was fostered and encouraged, to the benefit of both the CSSO and its clients.

Objective 4: Strengthen links with Seconded Advisory Counsel and Seconded State Solicitors

The Office's Secondment Programme continues to expand across many Departments and the Office has supported the enlargement of the Legal Units in Departments with the secondment of experienced Advisory Counsel to lead and manage in-house Legal Units.

The development of strong connections with the seconded Advisory Counsel and Legal Units in Departments continued. An Advisory Counsel at Assistant Secretary level chairs an umbrella Secondment Working Group that provided support to seconded Advisory Counsel; organised training and development on areas of particular importance to in-house Government lawyers through the Secondment Training Programme; supported and worked with the network of seconded Advisory Counsel; and reported regularly to the Office Management Committee. Groups of seconded Advisory Counsel met with the Attorney General during the course of the year to discuss the working of the secondment programme. The Director General met periodically with seconded Advisory Counsel, as did the Advisory Counsel overseeing the secondment programme.

Seconded Advisory Counsel attended general meetings of Advisory Counsel and training and knowledge management events in the Office, including the Annual Secondee Conference, and had access to the AGO Library and Know-How service as required.

As part of the secondment programme, the CSSO provide induction support to Seconded Advisory Counsel as they take up roles in their assigned Departments.

In addition to collaborating with Advisory Counsel within the Office (and the CSSO as appropriate) on the provision of legal advisory services to client Departments and agencies, seconded Advisory Counsel also advised on a number of significant matters across the range of policy and operational areas of

the Departments that they are assigned to. This included initiatives, for example, to support the provision of housing, advising on the accommodation requirements for Ukrainian nationals, and the implementation of EU environmental law.

The in-house EU legal lecture series, a forum to ensure colleagues are up to date on current EU legal issues by organising high level talks delivered by colleagues, external experts from the Bar, academia and European bodies (e.g. Council of Europe) was revived. The EU legal lecture series is composed of colleagues from OPC and the Advisory side including seconded legal advisors and enhances collaboration between them. There was also a DFA/AGO EU and International legal issues half-day conference in order to enhance collaboration and cooperation between both legal offices and enhance client service.

The CSSO monitored the experience of a senior secondee to a key client Department to review the operational and relational links that would best benefit the client and seconded experience and the Office in its strategy for the future. The CSSO Client Relationship Officers made themselves available as necessary to support the Secondee Network and provided information briefings on key areas of the transactional work of the CSSO to new secondees.

Objective 5: Deepen communication and collaboration across the Office

The nature of the work the Office undertakes necessarily involves ongoing and extensive collaboration across the Office. This is particularly important in relation to State litigation where Advisory Counsel and the CSSO engage closely and in relation to legislative drafting, where the OPC collaborated with seconded Advisory Counsel in client Departments in respect of Heads of General Schemes for draft legislation and preliminary legal issues arising in the formulation of new Heads and also consulted with the Advisory Counsel side of the Office in relation to legal issues arising in the drafting of legislation. There is also collaboration where appropriate with colleagues across the Office through participation on various internal Office committees.

Strategic Goal 3: Build capacity

To be a modern, agile and dynamic legal office and to build sustainable capacity for the benefit of our clients and our people

Objective 1: Provide ICT solutions that support our people in delivering the required level of service to clients

The ICT Units continued to consolidate, extend and support the Office's ICT infrastructure during 2023 to ensure that it supported the Office effectively in delivering its services to clients. Remote access systems were also supported during the year.

The AGO ICT Unit also continued to work closely as partners with the Houses of the Oireachtas on the Reachtra project, as mentioned earlier in this report.

The AGO continued to enhance the capture, sharing and accessibility of legal know-how through ongoing development and promotion of the legal know-how database. All new legal staff were offered training on this key database as part of the induction programme provided by the Library & Research Service. Regular refresher training was also offered to existing staff as part of the Library & Research Service's annual programme of information skills training.

The CSSO's Knowledge & Information Service procured a new library management system to manage its library and knowhow resources. The new system improves access to those resources, by supporting revised information architecture and providing an intuitive and effective search function.

Objective 2: Recruit and retain high calibre staff

The Office, like many other civil service organisations, is experiencing challenges in the recruitment of staff in a highly competitive marketplace. With this in mind, in 2023, the AGO HR Unit in conjunction with senior managers in the organisation, participated in information seminars in the Kings Inns and the Bar Council. These information initiatives will be expanded on in 2024.

A new Learning and Development Unit was established in September 2023. As well as being responsible for the AGO's Learning and Development delivery it is also tasked with developing and strengthening its equality, diversity and inclusion initiatives.

As part of developing new avenues of recruitment, in 2023 the CSSO participated in OGCIO's ICT Apprenticeship Scheme, by taking on two ICT apprentices, to support the development of ICT capabilities in the CSSO and wider Civil Service. The CSSO also on-boarded five trainees as part of its Trainee Solicitor programme.

As part of staff investment, in 2023 the CSSO participated in the European Commission's National Experts in Professional Training Programme (NEPT), and supported staff academic development through the CSSO's Refund of Fees Scheme.

Objective 3: Enhance the Office's governance and risk management culture

During 2023 the joint AGO/CSSO Risk Management Committee continued to meet regularly and progress its work programme, including overseeing the regular review of risks by all relevant managers.

The Audit Committee met four times and a programme of internal audits was carried out by the Office's internal auditors (outsourced to an external firm).

Objective 4: Increase efficiencies in the delivery of our services

The Office continued to plan for future accommodation needs for its functions located in Merrion Street, assessing and progressing opportunities to make the best use of the limited space available to the Office. The CSSO engaged with the OPW on plans to relocate CSSO office accommodation (currently spread across two buildings) to new premises in Smithfield.

The membership and the client Departments of the four drafting groups of Parliamentary Counsel were regularly reviewed having regard to the spread of expertise, the fluctuations of work, the development of their skills and experience and the joint nature of certain drafting projects.

Advisory Counsel and Parliamentary Counsel updated their specialist knowledge of relevant areas of the law through research, mentoring and induction,

attendance at conferences, training and development, as well as regular in-house legal meetings where current legal issues were presented by Advisory Counsel and Parliamentary Counsel.

In furtherance of the commitment in the Office's Statement of Strategy to re-establish a Legislative editing service to support the work of the Office with regard to draft legislation, the Legislative Editing Unit was established in the fourth quarter of 2023. Working within the quality assurance processes of the OPC, the Legislative Editing Unit meticulously reviewed, in the October to December period, draft legislation for grammatical and legal accuracy, clarity, and consistency.

The Office kept abreast of developments in other legal organisations, including private legal firms, and in particular the support systems employed for the delivery of high quality legal services to clients. This included keeping informed of advancements in information and communications technologies in a law office environment, participating in a Knowledge Management Network and seeking to implement current best practice in the Office.

Strategic Goal 4: Support our people

To support our people so that they can perform to the best of their abilities and effectively collaborate to deliver an excellent service to our clients

Objective 1: Promote a culture of respect, dignity, equality and diversity in the workplace

In line with its statutory responsibilities under the Irish Human Rights and Equality Commission Act 2014, the Office is committed to increasing diversity in the workplace, as well as supporting social inclusion.

In 2023, the AGO, the LRC, the CSSO and the ODPP ran a legal internship programme. The programme was open to final year students of degree programmes in law who entered a Higher Education Institution in the Republic of Ireland though an access route or who are registered with the Disability Support Service in their institution.

In November 2023, the AGO ran its first Transition Year Programme. One of the main objectives of the TY Programme was to offer students from a broader section of society an experience of how the Office works, both from a legal and corporate/administration perspective. With this in mind the AGO has partnered with three schools on its TY programme. Two of these schools were part of the Department of Education's DEIS Programme. The AGO has also decided to partner with a Gaelcholáiste, to support its commitment to the provisions of the Official Languages Acts.

The Office hosted talks on a number of diversity topics focusing on mental health, multicultural awareness, LGBTQ+ awareness and caring responsibilities. Initiatives included continued support for LGBTQ+ Network events, Conscious Inclusion and Respect training for management and staff and Domestic Violence Contact Person training for HR team members. The AGO's newly established Learning and Development Unit was also tasked with developing and strengthening its EDI initiatives.

A number of corporate publications were translated to Irish during 2023 for simultaneous publication to the Offices' websites and a small number of queries through Irish came to and were dealt with by the Office.

Objective 2: Promote excellence through leadership, performance management and development

All staff engage in PMDS and are encouraged to undertake further education as well as role-specific training to enhance their abilities to deliver a quality service to the Office. Staff across the Office attend a wide range of training events, both inside and outside the Office, including formal courses leading to relevant qualifications. Supports available to officers include the Refund of Fees Scheme and a dedicated Learning & Development budget. As mentioned earlier a dedicated Learning and Development Unit was established in the AGO.

The Office runs mentoring programmes across its constituent offices. The programmes are designed to assist in building relationships, building capacity, supporting our people and ultimately to benefit clients. The AGO pilot mentoring programme was evaluated in 2023 and will be rolled out again 2024.

The Office also continued to support mobility opportunities under the Civil Service Mobility Scheme. The Scheme provides opportunities for civil servants to broaden their skills and career development while also supporting the business needs of Civil Service organisations.

A new training and leadership development programme for Assistant Parliamentary Counsel (Grade I) (PO equivalent) was rolled out by the Office in 2023. Three group training sessions and two individual trainee sessions for each participant were held over the course of the year.

In 2023 the CSSO introduced several HR initiatives to support excellence through leadership, including the introduction of a HR Business Partner to support People Managers and the Management Board. The CSSO also rolled out Managing People & Performance Training for People Managers in addition to specific Dignity at Work & Conscious Inclusion training. Supported by colleagues in the CSEAS, the CSSO also ran People Manager Circle Meetings facilitated by the CSEAS.

As part of leadership development, one Senior Manager from each of the AGO and CSSO participated in the SPS Senior Leadership Programme. Two senior managers from the AGO and one from the CSSO participated in the SPS PO Leadership Programme. The CSSO also commenced SPS Executive Team Coaching by piloting it in one Division.

In 2023, the CSSO again held its Staff Recognition Awards ceremony. A peer-to-peer recognition award, this initiative recognises individuals and teams who have led in demonstrating CSSO values.

Objective 3: Support our people through enhanced knowledge management systems

The AGO Library & Research Service continued to provide a proactive and timely research and information service in 2023. More resources were invested in providing access to eBooks in order to facilitate staff working remotely. Access to these resources were also available to Seconded Advisory staff. A number of current awareness services were provided to staff on a regular basis throughout 2023.

The AGO legal blog (internal) continued to serve as a legal knowledge management tool for the AGO, through the contribution of posts on a wide range of legal topics by AGO staff (including seconded Advisory Counsel). An active Legal Blog Committee comprising of Merrion Street staff and Seconded Advisory Counsel met regularly to advance the proposed programme of posts for the blog.

As part of the AGO's ongoing commitment to Knowledge Management, the KM Committee continued to work on developing a number of action points which will form the basis of the next AGO Knowledge Management Strategy.

Internal legal knowledge sharing forums (Legal issues, EU legal issues & Training Delivery Group & OPC Training Group) continued to provide ongoing legal learning and training online. Ten events on a wide range of topics were held in 2023 and were heavily attended both in person and online.

During the year, the CSSO's Knowledge & Information Service continued to manage the CSSO's internal and external legal information, including its library service, knowledge resources and its corporate intranet. Library, legal information and reference services were provided to CSSO staff, both in-person and remotely. The CSSO's internal Legal Bulletin continued to be circulated to all legal staff on a weekly basis. In addition, the CSSO's Knowledge & Information Service continued to work with practitioners to develop subject-specific knowhow resources, in line with the CSSO's Strategic Plan for Knowledge Management 2021-2024.

The electronic Irish Statute Book (eISB)

The Office's eISB Group oversees the ongoing production, management and updating of the electronic Irish Statute Book (eISB). The eISB is an online repository of primary and secondary legislation that is regularly updated and freely available to the public through the website www.irishstatutebook.ie. The Legislation Directory (LD), the publicly available index which tracks changes to primary legislation (Acts) and secondary legislation (Statutory Instruments) is maintained and updated on a regular basis.

The LD includes tables for all post 1922 Acts and tables for all pre-1922 Acts that remain in force. It also includes complete tables for statutory instruments and legislative effects made by statutory instruments from the current date extending back to 1 January 1972, and incomplete tables prior to that date.

The full text of the Constitution with links to amending Acts is also published on the eISB. The eISB continues to provide direct links from (a) Acts to Revised Acts (unofficial administrative consolidations compiled by the Law Reform Commission) where available and (b) from an Act to the relevant Bill located on the Houses of the Oireachtas web site. In line with open data principles, the eISB continues to make primary legislation data available in XML format.

The Office implements the European Legislation Identifier (ELI) through the eISB. The ELI requires EU Member States to use standardised on-line identification of legislation and metadata properties describing each legal resource, enabling an effective, faster and user-friendly search and exchange of legal information.

Objective 4: Promote a positive work-life balance

The Office continues to embrace opportunities for remote and blended working, to build a more agile and responsive Civil Service, while sustaining strong standards of performance and high levels of productivity.

The AGO introduced a blended working policy in April 2023. At the end of 2023, approximately 64% per cent of staff had applied for blended working. There is a small number of roles in the Office where there are limited opportunities for blended working due to the nature of the work.

In 2023 the CSSO rolled out revised blended working arrangements and also reintroduced flexitime. The Worksharing Policy was also updated with applications reviewed and agreed on thereafter.

A number of work-life wellness initiatives were rolled out in 2023 including, Power of Wellness eBulletin, Mental Health@Work First Aid Training, numerous One-Learning Wellbeing learning sessions including Domestic Violence and Abuse Awareness and Menopause information sessions.

The Staff Engagement Team and the Equality, Diversity and Inclusion Teams worked to support the fostering of collaborative and respectful and supportive engagement and culture building across the CSSO, including the launch of the LGBTQ+ support Network and the continuation of the 'Time to Read' Initiative by CSSO staff in a local national school. During 2023 the CSSO launched a key staff initiative – Project Next Generation CSSO, taking it to the next 100 years of its existence. The initiative is set to be an exciting chapter for the CSSO.

The CSSO participated in the Irish Law Awards 2023 where staff were encouraged to showcase their achievements over the previous year. The CSSO was nominated in seven categories and successfully awarded winners in two categories:

- Corporate/Commercial Law Team/ Lawyer of the Year; and
- Public Sector/Civil Service In-house Legal Team/ Lawyer of the Year.

Objective 5: Promote environmentally sustainable work practices

The AGO rolled out various energy awareness and saving initiatives during the year along with arranging for some related building improvement works. They liaised with the OPW Energy at Work programme and monitored energy usage on the premises. They also established the AGO's Energy/Green committee and set up a page on the its intranet as a repository of information to allow for dissemination of energy efficiency material to staff. The Smarter Travel Programme has been developed and rolled out in the AGO with the introduction of a number of initiatives to promote active and sustainable commuting. The AGO also complied with Circular 1/2020 on offsetting emissions associated with official air travel.

The CSSO established a new Green Team in 2023. Further green initiatives are planned for 2024. The CSSO continued to engage with all suppliers in relation to green initiatives and continued with energy efficient programmes such as office lighting upgrade works and awareness, training and mentoring initiatives with key members of staff, particularly in relation to Building Management Systems.

In addition, in keeping with the Government's digital first strategy, and as part of the embracing of e-litigation, the CSSO continued its practice of reducing the

production of hard copy paperwork where circumstances permitted through providing e-briefing.

In 2023, AGO consumed:

- 309 MWh of electricity
- 342 MWh gross of natural gas fuels
- 11 tonnes of renewable fuels (wood chips)

In 2023, CSSO consumed:

- 392 MWh of electricity
- 496 MWh of gas

Objective 6: Optimise internal communication

As well as a range of in-house training, learning and development events, both online and offline, the Office continued to review and update its communication modes and media. As well as the respective internal intranets, a range of internal fora were used to share knowledge and experience. Corporate units regularly communicated developments on the various initiatives outlined elsewhere.

This included continued collaboration through inter-Office knowledge sharing, CPD committees, initiatives and also enhanced information-sharing between our people in the Permanent Representation of Ireland to the EU, European institutions and the wider Office.

Part 3
Annexes

Annex A

Government Bills published in 2023

Public General Bills

- Appropriation Bill 2023
- Charities (Amendment) Bill 2023
- Civil Defence Bill 2023
- Construction Safety Licensing Bill 2023
- Control of Exports Bill 2023
- Courts Bill 2023
- Criminal Justice (Engagement of Children in Criminal Activity) Bill 2023
- Criminal Law (Sexual Offences and Human Trafficking) Bill 2023
- Digital Services Bill 2023
- Domestic, Sexual and Gender-Based Violence Agency Bill 2023
- Electoral (Amendment) Bill 2023
- Electricity Costs (Emergency Measures) Domestic Accounts Bill 2023
- Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Bill 2023
- Energy (Windfall Gains in the Energy Sector) (Cap on Market Revenues) Bill 2023
- Energy (Windfall Gains in the Energy Sector) (Temporary Solidarity Contribution) Bill 2023
- Environmental Protection Agency (Emergency Electricity Generation) (Amendment) Bill 2023
- Finance Bill 2023
- Finance (No. 2) Bill 2023
- Financial Services and Pensions Ombudsman (Amendment) Bill 2023
- Finance (State Guarantees, International Financial Institution Funds and Miscellaneous Provisions) Bill 2023
- Fortieth Amendment of the Constitution (Care) Bill 2023
- Gas (Amendment) Bill 2023
- Health (Amendment) Bill 2023
- Health (Termination of Pregnancy Services) (Safe Access Zones) Bill 2023
- Health Insurance (Amendment) Bill 2023
- Historic and Archaeological Heritage and Miscellaneous Provisions Bill 2023
- Local Government (Mayor of Limerick) and Miscellaneous Provisions Bill 2023

- Oil Emergency Contingency and Transfer of Renewable Transport Fuel Functions Bill 2023
- Planning and Development Bill 2023
- Policing, Security and Community Safety Bill 2023
- Public Health (Tobacco Products and Nicotine Inhaling Products) Bill 2023
- Representative Actions for the Protection of the Collective Interests of Consumers Bill 2023
- Social Welfare (Child Benefit) Bill 2023
- Social Welfare and Civil Law (Miscellaneous Provisions) Bill 2023
- Social Welfare (Miscellaneous Provisions) Bill 2023
- Thirty-ninth Amendment of the Constitution (The Family) Bill 2023
- Veterinary Medicinal Products, Medicated Feed and Fertilisers Regulation Bill 2023

Annex B

Government Bills enacted in 2023

Public General Acts

- Agricultural and Food Supply Chain Act 2023
- Appropriation Act 2023
- Central Bank (Individual Accountability Framework) Act 2023
- Civil Defence Act 2023
- Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023
- Control of Exports Act 2023
- Courts Act 2023
- Courts and Civil Law (Miscellaneous Provisions) Act 2023
- Credit Union (Amendment) Act 2023
- Criminal Justice (Miscellaneous Provisions) Act 2023
- Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023
- Domestic, Sexual and Gender-Based Violence Agency Act 2023
- Electoral (Amendment) Act 2023
- Electricity Costs (Emergency Measures) Domestic Accounts Act 2023
- Energy (Windfall Gains in the Energy Sector) (Cap on Market Revenues) Act 2023
- Energy (Windfall Gains in the Energy Sector) (Temporary Solidarity Contribution) Act 2023
- Environmental Protection Agency (Emergency Electricity Generation) (Amendment) Act 2023
- Finance Act 2023
- Finance (No. 2) Act 2023
- Garda Síochána (Recording Devices) Act 2023
- Health (Amendment) Act 2023
- Health Insurance (Amendment) Act 2023
- Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023
- Judicial Appointments Commission Act 2023
- Mother and Baby Institutions Payment Scheme Act 2023
- National Cultural Institutions (National Concert Hall) (Amendment) Act 2023
- Oil Emergency Contingency and Transfer of Renewable Transport Fuel Functions Act 2023

- Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023
- Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023
- Regulated Professions (Health and Social Care) (Amendment) Act 2023
- Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023
- Representative Actions for the Protection of the Collective Interests of Consumers Act 2023
- Road Traffic and Roads Act 2023
- Screening of Third Country Transactions Act 2023
- Sex Offenders (Amendment) Act 2023
- Social Welfare (Child Benefit) Act 2023
- Social Welfare (Miscellaneous Provisions) Act 2023
- Veterinary Medicinal Products, Medicated Feed and Fertilisers Regulation Act 2023
- Wildlife (Amendment) Act 2023
- Work Life Balance and Miscellaneous Provisions Act 2023

Annex C

Vote 3: Office of the Attorney General

2023 Provisional Outturn and Estimate[1] for 2023 and 2024

Estimate and Provisional Outturn for 2023 and Estimate of the amount required in the year ending 31 December 2024 for the salaries and expenses of the Office of the Attorney General including a grant

	Service				**Service**	
	2023				**2024**	
	Administration	**Estimate Provision**	**Provisional Outturn**		**Administration**	**Estimate Provision**
		€000	**€000**			**€000**
A1	Salaries, Wages and Allowances	15,756	13,736	A1	Salaries, Wages and Allowances	16,185
A2 (ii)	Travel and Subsistence	240	133	A2 (ii)	Travel and Subsistence	260
A2 (iii)	Training & Development & Incidental Expenses	750	762	A2 (iii)	Training and Development	252
A2 (iv)	Postal & Telecommunication Services	125	97	A2 (iv)	Operational Services, Supplies and Sundry Equipment	730
A2 (v)	Office Equipment & External IT Services	1,154	1,140	A2 (v)	Digital Capital Expenses and Equipment	2,198
A2 (vi)	Office Premises Expenses	310	191	A2 (vi)	Premises Expenses	450
A2 (vii)	Consultancy Services & Value For Money Reviews	35	24	A2 (vii)	Policy Reviews, Consultancy Services and Research	45
A2 (viii)	Contract Legal Expertise	2,100	542	A2 (viii)	Contract Legal Expertise	1,100
	Subtotal	**20,470**	**16,625**		**Subtotal**	**21,220**

	Other Services					
	2023			**2024**		
A3	Contributions to International Organisations	58	68	A3	Contributions to International Organisations	70
A4	Law Reform Commission (Grant in Aid)	2,883	2,548	A4	Law Reform Commission (Grant in Aid)	3,045
A5	General Law Expenses	130	205	A5	General Law Expenses	190
A6	Consolidation and Revision of Planning Laws	4,000	832	A6	Consolidation and Revision of Planning Laws	250
	Gross Total	**27,541**	**20,278**		**Gross Total**	**24,775**
	Deduct				**Deduct**	
B	Appropriations In Aid	(705)	668	B	Appropriations In Aid	(722)
	Net Total	**26,836**	**19,610**		**Net Total**	**24,053**

[1] There have been some changes to the subhead structure for 2024 with a number of accounts being reallocated between subheads A2 (iii), A2 (iv), A2 (v) and A2 (vi). There have also been some changes to the subhead titles to reflect these reallocations.

Vote 6: Office of the Chief State Solicitor

Provisional Outturn for 2023 and Estimate[2] for 2023 and 2024

Estimate and Provisional Outturn for 2023 and Estimate of the amount required in the year ending 31 December 2024 for the salaries and expenses of the Office of the Chief State Solicitor.

	Service				**Service**	
	2023				**2024**	
	Administration	**Estimate Provision**	**Provisional Outturn**		**Administration**	**Estimate Provision**
		€000	**€000**			**€000**
A1	Salaries, Wages and Allowances	26,676	25,567	A1	Salaries, Wages and Allowances	28,482
A2 (ii)	Travel and Subsistence	90	70	A2 (ii)	Travel and Subsistence	90
A2 (iii)	Training & Development & Incidental Expenses	1,038	1,248	A2 (iii)	Training and Development	440
A2 (iv)	Postal & Telecommunication Services	310	341	A2 (iv)	Operational Services, Supplies and Sundry Equipment	530
A2 (v)	Office Equipment & External IT Services	1,005	1,100	A2 (v)	Digital Capital Expenses and Equipment	1,378
A2 (vi)	Office Premises Expenses	250	200	A2 (vi)	Premises Expenses	750
A2 (vii)	Consultancy Services & Value For Money Reviews	100	215	A2 (vii)	Policy Reviews, Consultancy Services and Research	150
	Subtotal	**29,469**	**28,741**		**Subtotal**	**31,820**

	Other Services					
	2023			**2024**		
A3	External Legal Services	220	225	A3	External Legal Services	220
A4	Fees to Counsel	19,500	19,500	A4	Fees to Counsel	17,000
A5	General Law Expenses	1,200	1,019	A5	General Law Expenses	1,000
	Gross Total	**50,389**	**49,485**		**Gross Total**	**50,040**
	Deduct				**Deduct**	
B	Appropriations In Aid	891	1,336	B	Appropriations In Aid	1,144
	Net Total	**49,498**	**48,149**		**Net Total**	**48,896**

[2] There have been some changes to the subhead structure for 2024 with a number of accounts being reallocated between subheads A2 (iii), A2 (iv), A2 (v) and A2 (vi). There have also been some changes to the subhead titles to reflect these reallocations.

Annex D

Statements and Reports in Respect of Payment Practices 2023

Office of the Attorney General

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.

Late Payments
Payments totalling €2,541,376.85 in 2023 were made from the Vote of the Office of the Attorney General in respect of payments to which the legislation applies.

There were three instances of Prompt Payment interest totalling €48.13 incurred during the year.

Payments to which prompt payments applied from January to December 2023

Total Value of all Payments	€2,541,376.85
Total Value of late Payments (under €320 inclusive)	Nil
Total Value of all late Payments (over €320)	€23,605.17
Value of late Payments as % of total Payments	0.93%
Number of late Payments in excess of €320	3
Amount of Interest paid	€48.13
Amount of Interest as % of total Payments	.0019%
Average indication of Length of Delays	6.66 days

Chief State Solicitor's Office

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.

Late Payments
Payments totalling €4,467,037.22 in 2023 were made from the Vote of the Chief State Solicitor's Office in respect of payments to which the legislation applies.

There were five instances of Prompt Payment interest totalling €1,238.57 incurred during the year.

Payments to which Prompt Payments applied from January to December 2023

Total value of all payments	€4,467,037.22
Total value of all late payments (under €320 inclusive)	€1,571.64
Total value of all late payments (over €320)	€15,148.16
Value of late payments as % of total payments	0.37%
Number of late payments in excess of €320	5
Amount of interest paid	€1,238.57
Amount of interest as % of total payments	0.0277%
Broad indication of length of delays	24 days

Annex E

Staff Breakdown

	Male	Female	% Male	% Female
Secretary General	1	2	33%	67%
Deputy Secretary General	0	1	0%	100%
Assistant Secretary	7	8	47%	53%
PO	24.8	50.6	33%	67%
AP	71.8	135.2	35%	65%
HEO (& HLE)	17.8	17.7	50%	50%
AO	3	3	50%	50%
EO	18	22.6	44%	56%
SO (Legal Exec)	6	3.8	61%	39%
CO	37	67.43	35%	65%
Services Officer	4	0	100%	0%

Annex F

Freedom of Information Statistics 2023

Requests	
Requests received	30
Carried forward from 2022	1
Granted	5
Part-Granted	7
Refused	17
Transferred	1
Requests open at year-end	1
Sections of the Act relied on in part-granting or refusing requests	9, 15(1), 30(1), 32(1), 33(3), 35(1), 36(1), 37(1) and 42(f).
Reviews	
Internal Reviews	1
OIC Reviews	1
Fees Received	€30
Requester Type	
Journalist	13
Oireachtas	0
Staff	2
Others	15