



**LAW REFORM**  
COMMISSION/COIMISIÚN UM  
ATHCHÓIRIÚ AN DLÍ

## **STRATEGY STATEMENT**

**2012-2014**

<b>FOREWORD</b> .....	<b>1</b>
<b>MISSION STATEMENT</b> .....	<b>2</b>
<b>OVERVIEW OF COMMISSION</b> .....	<b>3</b>
<b>OPERATING ENVIRONMENT</b> .....	<b>4</b>
<b>KEY OBJECTIVES</b> .....	<b>6</b>
<b>KEY OBJECTIVE 1 - LAW REFORM</b> .....	<b>7</b>
<b>Outcome</b> .....	<b>7</b>
<b>Performance Indicators</b> .....	<b>7</b>
<b>Strategy</b> .....	<b>7</b>
<b>KEY OBJECTIVE 2 - ACCESS TO LEGISLATION</b> .....	<b>9</b>
<b>Outcome</b> .....	<b>9</b>
<b>Performance Indicators</b> .....	<b>9</b>
<b>Strategy</b> .....	<b>9</b>
<b>KEY OBJECTIVE 3 - ADMINISTRATION</b> .....	<b>11</b>
<b>Outcome</b> .....	<b>11</b>
<b>Performance Indicators</b> .....	<b>11</b>
<b>Strategy</b> .....	<b>11</b>
<b>MONITORING ARRANGEMENTS</b> .....	<b>13</b>
<b>APPENDIX</b> .....	<b>14</b>
<b>Projects Included in the Third Programme of Law Reform</b> .....	<b>14</b>
<b>Approved by Government on 12 December 2007</b> .....	<b>14</b>

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**FOREWORD**

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On behalf of the Law Reform Commission I am pleased to introduce our Strategy Statement for 2012-2014.

This Statement identifies the values and objectives of the Commission and the strategies which it will pursue in order to ensure that it will fulfil its mandate and perform its functions with the objective of ensuring that the laws of Ireland are suitable for a modern State and are accessible to all.

In the current environment it is especially important to ensure that the Commission will perform its functions in an efficient and cost effective way whilst still delivering the best possible service to the public. To this end, a priority of the Commission is to ensure that its processes are aligned, mutually supportive and fully integrated.

The Commission will shortly complete a comprehensive consultation process designed to develop a Fourth Programme of Law Reform. That programme will form the basis of its work throughout the period of this Strategy Statement.

Following this consultation, the Commission will bring its proposals for the Fourth Programme to the Attorney General for her views. The Attorney General will then submit a draft Programme to the Government for approval, as required by Section 4 of the *Law Reform Commission Act 1975*.

The Commission will continue throughout the period of this Strategy Statement to pursue its goal of providing comprehensive public online access to the laws of the State, (as amended rather than as enacted).

The Commission is confident that the strategy identified in this Statement will ensure that it will continue to provide an excellent service to the public and to the State by keeping the law under independent, impartial and expert review, by making ongoing recommendations for law reform and by working to make current law accessible online for all.

The Hon. Mr. Justice John Quirke  
President

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**MISSION STATEMENT**

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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.

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## OVERVIEW OF COMMISSION

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The Law Reform Commission is a statutory body established by the *Law Reform Commission Act 1975*. The Commission has five members - the President, the Full-time Commissioner and three part-time Commissioners.

Our role is to keep the law under review, to make proposals for reform, in particular by recommending the enactment of legislation to clarify and modernise the law, and to make current law accessible to all including by providing online access to legislation in its current state – as amended rather than as enacted.

The Commission's role is carried out primarily under a Programme of Law Reform. The *Third Programme of Law Reform 2008-2014*, which was prepared by the Commission following broad consultation and discussion, approved by the Government in December 2007 and placed before both Houses of the Oireachtas, is now approaching completion. The Commission has just set in train the consultation process for the Fourth Programme of Law Reform which will form the basis for its work over the next three years. The Commission also works on specific matters referred to it by the Attorney General under the 1975 Act. Since it was established, the Commission has published over 180 documents containing proposals for law reform and these are all available on the Commission's website, [www.lawreform.ie](http://www.lawreform.ie). Most of these proposals have led to reforming legislation.

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## OPERATING ENVIRONMENT

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### **Values**

In carrying out our role, we place a particular emphasis on a number of key values:

***Independence and objectivity; excellence in research; commitment to effective relationships, dialogue and consultation.***

### **Relationships**

The Commission maintains a range of important relationships with external individuals and organisations.

The Commission recognises the particular importance of its relationship with the Attorney General and the Office of the Attorney General. Under Section 4(2) of the *Law Reform Commission Act 1975*, the Attorney General may request that the Commission examine and conduct research on particular areas of the law. Where such requests arise, the Commission will adapt its work programme to take account of the resources required to fulfil its obligations to the Attorney General. The subjects covered by such referrals are invariably of significant interest to the public and often arise from specific commitments in the Programme for Government. Recent referrals have included international adoption, the establishment of a DNA database and the issue of prosecution appeals against acquittals. The Director General of the Attorney General's Office acts as accounting officer for the Commission.

A Consultative Committee, under the aegis of the Office of the Attorney General, also has assigned responsibilities in relation to law reform, including assisting the Attorney General on specific aspects of law reform and monitoring the implementation of the recommendations of the Commission. The Committee comprises representatives of the Attorney General's Office, Departments of the Taoiseach, Finance, Justice & Equality, Jobs Enterprise and Innovation, Health and Children, the Bar Council, and the Law Society.

The Department of the Taoiseach liaises regularly with the Commission on matters of mutual interest.

Members of the judiciary, solicitors and practising barristers, academic lawyers, Departmental representatives, Non-Governmental Organisations and other statutory bodies and agencies, experts in various non-legal areas of relevance, representatives of interest groups and members of the public provide outside expertise and work collaboratively with us, which is of great benefit to the Commission.

The Department of Justice & Equality plays an important role in supporting the work of the Commission, both generally and in the implementation of the law reform recommendations of the Commission.

In addition to the above relationships, the Commission participates in information sharing and best practice discussions with other law reform agencies, including the Northern Ireland Law Commission.

### **Resources**

The Commission is committed to using the resources it receives in the most effective manner to ensure its objectives are met. In particular, at this time of resource constraints, the Commission continues to pursue the use of shared services wherever possible. Best practice is followed in human resource and financial management and information technology is harnessed wherever possible to improve performance and deliver a consistently high quality service at the lowest cost. The Commission continues

to move towards greater use of e-publishing in order to reduce both the output cost of producing reports and to ensure the widest possible audience for its publications.

The Commission recognises the importance of delivering high quality output and demonstrating the ongoing relevance and importance of keeping the law up to date, accessible and accurate, especially in an environment where scarce resources must target areas of maximum benefit to citizens.

The development of a strong performance culture within the organisation is driven by the personal engagement of the Commissioners and the Commission is committed to ensuring that such a culture is embedded in the structure of the organisation, built on maximum involvement and participation of staff in all areas of operation.

### **Staff Contribution and Development**

The staff of the Commission is its key asset. Clear and open lines of communication, definition of roles and responsibilities, and a team-based approach are the hallmarks of the Commission's approach to the involvement and development of its staff. The Commission is committed to providing opportunities to all members of staff to develop to their full potential through training and development and to improving performance through the Performance and Management Development System (PMDS) for civil service staff and through a separate performance management and development system for legal staff.

### **Commissioners**

The members of the Commission are collectively responsible for promoting the success of the Commission by leading and directing its activities. They provide strategic direction to the Commission and monitor the activities and effectiveness of its management.

A Co-ordinating Commissioner is nominated for each Law Reform project. The Co-ordinating Commissioner engages at the research stage of the project in developing and preparing papers for consideration by the Commission and ensuring the progress of the project.

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**KEY OBJECTIVES**

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Three key objectives have been identified based on the analysis in this statement and represent the Commission's commitment to delivery for the period 2012-2014. The actions required to meet these objectives will be set out in the Commission's business plan. Monitoring arrangements to ensure our targets are being met are summarised in the final section of this strategy statement.

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## KEY OBJECTIVE 1

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### **LAW REFORM**

To review the law and to conduct research with a view to developing, simplifying, modernising and codifying the law of Ireland.

### **Outcome**

An expert and thoroughly researched body of work containing proposals for law reform, available for examination and consideration, which contribute to the development of laws that are responsive to the contemporary and anticipated needs of society in Ireland.

### **Performance Indicators**

1. Complete the relevant remaining projects in the *Third Programme of Law Reform* and current Attorney General request.
2. Initiate, manage and complete the process for the development of a *Fourth Programme of Law Reform*, including the consultation process.
3. Develop towards completion the projects in the *Fourth Programme of Law Reform* and, where relevant, requests from the Attorney General to examine specific areas of law.

### **Strategy**

1. Review of the role, function and methodology of the Commission having regard to the available human and financial resources so as to adopt the most focussed and efficient approach possible.
2. Assign and manage research resources effectively and efficiently.
3. Develop initial papers and draft texts for consideration by the Commission.
4. Monitor the content of legal research (which includes analysis of current law and relevant comparative and international law) and the effective use of legal information sources (which includes online sources).
5. Publish Commission-approved papers for public consultation.
6. Engage in suitable and thorough public consultation process, and review outcomes.
7. Develop draft text of Reports for consideration by Commission.
8. Publish Commission-approved Reports with final recommendations for law reform.
9. Monitor and review effectiveness and efficiency of legal research process.
10. Active participation of Co-ordinating Commissioner in individual projects as determined by the Commission.

11. Continued development of relationships with other law reform bodies with particular reference to comparative analysis of function, policy and methodology in order to provide a better understanding of policy method in other jurisdictions.

***NOTE***

The Director of Research has overall responsibility and accountability for meeting this Key Objective.

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**KEY OBJECTIVE 2**

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**ACCESS TO LEGISLATION**

To make legislation in its current state easily accessible online to the public, as amended rather than as enacted, and provide related information.

**Outcome**

Revised Acts from 2006 onwards and selected others, and electronically searchable indexes of amendments to legislation and other related information to facilitate ascertaining the current state of amended legislation, all periodically updated. The indexes include the Legislation Directory of primary and secondary legislation and the Classified List of Legislation in Ireland.

**Performance Indicators**

1. Publication of Legislation Directory, Classified List of Legislation and Revised Acts on the eISB.
2. Publication of Legislation Directory, Classified List of Legislation and Revised Acts on the Commission website.
3. Legislation Directory, Classified List of Legislation and Revised Acts as published on eISB and the Commission website maintained up to date.
4. Legislation Directory, Classified List of Legislation and Revised Acts as published on the eISB and Commission website being accurate to an agreed, ascertainable standard.

**Strategy**

1. Examination of legislation enacted or made, so as to identify all amending provisions.
2. Provision of updates to the Legislation Directory, comprising a complete list of all recent amendments, together with commencement information, related secondary legislation and other information, for publication on the eISB.
3. Provision of updates to the Classified List of Legislation for publication on the eISB.
4. Provision of revised, current, administrative consolidations of selected legislation, as amended rather than as enacted, for publication on the eISB.
5. Implementation of a robust and effective system for ascertaining and ensuring accuracy of material produced for publication.
6. Use of best available resources in information technology to support the work on the project, including maintaining awareness of relevant developments in the IT area.
7. Maintenance of relationships with other organisations working in the area to keep abreast of any developments in best practice in the field.
8. Maintenance of relationships with Government Departments and other stakeholders to continue to improve the quality and relevance of our outputs.

9. Continued participation in the eLegislation group and provision of material for publication on the Commission website.

**NOTE**

The Project Manager has overall responsibility and accountability for meeting this Key Objective.

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**KEY OBJECTIVE 3**

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**ADMINISTRATION**

To provide effective, modern and professional corporate administrative and business services to the Commission so as to support it in meeting its objectives.

**Outcome**

A satisfactory working environment where administrative units support the legal work of the Commission by providing excellent corporate business support services such as human resource management, financial management, legal and corporate support, information technology, and library and information services.

**Performance Indicators**

1. Staff, services and systems working together effectively to deliver on the Commission's mission statement.
2. Expenditure within budgetary limits set by the Department of Public Expenditure and Reform.
3. Achievement of the Employment Control Framework limits on staff numbers.

**Strategy**

1. Maintain satisfactory office accommodation facilities, keeping arrangements under regular review.
2. Provide a high standard of clerical and legal support service to the Commission
3. Ensure optimal use of human resources through implementing best practice in modern human resource management
4. Ensure excellent management of information assisted by the best Library and information communication technologies available.
5. Ensure continued and effective operation of the Commission's financial management systems.

6. Keep the Commission's IT infrastructure under review and ensure it continues to provide a robust foundation for the delivery of IT services.
7. Implement the Public Service Reform Plan and other Government initiatives.

**NOTE**

The Head of Administration has overall responsibility and accountability for meeting this key objective.

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## MONITORING ARRANGEMENTS

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The following arrangements will apply over the lifetime of this Strategy Statement:

- The Commission will systematically monitor and review its progress towards the achievement of its Key Objectives and the associated outcomes and strategies. Key performance indicators have been set out against which the performance of the Commission will be assessed over the period.
- Business plans will be developed setting out an annual programme of actions to implement the Commissions strategies and set out the contribution of the administrative and legal research teams toward the achievement of the Key Objectives.
- These business plans will set out clearly the specific actions being taken in each area and will be used as a basis for the Role Profiles of individual staff members working in that area.
- Overall responsibility and accountability for specified business plan targets in relation to Key Objectives will be as identified in the relevant business plans;
- Each quarter the management committee (the full- time Commissioner, Head of Administration and Development, Director of Research and Project Manager) will assess progress on each Key Objective in conjunction with the person(s) having overall accountability for the objective;
- This group will report on progress periodically to the Commission but will immediately bring to its notice any major problems, threats or opportunities emerging;
- A review will take place at the end of each year to consider any changes needed for the following year, thereby allowing the Commission to respond in a flexible way to changes in the operating environment;
- The Commission will produce an Annual Report each year which will report on progress toward achieving the Key Objectives and outcomes.
- Any necessary changes to this Strategy Statement for future years will be decided by the Commission.

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**APPENDIX**


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***Projects Included in the Third Programme of Law Reform***
***Approved by Government on 12 December 2007***

- A. Legal System and Public Law**
  - 1.** The Law Relating to Juries
  - 2.** Debt Enforcement and Securing Interests over Personal Property
  - 3.** Bench Warrants and Search Warrants
  - 4.** Limitation of Actions
  - 5.** Alternative Dispute Resolution
  - 6.** Consolidation and Reform of the Courts Acts
  
- B. Law of Evidence**
  - 7.** Documentary Evidence and Technology
  - 8.** Hearsay in Civil and Criminal Cases
  - 9.** Advance Disclosure of Defence Cases
  - 10.** Forensic Evidence
  - 11.** Expert Evidence
  
- C. Criminal Law**
  - 12.** The Law of Sexual Offences
  - 13.** The Victim and the Criminal Justice System
  - 14.** Vulnerable Persons and the Criminal Justice System
  - 15.** Restorative Justice
  - 16.** Having regard to the establishment of the Criminal Law Codification Advisory Committee, examination of issues arising in the general part of the criminal law
  - 17.** The Law of Homicide
  - 18.** Defences in the Criminal Law
  - 19.** Inchoate Offences
  
- D. Land Law and Property**
  - 20.** Further Statutory Codification of Land Law
  - 21.** Trust Law and the Settled Land Acts
  - 22.** eConveyancing Road Map
  
- E. Family Law**
  - 23.** Legal Aspects of Family Relationships
  - 24.** Domestic Violence
  - 25.** The Law of Annulment in the 21<sup>st</sup> Century
  
- F. Specific Groups in a Changing Society**
  - 26.** Children and the Law
  - 27.** Gender Recognition
  - 28.** Legal Aspects of the New and Emerging Members of Irish Society (Reunification Procedures and Citizenship)
  - 29.** Legal Aspects of Carers
  
- G. Technology, Innovation and the Individual**
  - 30.** Legal Aspects of Bioethics
  - 31.** Legal Aspects of Assisted Human Production

**32. Privacy**

**H. Commercial Law and the Law of Obligations**

**33. Frustration of Contracts**

**34. Insurance Contracts**

**35. Damages in Contract and Tort Law**

**I. International Law**

**36. The Status of International Law in Domestic Irish Law**

**37. Civil Law Aspects of the Law of Missing Persons**