



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

# STRATEGY STATEMENT

## 2021-2023

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FOREWORD ..... 1

MISSION STATEMENT ..... 2

OVERVIEW OF THE LAW REFORM COMMISSION ..... 3

OPERATING ENVIRONMENT ..... 4

KEY OBJECTIVES ..... 8

KEY OBJECTIVE 1 ..... 9

LAW REFORM.....9

Outcome .....9

Performance Indicators.....9

Strategy .....9

KEY OBJECTIVE 2 ..... 11

ACCESS TO LEGISLATION .....11

Outcome .....11

KEY OBJECTIVE 3 ..... 14

ADMINISTRATION AND RESEARCH SUPPORT .....14

Outcome .....14

Performance Indicators.....14

Strategy .....15

NOTE.....15

MONITORING ARRANGEMENTS ..... 16

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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 2021-2023.

This Statement identifies the values and objectives of the Commission and the strategies which we will pursue in order to achieve our objectives, fulfil our statutory mandate and perform our functions of ensuring that the laws of Ireland are suitable for a modern State and are accessible to all.

The Strategy Statement sets out the key objectives for our work during the three years of its timeframe, namely, completing the remaining law reform research projects in our Fourth Programme of Law Reform, and, insofar as possible, completing, or otherwise making significant progress in relation to, the projects contained in our Fifth Programme of Law Reform. The Commission will also continue with and further develop our Access to Legislation work, including the Statute Law Revision Programme. We will continue to apply a digital-by-design approach in developing our Access to Legislation work.

Constant review and improvement of the Commission's working methods and methodology will continue so that the quality of the Commission's service to the community will be enhanced.

We continue to develop the Commission as a centre of research excellence. We will continue to build links to strengthen the Commission's connection to the community, civil society and other key stakeholders. We will also strive to ensure that the Commission's law reform publications are practical, relevant, solutions-driven and focused on the end-users of legislation.

The Commission is confident that the strategy identified in this Statement will enable us to continue to provide a comprehensive 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.



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The Hon Ms Justice Mary Laffoy  
President

13 May 2021

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**MISSION STATEMENT**

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To keep the law under independent, objective and expert review, to make recommendations for law reform and to make current law accessible for all.

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## OVERVIEW OF THE LAW REFORM COMMISSION

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### Law Reform

Our purpose is to review Irish law and make proposals for reform. We also work on modernising the law to make it easier to access and understand. Our proposals are developed in a process which starts with a Consultation Paper. Consultation Papers examine the law and set out questions on possible changes to the law. Once a Consultation Paper is published, we invite submissions on possible changes to the law. We consult widely, consider the submissions we have received and then publish a Report setting out the Commission's analysis and recommendations.

Many of the Commission's proposals have led to changes in Irish law.

### Our mandate is provided for by law

The Law Reform Commission was established by the Law Reform Commission Act 1975 to keep the law under independent, objective and expert review.

You can read all our publications at [www.lawreform.ie](http://www.lawreform.ie).

### Access to Legislation

We make legislation more accessible to the public. We do this by offering three resources:

**The Legislation Directory** is an online directory of amendments to primary and secondary legislation and important related information.

**Revised Acts** bring together all amendments and changes to an Act in a single text you can search online. They include:

Selected Revised Acts that were enacted before 2005, and all textually amended Acts enacted from 2005 on (except for Finance Acts and the Social Welfare Consolidation Act 2005. A revised Social Welfare Consolidation Act is in preparation).

**The Classified List** is an online database of all Acts of the Oireachtas that remain in force organised into 36 subject-based headings or titles. The Classified List makes it easier to find related legislation on a particular subject. It is the only publicly available resource that does this.

In addition, we are engaged in a continuation of the Statute Law Revision Programme which aims to identify obsolete legislation for repeal. During the period of this strategy statement we will continue work commenced in 2019 in relation to secondary legislation made between 1821 and 1922.

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## OPERATING ENVIRONMENT

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The Commission will continue to perform its functions in an efficient and cost-effective way while still delivering an excellent service to the public. We cannot succeed if we do not work effectively with others, both inside and outside the public service. To this end, we actively review and adapt our consultation process so that we can avail of a wide range of ideas and analysis.

Progress towards the achievement of the Key Objectives set out in this Strategy Statement will be carefully monitored and reviewed. The Commission will also review and identify general internal and external trends and developments relevant to its work and will adapt and update its approach as needed throughout the lifetime of the Strategy Statement.

Through the implementation of this Strategy, we will play our part with our colleagues across the public service by building on previous renewal and transformation reforms and making a contribution to the Three Pillars contained in *Our Public Service 2020*, the framework to improve and develop the State's public services.

The Three Pillars in *Our Public Service 2020* closely mirror the Commission's statutory mandate of research-led law reform. Pillar One, *Delivering for Our Public*, emphasises the need for public consultation and engagement with relevant expertise (a key part of the Commission's approach to its research) and the development of a "digital first" and "digital-by-design" approach to public services (an integral part of many Commission reform proposals and central to our Access to Legislation work). Pillar Two, *Innovating for Our Future*, which the Commission's reform mandate necessarily involves, is also reflected in other key actions identified in Pillar Two that are central to our work, namely, optimal use of data, strategic planning, whole-of-government collaboration, programme and project management and an evidence-based approach to our research. Pillar Three, *Developing Our People and Organisations*, is also an essential feature of the Commission's strategic approach, involving as it does actions such as effective human resource management, workforce planning, performance management and professional development and an inclusionary approach to employee recruitment and engagement.

### Values

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

- Excellence, independence and objectivity in our research
- An end-user focus in our Law Reform and Access to Legislation work
- Engagement, consultation and dialogue with those who use and are affected by the law including members of the public, civil society, public bodies, and the academic, legal and policy communities
- Promotion of human rights and equality in all that we do

- Transparency and integrity in our use of resources

## 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 (that is, in addition to the projects in our Programmes of Law Reform), which the Commission must then examine. Where such requests are made, 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 requests are invariably of general interest to the public and may arise from discussions within the Oireachtas on the need for reform or from proposals contained in a Programme for Government. Recent Reports published as a result of Attorney General requests include: *Knowledge or Belief Concerning Consent in Rape Law* (LRC 122-2019) and *Privilege for Reports of Court Proceedings under the Defamation Act 2009* (LRC 121-2019).

The Director General of the Attorney General's Office is the 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, notably in liaising with the Commission on a draft Programme of Law Reform. The Committee comprises representatives of the Attorney General's Office, each Government Department, the Bar Council, and the Law Society. The Commission will also continue its well-established participation with the Department of the Taoiseach in the development of an eLegislation policy, including in connection with the proposals in the Commission's *Report on Accessibility of Legislation in the Digital Age* (LRC 125-2020).

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 Commission maintains ongoing contacts with the Department of Justice. This is especially important because that Department plays an important role in supporting the work of the Commission, both generally and in the implementation of many of the law reform recommendations of the Commission.

The Commission also appears periodically before Oireachtas Committees to discuss its work, notably the Oireachtas Committee on Justice and Equality.

The Commission participates in information sharing and best practice discussions with other law reform agencies and maintains a working relationship with them. This includes participating in the annual meetings of the neighbouring Law Commissions (held remotely in 2020 due to the COVID-19 pandemic), comprising the Law Commission of England and Wales, the Scottish Law Commission, the Jersey Law Commission and this Commission (and, until its funding was suspended, 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, the Commission continues to pursue the use of shared services wherever possible. The Commission also applies best practice in human resource policies and in connection with financial management, and our financial statements are audited annually by the Comptroller and Auditor General.

Information and Communications Technology is harnessed wherever possible to improve performance and deliver a consistently high quality service economically. This came to the fore in the context of the COVID-19 pandemic that emerged in March 2020, when the Commission upgraded its existing ICT systems and migrated to Office 365 software and SharePoint for electronic records management. This enabled the Commission to continue to carry out much of its core research work remotely in a productive manner. The Commission continues to move towards greater use of e-publishing on its website 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 outputs and of demonstrating the ongoing relevance and importance of keeping the law up to date, accessible and accurate, including through its Access to Legislation work which is published exclusively online in accordance with GovTech and “digital first” policy.

In 2020, the Commission also initiated a social media presence, which it will continue to develop as part of its wider public engagement and consultative processes.

## **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 aspects 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).



## **Commissioners**

The five 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 offers strategic guidance on the project, leading the research team 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 2021-2023. The actions required to meet these objectives will be set out in the Commission's annual business plans. 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 in published form 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. Manage and complete the remaining projects in the *Fourth and Fifth Programmes of Law Reform* that remain relevant and appropriate, and any requests from the Attorney General to examine specific areas of law, as well as, where so decided, other law reform work under section 4 of the Law Reform Commission Act 1975.

### *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 a core team of highly skilled permanent legal researchers, so that the Commission is a recognised centre of expertise and research excellence, and that institutional memory is retained and protected.
4. Develop initial papers and draft texts for consideration by the Commission.
5. 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.
6. Publish Commission-approved Consultation Papers for public consultation.
7. Engage in informal consultations where appropriate, as well as a suitable and thorough public consultation process, and review outcomes.
8. Develop draft text of Reports (and, where relevant, Discussion Papers) for consideration by the Commission.
9. Publish Commission-approved Reports with final recommendations for law reform and, where required, draft Bills or draft Scheme of Bills.
10. Monitor and review effectiveness and efficiency of legal research process.

11. Facilitate active participation of co-ordinating Commissioner in individual projects as determined by the Commission.
12. Maintain relationships with other law reform bodies, to inform our comparative analysis and to enhance our understanding of policy methods in other jurisdictions.
13. Promote equality and human rights in the law reform work of the Commission.
14. Put the end-user of proposed legislation at the forefront of everything that we do.

**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 available online timely information on the current state of all in-force legislation, and to make available online the full text of more in-force legislation in its current, as-amended, state.

#### *Outcome*

Online searchable indexes of amendments to all legislation and related information (comprising the Legislation Directory of primary and secondary legislation and the Classified List of In-Force Legislation in Ireland) maintained up to date to facilitate ascertaining the current state of all amended legislation; the existing 400 Revised Acts (full text of Acts in their as-amended form) maintained up to date and additional Revised Acts prepared and published; and continuation of the work of the Statute Law Revision Programme (SLRP).

#### *Performance Indicators*

1. Maintenance of the Legislation Directory for publication on the electronic Irish Statute Book (eISB).
2. Widen the scope of data available on the legislation directory and improve its format.
3. Further development of the Legislation Directory to include readily available commencement information in relation to amendments for Acts initially back to 2001, thereby addressing an accessibility issue for users, and further integration of the Legislation Directory and the Classified List to facilitate coordinated updates and enhance user access.
4. Maintenance of an online, searchable Classified List of In-Force Legislation on the Commission website, linked from the eISB.
5. Further integration of the Legislation Directory and the Classified List to facilitate coordinated updates, to cross reference between them.
6. Maintenance of the existing Revised Acts and publication of a growing number of Revised Acts on the Commission website, linked from eISB, and their improved presentation.
7. Progress towards completion of the work of the Statute law Revision Programme (SLRP) concerning pre-1922 secondary instruments from 1821 to 1922. Publication online of Scheme of Statute Law Revision (Pre-1922 Secondary Instruments) Bill or, if required, Schemes of Bills, for consultation.
8. Agreed quality assurance standards applied to all aspects of Access to Legislation work.

#### *Strategy*

1. Examination of new primary and secondary legislation to identify all amending provisions and provision of frequent updates to the Legislation Directory, comprising a complete list of recent amendments together with commencement information, related secondary legislation and other information, for publication on the eISB. Exploration of further development of software to assist with this process.

2. Development of algorithms to identify commencement provisions and commencement information held in the LD database to facilitate the ready display of commencement information in relation to amending legislation. Undertake the implementation of the algorithms to result in reliable commencement information in relation to amendments available for Acts back towards 2001.
3. Further integrate the Legislation Directory and Classified List databases with the objective of coordinating updates and providing cross reference facilities for users, and with the longer term objective of integrating the databases so that the Legislation Directory and the Classified List become different facets of the same database.
4. Increase the existing 400 (January 2021) Revised Acts (administrative consolidations) to c. 460, including all textually amended post-2000 Acts (other than Finance Acts), for publication on the Commission website, each Revised Act linked from the eISB.
5. Redesign the presentation of Revised Acts to make them more usable, accessible and attractive.
6. Continue to support Government Departments interested in undertaking and maintaining their own informal consolidations / Revised Acts or instruments, and consolidation / codification Bills or instruments.
7. Publish online updates to the Classified List of Legislation, with hyperlinks to Revised Acts and Acts as enacted, on the Commission website and with link from the eISB.
8. Compile a list of relevant statutory and prerogative instruments passed during the period 1821 to 1922, determine the status of those instruments and make recommendations to revoke or retain those instruments that remain in force.
9. Engage in public consultation and consultation with relevant Government Departments and any affected bodies with regard to those instruments,
10. Continue implementation of a robust and effective system for ascertaining and ensuring accuracy of material produced for publication.
11. Use best available resources in information technology to support the work, including maintaining awareness of relevant developments in IT.
12. Maintain relationships with other organisations working in the area to keep abreast of any developments in best practice in the field.
13. Maintain relationships with Government Departments and other stakeholders to continue to improve the quality and relevance of our outputs.
14. Continue participation in relevant Government initiatives concerning eLegislation and Accessibility of Legislation, and provision of material for publication on the Commission website, including working towards coordination of further coherence in the statute book overall.

**NOTE**

The Access to Legislation Manager has overall responsibility and accountability for meeting this Key Objective, The SLRP has been integrated with Access to legislation and a Statute Law Revision Project Manager has been specifically recruited to manage, oversee and complete this Project.

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## KEY OBJECTIVE 3

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### *ADMINISTRATION AND RESEARCH SUPPORT*

To provide effective, modern and professional corporate administrative and business services as well as a high quality Library and Information Service to the Commission so as to support it in achieving its mission.

#### *Outcome*

A positive working environment where the Legal and Corporate Services team and the Library and Information Service support the legal work of the Commission by providing excellent support services, including:

- 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 on non-pay remaining within budgetary limits set by the Department of Public Expenditure and Reform.
3. Recruitment and selection of staff while remaining within our pay budget set by the Department of Public Expenditure and Reform, and the Commission following correct procedures within our recruitment licence's criteria.
4. Print and online based library and legal information resources managed, regularly reviewed, and developed effectively and efficiently within the allocated annual budget and the library's physical and online spaces maintained and enhanced in a manner that ensures ongoing optimal storage and retrieval of assets.
5. Current awareness and training resources identified and deployed in both a responsive and anticipatory manner, as appropriate, to ensure staff are assisted in identifying and



using library and information resources in a manner optimal to the achievement of the Commission's mission.

### *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 under *Our Public Service 2020*.
4. Ensure excellent management of information assisted by Library and information communication technologies .
5. Provide support to researchers in keeping up to date with ongoing external legal and other mission relevant developments.
6. Provide the necessary support to ensure successful consultative and launch events.
7. Ensure continued and effective operation of the Commission's financial management systems and ongoing implementation of the Code of Practice for State Bodies 2016.
8. Keep the Commission's IT infrastructure under review and ensure it continues to provide a robust foundation for the delivery of IT services under *GovTech policy*.
9. Implement *Our Public Service 2020* and other Government initiatives including the National Shared Service Office.

### *NOTE*

The Head of Administration has overall responsibility and accountability for meeting all elements of this key objective, with the exception of the library and information aspects which are under the overall responsibility of the Library and Information Manager.

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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.
- Annual business plans will be developed setting out an annual programme of actions to implement the Commission's Strategy Statement 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 and related obligations 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 (comprising the full-time Commissioner, Head of Administration, Director of Research, Library and Legal Information Manager, Deputy Director of Research, Access to Legislation Manager, Deputy Access to Legislation Manager, and SLRP 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's statutory Annual Report 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.