



Attorney General for Northern Ireland

First Annual Report

2010/11



Laid before the Northern Ireland Assembly under Section
26 (3) of the Justice (Northern Ireland) Act 2002 by the
First Minister and deputy First Minister

on

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Preface by the Attorney General for Northern Ireland

It is with pleasure that I present this first annual report as Attorney General for Northern Ireland pursuant to section 26 of the Justice (Northern Ireland) Act 2002.

It is a great honour to have been appointed as the first local Attorney General since 1972 and I am grateful for having been given this historic opportunity to contribute to the rule of law, and good government of Northern Ireland.

During the period of direct rule, by Section 10(1) of the Northern Ireland Constitution Act 1973, and in fact until earlier last year, the Attorney General for England and Wales was, by virtue of that Office also the Attorney General for Northern Ireland. While successive direct rule Attorneys undoubtedly took a genuine interest in Northern Ireland affairs they could not devote themselves exclusively to relevant issues in the same way as a locally based Law Officer can hope to.

This first year in Office has been immensely enjoyable. I would like to express my thanks to all of my staff who have worked so successfully during the past year. I am very grateful to them all.

I hope this report will be widely read and I encourage those who read it to forward their views to me. It is important that I have as much information as possible about what Northern Ireland citizens expect of their Attorney General.

I look forward to the next twelve months.

A handwritten signature in black ink, which appears to read "John F Larkin", is located below the text of the preface.

John F Larkin QC
Attorney General for Northern Ireland

Introduction

1. With the devolution of justice responsibilities on 12 April 2010, the provisions of the Justice (Northern Ireland) Act 2002 relating to the Office of Attorney General for Northern Ireland came into effect. I was appointed as Attorney General for Northern Ireland on 24 May 2010. On 9 June 2010 before the Lord Chief Justice of Northern Ireland I made the following oath:

“I, John Francis Larkin, swear by Almighty God that I will well and faithfully serve the people of Northern Ireland and uphold and defend the rule of law in the Office of Attorney General for Northern Ireland”

2. An oath is not a requirement of taking Office; indeed it would be unlawful at present to require the taking of an oath as a condition of appointment to the Office of Attorney General for Northern Ireland. I believe that a voluntary oath, taken in public, serves, among other things, to remind the public what they are entitled to expect from the holder of an Office.
3. Chief among my responsibilities is that of guardian of the rule of law. The rule of law does not merely mean playing according to the rules in a technical sense; it also connotes the idea that the law should respect fundamental human values¹. Under that overarching principle my main responsibilities as Attorney General include:
 - Serving as chief legal adviser to the Northern Ireland Executive for both civil and criminal matters that fall within the devolved powers of the Northern Ireland Assembly

¹ See the valuable discussion in the late Lord Bingham’s [The Rule of Law](#) (London, 2010)

- Acting as the Executive's most senior representative in the courts
 - Overseeing the legal work of the in-house legal advisers to the Northern Ireland Executive and its departments
 - Participating in the proceedings of the Assembly to the extent permitted by its standing orders but not voting in the Assembly
 - Appointment of the Director and Deputy Director of the Public Prosecutions Service for Northern Ireland
 - Producing guidance for criminal justice organisations on the exercise of their functions in a manner consistent with international human rights standards
 - Protecting the public interest in the Courts
4. By section 22 (5) of the Justice (Northern Ireland) Act 2002 my functions are exercised independently of any other persons. This means, for example, that I am statutorily independent of the First Minister and deputy First Minister, the Northern Ireland Executive and the Northern Ireland Departments.
5. Given the nature of the Attorney's role his statutory independence does not take quite the same characteristics as, for example, judicial independence. It would not, by way of illustration, normally be regarded as appropriate for a judge to assist with the formulation of Executive policy; when I give advice to Ministers or the Executive this can include suggesting the exploration of policy options other than those initially presented to me. Independence for the Attorney General under the 2002 Act means having sufficient material and institutional autonomy to permit the conscientious discharge of the duties of Office. In this first year I am satisfied that the conditions for the necessary material and institutional autonomy are in place.

6. The role of the staff appointed to my Office under section 22 (4) of the Justice (Northern Ireland) Act 2002 is to assist me in carrying out my statutory and other functions.

7. The Attorney General for Northern Ireland has, of course, no formal role to play in relation to non-devolved matters. Legal advice in relation to them is the responsibility of the Advocate General for Northern Ireland who is also the Attorney General for England and Wales. The holder of that Office is currently the Right Hon. Dominic Grieve QC MP.

8. The Overview of Work detailed in this Report illustrates that foundations have been laid during my first year in Office which will help to ensure that a commitment to the rule of law and legal excellence is placed at the heart of government in Northern Ireland.

Overview of Work in 2010/11

Chief Legal Adviser to the Executive

9. As Attorney General I attend the meetings of the Northern Ireland Executive. To assist me, I am copied into draft Executive papers at the same time as they are submitted by Departments to the Executive Secretariat, so that relevant issues can be explored and any outstanding legal questions can be addressed timeously. Normally the pattern of circulation begins with a paper addressed by one Minister to his colleagues inviting their views. My views are usually addressed to the Minister issuing the paper, but normally sent also to everyone on the circulation list. On occasion it may be the response to the original paper that attracts substantive comment from me.
10. My role as Attorney vis-à-vis the Executive is principally about ensuring that top-quality legal advice is available to Ministers, and I consider it also helps to maintain or improve public confidence in good government when it is known that the Law Officer who is guardian of the rule of law has a direct interface with the Executive Committee as a whole.
11. One of my key responsibilities is to provide legal advice to the Executive on both civil and criminal matters that fall within the devolved powers of the Northern Ireland Assembly. It is my responsibility to consider and advise on matters of the greatest legal complexity or which cut across the responsibilities of two or more Departments. I also advise in matters of political controversy or sensitivity.
12. As Chief Legal Advisor to the Executive I have benefitted from, and am grateful for, regular meetings with the Departmental Solicitors

Office during which, inter alia, I am provided with an overview of all litigation in which the Departmental Solicitors Office is involved.

13. While it is perhaps unwise to be too prescriptive after only a year in post I consider that, in general terms, Ministers, Departments or the Departmental Solicitors Office should seek my advice:
 - (i) in matters of the greatest legal complexity or which have cross-cutting implications;
 - (ii) in matters of political controversy or sensitivity;
 - (iii) where a Departmental legal adviser has doubts about -
 - (a) the legality or constitutional propriety of proposed legislation;
 - (b) the legality or constitutional propriety of proposed Executive action;
 - (iv) where there is disagreement between Departments on a legal issue;
 - (v) where Ministers or the Departmental Solicitor consider the advice of the Attorney is necessary or desirable;
 - (vi) where a matter raises inter-jurisdictional issues within the UK or issues which may ultimately involve other Law Officers.
14. Throughout the year I have given legal advice on a large number of matters. The nature of those matters, and the contents of the advice are, by reason of a long standing constitutional convention, not normally disclosed.
15. Section 79 of, and Schedule 10 to, the Northern Ireland Act 1998 make provision for the service of Devolution Notices on a number of persons including the Attorney General for Northern Ireland. In

broad terms the purpose of a devolution notice is to ensure that a court dealing with issues central to the interests of the devolved administration receives all necessary assistance. During the course of this year I was served with Devolution Notices in 4 judicial reviews but considered that my participation in those proceedings was unnecessary.

16. On occasions and in cases of particular significance it will be appropriate for me to represent a Minister or Department in court. In February 2011 I acted for the Department of Justice in a judicial review challenge brought against it by the Law Society of Northern Ireland in respect of the Justice Bill. The application was subsequently withdrawn.
17. It is important that the Executive has available to it, lawyers of the highest quality. It is a matter of some concern to me that the current panel from which counsel acting on behalf of government are selected is now somewhat dated. In my view this is a matter which should be given urgent attention.

Relationship with the Assembly

18. Section 25 of the Justice (Northern Ireland) Act 2002 provides for the Attorney's participation in Assembly proceedings to the extent that is permitted by its Standing Orders. I gave evidence to the Committee on Procedures on 28 September 2010 in relation to the development of such Standing Orders and the matter is currently with the Assembly for consideration. I very much hope that Standing Orders that facilitate accountability, and help to protect the Attorney's independence may be made soon.

Legislative Process

19. My role in the legislative process is an interesting mixture of the statutory and non-statutory. Both aspects have as a common purpose, a commitment to assisting with high quality law making in Northern Ireland.
20. By section 11 (1) of the Northern Ireland Act 1998 I may refer the question of whether any provision of a Bill would be within the competence of the Assembly to the Supreme Court of the United Kingdom. Accordingly, I give consideration to all Assembly Bills as they complete final stage. This year a total of 44 Bills have been considered. This is a high figure and I do not think that it will be equalled in the coming year. I pay tribute to the First Legislative Counsel, Mr George Gray and his staff both for the precision and elegance of their work and for the unfailing assistance they have given me during this year.
21. At the commencement of the legislative process, and, on occasion, even before then I am asked for advice about, the legislative competence of, and other legal issues arising from, proposed Bills. During this year, of course, many Bills will have been introduced before my appointment and thus were only considered for general advice during their passage through the Assembly.
22. No fixed criteria exist to determine whether or not any provision of a Bill should be referred to the Supreme Court. Among the concerns that will weigh heavily with me is the desirability for a speedy determination of legal questions that would, if a Reference were not made, occupy considerable time in the Northern Ireland Courts.

Public Prosecution Service

23. It is my statutory responsibility under section 30 of the Justice (Northern Ireland) Act 2002 to appoint the Director and Deputy Director of the Public Prosecution Service as necessary. During the year Sir Alasdair Fraser retired as Director of the Public Prosecution Service, a position he had held with honour and distinction since 1989. I have appointed an acting Director until a permanent appointment can be made. I am grateful to the present acting Director Mr Jim Scholes for his conscientious and effective leadership.
24. In addition to appointing the Director and Deputy Director of the Public Prosecution Service, my main responsibilities in relation to that service are as a statutory consultee of the Director on his annual report (and arranging for publication of that report) and on any amendments to the Code for Prosecutors. I may also convene, if necessary, a Tribunal to consider removal of the Director and Deputy Director.
25. Section 42 (3) of the Justice (Northern Ireland) Act 2002 provides that the Attorney General and the Director may consult each other from time to time on any matter for which the Attorney is accountable to the Assembly. With the exception of the matters set out in paragraphs 17 and 18 above there are no matters relating to the Public Prosecution Service for which I am accountable to the Assembly. I do not, to give only two examples, have responsibility for referring unduly lenient sentences to the Court of Appeal, and I have no role with respect to any prosecutorial decision to accept a plea of guilty to a lesser charge than that originally preferred.
26. It is perhaps paradoxical that for the first time that Northern Ireland has an Attorney General who is statutorily independent there is at the same time a loss of any superintendence by the

Attorney over public prosecutions. It is important that I emphasise that notwithstanding what I consider to be the present gap in superintendence and accountability I am delighted to have established a good working relationship with the acting Director and his colleagues. In this first year in Office I have come to know more about the skill and dedication of some of the lawyers in the PPS. Irrespective of whatever role I may come to have in relation to public prosecutions I am determined to do all that I can to ensure that we have a public prosecution service that fully meets the needs of the public in Northern Ireland. A significant part of meeting those needs will be to encourage measures to help ensure that the public has sufficient material to make accurate judgments about PPS performance generally and also in matters of specific controversy. It is my belief that criticism of the PPS could at times be answered by the timely provision of accurate information.

27. When appearing before the Justice Committee on 1 July 2010 and the Committee on Procedures on 28 September 2010 I made reference to the issue of PPS superintendence. Given that a significant change in governance arrangements, which might focus on where the right balance between independence and accountability lies and how the line should be drawn, the Justice Minister has been tasked by the Executive with taking forward consultation on this issue following the May 2011 elections. There is, of course, room for a variety of legitimate positions on how the superintendence balance should be struck ever since the issue was first debated in this jurisdiction in 1972².

Criminal Justice Inspectorate

28. During the course of the year, I have established a warm and effective working relationship with the Chief Inspector of Criminal

² See the discussion in chapter 9 of John LL Edwards The Attorney General, Politics and the Public Interest (London, 1984)

Justice Dr Michael Maguire. Dr Maguire and I have met on a number of occasions to discuss issues which might usefully be included in the CJI Inspection programme for 2010/2011. Meetings between our respective staff have also occurred. The Criminal Justice Inspectorate has provided copies of their valuable and insightful reports. Dr Maguire has kindly agreed to serve on the panel that will select the next Director of Public Prosecutions. In January of this year a member of staff of my Office attended, at the invitation of Dr Maguire, the Criminal Justice Inspection Northern Ireland Annual Stakeholder Conference on the theme of Oversight and Accountability. I very much look forward to working with Dr Maguire and to strengthening and developing our working relationship in the coming years.

Relator Actions

29. The Rule of Law lies at the foundations of a civilised society. As Guardian of the Rule of Law I have a responsibility to represent the public interest in court and to thereby ensure that all persons, institutions and entities, public and private, including the State itself, are properly accountable.

30. Where a member of the public wishes in private law proceedings to enforce (typically by injunction) a right which belongs to the public as a whole rather than a right which has an exclusively private character, she or he can ask me to allow legal proceedings to be brought to assert that public right. The action that then takes place with my consent is known as a relator action. The reason why such a procedure involving the Attorney General is necessary is largely historical in nature, and it may be that some future widening of the traditional rules about standing for injunctions may render relator proceedings obsolete.

31. During the year my advice was sought on 2 potential relator actions. No relator actions were taken during this period.

Inquests

32. Under section 14 of the Coroners Act (Northern Ireland) 1959 I can direct a Coroner to either hold an inquest into a death, if none has been held, or to hold a further inquest if one has already been held. At the core of the statutory test I apply in considering whether to direct a Coroner to hold an inquest is a consideration of whether it is 'advisable' to do so.
33. There are many circumstances that will be considered as sufficient to warrant my direction. These include the existence of fraud, the improper rejection of significant evidence, irregularity or unfairness of proceedings, insufficiency of inquiry or discovery of significant new evidence.
34. During the year I received 32 requests that I direct an inquest under section 14 of the 1959 Act. The Coroner was directed in 7 cases to hold an inquest; 23 requests are still under consideration; 1 request was withdrawn; and in 1 case I determined a fresh inquest was not advisable.
35. Relevant to the issue of inquests is my intervention in the Appeal of *McCaughey and Quinn* [2011] 2 WLR 1279 which was heard by the Supreme Court of the United Kingdom in February 2011. There I argued – unsuccessfully – against following the decision of the European Court of Human Rights in *Šilih v Slovenia* (2009) 49 EHRR 996. The subsequent decision of the Supreme Court on May 18 2011 relating to the scope of Article 2 of the European Convention on Human Rights is likely to see an increase in applications for new inquests, and may result in more inquests being directed.

36. Inquests are one way in which the State discharges its duty under Article 2 of the European Convention on Human Rights, and for many families they can offer the prospect of finding out more about the broad circumstances of a relative's death. While it is difficult to be predictive about what future decisions of the European Court of Human Rights might require in this area, I think that it is unlikely that Inquests will have to be transformed into mechanisms that are suitable for more general inquiries into controversial deaths of our 'troubles'.

Charities

37. As Attorney General my responsibility for protecting the public interest extends specifically to the law of charities. Where a matter is before the Charities Tribunal, I have power to intervene so as to represent the wider public interest. I also defend the interests of charities in proceedings before the High Court.
38. There is also a role for the Attorney in consenting to references to the Charities Tribunal where the Charities Commission needs a question of law or practice resolved; in giving directions to the Charities Commission on its discretion to authorize *ex gratia* payments by charities; and in presenting petitions for the winding-up of charities. In addition there are requirements that the Attorney be consulted on various matters.
39. Throughout this year I was a Respondent to 12 cases in the High Court concerning charities.
40. In cases where a donor has shown a clear intention that he or she wishes a gift to be given to charitable purposes but they have failed to define the particular charity they wish to benefit with sufficient clarity use can be made of the Royal Sign Manual procedure. By Royal Warrant dated 24 November 2004 the Royal Sign Manual

powers were delegated by the Queen to the Attorney General for Northern Ireland. Therefore the Attorney General can issue a Sign Manual Direction curing a gift of its uncertainty by directing that it be given to one or more specific charities.

41. My staff have met with the Charities Commission on a number of occasions to discuss some of the practical matters concerning how my Office and the Commission can each best fulfil their responsibilities under the Charities Act (Northern Ireland) 2008.

Human Rights

42. Under Section 8 of the Justice (Northern Ireland) Act 2004, I am required to produce guidance for criminal justice organisations on the exercise of their functions in a manner consistent with international human rights standards. As Attorney General I also have the responsibility of amending, by Order, from time to time, the list of organisations that are subject to the Section 8 guidance.
43. There is also the continuing challenge of keeping the guidance up-to-date in light of new decisions from Strasbourg and the continuous output from, for example, the Council of Europe and UN Committees.
44. The foundations have been laid during 2010/11 for this work which will continue to be developed during the forthcoming year. In this context too I hope that the necessary Standing Orders may be made.
45. In reference to this area of work I gave the keynote speech at the Northern Ireland Human Rights Commission conference at the Waterfront Hall in September 2010 in which I outlined what I see as key requirements for the future health of human rights in the United Kingdom.

Contempt of Court

46. The Attorney General has a public duty to protect the rights of parties to litigate in a fair and dispassionate atmosphere of objectivity. It is crucially important to maintain confidence in the administration of justice and foster a culture in which the independence of the judiciary is both recognised and respected. This of course does not preclude informed comment and critique.
47. I may be asked either to consider seeking an Order from the Court restraining a possible contempt of court or else to consider bringing contempt proceedings against someone who has allegedly engaged in actions which might amount to contempt. During this year I was asked on 6 occasions to consider bringing contempt proceedings in relation to concerns about possible interference with the administration of the justice process.
48. On 5 October 2010, a Lord Justice of Appeal delivered judgment in the case of *In the matter of an application by House of Fraser Ltd & others for leave to apply for judicial review*. In the course of the judgment the Lord Justice of Appeal expressed criticism of comments made by the then Minister for the Environment during a radio interview conducted shortly before the commencement of the case. The Lord Justice of Appeal indicated that the case should be referred to me having regard to my 'public law duty of protecting the rights of parties to litigate in a fair and dispassionate atmosphere of objectivity'. The matter was formally referred on 13 October 2010 and after close consideration of the facts and the substance of the Contempt of Court Act 1981 I decided that , there being no substantial risk of prejudice, that contempt proceedings should not be brought against the Minister or the broadcaster.
49. I also had to consider whether to bring proceedings to restrain threatened conduct which is likely to lead to a contempt of court.

In February 2011 I was made aware of a proposed radio broadcast, the content of which could have potentially prejudiced two on-going criminal trials. My staff made contact with the broadcaster and we achieved a resolution involving changes to the material proposed to be broadcast without the need to issue proceedings for injunctive relief. Both trials continued to jury verdicts.

Declaration of Parentage

50. The Attorney General must be put on notice of every application that comes before the courts seeking a declaration of parentage. In 2010/11 there were 29 such applications. While it would be unusual for me to seek to intervene in such cases every application must be carefully considered in case issues arise which merit my intervention.

Vexatious Litigants

51. Under section 32 of the Judicature (Northern Ireland) Act 1978 the Attorney may ask the High Court to make an order declaring someone to be a vexatious litigant which, if such an Order is granted, precludes them from bringing further proceedings without the leave of the High Court. I am currently considering one case of this nature.

Mental Health

52. By Article 72 of the Mental Health (NI) Order 1986 (“the Order”) I may refer the case of a Patient³ to the Mental Health Review Tribunal. My understanding is that this power has never been exercised at any time by my predecessors. I am currently reflecting on how it may be placed at the service of Patients and those advising them. This provision is potentially a valuable safeguard in

³ As defined by Article 2 (2) of The Mental Health (NI) Order 1986

protecting the liberty of persons detained under the Order and I encourage persons concerned with the welfare of patients to give me their ideas on how it can best be used.

The Matrimonial Causes (Northern Ireland) Order 1978

53. Under Article 10 of the Matrimonial Causes (Northern Ireland) Order 1978 the Attorney General may intervene in the case of a petition for divorce where either the Judge hearing the petition or any other person has provided material to the Attorney which he believes makes an intervention by him appropriate. This is linked to the more general right of the Attorney to intervene when a divorce case gives rise to an issue of public policy⁴.

Relations with both branches of the Legal Profession

54. As Attorney General I am conscious of the need to foster and maintain good relations with both the Bar and the Solicitors profession. With both branches of the legal profession I see my role principally as one of encouragement and support. I spoke at the ceremony for the call to the Bar in Michaelmas 2010 and to the Young Bar Association.
55. As Attorney I am the titular Head of the Bar and attend meetings of the Bar Council, the Executive Council and the Benchers of the Inn of Court. I am grateful to the Chairman of the Bar Council Adrian Colton QC and its Chief Executive Brendan Garland for the assistance they have provided me in my work with the Bar.
56. While I have no institutional relationship with the Law Society I am grateful to both its President, Brian Speers, and its Chief Executive, Alan Hunter, for the constructive manner in which they have engaged with my Office during this first year. I am delighted

⁴ See *Adams v Adams* [1970] 3 All ER 572 at 577

that Professor Speers has agreed to serve on the selection panel for the new Director of Public Prosecutions.

Development of External Relations

57. The legal system of Northern Ireland does not exist in isolation; in addition to obvious links with other jurisdictions in the United Kingdom it can safely be said that the influence – sometimes the dominant influence – of EU law and the law of the ECHR runs throughout our legal system and substantive law. It is essential that lawyers in Northern Ireland are aware not only of the formal content of EU law and the law of the ECHR but also how other European jurisdictions develop techniques to cope with these demands.
58. A separate issue arises about the ability for the specific needs of Northern Ireland to be reflected in the formulation of EU policy and legislation. My staff and I are working with Departments to see how Northern Ireland interventions in the making of EU policy and legislation may be improved.
59. Important relationships in these fields have been initiated. I have met with the President of the European Court of Human Rights Jean-Paul Costa as well as the United Kingdom Judge Sir Nicholas Bratza and the Irish Judge Ann Power all of whom were able to provide valuable insight into the functioning of the Court. I am, additionally, delighted that Judge Power has agreed to speak at my conference on Judicial Independence later in 2011.
60. During the year links have also been established with the Generalstaatsanwalt for Munich and senior officials from the Bavarian State administration . A visit was conducted in December 2010 which provided the opportunity to exchange views on areas of constitutional and legal interest.

61. Colleagues and I also began to establish relationships with judges in the Conseil d'Etat, Conseil Constitutionnel and Court de Cassation, focussing particularly on how Northern Ireland might learn from the techniques and approaches of these French jurisdictions to the issues of EU and ECHR law that we have in common. I have been struck by the strong commitment of the French Superior Courts to legal education; both the Court de Cassation and the Conseil d'Etat set a standard in conferences and seminars – offered without charge – that demands imitation in these islands.
62. I also met on a number of occasions with my counterparts from England and Wales, Scotland and the Republic of Ireland and we all enjoy good working relationships. In the overlap between my tenure and his, the then Irish Attorney General Paul Gallagher SC and I had a close and cordial working relationship. I wish him well as he recommences his career in private practice and I welcome his successor Maire Whelan SC with whom I look forward to working closely in the coming years. I am particularly grateful to the present Lord Advocate, the Right Hon. Elish Angiolini QC for agreeing to serve on the panel that will select the next Director of Public Prosecutions.
63. As well as welcoming the warm relationship that I currently enjoy with the English Attorney General I would like to acknowledge the considerable assistance provided from the Advocate General's Office, previously the Attorney General's Office, during the establishment phase of my Office. In particular I would like to mention the significant contribution of Mr Kevin McGinty.

Living Law

64. This year has seen the launch of the Attorney's Living Law programme. The programme is aimed at raising knowledge about

the importance of law as well as generating an interest in and appreciation for the law generally.

65. The Living Law programme consists of three elements, the first being an enrichment programme for students from non grammar schools with A Level classes who may be interested in studying law or learning more about how law operates in society. The second element is a general outreach programme to community and other groups aimed at raising public understanding about law. The third element of the programme is the provision of conferences and seminars bringing together practicing lawyers, academics and policy makers for reflection on themes of general importance or topics of contemporary significance.
66. Throughout the year 24 pupils from six schools across Northern Ireland took part in the schools element of the Living Law Programme designed to give young people a fresh and lively introduction to law and the justice system. The programme included a series of debates, case study analyses, a court visit, a session at the Northern Ireland Assembly and the programme culminated in pupils taking part in a mock trial. As a result of the success of the programme this year it is intended to continue with it in the next academic year.
67. As for the second element of the Living Law programme I officially launched the general community outreach sub-programme at the Annual General Meeting of Law Centre (NI) on 10 December 2010. I am grateful to the Law Centre not only for giving me this platform but for all of the valuable work that its lawyers do in ensuring access to justice for many marginalised and underprivileged individuals and groups.

68. As for the third element planning is already advanced for an international conference on Judicial Independence planned for June 2011.
69. During the course of the year I established a Pupillage Scholarship to give visible support and recognition to pupil barristers who are unable to undertake paid advocacy during the first six months of their pupillage. The Scholarship, plus the opportunity to do pro bono work was open to all pupil barristers and was awarded to Mr Terence McCleave on the basis of his performance in an essay competition. I take this opportunity to wish him well in his career at the Bar.

Miscellaneous

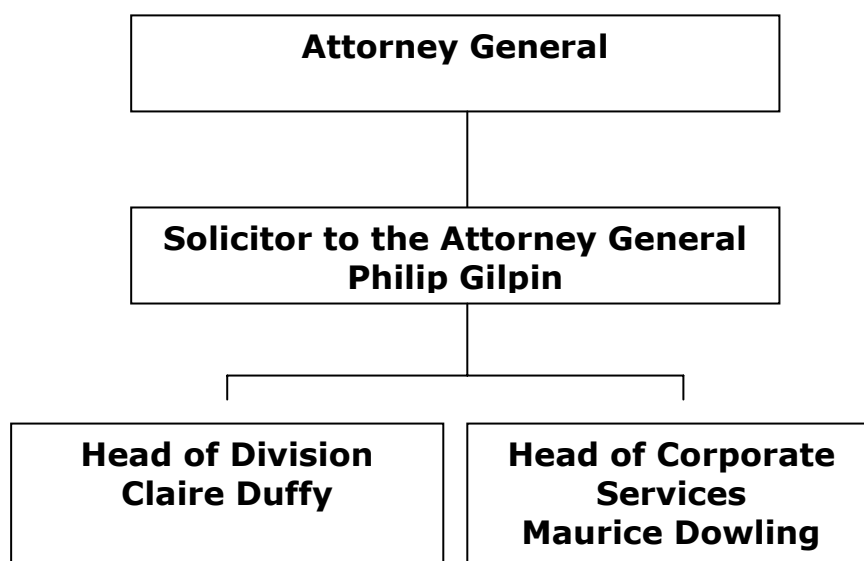
70. In addition to the significant themes of work outlined above, I have also dealt with a number of miscellaneous issues:
- I agreed procedures on amicus appointments.
 - I considered 48 Departmental Consultations.
 - The Office of the Attorney General received 2 Freedom of Information requests.
 - I formally spoke at 10 external events.

Staff

71. Subject to the approval of the First Minister and deputy First Minister as to numbers, salary, and other conditions of service I may appoint staff to the Office of the Attorney General.

72. To ensure that staff of the highest calibre are appointed, I have invested a great deal of personal time and effort in the recruitment process. I sat on the interview panels for all of the lawyers appointed during this first year. As of 31 March 2011, my Office consists of 12 full time legal and administrative staff who are all members of the Northern Ireland Civil Service. Of these 6 are lawyers.
73. Philip Gilpin was appointed as Solicitor to the Attorney General in November 2010, together with Claire Duffy as Head of Division. For six months I had the benefit of a police liaison officer seconded from the PSNI and a lawyer from the Public Prosecution Service for Northern Ireland.

Senior Management Structure



Corporate Services

74. By section 22 (3) of the Justice (Northern Ireland) Act 2002 the Attorney General is to be funded by the First Minister and deputy First Minister acting jointly.

75. For practical administrative and economic reasons my Office avails of the Office of the First Minister and deputy First Minister's financial and audit systems.
76. Establishing and developing the Office occurred against a backdrop of pressing public sector financial constraints. In light of such constraints I took the decision to surrender three posts projected in my Preparatory Report to the First Minister and deputy First Minister giving rise to a saving of £200k. The needs of the Office will be kept under continual review in the light of the current financial constraints.
77. In 2010/11 the Office of the Attorney General had a budget of £1.7m however as recruitment in line with applicable procedures is a slow process a number of posts were unfilled during this year and resources were surrendered at the appropriate monitoring rounds. The year end financial spend was £1.05m. A further £300k capital expenditure was incurred in fitting out new premises. The necessary works will not be completed until May 2011.
78. This first year has seen corporate service systems put in place to facilitate effective corporate governance. File management systems have been developed to ensure the tracking of correspondence and the smooth operation of the Office.
79. A website has been developed at www.attorneygeneralni.gov.uk which outlines the work and responsibilities of the Attorney. It is regularly updated.

Looking Forward to 2011/12

80. This report can do little more than note the considerable number of issues encountered in this first year following my appointment. I hope that it may serve to stimulate interest in the work of the Attorney and the legal system. The challenge for the future is to retain what has been achieved in the past year and to build upon it.

81. While systems and procedures have their importance I have been struck this year by the extent to which constructive relationships with key stakeholders are fundamental to my work. I have been fortunate in the co-operation I have received from many quarters including the Public Prosecution Service, the Office of Legislative Counsel and from Departments and Ministers. I look forward to strengthening these relationships and others – locally, nationally and internationally – where this can be fruitful for my work and the work of others.

82. If the Attorney General is to have responsibility for superintendence and direction over the Public Prosecution Service this will present significant new challenges for my staff and me. If change occurs in this direction I will welcome it and the new opportunities it brings to serve the people of Northern Ireland.

83. The Living Law programme, particularly as respects schools, has proved to be a most useful and, I hope, enjoyable vehicle for promoting knowledge of the importance of law as a shaping force in society. I am committed to developing all aspects of the Living Law Programme to ensure its continued flourishing. I very much look forward to seeing the first law students, law graduates, barristers and solicitors emerge from our programme in the near future.

84. As Attorney General I am committed to ensuring that the rule of law is at the heart of our devolved government and administration in Northern Ireland. As citizens we are all aware of the many difficulties faced by our government and administration; the law alone cannot supply solutions to all of them and it can be a flaw in contemporary culture that it appears to be expected to do so. Where the problems of individuals and communities are susceptible to technical legal solutions I firmly believe that only a steady commitment to the rule of law will lead to obtaining just and durable outcomes. In 2011/12 within my sphere of responsibility I intend to continue to defend and uphold the rule of law in the service of the people of Northern Ireland.