

STATUTE LAW REVISION BILL 2009
REGULATORY IMPACT ANALYSIS
April 2009

POLICY CONTEXT, OBJECTIVES AND OPTIONS

The Office of the Attorney General is actively involved in the development of Better Regulation policy in co-operation with the Department of the Taoiseach and its work includes Statute Law Revision as committed to in the Government White paper, *Regulating Better*. The current phase of the Statute Law Revision Project is the preparation of the Statute Law Revision Bill 2009.

The objective of the Statute Law Revision Bill 2009 is to repeal all obsolete Local and Personal Acts up to and including 1850 and Private Acts up to and including 1750. The Bill is the third measure in the current phase of statute law revision. Private Acts are those which are concerned with the affairs of a single individual or body, and Local and Personal Acts are concerned with matters affecting a very limited section of the community such as a single local authority or company.

Options

1. Do nothing.
2. Preparation of Statute Law Revision Bill 2009 as outlined above.

COSTS, BENEFITS & OTHER IMPACTS

Option 1: Do-Nothing

Costs

There are no direct financial costs to the State. However, the lack of a coherent list of all statutes in force in the State could have financial implications to the State (within the civil service, the wider public service and the judiciary). This could arise in that the amount of State time spent in researching whether or not a particular matter is covered by legislation would be far greater than would be the case if there were a definitive list of all legislation in force. There is also a greater possibility that relevant legislation might not be found if Option 1 is adopted.

Likewise, similar costs could presently be incurred by industry and service providers and the lack of a coherent statute book could affect foreign inward investment if the regulatory impact is difficult to comprehend or ascertain. In addition the benefit of the Exchequer funds already invested in this phase of the Statute Law Revision Project would not be achieved.

Benefits

There would be no significant benefit to adopting option 1.

Other impacts

Option 1 would impact negatively as outlined in the cost section above as well as reflecting on the State's commitment to regulatory reform.

Option 2: Preparation of Statute Law Revision Bill 2009

Costs

There are no Exchequer costs, staffing or other implications arising from the proposed Bill other than that the Attorney General has retained the Assistant Project Manager of the Statute Law Revision Project until 31st May 2009. The total cost to the Exchequer for this phase of the Project is €280,720.77 to date and it is estimated that €3000 at most will be expended for the rest of this phase.

This option should reduce costs for business and legal service providers.

Benefits

Option 2 has positive implications for quality regulation, employment, industry and small business in that the proposals will assist in reducing the regulatory burden for users of the statute book, including business users and will provide legal certainty. The Statute Law Revision Programme as a whole will simplify the statute book and is intended to reduce legal and business transaction costs. The Bill is a significant contribution to the Government's objectives as set out in the White Paper *Regulating Better*.

Other Impacts

There are no significant negative impacts associated with this option. In particular, there are no adverse impacts for North-South / East-West relations / gender balance / poverty proofing / rural communities.

CONSULTATION

The Statute Law Revision project team have engaged in a widespread consultation process which commenced in September 2007. At that time, advertisements seeking submissions were placed in national newspapers and a similar notice was also placed on the website of the Office of the Attorney General. In addition, the team wrote to 246 bodies or individuals that seemed likely to have an interest in this phase of the project. In November 2008, all Government Departments, Local Authorities and other interested parties were sent a schedule of Acts that were relevant to them and asked to comment on the proposals in relation to each Act.

Regard has been had to these replies in preparing the content of the Schedules to the Bill.

ENFORCEMENT AND COMPLIANCE

No enforcement or compliance is necessary as the Bill will achieve all its objectives on enactment.

REVIEW

No review is required as objectives will be achieved on enactment.