

DIPLOMA CENTRE

Certificate in Enforcement for Public Bodies



MODULE 1: INTRODUCTION TO REGULATION LAW

| SESSION 01 | TIME | DELIVERY |
|---|-----------------|-------------------|
| Tuesday 24 October 2023 | 6:00pm – 8:30pm | Onsite and online |
| 1 Introduction to the Certificate – <i>Course Leader – Sara Van den Bergh</i> | | |
| 2 Why regulate? Rationale for regulation in context of economics, corporate governance, risk management, and competition. Types of regulation; overview of the various sectors; financial, health services and products, social care, energy, environmental and issues arising therefrom. Particular emphasis on public bodies. <i>Dr. Stephen Weir, Lecturer, Institute of Public Administration</i> | | |
| 3 The function of regulation, its various forms and current issues: Light touch regulation v over regulation; the troubled regulator – prosecutorial, advisory & disciplinary, inquiry functions, private sector v public sector regulation, complaints driven, compliance driven; Regulatory accountability and independence; Current issues in regulation and regulatory reform. <i>Ciaran Walker, Consultant, Eversheds Sutherland</i> | | |

2.5 hrs. Gen. CPD

MODULE 2: LEGAL LITERACY SKILLS

| SESSION 02 | TIME | DELIVERY |
|--|--------------------------|---------------------|
| Tuesday 7 November 2023 | Online release at 2:00pm | Online release only |
| 1 Bonus session for non-lawyers - The Irish legal system – (a) sources of law (b) civil and criminal proceedings (c) legislative process (d) precedent (e) the Irish Courts system and appeals (f) the legal profession. <i>Anne Fitzpatrick, BL</i> | | |
| 2 Legal writing/ legal literacy skills: (a) introduction to legal writing (b) legal citations (c) online sources (d) reading a law report. <i>Anne Fitzpatrick, BL and Claire Cummins, BL</i> 3.5hrs. Gen. CPD | | |

MODULE 3: METHODS OF ENFORCEMENT

| SESSION 03 | TIME | DELIVERY |
|---|-----------------|-------------|
| Tuesday 14 November 2023 | 6:00pm - 8:30pm | Online only |
| 1 Enforcement - the inquiry process: Investigations/pre-inquiry phases; hearings and decision – making. <i>Hannah Unger, Associate, Fieldfisher</i> | | |
| 2 Criminal Enforcement: Regulatory criminal law enforcement, Summary and indictable offences, Strict liability, Vicarious liability, Corporate criminal liability; appeals in the criminal process. Civil Enforcement: Overview: Civil Enforcement in the Courts – Challenges to processes and procedures <i>Stephen McLoughlin, Partner, Addleshaw Goddard (Ireland) LLP</i> 2.5 hrs. Gen. CPD | | |

MODULE 4: CHALLENGES TO DECISIONS OF REGULATORY BODIES: LITIGATION

| SESSION 04 | TIME | DELIVERY |
|--|-----------------|-------------|
| Tuesday 21 November 2023 | 6:00pm - 9:00pm | Online only |
| 1 Judicial review/appeals: High Court and Supreme Court Judicial Review, categories of statutory Appeal, oversight of regulatory decisions e.g. confirmation of sanctions of regulatory body. <i>Brian Ormond, Partner, DAC Beachcroft</i> | | |

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2 Enforcement notices: Components of an effective enforcement notice. Importance of providing a comprehensive list of reasons for the enforcement action. Importance of setting out clearly the rationale and legislative provision relied upon. Best practice when drafting. Use of precedents. Serious consequences of a defective enforcement notice. Reasonable defence.
Terence O’Keeffe, Consultant, Beauchamps

3 Defence of enforcement actions/regulatory proceedings
Matthew Austin, Partner, Hayes Solicitors
3 hrs. Gen. CPD

MODULE 5: ENFORCEMENT AND ENFORCEMENT NOTICES

| | SESSION 05 | TIME | DELIVERY |
|---|--|-----------------|-------------|
| | Tuesday 28 November 2023 | 6:00pm – 9.00pm | Online only |
| 1 | Pitfalls to avoid in enforcement process: The key issues that affect the ability to enforce. <i>Zoe Richardson, Partner, Fieldfisher</i> | | |
| 2 | Providing Reasons; The duty to give reasons and the adequacy of reasons in Regulatory Law. <i>Zoe Richardson, Partner, Fieldfisher</i> | | |
| 3 | Emergency applications and injunctions: types of injunctions, test, injunctions against a regulatory body. <i>Eoin MacAodha, Partner, Eversheds Sutherland</i> 3 hrs. Gen. CPD | | |

MODULE 6: WRITING AND DRAFTING SKILLS

| | SESSION 06 | TIME | DELIVERY |
|---|---|------------------|-------------------|
| | Saturday 2 December 2023 | 10:00am – 2:30pm | Onsite and online |
| 1 | Workshop 1 Writing and drafting skills session: <i>Terence O’Keeffe, Consultant, Beauchamps</i> (a) the business of writing (b) Grammar, punctuation, spelling – managing risk, accuracy, ambiguity (c) Context and tone – emails, letters, updates (d) Use of precedents – dangers in drafting | | |
| 2 | Workshop 2 - Terence O’Keeffe, Consultant, Beauchamps Drafting a letter of instruction (a) Key features (b) Fact v opinion (c) Supporting documentation Drafting an Enforcement notice (a) Components of an effective notice (b) Importance of providing clear ‘reasons’ for enforcements (c) Sample notices 4.5 hrs. Gen. CPD | | |

MODULE 7: ENFORCEMENT BY SECTOR

| | SESSION 07 | TIME | DELIVERY |
|--|-------------------------|-----------------|---|
| | Tuesday 5 December 2023 | 6:00pm – 9.00pm | Live Online Lectures and Online Release |

Specialist considerations for enforcement in the following sectors:

1 Justice, mental health - *Orla Keane, General Counsel, Mental Health Commission*

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- 2 **Childcare – Arthur Denneny, Solicitor, Tusla**
- 3 **The challenges for regulation bodies in the area of regulation social care settings. - Mike Corcoran Head of Registration and Regulatory Enforcement, Tusla**
- 4 **Social care and healthcare sectors - John Bryan, Head of Inspection and Enforcement, Pharmaceutical Society of Ireland [ONLINE RELEASE ONLY]**
- 5 **Corporate Enforcement - Natalie Quinlivan, Director, Fieldfisher [ONLINE RELEASE ONLY]**
- 6 **The Central Bank and Financial Regulation - Patrick Ambrose, Chief Legal Officer, DLL Ireland [ONLINE RELEASE ONLY]**
- 7 **Enforcement of Food Safety legislation - Dr Bernard Hegarty, Director of Enforcement, Food Safety Authority [ONLINE RELEASE ONLY]**
7 hrs. Gen. CPD

MODULE 8: DATA PROTECTION & FREEDOM OF INFORMATION

| SESSION 08 | TIME | DELIVERY |
|--------------------------|---|---|
| Tuesday 12 December 2023 | 6:00pm – 9.00pm | Live Online Lectures and Online Release |
| 1 | Review of data protection principles – consent, legitimate processing, GDPR, retention of date, FOI requests/ SAR requests. Aoife Sexton, Chief Privacy Officer, Truata, [ONLINE RELEASE ONLY] | |
| 2 | Data Protection & Freedom of Information: Rights and obligations under the Freedom of Information Act 1997 (as amended); exemptions; refusal; right of appeal; third parties; time for reply and FOI Act 2014. Kenneth Ruane, Head of Legal Affairs, An Garda Siochana [ONLINE RELEASE ONLY] | |
| 3 | Government data & public sector bodies: Context and application; government agencies and departments - current obligations, future obligations, law enforcement directive, rights and data format, EU Legislation, relevant case-law. Kenneth Ruane, Head of Legal Affairs, An Garda Siochana | |
| 4 | Sharing between public bodies & Garda Vetting: Application of key principles – consent and necessity, principles agreed with the Commissioner, sharing data re commission of an offence, Garda vetting procedures. Kenneth Ruane, Head of Legal Affairs, An Garda Siochana | |
| 5 | CRH Judgment- Legal Principles and Guidance applicable to Searches - Kenneth Ruane, Head of Legal Affairs, An Garda Siochana 5 hrs. Gen. CPD | |

| SESSION 09 | TIME | DELIVERY |
|--|------------------|-------------------|
| Saturday 20 January 2024 | 10:00am – 3:00pm | Onsite and online |
| Workshop 3 and 4: SAR & FOI case scenario – Dr Katherine O’Keefe | | |
| Enforcement case study - Stephen McLoughlin, Partner, Addleshaw Goddard (Ireland) LLP 5 hrs. CPD | | |

Assignment released: Saturday, 20 January 2024

Due date: Wednesday, 28 February 2024

Please note that topics & dates may be subject to change. Draft timetable as of October 2023.

* Gen = General, M&PD = Management and Professional Development, Reg = Regulatory and eLearning = eLearning CPD credits. **CPD Note:** The number of hours of CPD that you may claim in relation to your diploma/certificate course will depend on the way in which you access each of the individual sessions. For further information please visit the course homepage on our website: www.lawsociety.ie/diplomacentre

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