

4. Could you please provide an overview of the incompatibilities regime of the Attorney General?

Under Article 30 of the Irish Constitution, the Attorney General is the legal adviser to the Government but is not a member of Government. This means the Attorney General is independent and has a duty to enforce and uphold the Constitution.

Traditionally, Attorneys General have been practising court advocates (barristers) prior to appointment and in instances where a conflict of interest or a perceived conflict of interest arises (for example, where an Attorney General may have prior to appointment advised a person involved in litigation against the State), the practice is for the Attorney General to recuse him or herself from the relevant file.

Generally speaking, Attorneys General do not engage in other work during their term of office although pursuant to section 6(2) of the Ministers and Secretaries Act 1924, an Attorney General may be elected to be a member of the Irish Parliament (the Dáil). On taking up office an Attorney General with the permission of the Government may in respect of a small number of cases have some private work to complete