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20 June 2023

**Re: Role Of Sheriffs**

Dear Dr O'Connor,

Thank you for the opportunity to express our views on the important work of Sheriffs.

Following consideration by our Litigation Committee, we would make the following observations to assist in your review:

### **1. Essential Role of Sheriff**

The majority of Sheriffs are members of the solicitors' profession who, whether acting for debtors or creditors, interact extensively on behalf of their clients.

The extent of the role of Sheriffs is largely defined by the larger economy i.e. the volume of cases is generally reflective of the country's economic health. Over time, several mechanisms have been developed which have evolved to deal with judgment sums due on foot of Court Orders. The Courts Service is well versed in dealing with Instalment Procedures, Garnishee Orders and then, Sheriffs (which tend to be a route of last resort).

The Sheriff, on behalf of the State, plays an essential role in ensuring that a full suite of options is available to creditors within the law. As such, it is essential that the office be retained.

### **2. Benefit of Local Knowledge**

The existing county system ensures access to local information and encourages the fostering of locally-based relationships.

While we have not seen accumulated data on the issue, we consider this is evidenced anecdotally by most matters resolving reasonably quickly following an initial approach by a Sheriff.

### **3. Public Confidence**

Revenue Sheriffs play a crucial role in dealing with parties who fail or refuse to engage with the State at earlier stages of the collection and enforcement process.

It is essential that there is a mechanism to ensure that people pay their dues so that compliant taxpayers can have confidence that they will not be additionally burdened as a result of the refusal or failure of others to discharge their liabilities.

#### **4. Electoral Role**

Under the Electoral Act 1992, County Registrars are Returning Officers for the purposes of elections and referendums (for their counties with special rules applying to Dublin and Cork). They also play a vital role in European elections.

Given its significance, it is essential that those appointed have the requisite skill, knowledge and integrity to fully execute the responsibilities of the role.

The function of the Returning Officer is essential to the integrity of a democratic ballot which is vital - both domestically and in how the State is perceived internationally.

#### **5. Cost Benefit Analysis (CBA)**

We understand that data may be (or may become) available around a CBA of the value of Sheriffs' collection role.

While that is an important tool, other components (e.g. interactions between the State and others, through Sheriffs as agents) must also be borne in mind. Vital access to justice and rule of law considerations must be central to this review.

While cost savings may be achieved by enhanced IT efficiencies (particularly in the area of debt collection), there can be no substitute for a Sheriff's personal interaction with the public and the local legal community.

#### **6. Any Proposed Consolidation**

Any reduction in the existing numbers of Sheriffs (either County Registrars or Revenue Sheriffs) is likely to jeopardise the ongoing fulfilment of their vital responsibilities.

Population trends, while perhaps of assistance in resource planning, do not always allow for regional differences e.g. in rural areas where road networks and travel times significantly impact the time required to progress an individual case.

#### **7. Engagement and Training**

Wider engagement with stakeholders and providing training opportunities to Sheriffs and those associated with the role (e.g. Gardaí and Court Messengers) would be useful in ensuring that the role is exercised consistently nationwide.

Up to date information on the process and dealings with Sheriffs and Court Messengers (including all charges and fees) would also be useful, both for solicitors and for the public, so that everyone has a clearer understanding of what can be a challenging process.

Engagement with MABS and the Citizens Information Bureau may also be useful in raising public awareness of the role and duties of Sheriffs.

As part of enhanced communications in the area, consideration might also be given to updating the title of Sheriff, in order to reflect a more modern role.

Training in IT to reduce the administrative burden should also be matched with

training in the vital softer skills required to encourage people to comply with the process.

## **Conclusion**

It is clear that Sheriffs (and their staff) perform an essential public service as key stakeholders in the administration of justice.

I wish you every success with your review and will be glad to engage further on any of the above issues if that would be of assistance.

Yours sincerely,

A handwritten signature in blue ink that reads "Mark Garrett". The signature is fluid and cursive, with the first name "Mark" and last name "Garrett" clearly legible.

**Mark Garrett**  
**Director General**