

## Head of Legal Services

The Head of Legal Services is a key senior position within the Authority. Reporting to the Chief Executive, the post holder's principal responsibilities will include, *inter alia*:

### 1. General

- Controlling, managing and directing the activities of the Legal Services function;
- Ensuring that the Chief Executive is at all times apprised of developments within the Function's remit;
- Providing professional and strategic advice to the Chief Executive, Board and senior management;
- Acting as an effective member of the Authority's senior management team

### 2. Authority's statutory remit

- Providing the Authority's staff, management, Board and Board Committees, as applicable, with high quality legal and related advice/analyses, tailored to the Authority's needs, on matters pertaining to all aspects of the Authority's statutory remit and related matters;
- Providing advice to the Authority's staff, management, Board and Board Committees, as applicable, on legal strategy and related matters;
- Managing and co-ordinating the Authority's approach towards litigation/other proceedings to which the Authority is party or potentially party;
- Leading in the development of Regulations and related material pertaining to the Authority's statutory functions/powers etc.;
- Contributing to the preparation of draft legislation as required;
- Leading in/contributing to, as applicable, the development of other material/publications pertaining to the Authority's statutory remit as required;

- Liaising with other parties' legal advisors/representatives as required;
- Undertaking legal research as required;
- Providing support and legal input in the context of the Authority's membership of the Company Law Review Group as required (CLRG);
- Participating in Committees and other fora of relevance as required;

### 3. *External providers of legal services*

- Managing the sourcing of external legal services;
- Instructing, and drafting briefing material for, external providers of legal services;
- Managing the Authority's relationships with external providers of legal services on an ongoing basis;

### 4. *Compliance with the Authority's legal and other obligations (other than those relating to the Authority's statutory remit and to company secretarial matters)*<sup>1</sup>

- Implementing and managing appropriate systems and processes to ensure the Authority's, and its directors'/management's, ongoing compliance with their respective responsibilities and obligations under law, regulation and other applicable codes, including, *inter alia*:
  - Implementing and managing appropriate systems and processes for identifying, and monitoring changes to, the Authority's obligations in a timely manner;
  - Apprising staff, management and the Board, as applicable, of the nature of those obligations;
  - Providing legal and related advice regarding the actions and measures necessary to secure/facilitate compliance with the aforementioned obligations;
  - Development of guidance, policies, handbooks, manuals etc., as required to secure/facilitate ongoing compliance;

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<sup>1</sup> Such obligations would include, *inter alia*, those arising under law and regulation pertaining to employment, health & safety, disability, equality, data protection, freedom of information, official languages, taxation, procurement etc.

- Where applicable, and where relevant in conjunction with other Authority staff/management, taking such actions and measures as are necessary to secure/facilitate the Authority's ongoing compliance with its obligations;
- Discharging specific responsibilities deriving from law, regulation etc., as assigned from time to time;

##### *5. Company Secretarial*

The Head of Legal Services will also be appointed to the position of Company Secretary. The Secretary's principal responsibilities include:

- Discharging the statutory functions assigned to the Company Secretary by the Companies Acts;
- Acting as Secretary to the Board and its Committees (including Investigations and Enquiry Committees in the context of Sections 23 and 24 of the Companies (Auditing and Accounting) Act, 2003);
- Carrying out the directions of the Board;
- Ensuring that the Board and its Committees are provided with all requisite information and supporting the Board and its Committees, thereby enabling them discharge their functions in an effective manner;
- Ensuring that the company's and directors' respective responsibilities under company law are complied with, including, *inter alia*, those relating to:
  - maintenance of minutes of Board and Committee meetings;
  - maintenance of statutory registers;
  - filing of returns with the Registrar of Companies as required and within statutory timeframes;
  - convening of members' meetings and provision of requisite notice, as required;
  - ensuring that the provisions of the company's establishing legislation and Memorandum and Articles of Association are adhered to;
  - management of amendments to the company's constitutional documents as required;

- Implementing and managing appropriate systems and processes to ensure the Board's ongoing compliance with its obligations under the Code of Practice for the Governance of State Bodies;
- Implementing and managing appropriate systems and processes to ensure directors' and affected staff members' ongoing compliance with their respective obligations under Ethics in Public Office legislation;
- Liaising with, and facilitating the work of, the Authority's internal and external auditors as required;

#### *6. Other*

- Drafting of Board Papers;
- Contributing to the Authority's management of risk;
- Undertaking such other duties/assuming such other responsibilities as are assigned from time to time by the Chief Executive and/or the Board.