

THE HIGH COURT

Record No. H.P.2026.1065

Between

PATRICK McGREAL

Plaintiff

and

**THE MINISTER FOR JUSTICE, HOME AFFAIRS AND MIGRATION, THE
MINISTER FOR PUBLIC EXPENDITURE, PUBLIC SERVICE REFORM AND
DIGITALISATION, KIM DUFFY, THE COURTS SERVICE, THE CHIEF
EXECUTIVE OFFICER OF THE COURTS SERVICE, THE COMMISSIONER
OF AN GARDA SIOCHANA**

Defendants

EX PARTE MOTION DOCKET

Date: 6th May 2026

Application on behalf of the Plaintiff to the Court for:

An order striking out the Memorandum of Appearance in General filed herein on the 28th day of April 2026 on the ground that the Chief State Solicitor's Office had no statutory authority to enter that appearance for the defendants in these proceedings, and that the said Memorandum of Appearance is void ab initio and of no legal effect.

which application shall be grounded upon the affidavit of PATRICK McGREAL

filed on the 6th day of May 2026

.....

Plaintiff

TELEPHONE / EMAIL

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Patrickmcgreal7@gmail.com

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MINISTER FOR PUBLIC EXPENDITURE, PUBLIC SERVICE REFORM AND
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EXECUTIVE OFFICER OF THE COURTS SERVICE, THE COMMISSIONER
OF AN GARDA SIOCHANA**

Defendants

AFFIDAVIT OF PATRICK McGREAL

I, Patrick McGreal, of Charlestown, Mullingar, County Westmeath, aged eighteen years and upwards, make oath and say as follows:

1. I am the plaintiff in the above-entitled proceedings. I make this affidavit in support of my application for an order striking out the Memorandum of Appearance filed herein on the 28th day of April 2026.
2. A Plenary Summons was issued in these proceedings on the 27th day of February 2026 bearing record number H.P.2026.1065. The defendants named therein are the Minister for Justice, Home Affairs and Migration; the Minister for Public Expenditure, Public Service Reform and Digitalisation; Kim Duffy; the Courts Service; the Chief Executive Officer of the Courts Service; and the Commissioner of An Garda Siochana.
3. On the 1st day of May 2026, I received by registered post a letter dated the 29th day of April 2026 from the Chief State Solicitor's Office together with a Memorandum of Appearance in General dated the 28th day of April 2026. The letter states that the Chief State Solicitor's Office acts for the defendants in the above matter.
4. The Memorandum of Appearance purports to enter an appearance for all of the defendants. It is signed by Maria Browne, who styles herself Chief State Solicitor and Solicitor for the Defendants, with an address at Smithfield Hall, Bow Street, Dublin 7.
5. I say that the Chief State Solicitor's Office had no lawful authority to enter an appearance for any of the defendants in these proceedings. The legal grounds upon which I so say are set out in the Legal Submissions filed herewith.

6. I say that the Memorandum of Appearance as filed is void ab initio and of no legal effect.
7. I make this affidavit bona fide for the purposes of this application and for no other purpose.

Plaintiff

SWORN before me a Commissioner for Oaths by the said Patrick McGreal who is known to me this 5th day of May 2026 at:

Commissioner for Oaths

Filed this 6th day of May 2026 by Patrick McGreal

THE HIGH COURT

Record No. H.P.2026.1065

Between

PATRICK McGREAL

Plaintiff

and

**THE MINISTER FOR JUSTICE, HOME AFFAIRS AND MIGRATION, THE
MINISTER FOR PUBLIC EXPENDITURE, PUBLIC SERVICE REFORM AND
DIGITALISATION, KIM DUFFY, THE COURTS SERVICE, THE CHIEF
EXECUTIVE OFFICER OF THE COURTS SERVICE, THE COMMISSIONER
OF AN GARDA SIOCHANA**

Defendants

**LEGAL SUBMISSIONS OF THE PLAINTIFF IN SUPPORT OF MOTION TO
STRIKE OUT MEMORANDUM OF APPEARANCE**

RELIEF SOUGHT

The plaintiff seeks an order striking out the Memorandum of Appearance dated the 28th day of April 2026 on the ground that the Chief State Solicitor's Office had no statutory authority to enter that appearance for any of the defendants named in these proceedings. The appearance is void ab initio.

PART 1: THE CONSTITUTIONAL FRAMEWORK

Proposition 1. Article 30 of the Constitution establishes the office of Attorney General and defines the mandate of that office.

Article 30.1 provides: There shall be an Attorney General who shall be the adviser of the Government in matters of law and legal opinion, and shall exercise and perform all such powers, functions and duties as are conferred or imposed on him by this Constitution or by law. Article 30.3 provides that all crimes and offences prosecuted in courts constituted under Article 34 other than a court of summary jurisdiction shall be prosecuted in the name of the People and at the suit of the Attorney General or some other person authorised in accordance with law to act for that purpose. Article 30.4 provides that the Attorney General shall not be a member of the Government. Article 30.6 provides that the office of Attorney General shall be regulated by law.

The Attorney General may only exercise and perform such powers, functions and duties as are conferred or imposed by the Constitution or by law. The Attorney General cannot act beyond what is so conferred.

PART 2: THE STATUTORY FRAMEWORK

Proposition 2. Section 6(1) of the Ministers and Secretaries Act 1924 defines the statutory mandate of the Attorney General in civil matters.

Section 6(1) of the Ministers and Secretaries Act 1924 vests in the Attorney General the administration and control of the business, powers, authorities, duties and functions of the branches and officers of the public services specified in the Ninth Part of the Schedule to that Act, and also the administration and business generally of public services in connection with the representation of the Government in all legal proceedings for the enforcement of law, the punishment of offenders and the assertion or protection of public rights, together with the duty of advising the Executive Council and the several Ministers in matters of law and of legal opinion.

The Ninth Part of the Schedule to the 1924 Act lists as particular services assigned to the Attorney General: the Chief Crown Solicitor for Ireland; the Chief State Solicitor's Department and all local State Solicitors; the Treasury Solicitor for Ireland; the Parliamentary Draftsman; Charities; and Estates of illegitimate deceased persons. The Chief State Solicitor's Department is listed as a branch of public administration assigned to the Attorney General. It is not listed as an independent legal entity.

Proposition 3. Section 6(1A) of the Ministers and Secretaries Act 1924, inserted by the Civil Service Regulation (Amendment) Act 2005, transferred to the Director of Public Prosecutions the administration and control of the functions relating to local State Solicitors.

Section 6(1A) provides: Notwithstanding subsection (1) of this section the administration and control of the business, powers, authorities, duties and functions, vested in or exercised by the Attorney General by virtue of subsection (1) of this section as relate to local State Solicitors are transferred to the Director of Public Prosecutions. This transfer further narrowed the scope of the functions remaining with the Attorney General under section 6(1).

Proposition 4. Section 3(1) of the Prosecution of Offences Act 1974 transferred to the Director of Public Prosecutions all functions capable of being performed by the Attorney General in relation to criminal matters and in relation to election petitions and referendum petitions.

Section 3(1) provides: Subject to the provisions of this Act, the Director shall perform all the functions capable of being performed in relation to criminal matters and in relation to election petitions and referendum petitions by the Attorney General immediately before the commencement of this section. The enforcement of law, the punishment of offenders, and the prosecution of crimes and offences are criminal matters. Those functions passed to the Director of Public Prosecutions under section 3(1). Section 3(3) preserves the Attorney General's functions in relation to questions as to the validity of any law having regard to the provisions of the Constitution. Those reserved functions apart, what remained with the Attorney General in civil matters after the 1974 Act is the representation of the Government in legal proceedings and the duty of advising the Executive Council and Ministers.

PART 3: THE POSITION OF THE CHIEF STATE SOLICITOR'S OFFICE

Proposition 5. The Chief State Solicitor's Department is a public service assigned to the Attorney General under the Ninth Part of the Schedule to the Ministers and Secretaries Act 1924. It is not the Attorney General. It has no independent legal capacity and can only act as the instrument of the Attorney General within the Attorney General's statutory mandate.

The entity recognised in statute is the Chief State Solicitor's Department. That is what the Ninth Part of the Schedule names. The title Chief State Solicitor and the description Chief State Solicitor's Office do not appear in the 1924 Act as entities with independent legal standing. The Department is a branch of public administration. It has no independent legal personality and no independent authority to act. Its authority derives entirely from the Attorney General and is bounded by the Attorney General's statutory mandate under section 6(1) of the 1924 Act.

Proposition 6. The Supreme Court has confirmed that the Chief State Solicitor is not the Attorney General and cannot act beyond the Attorney General's mandate.

In *O'Hagan v Grogan* [2012] IESC 8, [2013] 1 ILRM 394, the Supreme Court held unanimously that the vesting in the Attorney General of the administration and control of the Chief State Solicitor's Department under section 6(1) of the 1924 Act does not make the Chief State Solicitor a State authority and does not expand the legal identity or authority of the Department beyond what the statute confers. Finnegan J, with whom Fennelly J concurred, held that the fact that the Attorney General has conferred upon him administrative powers in relation to the offices mentioned in the Ninth Schedule does not justify an extension of the meaning of State authority to include the Chief State Solicitor. Macken J confirmed that section 6(1) deals with the administration and control of the branches and officers of the public service but that the powers, duties and functions remain those of the Chief State Solicitor acting within the Attorney General's mandate. The Chief State Solicitor cannot act beyond what the Attorney General can lawfully direct.

In *The People at the Suit of the Director of Public Prosecutions v Roddy* [1977] (Supreme Court, 25 February 1977), the Supreme Court confirmed that section 3(1) of the Prosecution of Offences Act 1974 transfers to the Director of Public Prosecutions all functions of the Attorney General in relation to criminal matters. O'Higgins CJ stated that section 3(1) gives the Director all the functions which are capable of being performed by the Attorney General in relation to criminal matters, being the only functions which can be performed. Griffin J confirmed that in any statute dealing with criminal matters the Director of Public Prosecutions stands in the shoes of the Attorney General.

PART 4: APPLICATION TO THESE PROCEEDINGS

Proposition 7. After the transfer effected by section 3(1) of the Prosecution of Offences Act 1974 and section 6(1A) of the Ministers and Secretaries Act 1924, what remained with the Attorney General is the representation of the Government in civil legal proceedings and the duty of advising the Executive Council and Ministers in matters of law. That is the full extent of the Attorney General's mandate for the purposes of directing the Chief State Solicitor's Office.

Proposition 8. None of the defendants named in these proceedings is the Government. The Attorney General therefore had no authority to direct the Chief State Solicitor's Office to enter an appearance for any of them.

The defendants named in the Plenary Summons issued on the 27th day of February 2026 are the Minister for Justice, Home Affairs and Migration; the Minister for Public Expenditure, Public Service Reform and Digitalisation; Kim Duffy; the Courts Service; the Chief Executive Officer of the Courts Service; and the Commissioner of An Garda Síochána. The two named Ministers are corporation soles sued in their official capacity. They are members of the Government but they are not the Government. Kim Duffy is a named individual sued in her personal capacity. The Courts Service is an independent corporate body established under the Courts Service Act 1998. The Chief Executive Officer of the Courts Service and the Commissioner of An Garda Síochána are individual officeholders within statutes that govern their positions. None of them is the Government. The Attorney General's mandate under section 6(1) of the 1924 Act does not extend to representing any of those defendants. The Attorney General had no authority to direct the Chief State Solicitor's Office to act for them.

Proposition 9. The Memorandum of Appearance dated the 28th day of April 2026 is void ab initio and of no legal effect across all six defendants without exception.

The appearance was entered without statutory authority. The Chief State Solicitor's Office, as an instrument of the Attorney General confirmed as such by the Supreme Court in *O'Hagan v Grogan*, cannot exercise authority the Attorney General does not possess. The appearance is void from its inception.

CONCLUSION

The plaintiff respectfully submits that the Memorandum of Appearance filed on the 28th day of April 2026 must be struck out in its entirety. Article 30 of the Constitution defines the Attorney General's mandate. Section 6(1) of the Ministers and Secretaries Act 1924 defines the statutory powers conferred on the Attorney General in civil matters as the representation of the Government and the duty of advising Ministers. Section 3(1) of the Prosecution of Offences Act 1974 transferred the enforcement functions to the Director of Public Prosecutions. What remained with the Attorney General is representation of the Government and advice to Ministers. None of the defendants is the Government. The Chief State Solicitor's Office, confirmed by the Supreme Court in *O'Hagan v Grogan* to have no capacity beyond what the Attorney General can lawfully direct, had no authority to enter that appearance. The appearance is void ab initio.

AUTHORITIES RELIED UPON

[Article 30 of Bunreacht na hEireann.](#)

[Section 6\(1\) and section 6\(1A\) of the Ministers and Secretaries Act 1924.](#)

[The Ninth Part of the Schedule to the Ministers and Secretaries Act 1924.](#)

[Section 3\(1\) of the Prosecution of Offences Act 1974.](#)

[O'Hagan v Grogan \[2012\] IESC 8, \[2013\] 1 ILRM 394.](#)

[The People at the Suit of the Director of Public Prosecutions v Roddy \[1977\] \(Supreme Court, 25 February 1977\).](#)

Patrick McGreal *Plaintiff appearing in person*

This 6th of May 2026