

OFFICIAL LANGUAGES ACT 2003

ACHT NA DTEANGACHA OIFIGIÚLA 2003

SCHEME 2015-2018

SCÉIM 2015-2018

Joint Scheme of the Companies Registration Office
and Registry of Friendly Societies
under Section 15 of the Official Languages Act 2003

September 2015

Companies Registration Office and Registry of Friendly Societies

Scheme under Section 15 of the

Official Languages Act 2003

Introduction

Background

This Scheme was prepared under Section 15 of the Official Languages Act 2003 ("the Act") by the Companies Registration Office and Registry of Friendly Societies. ("the Offices").

Section 11 provides for the preparation by public bodies of a statutory scheme detailing the services they will provide

- through the medium of Irish,
- through the medium of English and
- through the medium of Irish and English,

and the measures to be adopted to ensure that any service not provided by the body through the medium of the Irish Language will be so provided within an agreed timeframe. Section 15 provides for such Scheme to be reviewed and, at the request of the Minister, that a subsequent Scheme be drafted.

Guidelines for Preparation of a Scheme

Guidelines for the preparation of a Scheme were provided by the Minister for Arts, Heritage and the Gaeltacht Affairs under Section 12 of the Act.

Preparation of the Language Scheme

This Scheme has been prepared in accordance with the Guidelines under Section 12 of the Official Languages Act 2003.

The Offices published a notice under Section 13 of the Act on their website inviting representations in relation to the preparation of the draft Scheme from any interested parties. No submissions were received following this invitation.

The Scheme is therefore primarily informed by the Review of the First Scheme carried out at the request of the Minister under Section 15.

Content of the Language Scheme

This is the second Scheme of the Offices, and as such builds on the achievements of the first Scheme and on the commitment in the Offices' Customer Charters to ensure that customers who wish to conduct their business through Irish can do so. It is built on the principles of Quality Customer Service and

- will continue to ensure that persons who wish to conduct their business in Irish are facilitated

- build incrementally on the existing levels of services currently provided in the Irish language
- identify areas which can be improved on having regard to what is realistically achievable over the next three years

It sets out the extent to which services are currently available through Irish, and areas for possible future enhancement of the service provided by the Offices are identified in the body of the Scheme. The Offices will further continue to measure the level of queries/requests for services through Irish on an annual basis, and where necessary may choose to amend its service provision in response to demand. However, we must take account of the prevailing public service context and in this regard, the current constraints on resources and public sector recruitment allied with the state of the public finances could have a negative impact on the level of progress that can be achieved.

Commencement Date of the Scheme

The Scheme has been confirmed by the Minister for Arts, Heritage and the Gaeltacht. It commences with effect from **28 September 2015** and shall remain in force for a period of three years from this date or until a new Scheme has been confirmed by the Minister pursuant to Section 15 of the Act, whichever is the later.

Overview of the Companies Registration Office (CRO) and the Registry of Friendly Societies (RFS)

Mission and Mandate of the CRO

The CRO is a statutory body coming under the aegis of the Department of Jobs, Enterprise, and Innovation, charged with responsibility for the registration of companies and business names and the provision of statutory company information to the public. For the latter purpose, CRO is the central repository of public statutory information on Irish companies. The main functions discharged by CRO include

- incorporation of companies
- registration of business names
- registration of company post-incorporation documentation
- registration of changes in business names particulars
- enforcement of the Companies Acts by way of prosecuting companies or directors, and striking companies off the register
- provision of company information to the public.

The CRO currently has a staff of 111.

The mission of the CRO is to ensure a high level of filing of returns due and a rapid turnaround of processing of those returns at the CRO to confirm their compliance with the relevant statutory provisions in order that they can then be presented back to the public for inspection as expeditiously as possible.

Mission and Mandate of the RFS

The RFS also comes under the aegis of the Department of Jobs, Enterprise, and Innovation. The main functions discharged by the RFS include the efficient and effective registration and general regulation of

- Trade unions under the Trade Union Acts 1871-1990.
- Industrial and provident societies under the Industrial and Provident Societies Acts 1893-2014, and
- Friendly societies under the Friendly Societies Acts 1896-2014.

There are 4 members of staff in the RFS.

The mission of the RFS is to ensure that the various mutual entities registered at the Registry, which are subject to general regulation and supervision in varying degrees by the Registrar of Friendly Societies, comply with their statutory obligations and to maintain an up to date public record on those entities.

Internal and External Customers of the Offices

The key stakeholders and customers of the Offices are, as regards CRO,

- company directors or their agents in the form of accountants, solicitors and secretarial firms or company formation agents who represent and act for companies in respect of their filings with this Office under the Companies Acts
- members of the general public and the press who seek information about CRO activity
- staff in Government Departments, public agencies and other public or private sector bodies with whom the Office has cause to do business in discharging its role.

As far as the RFS is concerned, the key stakeholders and customers are accountants, solicitors, co-operative representative bodies, the press and members of the general public, and staff in Government Departments and other public agencies.

The Registrar of Companies also acts as the Registrar of Friendly Societies.

Functional Areas of the Offices

The CRO is divided into the following business units:

- Post-incorporation Section
- Enforcement Section
- Administration Section
- Public Office/Front Counter
- Mortgages/Solvency Section
- Information Unit
- Training Unit
- Electronic filing Section
- I.T. Section
- Publications Section
- New Companies/Reregistration/Change of Name Section
- Postal, Filing and Annual Returns Section,
- Business Names Section
- Unregistered Auditors Section
- Financial Co-ordination Section

The RFS deals with:

- Industrial and Provident Societies
- Friendly Societies
- Trade Unions.

Assessment of the Level of Services already available in Irish and the Current Demand for such Services

This section of the Scheme sets out the Official Language regime operated by the Offices in relation to their general provision of services.

There are no general services provided by the Offices exclusively in either language, and the Offices undertake that customers who wish to conduct their business through Irish can do so. Specific exceptions are provided below.

Specific services not available in Irish

- talks and seminars provided by the Offices staff.
- information on company law, Friendly Societies, Industrial and Provident Societies, Trade Unions, and related matters published prior to the passage of the Official Languages Act.
- The issuing to companies and /or directors of reminder letters both before the date an annual return is due, and also after that date if the return is not delivered on time.
- Unless service in Irish is specifically requested, general assistance offered to the Offices' clients in dealing with telephone, e-mail or handwritten/typed queries is provided in English.
- Documents produced for other public bodies or an international audience are available in English only, while speeches or statements are made available in the language(s) in which they are delivered.

Services available in Irish only

There are no services provided by the Offices exclusively in Irish.

Services available in both Irish and English

The primary objective of the Act is to ensure better availability and a higher standard of public services through Irish. The Offices have for some years past made their Annual Reports and certain other publications available bilingually. The Offices provide replies in Irish to correspondence in Irish in accordance with the provisions of section 9(2) of the Act, and their stationery is bilingual.

The bilingual services offered by the Office to the public and professionals include:

- some of the general publications available on the Office's website, e.g. CRO Annual Reports for the years 2005 onwards and for RFS from 2004 onwards.
- some of the information on company law and related matters via the Office's website.
- some publications such as all of the most commonly used statutory forms.
- to a very limited degree, general assistance offered to the Offices clients in response to correspondence, e-mail, etc.

- the Companies On-Line Registration Environment (CORE) an online tool to facilitate management of Companies Act requirements including e-filing of statutory forms is available bilingually including the Company Search element, and 2 new interactive systems - Auditor search and RFS company search.
- Companies are free to have their names registered in the Irish language and a number of companies have done so.

Demand for Services through Irish

Consultation with staff in both Offices indicates that demand for provision of service either in Irish alone or bilingually has been and remains extremely low.

Nonetheless the Offices are aware of their legal obligations under the Official Languages Act and are committed to improving the service they provides through Irish and to developing a positive culture that facilitates the conduct of business by their customers through Irish and English.

Scheme

This section briefly describes the functions of the Offices and sets out the extent to which services to the public are provided in both languages.

The following sections deal with the processing and registering of documents and specialist queries.

Post incorporation Section

Enforcement Section

Mortgages and Solvency Section

New Companies/Re registrations/Change of Name

Postal, filing and Annual Returns

Business Names

During the first scheme the Training Unit organised an in-house training course for 14 members of staff in basic conversational Irish. All the statutory forms in the CRO are available to the public in both English and Irish versions, in either hard copy or downloadable form.

Administration Section

This section is responsible for the upkeep of the building housing the Offices in Dublin, the provision of essential materials such as stationery, pens and related supplies, health and safety matters, and the co-ordination of issues touching more than one section within the Offices. The section is also responsible for monitoring schemes under the Official Languages Act 2003 and for ensuring that all signage within the Offices and outside and referring to the Offices is in accordance with the regulations.

Front counter/Public Office

This is the public office of the CRO and is also utilised for RFS callers, and is where documents are first received, where in person callers to the Office request and receive copies of various company documents including duplicate certificates of incorporation, or use the on-line search facility.

Information Unit

This unit deals with general telephone and e-mail enquiries to the Offices. Where enquiries require more in-depth replies than can be provided by this unit, they are transferred to the particular section involved. When customers ring the Information Unit (on the advertised numbers 01 8045200/1890 220226) they hear a standard recorded greeting in Irish. One member of the unit has undergone training in the Irish language and is able to manage queries through Irish. When this staff member is not available the caller will be asked to e-mail the query to the info@cro.djei.ie email address for translation and reply. There is a very low demand for service through Irish, on average of 6 requests a year (phone calls, letters and e-mails).

E-Filing Section

E-Filing section deals with all matters pertaining to the electronic filing of various statutory documents and in particular annual returns for companies. Most of its dealings are conducted with presenters/agents. The Companies On-Line Registration Environment (CORE) an online tool to facilitate management of Companies Act requirements including e-filing of statutory forms is available bilingually (including the Company Search element, and 2 new interactive systems - Auditor search and RFS company search).

I.T. Unit

This unit deals with all I.T.-related matters including in particular the computerised database of companies which comprises the “registers” of companies and business names. This is an in-house section which has no dealings with the public.

Publications section

This section handles all advertising/promotional/marketing functions for the Offices in all media including newspapers, magazines, radio and TV. Recent budgetary cut-backs will see considerable reduction in activity under these headings. The section issues monthly e-mail bulletins regarding various aspects of CRO/company law requirements (“e-zines”) bilingually to customers who have registered with the Office for that purpose. Each week the CRO publishes CRO Gazette information on the website bilingually. CRO statistics on the website show that the Irish CRO Gazette and the Irish ezines receive barely any hits.

RFS

The RFS is a small Office comprising three staff, and an Assistant Principal who also has some functions in the CRO. The RFS ensures that the various mutual entities registered at the Registry, which are subject to general regulation and supervision in varying degrees by

<ul style="list-style-type: none"> • The New Companies Act 2015 commenced on 1 June 2015. All CRO website content, statutory forms and information leaflets have been updated and the updated information will be made available bilingually. 	<p>36 months</p>
<p>Forms</p> <p>100% of CRO statutory forms will be made available bilingually following the commencement of the New Companies Act on 1 June 2015.</p> <p>Contact with the Public</p> <p>As part of the review process towards the end of our first Scheme, a second inventory will be taken of the level of skills in reading, writing, understanding and speaking Irish.</p> <p>The electronic bulletins (E-zine) which issue at regular intervals to CRO/RFS customers who have registered for that purpose, often need to issue with little or no prior notice and having regard to the need for speed in such cases, it will not be possible to issue all of them in Irish. Where there is time to have them translated so as to issue bilingually, that will be done. The CRO/RFS commits to 85 % of e-zines being issued bilingually in any year.</p> <p>It may be necessary to issue new CRO hard and soft copy publications in relation to the New Companies Act. Such publications will be published bilingually.</p> <p>Training and Development</p> <p>As staff turnover has meant that some language skills have left the offices, staff will continue to be encouraged to build on</p>	<p>36 Months</p> <p>Commencement of Scheme</p> <p>36 months</p> <p>36 Months</p> <p>Commencement of scheme</p>

<p>the skills they have, and training courses will be facilitated with the object of reaching the original target of providing 20% of staff with a reasonable proficiency in Irish.</p> <p>Prosecutions/Enforcement Where service in Irish is required, CRO/RFS will ensure that Irish speaking barristers are available to prosecute the action.</p>	<p>Commencement of scheme</p>
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Monitoring of the Scheme

The Offices second joint Irish Language Scheme will be monitored by Administration Section. The day-to-day monitoring function will be carried out by line managers who are responsible for the implementation of the Scheme within their own areas, and they will notify senior management of any issues arising. This notification will include progress under the Scheme, an assessment of demand for bilingual and Irish services and the identification of any problems arising with the implementation of the Scheme.

In the light of experience gained during the time span of this Scheme, future Schemes will include appropriate adjustments to and/or improvements in the services available bilingually, where deemed necessary in order to respond to demand.

Publicising the Scheme

The commitments and provisions of the Scheme will be published on the Office's website. In addition we will take every opportunity in our day to day interaction with customers to promote and publicise the services we provide through the following means:

- Directly informing customers on a proactive basis of the option of conducting business with us through Irish, for example by the display of a plasma screen in our Public Office indicating the Irish language services that are available;
- Prominently listing these services on our website

A copy of the agreed scheme will be forwarded to the Office of An Coimisinéir Teanga. The Scheme will be circulated to appropriate bodies. The English language version of this scheme is the official version.