



Oifig an Ard-Rúnaí
An Roinn Oideachais agus Scileanna



Office of the Secretary General
Department of Education and Skills

Mr Kieran Lenihan,
Clerk,
Committee of Public Accounts,
Dáil Éireann,
Leinster House,
Dublin 2.

17th May 2019

Our ref: SG0069

Re: Property transfers from religious congregations as contributions towards the costs incurred by the State in responding to residential institutional child abuse.

Dear Mr Lenihan,

You will recall that I undertook to provide the Committee of Public Accounts with regular updates in regard to progress being made in completing the transfer of properties offered by religious congregations as contributions towards the costs incurred by the State in responding to residential institutional child abuse.

This letter and the accompanying tables summarise developments since my update in late 2018 and notes the current position in relation to the remaining uncompleted property transfers. The position in regard to cash contributions is also set out.

As the Committee is aware, properties are being transferred by religious congregations under two distinct rounds: the legally binding 2002 Indemnity Agreement and those offered voluntarily by congregations in 2009. Considerable progress has been made since my last report, with the transfer of six further properties being completed. There has also been extensive engagement between all of the State parties involved and with the transferring congregations and their legal representatives. Significant milestones have been achieved in the case of a number of the remaining transfers.

The position in regard to the properties offered under the two rounds is summarised below while Appendix 1 (2002 Indemnity Agreement) and Appendix 2 (2009 voluntary offers) provide further details regarding each individual property.

2002 Indemnity Agreement

Following the recent completion of three transfers (Coiscéim and Emohruo, Cappoquin, Co. Waterford and Waterpark National School, Waterford) only two properties remain to fully transfer under this round.

The Sacred Heart Centre, Waterford is with the Property Registration Authority for first registration.

In the case of Mounthawk Secondary School, Tralee, I recently met with the Congregational Leader of the Congregation of the Sisters of Mercy to discuss how the transfer could be expedited. Since that meeting there has been active engagement between the CSSO and the Congregation's legal adviser and progress has been made in addressing outstanding issues.

The position in regard to the properties concerned is set out in Appendix 1 and may be summarised as follows:

- **Mounthawk secondary school, Tralee, Co. Kerry (Appendix 1 – Property 1)**
Following the meeting with the Congregational leader, outstanding boundary related litigation (not involving the Minister) and associated title issues are well on the way to being resolved. However, it is not yet possible to give a definitive timeframe for the completion of the transfer.
- **Sacred Heart Centre, Waterford (Appendix 1 – Property 3)**
This property has transferred but a first registration is required with the Property Registration Authority.

It should be noted that in the case of the two properties referred to above, the intended recipient is in occupation of the property and providing services from it. The material relevance of the transfer process in these cases is to provide legal ratification of the existing situation where the State is already benefiting from the use of the properties.

2009 voluntary offers

Of the 18 properties offered voluntarily in 2009 and accepted for transfer to State bodies, 12 have fully transferred. Considerable progress has been made in relation to the transfer of most of the remaining properties. The position in regard to the properties concerned is set out in Appendix 2 and is summarised below.

Transfers completed since last update

1. St. Bernard's Group Home, Fethard, Co. Tipperary (Appendix 2 – Property 10)
2. McAuley Centre, Kells, Co. Meath (Appendix 2 Property 11)
3. Adult Education Centre, Waterford (Appendix 2 – Property 12)

The transfers have yet to be registered and the properties valued.

Transfers yet to complete

(a) Consent of the Charities Regulatory Authority provided

- Former primary school Westport, Co. Mayo (Appendix 2 – Property 17).

(b) Ministerial consents provided

- Land at Cahir, Co. Tipperary (Appendix 2 – Property 13)
- Former school Ballyjamesduff, Co. Cavan (Appendix 2 – Property 14).

(c) Remaining properties

- The National Rehabilitation Hospital, Dún Laoghaire, Co. Dublin (Appendix 2 – Property 15)
- Blaithín, Gracepark Road, Dublin 9, (Appendix 2 – Property 16)
- St Anne’s Lenaboy, Galway (Appendix 2 – Property 18)

The transfer of the National Rehabilitation Hospital, Dún Laoghaire and St Anne’s, Lenaboy, Galway are progressing. In the case of Blaithín, Gracepark Road, Drumcondra, I have written to the congregation in relation to the delay in transferring this property and I will be meeting them later this month.

There has been further dialogue with the Congregation of Christian Brothers in relation to the proposed transfer of its playing fields.


Cash contributions

I would also like to advise the Committee of the position in regard to cash contributions offered by the congregations on a voluntary basis in 2009. A recent contribution of €2 million from the Congregation of Christian Brothers has brought to €105 million the total amount contributed by congregations, comprising contributions of some €103.6 million plus added interest of €1.382 million. These amounts have been received by the Department and placed in an investment account established by the National Treasury Management Agency. This funding is available to Caranua (the Residential Institutions Statutory Fund). A further €6.4 million in cash contributions is required to achieve the maximum amount of contributions of €110 million set down in statute that may be made available to Caranua.

A contribution of €6.8 million, being the balance of the cash contribution of the Congregation of Christian Brothers, is expected to be received over the coming months. The Congregation have informed me that these funds will be remitted upon the completion of the sale of lands at Clonkeen in Dublin: the transaction is currently in process. The amount of that contribution that is in excess of the statutory cap of €110 million, will go towards the National Children’s Hospital as provided for in section 43 of the Residential Institutions Statutory Fund Act 2012 as will any additional cash contributions.

I will continue to provide the Committee with regular updates on these property transfers.

Yours sincerely,



Seán Ó Foghlú
Secretary General

APPENDIX 1

Properties not fully & finally completed under 2002 Indemnity Agreement

No.	Property	Transferor	Transferee	Current / proposed use	Developments since last report	Position at May 2019
1.	Mounthawk, Tralee, Co Kerry.	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	Functioning post-primary school.	Some progress has been made by the Congregation to resolve outstanding boundary related litigation.	Pre-contract. Outstanding title related issues remain to be resolved. CSSO is in contact with the Congregation's representatives and is awaiting confirmation that the outstanding boundary related litigation and associated title issues in that regard have been fully resolved. It is not possible to give a timeframe for completion as this is dependent on resolution of litigation.
2.	Sacred Heart Centre, Waterford.	Sisters of Charity	Health Service Executive	Functioning childrens' health centre.	Property has transferred but first registration is required and an application is currently with the PRA.	Transfer substantially completed. Documentation with the Property Registration Authority for first registration. Estimated timeframe for completion: by end Q3 2019 (revised from end Q4 2018).

Appendix 2

Properties accepted for transfer to the State under the 2009 voluntary offers

No	Property	Transferor	Proposed transferee	Current / proposed use	Developments since last report	Position at May 2019
1.	Convent & former boarding school, Clonakilty, Co. Cork	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	N/A	Transfer fully completed in 2016.	N/A
2.	Old Primary School and Hall, Trim, Co Meath	Congregation of the Sisters of Mercy Northern Province	Minister for Education and Skills	N/A	Transfer fully completed in 2016.	N/A
3	Fatima Secondary School, Ballinamore, Co Leitrim	Congregation of the Sisters of Mercy Northern Province	Minister for Education and Skills	N/A	Transfer fully completed in 2016.	N/A
4.	St Joseph's Girl's Primary School, Abbey Street, Ballyhaunis, Co Mayo	Congregation of the Sisters of Mercy Western Province	Mayo County Council	N/A	Transfer fully completed in 2015.	N/A
5	Athboy School, Athboy, Co Meath	Congregation of the Sisters of Mercy Northern Province	Meath County Council	N/A	Transfer fully completed in 2015.	N/A
6	Beaumont Convalescent Home	Congregation of the Sisters of Mercy South Central Province	Health Service Executive	N/A	Transfer fully completed in 2017.	N/A
7	St. Joseph's (former) VEC College, Carrick on Suir, Co. Tipperary	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	N/A	Transfer fully completed in 2018.	N/A
8	Scoil Mhuire Secondary School and Mercy Primary School, Ennistymon, Co Clare.	Congregation of the Sisters of Mercy Western Province	Minister for Education and Skills	N/A	Transfer fully completed in 2018.	N/A
9	Seamount College, Kinvara, Co. Galway.	Congregation of the Sisters of Mercy Western Province	Minister for Education and Skills	N/A	Transfer fully completed in 2018.	N/A
10	St Bernard's	Presentation	Health	This property is	Transfer completed	N/A

	Group Home, Fethard, Co. Tipperary	Sisters	Service Executive	leased to the HSE as a children's group home. It will continue to function as such following transfer.	in early 2019. Title to be registered. Valuation to be provided.	
11	McAuley Centre, Kells, Co. Meath	Congregation of the Sisters of Mercy Northern Province	Health Service Executive	Property to transfer with vacant possession. The HSE is considering additional utilisation.	Transfer completed in early 2019.	Title to be registered. Valuation to be provided.
12	Adult Education Centre, Ozanam Street, Waterford	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	The property is occupied by Waterford Wexford ETB for educational purposes. This position will continue following transfer.	Transfer fully completed 2019.	N/A
13	Lands at Convent Road, Cahir, Co Tipperary	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	The property consists of 2 acres of land and the transfer will facilitate accommodation for an amalgamated school.	Contracts have been signed. An application has been made to the Charities Regulatory Authority by the congregation's solicitors.	Contracts have been signed and exchanged. Once approved by the Charities Regulatory Authority it is expected that the Transfer can complete. Estimated timeframe for completion: by end of Q2 2019 (revised from end Q4 2018).
14	Ballyjamesduff Co Cavan	Sisters of St. Clare	Minister for Education and Skills	The property is occupied by Cavan Meath ETB for educational purposes. This position will continue following transfer.	Ministerial consents granted.	Ministerial consents granted. It is expected that Contracts will be provided for signing shortly. Charities Regulatory Authority Consent will be required. Estimated timeframe for completion: by end of Q3 2019

						(revised from Q2 2019).
15	National Rehabilitation Hospital, Dún Laoghaire, Co. Dublin	Congregation of the Sisters of Mercy South Central Province	Health Service Executive	This offer comprises the lease of land and operation of the National Rehabilitation Hospital and the transfer of a 33 acre site. This transfer will facilitate the redevelopment of the hospital (that project is now underway).	Continued engagement and regular meetings between the stakeholders: the HSE, the transferring Congregation, the Hospital trust, the Dept. of Health etc. Considerable progress has been made with contracts expected to be signed in early June 2019. Ministerial approval to accept property will then be sought and when obtained the consent of the Charities Regulatory Authority will be sought.	Work on this complex transfer is now well advanced. Contracts are expected to be signed in June and statutory consents will then be sought (ministerial and by the Charities Regulatory Authority). Estimated timeframe for completion: by end of Q3 2019 (unchanged).
16	Blaithín - Childcare facility at Gracepark Rd, Drumcondra, Dublin 9	Sisters of Our Lady of Charity	Health Service Executive	This 6 bed childcare facility is leased to the HSE. It will continue to function as such following transfer.	Meeting with Congregation due to take place in late May.	Congregation yet to provide contract. The Department is meeting with the Congregation in order to obtain clarification regarding the proposed transfer. Estimated timeframe for completion: by end of Q3 2019 (unchanged).
17	St Patrick's Primary School, Altamont Street, Westport, Co Mayo	Congregation of the Sisters of Mercy Western Province	Minister for Education and Skills	The property recently ceased to function as a school. Mayo County Council had been progressing the transfer up to this, however, in order to overcome some legal issues with this proposed transfer, it has been agreed that	Contracts have been signed and exchanged. Charities Regulatory Authority consent has been granted.	Contracts have been signed and exchanged and the consent of the Charities Regulatory Authority has been received. Transfer is expected to complete upon receipt of all closing documents from

				the property should transfer instead to the Minister with a portion to be subsequently transferred into the ownership of the Council for the purpose of its proposed development.		the congregation's solicitors. Estimated timeframe for completion: by end of Q2 2019 (unchanged).
18	St Anne's, Lenaboy, Galway	Congregation of the Sisters of Mercy Western Province	Galway City Council	<p>The property was previously leased as a childcare facility and was vacant for a number of years. Galway City Council is proposing to redevelop the property as a Children and Young People's Creative and Cultural Hub.</p>	<p>At its meeting of 11 February 2019 Galway City Council decided to proceed with the transfer. Protracted due diligence is almost finalised and a draft deed of transfer is presently with the law agents for the City Council.</p> <p>The due diligence process incorporated a geophysical survey and a related licensed archaeological excavation. The outcome of these studies, which it is understood have been published by the Council, indicate that there is nothing of any concern buried within the site under transfer and no significant archaeological artefacts were discovered within the site.</p>	<p>At pre-contract stage. Transfer is nearing completion and is expected to be completed in the coming months.</p> <p>Estimated timeframe for completion: by end of Q3 2019 (Unchanged).</p>