

## Devolved or not Devolved?

*The future constitutional arrangements for the administration of justice in Northern Ireland was the common theme in the keynote addresses made at the annual dinner of the Council of the Society held at the Balmoral Conference Centre on 20th October.*

Addressing the assembled guests, which included representatives of business, the media, voluntary and professional sectors, the First Minister, Right Honourable David Trimble MP, MLA called for an early commitment by the Government to devolve responsibility for policing and criminal justice matters to the Northern Ireland Executive and Assembly. He also called for a new Northern Ireland Department for Justice; a new independent prosecution service which would also take over the role of police prosecutors at magistrates' court level; and a re-appraisal of proposals contained in the Criminal Justice Review relating to community safety and restorative justice.

The First Minister, in rehearsing the progress which had been made in taking forward the Belfast Agreement, pointed also to several other initiatives of particular interest to the legal profession. He referred to the "turbulent times" through which lawyers are living because of the almost unprecedented number of new initiatives with which lawyers are having to come to terms. Mr. Trimble highlighted concerns over proposals by the Government on criminal injuries compensation reform, not least the proposed removal of the right to free legal assistance in making claims under the Scheme. Adverting to legal aid reform, and affirming support for the proposed transfer of legal aid administration to a new Legal Services Commission, the First Minister drew attention to the adverse impact on the network of small practices which might well result from franchise and contracting arrangements.

Responding on behalf of the Society, the President, John Meehan, emphasised the

important contribution which could be made by solicitors to debate on these issues. On the prospect of devolution of responsibility for the administration of justice, he commented: "Obviously, this is a debate in which we as lawyers have been taking a keen interest. Clearly, there are persuasive arguments in favour of a greater degree of local responsibility and accountability. On the other hand, there are equally critical constitutional and structural questions which need to be thought through with care. Of these, perhaps the most important is how one safeguards the independence of the judicial process. As these issues are examined in greater detail, we in the Law Society look forward to continuing our contribution."

The President responded positively to the First Minister's remarks on criminal injuries compensation and legal aid proposals. He highlighted some of the major achievements during his presidential year, commending in particular work which had been done to promote solicitor-advocacy; to prepare for extension of the Home Charter Scheme to all Society members; to address equality issues within the profession; to reinforce the Society's commitment to client care and effective self-regulation; the promotion of quality standards and a continuing professional development programme.

Referring to the importance of maintaining the confidence of the community, the President summarised his main theme; "To me, that is the future of

the solicitor's profession - that it should look to the community's support for the preservation and advancement of what is unique and valued in its service. By the same token, of course, that public support is fostered by keeping our methods of work, its quality and direction, under continuous review and by never failing to ask the question: Can we do better?"



*Principal guests pictured at the Council's annual dinner included back (left) ; John Cushinan QC, Chairman of the Executive Council of the Bar of Northern Ireland; back (right) His Honour Judge Hart, Recorder of Belfast. Front from left: Jane Fort, American Consul; First Minister, Right Honourable David Trimble MP, MLA; John Meehan, President of the Law Society of Northern Ireland; Rev Kenneth Todd, President of the Methodist Church in Ireland; Gerry Loughran, Head of the Northern Ireland Civil Service and Lord Justice McCollum.*

Note: The full text of the speech delivered by the President can be found in the Press Statements section of the Society website ([www.lawsoc-ni.org](http://www.lawsoc-ni.org))

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## SOCIETY FOR COMPUTERS & LAW

### FOUR "HANDS ON" SEMINARS

These seminars will be presented in two parts, "Elements of Software" and "Elements of the Web" each of which can be booked separately.

#### PART 1 "ELEMENTS OF SOFTWARE"

*Thursday 7th December*

1) Getting to know your software. The basics of the Windows operating system and word processing.

*Thursday 14th December*

2) Making the most of your software.

A look at some of the lesser known features of commonly used software and how they can be used to advantage.

#### PART 2 "ELEMENTS OF THE WEB"

*Thursday 11th January*

3) Basic Web design and issues. The "Nuts and Bolts" of Web design, and getting a design onto the Web.

*Thursday 18th January*

4) Legal Resources on the Net  
With resources increasing all the time this talk will demonstrate how to conduct an efficient search, and look at what you are likely to find.

Booking: Caroline Gould  
0117 923 7393  
Venue: Queens University  
Law School  
Time: All seminars at  
5.00 p.m.

Cost:

#### SCL MEMBERS

Seminars Part 1 £25.00 +vat  
Seminars Part 2 £25.00 "  
All four Seminars £40.00 "

#### NON MEMBERS

Seminars Part 1 £35.00 "  
Seminars Part 2 £35.00 "  
All four Seminars £50.00 "

## Letter to the Editor

Dear Editor,

I have just read Issue number 117 dated October 2000 of "The Writ".

I have particular interest in the comments made on page 12 by the Solicitors Criminal Bar Association in relation to the "Abolition of the Legal Aid Department".

As Chairman of the Legal Aid Committee, I am rather concerned about the use of the word "abolition" because the phrase implies that the Department may not have been administering Legal Aid in a fitting manner.

Through your "Letters to the Editor" column I would hope to advise the profession that the Law Society, including the Legal Aid Department, have, in spite of many difficulties, discharged their responsibilities for the administration of Legal Aid honourably. This point has been recognised in the recently published Government Decision Paper, "The Way Ahead - Legal Aid Reform in Northern Ireland".

I am pleased to be able to report that it is the Legal Aid Committee's intention to transfer to any Legal Services Commission the Legal Aid Department, its staff and responsibilities in the same honourable fashion.

I am sure the Solicitors Criminal Bar Association would wish to join me in thanking the current and previous Legal Aid Committee members, and, indeed, all members of the Legal Aid Department staff, for the work that they have done in the past and will continue to do until the proposed transfer that may be around April 2002.

Yours sincerely,

G Andrew Carnson  
Chairman, Legal Aid Committee



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## Risk Management

ADVICE

# Delegate don't abdicate

Mike was the commercial property partner in a large firm of solicitors. He received instructions from Lawrence, a director of a property investment company, to draw up a lease of commercial premises. Mike had acted for the company many times. The instructions were detailed and included a schedule of terms that had been agreed with the tenant. Included in the terms was a provision that the lease should include a break clause, exercisable by the landlord at any time within the first two years of the term, upon giving six months notice.

Straightforward enough thought Mike, so he handed the file to his newly qualified assistant Robert. "This is urgent Robert, straightforward enough, get it done ASAP, Lawrence is a good client, he won't give you any trouble."

That was the extent of the instructions given to Robert, who was under considerable pressure himself due to the number of straightforward files that Mike and other more senior members of the team were passing to him.

He put the file to one side intending to deal with it as soon as possible. Nothing happened. Concerned, Lawrence telephoned Mike and expressed his dissatisfaction with the delay. Mike was straight on to Robert, 'Why the delay, it's a straightforward enough

transaction, get it finalised, I don't want another conversation with Lawrence trying to calm him down.'

Robert immediately prepared a draft, sent it to the tenants' solicitor and arranged a meeting with them the next day to get the draft approved. No problem there, the tenant and his solicitor attended the meeting and the draft was approved with only a couple of small amendments.

The lease was sent by courier to Lawrence who arranged for it to be sealed and signed by authorised signatories as he was away on business.

Completion took place. No problem, until Robert was scouring the lease nine months later.

No matter how hard he looked the break clause was not there. It had been missed out. 'You will have to explain this to Lawrence', said Mike, 'it's your fault'. But was it?

Had Mike's department had a structured approach to delegation the claim may have been avoided.

The following steps at least should have been followed when the file was handed to Lawrence:

His work load should have been checked to protect him from undue pressure.

Clear instructions should have been given as to what needed to be done and when.

Further enquiry should have been made when the client complained of delay.

His work should have been supervised and the final draft checked to ensure that it complied with the clear instructions given by the client.

*I'm dropping you in it,  
letting you sink or swim,  
carry the can, in other words...  
I'm delegating!!!*



## SLS SURVEY OF THE LEGAL INFORMATION NEEDS OF THE LEGAL PROFESSION

The year 2000 marks the 20th anniversary of SLS Legal Publications but, rather than celebrate in the usual way, we have decided to demonstrate our continuing commitment to the legal profession in Northern Ireland by carrying out a survey of your legal information needs. The survey covers both publication and training. You will have received a copy of the questionnaire and a reply paid envelope in the last issue of the Writ. If you have mislaid your copy we are happy to replace it.

SLS wishes to provide the highest quality, up to date legal information in the most appropriate form to the profession. Our aim is to promote best practice within the legal profession, and to extend general understanding of the law and legal system throughout Northern Ireland. We can only deliver the type of service which the profession requires if we clearly know what your requirements are and this survey is designed to provide that information. The results will allow us to develop and improve our existing services according to the expressed wishes of the profession.

The survey will only provide meaningful data if as many people as possible complete this questionnaire. It will only take 10 minutes of your time and we would urge you to complete it and so make your wishes known to us.

We should like to thank you in advance for your co-operation and help which is greatly appreciated.

Miriam Dudley  
Programme Director

The Right Honorable Lord Justice Campbell  
Chairman of the Board of Directors.



SLS Legal Publications  
School of Law  
Queen's University  
Belfast BT7 1NN

Tel: 028 9033 5224 Fax: 028 9032 6308

## CONTINUING LEGAL EDUCATION SEMINARS 2001

Organised for the Law Society of Northern Ireland by SLS Legal Publications

The Outline programme for 2001 is as follows. Booking forms and further details will be available in future editions of the Writ.

Monday 22nd January 2001. 6.30-8.30pm in the Canada Room at QUB. The Criminal Evidence (NI) Order 1999. Cross-examination of vulnerable witnesses. Professor Sean Doran BL, School of Law, QUB.

Thursday 22nd February 2001. 6.30-8.30pm in the Canada Room at QUB. Education Law in Northern Ireland. Laura Lundy, School of Law, QUB, and other speakers.

Thursday 8th March 2001. 9.30-4.00pm in the Canada Room QUB. Probate Practitioners' Day led by Sheena Grattan BL, School of Law, QUB, and a team of practitioners.

*For further details please contact SLS Legal Publications, School of Law, Queen's University, Belfast BT7 1NN. DX 4330 NR Belfast 34. Tel: 028 9033 5224*

## Dun & Bradstreet

Business Register Summer 2000

It has been drawn to the Society's attention that there are a number of entries contained in this publication in relation to solicitors' practices.

The publication lists businesses throughout Northern Ireland with reference to postal addresses, it covers not only solicitors' practices but also all forms of commercial businesses.

The principal purpose of the publication is to provide credit ratings for potential customers based on a D & B "risk indicator".

We do not know how solicitors' practices are selected for inclusion in the Register, or how their related "risk indicator" has been assessed.

If your firm has an entry in Dun & Bradstreet's Business Register, we should like to know if you answered any enquiries or provided any information to that organisation, or if you are otherwise aware as to how the entry came to be published?

Please reply to the Deputy Secretary.

*We published the above note in the June 2000 edition of 'The Writ'.*

*We understand that Dun & Bradstreet are currently undertaking a round of 'enquiries' in solicitors practices to update whatever information they have. Please let the Deputy Secretary know if you receive any inquiries and ensure that any replies from your practice are approved by a partner or principal.*

## WITHDRAWAL OF CASH BASIS OF ACCOUNTING WHAT DOES IT MEAN FOR YOUR FIRM?

The furore that surrounded the Treasury announcement of December 1997 may seem long past, but the practical effect is happening now for those with 30 April 2000 accounting year end dates.

Many solicitors will have practised for years without the need to value work-in-progress or produce a year end debtors list. This was thanks to Inland Revenue Statement of Practice A27 which permitted a 'cash basis' of accounting for professionals in all but their first three accounting years. Life was simple; income was recognised as received and expenses charged when paid. All this came to an end for accounting periods commencing after 6 April 1999, with the requirement that accounts give a true and fair view (FA 1998 s42(1) and (3)).

### *So what does this mean in practice?*

To achieve a true and fair view profits will be computed on a full earnings basis which includes debtors, creditors, accruals, prepayments and work-in-progress. In an ideal world, accounting systems altered in anticipation of this change would produce such additional data with ease. For the less proactive, it may still be possible to extract the requisite figures, all be it with additional time and effort in proportion to the size of the legal practice involved.

These figures will obviously be required at all future year end dates, but must also be computed for the first day of the initial full earnings basis accounting period - for example - on 1 May 1999 for a 30 April 2000 year end. On that first day, the following value will form the basis of a "catch up charge", which will be taxed separately under Schedule D Case VI:-

	£
Debtors and prepayment and work-in-progress	x
Less:	
Creditors and accruals	(y)
"Catch up charge"	z

The good news is that the charge involved can be spread over a ten year period, thus easing the immediate tax burden.

Besides the catch up charge, a firm with level profits from year to year should experience little change in its annual tax bill as a consequence of the full earnings basis. Compare this to the growing firm with rapidly increasing profits which will suffer higher taxes earlier as increasing debtors and work-in-progress are brought into account.

Work-in-progress valuation will be a critical issue for such growing firms and hence forms the basis of my next article, which gives straight forward and practical guidance on the issues involved.

Caroline Anderson is Principal of Andersons Chartered Accountants & Registered Auditors and a member of the Quality Review Committee of the Institute of Chartered Accountants in Ireland.



### *Right of Employees to be accompanied to Grievance and Disciplinary Hearings:*

#### *Articles 12 – 15 Employment Relations (NI) Order 1999*

##### *Introduction*

The majority of the new provisions under the Employment Relations (NI) Order 1999, such as those on maternity and parental leave, rights of part-time workers and an increase in the maximum award cap came into force in December 1999. Nonetheless, some of the most significant new rights contained in the Order have yet to come into effect. The main reason put forward in explanation has been that these have required adjustments to be made to existing LRA Codes of Practice. One such right is that under Articles 12-15 of the Employment Relations (NI) Order 1999 which gives an employee the right to be accompanied to grievance and disciplinary hearings by a fellow worker, whether or not that fellow worker is a Union official. Lord Wedderburn of Charlton described the right of an employee to be accompanied at disciplinary and grievance hearings as 'the most practically important innovation' contained in the Employment Relations Bill. Indeed, although industrial tribunals have been under an obligation to consider the LRA Code of Practice where relevant (*Lock v Cardiff Rly Co Ltd* [1998] IRLR 358, EAT), there is no reported instance where a tribunal has held that a dismissal was unfair because of an absence of such representation. It

has been sufficient simply to show that the procedure was, in all the circumstances, fair.

However, common law developments have had an impact in this area. The Employment Appeal Tribunal (EAT) in England and Wales has placed much emphasis upon the provision of adequate grievance procedures where discrimination is in issue. It has indicated further that an employer's obligation to ensure the prompt redress of grievances is indeed an implied term of the contract of employment (*W A Goold (Pearmak) Ltd V McConnell* [1995] IRLR 516). Formerly, there was no statutory right to accompaniment at disciplinary and grievance hearings. Some statutory support, nonetheless, subsists indirectly in the requirement on the employer to provide the employee with particulars of her/his employment.

The White Paper, *Fairness at Work*, reflected the government's intention that the law should protect workers from intimidation, and further, aid those who might face difficulties in representing themselves. Thus, an entrenched statutory right to accompaniment at disciplinary and grievance hearings was proposed, but without an attendant responsibility upon the trade union representative, or other worker, to accompany her/his colleague unless s/he so wished. Furthermore, the White Paper indicated the government's intention to bring protective measures for those individuals accompanying the worker on such occasions. The proposals were not controversial. All parties saw the advantage for industry on both sides of proficient representation at such hearings. Concerns were expressed, however, about the precise detail of the provisions, and, in particular, the possibilities for groundless or unwarranted interference from outsiders in an employer's business affairs.

##### *The right to be accompanied*

The relevant provisions regarding the right to be accompanied are contained in the 1999 Order, Articles 12-15. The

general right to be accompanied is set out at Article 12, and relates to both disciplinary and grievance hearings, which are defined in Articles 15(4), (5). A disciplinary hearing is defined in Article 15 (4) as one which could result in the direction of a formal warning or the taking of some other action in respect of the employee. This definition is broad in scope and may include a wide range of procedures and internal appeal hearings. A grievance hearing is defined as one 'which concerns the performance of a duty by an employer in relation to a worker.' Such broad definitions raised concerns during the passage of the Bill about workers purposely seeking representation at hearings when it was appropriate to do so. These concerns were countered by the inclusion of the caveat within Article 12(1) that the request be a 'reasonable' one.

##### *The right in practice*

Article 12 therefore entitles a worker who reasonably requests that s/he be accompanied at a relevant hearing to be accompanied by a single associate. That person must be of the worker's choosing and must be within a group of specified individuals. These include full-time trade union officials, lay officials with the necessary or appropriate training and/or experience, or another of the employer's workers (Article 12(3)). The companion is to be permitted to address the hearing and confer with the worker; however, s/he may not ask questions on the worker's behalf (Article 12(2)). These provisions are an effort to ensure an adequate standard of representation and, perhaps more notably, to reduce fears about the risk of outside interference in the employer's affairs.

Attempts were made during the Bill's passage through Parliament to augment the role of the worker's companion. One such endeavour was the suggestion that the companion should have the right to take contemporaneous notes of the proceedings. The government rejected such ideas on the grounds that such provisions would be better left to amended ACAS (and, by extension,

LRA) Codes of Practice.

### *Time to prepare for hearings*

Articles 12(4), (5) provide that the hearing should be postponed if the employee's chosen companion will not be available. The employee must be able to suggest an alternative date and time which is reasonable. In order to be reasonable, the date must fall in advance of the end of five working days beginning with the first working day after the day proposed by the employer.

### *Time off to accompany worker*

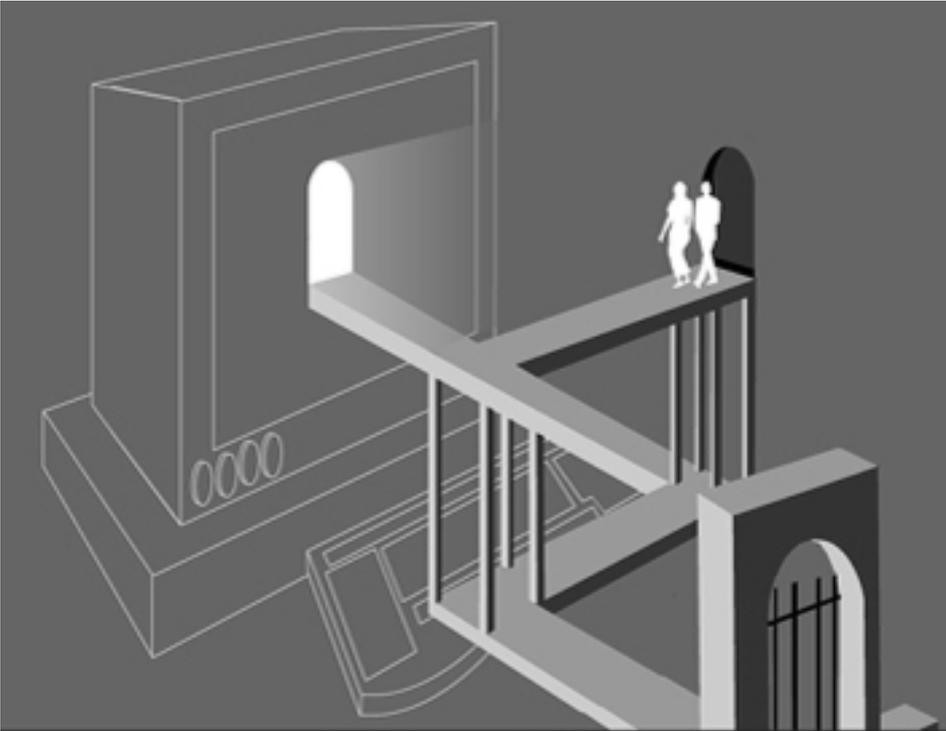
Article 12(6) places the onus upon the employer to allow a worker to take time off during working hours for the purpose of accompanying another worker. The provisions on time off work for carrying trade union duties are also extended to apply to those circumstances. It is important to note, however, that the government has not seen fit to place a duty on any individual or body to accompany a relevant worker if so requested.

### *Implications of refusal to permit worker to be accompanied*

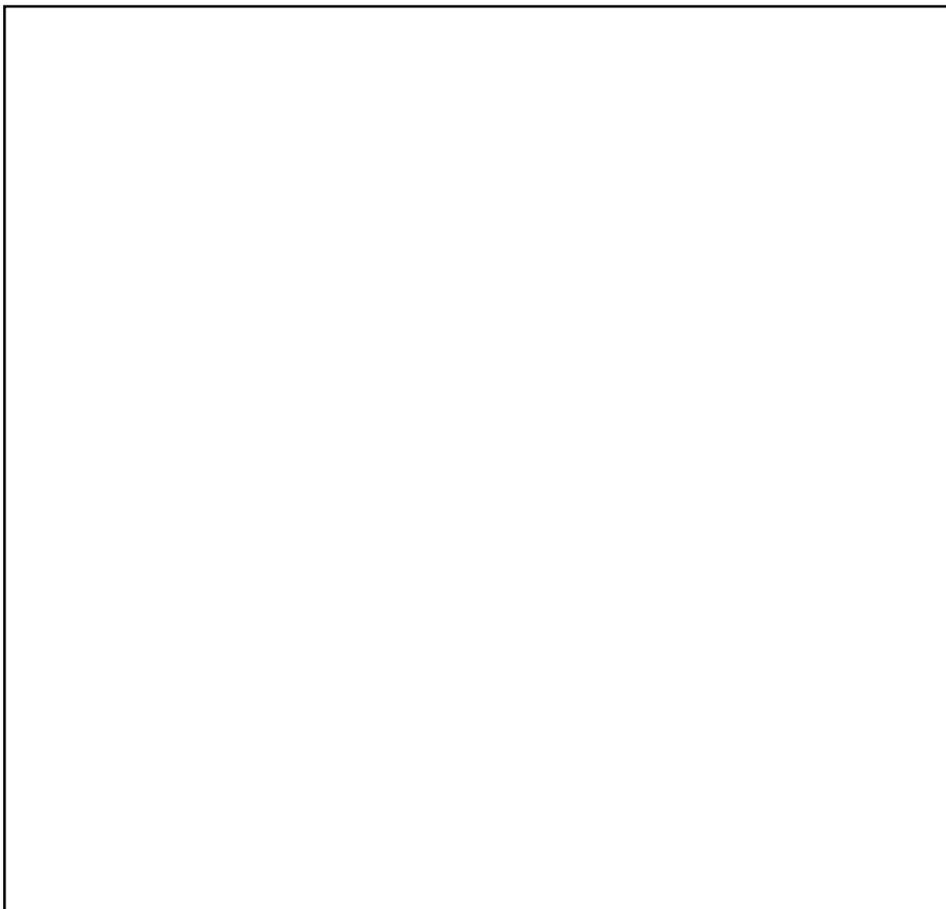
Should the employer fail or even threaten to refuse to allow a worker to be accompanied at a disciplinary or grievance hearing, that worker may make a complaint to an industrial tribunal in accordance with Article 13(1) of the 1999 Order. The presentation of the complaint is subject to the usual three-month time limit, contingent in turn upon the limited power of extension contained in Article 13(2). If the tribunal finds that the complaint is well founded, it shall order the employer to pay compensation of an amount not exceeding two weeks pay.

Although the timetable for the commencement of the remaining provisions of the 1999 Order has not been made public, it is unlikely that much more time will elapse before Articles 12-15 come into effect.

*Mark McEvoy, Law Centre (NI) Intern*



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## PRELIMINARY NOTICE

# SOLICITORS ADVANCED ADVOCACY COURSE 2001

The Law Society's Advocacy Working Party will be running the above course again in 2001 after the wonderful success of the pilot course this year. The profession will have read in recent editions of this publication of the marvellous achievements of the 24 successful participants. All of these had a minimum of 16 years post qualification experience and, despite their various professional commitments, completed the very demanding advanced evidence course in May/June and reached an extraordinary level of competence and confidence in the intensive five day advocacy course in September. The Working Party is delighted to be able to announce that NITA (National Institute for Trial Advocacy) from the US has acknowledged the success of the pilot course from its perspective and the Board of that organisation has agreed to commit its staff to participate on the same basis for the coming year as it did for this year's pilot course. That means that we can expect four of the leading trial advocates from this prestigious organisation to take the lead in next years course in late September 2001. The first part of the course which leads to the award of a certificate by the Law Society is the weekly lectures/workshops/seminars in advanced evidence which take place over a full term between April-June in the evenings in Law Society House. The advocacy course itself in September will take place in the Institute of Professional Legal Studies, Lennoxvale, Malone Road, Belfast over one week.

The level of collaboration in the delivery of this course was almost unique in that the pilot brought together not only NITA and the Law Society of Northern Ireland, but also the judiciary from all levels, the Institute of Professional Legal Studies as well as individual senior members of both the Bar and the Solicitors professions.

Last year we had almost twice as many applicants as were available spaces so it is important that those who are interested in participating apply as per the directions in the next edition of the Writ which, hopefully, will carry the application forms and further details of the course.

Tony Caher  
Chairman  
Advocacy Working Party

## PRACTISING CERTIFICATE APPLICATIONS: REMINDER

Application forms for Practising Certificates for the year 6th January 2001 to 5th January 2002 will shortly be despatched by the Society. Each solicitor wishing to apply for a certificate for this period should ensure that the form is completed in accordance with the Guidance Notes which appear on the reverse side of the application forms. Practitioners are reminded that responsibility for a correct and timely application lies with the individual solicitor seeking the authority of the certificate (not with his or her firm or Department). The forms, together with the other specified documentation and appropriate fees, must be returned to the Society no later than 5th January 2001.



THE EUROPEAN LAWYER

by Brian Doherty

### *On Call Working Time*

The European Court of Justice has held that time spent by staff on call as part of the working week is shift work and to be treated accordingly in calculating pay and hours worked for the purposes of the EU Working Time Directive.

The groups most affected by the ruling are non-consultant hospital doctors and other health service professionals.

### *Smoked Out*

The European Court of Justice has struck down a landmark piece of anti-tobacco legislation phasing out advertising and sponsorship of tobacco products by 2006 as too extensive in scope to be justified as an internal market measure.

The Commission is preparing a new directive to limit advertising which it is intended will overcome the problems of the impugned measure.

### *Charter of Fundamental Rights: UK/Irish Stance*

British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern were among the minority of European Ministers opposing the granting of binding legal effect to the proposed Charter, at a recent meeting of heads of government.

The charter's ultimate legal status will be decided later.

### *Criticism of Irish Adoption of European Human Rights Convention*

An Irish academic has warned that the model of incorporation of the Convention in Ireland will create difficulties in that the use of a

"declaration of incompatibility" will leave unclear the rights, for example of those in custody, under legislation so declared to be incompatible.

Stressing that the ingenuity of Irish and UK courts would find an adequate modus operandi for this device he nevertheless speculated that incorporation of the Convention by full-scale constitutional amendment might be appropriate in the longer run, putting the Convention "at the very heart of" the legal system.

### *Gender Reassignment Case*

A Judicial Review started in the Irish courts is the first such case in that jurisdiction reviewing as it does the refusal of the Registrar of Births Marriages and Deaths to reflect the change which an individual wishes to see made to the gender originally assigned in the certification of birth.

### *".EU" Domain Name for Europe*

The .eu domain name used as an alternative for European business for .com or .org should be available from 2001 according to the European Commission.

### *RTE Licence Fee*

The Minister for Arts in Ireland has indicated that RTE is not automatically entitled to a licence fee increase because of the possibility it might be considered an illegal state aid in European law.

### *European Convention Rights becomes Law*

The European Convention came fully into force in this jurisdiction on 2 October 2000 and numerous cases have already raised Human Rights issues here.

## ANNUAL DINNER DANCE

Date: 13th January 2001

Venue: Culloden Hotel

Dancing to Rock a fella

Price of tickets: to be confirmed

Reservations can be made for tables  
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10 people by contacting

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## NIYSA Annual Conference-Date change

We are pleased to announce that our Conference for 2001 will be taking place in conjunction with the Liverpool Young Solicitors Group in Liverpool, Friday 18th May – Sunday 20th May 2001.



NORTHERN IRELAND  
YOUNG SOLICITORS ASSOCIATION

Although our Conference Agenda has yet to be finalized it is anticipated that it will run as follows:

Friday 18th May 2001	am	Welcome and Registration
	pm	Social Event.
Saturday 19th May 2001	am	Lectures
	pm	Black Tie Ball
Sunday 20th May 2000	am	City Tour
	pm	Brunch and Goodbyes

We hope to keep costs in line with previous years at approximately £140.00 per delegate including travel (based on two persons per room) by availing of reduced air fares through early booking.

Accordingly all those wishing to attend should complete and return the attached Booking Form together with a deposit cheque in the sum of £40.00 made payable "NIYSA" no later than **Thursday 21st December 2000**.

Demand for our Belfast Conference in March 2000, (attended by over 380 delegates), greatly exceeded available places and so early booking is advised, places will be allocated on a first come first served basis.

*(Details of our finalized programme and fee will appear in The Writ in early course.)*

### Booking Form

18th – 20th May 2001, NIYSA Conference.  
*(Please complete in type or block letters)*

Name \_\_\_\_\_ Firm Name \_\_\_\_\_

Address \_\_\_\_\_

Cost (approx £140.00)

Tel(inc.code) \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

I will be sharing with \_\_\_\_\_

I wish to book for the NIYSA Annual Conference. I prefer a double/twin room *(Please circle your preference)*. I accept that all payments are non-refundable and that my booking is subject to availability and to written confirmation by the Organisers. The remaining balance shall be payable by me to the NIYSA on request. I shall be responsible directly to the Hotel for any incurred room tab on check out.

*Note\* We regret that we cannot accept bookings at the Conference Hotel for single rooms or single nights. All bookings must be made through NIYSA.*

Please tick if vegetarian \_\_\_\_\_

*\*Bookings cannot be accepted after Thursday 21st December 2000*

Signed \_\_\_\_\_ Date \_\_\_\_\_

Please return completed booking form and £40.00 deposit cheque in an envelope marked "NIYSA Conference" to:  
Maureen Bell, Vice Chairman, NIYSA, c/o Bigger & Strahan Solicitors, Sinclair House, 89 Royal Avenue, Belfast, BT1 1EX.

## EMPLOYMENT LAWYERS' GROUP (NI)

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## Membership Renewal

Membership renewals for 2000-01 are now due. Please send your membership subscriptions (£10 per member per year) to the treasurer, Orla Murray.

## EMPLOYMENT LAWYERS' GROUP (NI)

### Membership Form

I enclose cheque for £10.00  
made payable to ELG (NI)

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Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone No: (work)  
\_\_\_\_\_  
\_\_\_\_\_

E-mail  
\_\_\_\_\_  
\_\_\_\_\_

# EUROPEAN STUDY TRIP 2001

## WEDNESDAY 7TH - FRIDAY 9TH FEBRUARY 2001

The study trip will be organised by and based at the UK Law Societies Joint Brussels office, with accommodation on a bed and breakfast basis in the European Institute for Irish Affairs at Louvaine.

Travel will be by direct "Sabena" Belfast-Brussels flight departing early Wednesday morning and returning either late Friday or on Sunday.

The approximate cost will be £630.00 (or £510.00\*) to include travel; accommodations; the course itself and 3 lunches to which MEPs amongst others will be invited

(£630.00 - Wednesday 7th returning late Friday 9th - \*£510.00 - Wednesday 7th returning Sunday 11th - apex flights taking in a Saturday night are cheaper).

The cost does not include evening meals during the week or any weekend meals and daily train fares between Louvaine and Brussels. Dinner and daily travel arrangements have been left flexible to allow participants to either stay in Brussels or to enjoy the university town ambience of Louvaine. There is a regular "commuter" train service between Louvaine and Brussels with a journey time of approximately 35 minutes.

The aims of the Brussels study visit are to enable solicitors to: -

Learn (more) about the European Union, its institutions and how European policies affect solicitors and their clients;

Visit the European institutions, e.g. the parliament and the court of justice and see them working;

Meet officials working for the European institutions, MEPs; UK government officials, solicitors and other professionals based in Brussels and to hear first hand from them about the EU, how the institutions work and the latest policy developments; and sample Brussels life and some of its well known restaurants!

The programme will include, for example, talks on the European Court of Human Rights', using EC law to protect your clients interests; latest developments in EC employment law and policy; the work of the justice and home affairs task force; the role and work of the Parliament; the role of the UK government in EU policy in law making; regional structural funding available in Northern Ireland; recent developments in environmental law and policy; the role of the commission's legal service.

As numbers on the trip are limited to 12, please reserve your place by completing and returning the form below to the deputy secretary.

### *European Study Trip - Joint Office, Brussels, February 2001*

I would like to attend the European Study Trip 2001.

Name \_\_\_\_\_

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Position \_\_\_\_\_

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Please return to: The Deputy Secretary, Law Society of Northern Ireland, Law Society House, 98 Victoria Street, Belfast BT1 3JZ.

# Employment Law Update

(provided by the Law Societies' Joint Brussels Office)

## 1. Sexual Harassment

### Background

In June 1997, UNICE (pan-European employers' lobby group) informed the European Commission (<< Commission >>) that sexual harassment was a matter to be dealt with at national level rather than EU level. In contrast, the fourth medium-term programme for equal opportunities for men and women (1996-2000) adopted by the Council on 22 December 1995 emphasised the need for European-wide action to combat sexual harassment. The Commission has since produced two studies in this area.

### Recent Developments

On 7 June 2000 the Commission published a proposal for a European Parliament and Council Directive amending Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and working conditions. ([http://europa.eu.int/eur-lex/en/com/pdf/2000/en\\_SOOPC0334.pdf](http://europa.eu.int/eur-lex/en/com/pdf/2000/en_SOOPC0334.pdf))

The proposal includes a first definition of sexual harassment in the workplace. This is based on the European Commission Code of Good Practice, of 1993, on how to combat sexual harassment at work, as well as the Directive based on Article 13 of the Treaty which is concerned with harassment as discrimination on grounds other than sex. The suggested definition of sexual harassment is to be inserted as Article 1 a as follows:

'Sexual harassment shall be deemed to be discrimination on the grounds of sex at the workplace when an unwanted conduct relating to sex takes place with the purposes or effect of affecting the dignity of a person and/or creating an intimidating, hostile, offensive or disturbing environment, in particular if a person's rejection of, or submission to, such conduct is used as a basis for a decision which affects that person.'

### Next Steps

The procedure being followed is the co-decision procedure (where both the Council and the Parliament have an equal say). There will be an exchange of views in

the Women's Rights and Equal Opportunities Committee on 28 November. A first consideration of the draft report will be either on the 22 - 23 January or 26 - 27 February. Depending on the outcome of the committee meetings, the adoption of the draft report is currently scheduled to be either in February or March. The first reading of the proposal is currently scheduled to be at the Parliament's plenary session in Strasbourg in April.

There is expected to be a Council debate on the subject on 16 October.

## 2. Works Councils (for companies with 50 or more employees)

### Background

On 11 November 1998 the European Commission adopted a proposal for a Council Directive establishing a general framework for informing and consulting employees in the European Union ([http://europa.eu.int/comm/da05/social/labour/councilprop/com612\\_en.pdf](http://europa.eu.int/comm/da05/social/labour/councilprop/com612_en.pdf)). The proposal applies to all enterprises with a minimum of 50 employees, regardless of whether or not they are based in one Member State only, and requires them to inform and consult their employees in good time about issues directly affecting work organisation and their employment contracts.

The proposal seeks to complement the 1994 works councils Directive (95/45/EEC) whereby undertakings with more than 1000 employees and based in at least two Member States must set up works councils to inform and consult employees.

### Recent Developments

The European Parliament's Committee on Employment and Social Affairs adopted its report (<http://www2.europarl.eu.int/dg7-bin/seid.pl>) on the Directive in March 1999 with the Parliament's plenary endorsing the report the following month (thereby completing the first reading stage of the co-decision procedure).

The Parliament's position relating to the scope of the Directive is that it should also cover smaller enterprises (i.e., those which have less than 50 employees). However, there are certain countries (eg Spain and Germany) who do not want smaller enterprises being subject to this Directive.

The UK would prefer a more indirect approach to the subject, i.e., they would prefer it if there were general objectives to be achieved, rather than specific targets, as they would like to retain some autonomy over this area.

The Commission appears to be open to the idea of the application of the Directive to smaller enterprises, however it remains to be seen what the Common Position of the Council will be.

The Parliament also amended the Directive in order that it would extend to the public sector.

With regard to the 1994 Directive, which the current proposal aims to complement, there has been negative feedback from the Commission in a Communication ([http://europa.eu.int/eur-lex/en/com/pdf/2000/com2000\\_0188enO1.pdf](http://europa.eu.int/eur-lex/en/com/pdf/2000/com2000_0188enO1.pdf)) relating to the implementation of the Directive by the Member States.

### Next Steps

The Employment and Social Affairs Council will meet on the 16-17 October. The Directive is on the agenda of matters to be discussed and the Council should reach a Common Position at this meeting.

Even if the Council do not take on board the Parliament's proposal for the application of the Directive to smaller enterprises, the Parliament will have the opportunity to address the issue at the Second Reading stage of the co-decision process and, should there be different positions taken by the Parliament and Council, at the conciliation stage.

## 3. Individual Dismissals

### Background

The European Commission prepared a lengthy study on this issue in 1997 and consulted Member States on the desirability of EU legislation and whether it should consult the Social Partners (organisations representing both employers and employees) on the issue. The majority of Member States were opposed to the idea of EU legislation so the issue in itself is 'frozen' at EU level.

### Recent Developments

Interestingly, the draft of the Charter on

Fundamental Rights adopted by the Charter Convention - the body appointed to draw up the Charter - includes social and economic rights which were not initially on the list drawn up by the Convention as a basis for discussion. One of these rights is: 'Every worker has the right to protection against unjustified dismissal' (Article 29).

Whilst it is predicted that the Charter will simply be a declaration of rights, the European Parliament has recently voted for the incorporation of the Charter into the EU Treaty. Should the Charter be incorporated into the Treaty, it would then attain 'legal legitimacy' as the European Court of Justice (ECJ) could cite its provisions as general principles of law. This may ultimately have the effect, for example, of the question of individual dismissals being addressed, in part, by the Charter, via its interpretation by the ECJ. However, it is the EU Heads of State and Government that will ultimately decide what the legal status of the Charter will be; this may well be decided when they meet in Nice in December.

#### *Next Steps*

The EU Heads of State and Government will meet at the Biarritz European Council on 13-14 October and consider the draft Charter. They will then decide the next step (which will probably involve discussions relating to the legal status of the Charter).

#### *4. Anti-discrimination measures*

- Anti-discrimination package

##### *Background*

The 'anti-discrimination package' was launched under the Commission's Communication on certain measures to combat discrimination ([http://europa.eu.int/comm/dg05/fundamri/docs/com\\_en.pdf](http://europa.eu.int/comm/dg05/fundamri/docs/com_en.pdf))

This package of measures includes two proposals for Directives and a Community Action Program to combat discrimination for 2000 - 2006.

The first of these Directives is Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, adopted on July 19 2000, which covers racial discrimination in the workplace and beyond ([http://europa.eu.int/comm/dg05/fundamri/docs/etlnic\\_en.pdf](http://europa.eu.int/comm/dg05/fundamri/docs/etlnic_en.pdf))

The second proposal is for a Council

Directive establishing a general framework for equal treatment in employment and occupation. This covers other forms of discrimination such as discrimination on grounds of sexual orientation, age and religion but only at work ([http://europa.eu.int/comm/dgOS/fundamri/docs/work\\_en-df](http://europa.eu.int/comm/dgOS/fundamri/docs/work_en-df)).

##### *Recent Developments*

On 5 October the European Parliament approved the Commission's proposal for the Directive relating to equal treatment in employment and occupation, along with the amendments that had been put forward by the Committee on Employment and Social Affairs.

The Parliament suggested a package of amendments which would include:

- extending the scope of the Directive in order that its provisions would apply to, for example, the acquisition of professional experience and unpaid work, as well as paid work;
- entitling religious communities to choose staff on the basis of religious criteria (if the occupation is directly linked to the organisations' religious aims;
- allowing differential treatment on grounds of age if objectively justified; and
- providing 'reasonable adjustments' to, e.g., services or facilities for disabled people, in order that they can benefit from services, programmes and employment opportunities.

The draft Directives set out broad principles allowing Member States some latitude in their implementation. For example, some States may deal with discrimination as a criminal offence, whereas in other States it may attract only civil liability in the form of an obligation to pay compensation. There may also be exemptions - for example, employers may be able to argue that jobs which require a large amount of costly training are unsuitable for people nearing retirement age.

The European Parliament approved the Action Program to combat discrimination on the grounds of race or ethnic origin, religion or belief, disability, age or sexual orientation, on 5 October 2000. An amendment has called for the extension of measures in order to prevent -not just combat - discrimination.

##### *Next Steps*

The Council will now consider the proposed Directive and the Action Program.

- New anti-discrimination centre opened

On 7 April 2000 the new headquarters of the "European Monitoring Centre on Racism and Xenophobia" in Vienna opened. The Centre is an independent EU body made up of 18 people, designated by the European Parliament, the Commission, the Council and Member States. The Centre intends to analyse racism and xenophobia within the EU and investigate their causes and consequences.

- New anti-discrimination initiative

In May 2000, the European Commission launched EQUAL, a new Community initiative to combat discrimination (based on sex, racial or ethnic origin, religion, disability, age or sexual orientation) and inequality in the job market, through trans-national co-operation. The initiative is designed for the programming period 2000-2006 of the European Social Fund, with a total budget of Euro 2,847 million. It complies with two previous programmes, ADAPT and EMPLOYMENT, but is more focused on a territorial approach with Development Partnerships (DPs) established at geographical or sectoral level. These DPs will be responsible for designing and implementing innovative strategies. EQUAL also includes an "asylum-seekers" element, which is meant to take due account of their social and vocational integration. The European Commission has published a Communication (COM(2000)853) ([http://europa.eu.int/comm/employment\\_social/equal/com/com853\\_en.pdf](http://europa.eu.int/comm/employment_social/equal/com/com853_en.pdf)) establishing the guidelines for EQUAL.

#### *5. Undeclared work*

##### *Background*

It is estimated that at present the black economy accounts for between 5% and 20% of GNP in different Member States. Undeclared work is considered a problem not only because of the loss of revenue for the State and social security systems, but also because of its effect on those who are employed as such - they do not benefit from social security cover, pensions and accident insurance.

On 7 April 1998, the Commission published a Communication on undeclared work

(<http://europa.eu.int/comm/dg05/empl&esf/docs/unworken.doc>). This sets out the Commission's thinking in this area.

At present the Commission has no further plans in this area except that it intends to address this issue in the Employment Guidelines which it has prepared for the Member States

(<http://europa.eu.int/comm/dg05/empl&estlemp199/guide.en.htm>). Indeed, the Commission views the issue of undeclared work as a horizontal issue which needs to be addressed in conjunction with other employment policies.

In April 1999, the Council of Ministers adopted a Code of Conduct for improved co-operation between authorities of the Member States concerning the combating of trans-national social security benefit and contribution fraud and undeclared work, and concerning trans-national hiring-out of workers.

At a European Parliament hearing on undeclared work in April 1999, there was broad agreement that uniform rules, sanctions and stricter checks should be accompanied by preventative measures as well as incentives for both employers and employees. One of the most significant contributions would be to establish more of a parity between gross and net wages, i.e., to reduce the cost of taxes and social security contributions.

### Recent Developments

The Employment & Social Affairs Committee of the Parliament adopted a report on this subject on 21 September 2000 (<http://www2.europarl.eu.int/omk/OMEuroparl?PROG=REPORT&L=EN&PUBREF=-//EP//NONSGML+REPORT+A5-20000220+0+DOC+WORD+V0//EN&LEVEL=2>). The Committee criticised the Commission's definition of 'undeclared work' which, it feels, does not go far enough. It also called for, inter alia:

- the Commission to step up the monitoring of the compliance with the principle of equal treatment in Member States and for an annual report on the progress achieved;
- an in depth debate on the future form of social security systems with a view to curbing undeclared work in the light of changes caused by the development of communications technology and the "flexibilisation" of employment; and

- the Commission to develop the April 1999 Code of Conduct into an effective instrument.

### Next Steps

The Parliament will give an Opinion on the subject.

## 6. Pensions

### Background

In May 1999, the European Commission adopted a Communication ([http://europa.eu.int/comm/internal\\_market/en/finances/pensions/pensions.htm](http://europa.eu.int/comm/internal_market/en/finances/pensions/pensions.htm)) setting out a series of initiatives to enable supplementary pension schemes to take advantage of the freedoms introduced by the single market and the Euro.

In all Member States, future pensioners can supplement the benefits they will receive from basic public schemes by contributing to two main forms of supplementary scheme:

- occupational schemes, organised at the level of a company or an industry; and
- personal pension plans, drawn up, for example, by life assurance companies.

The Communication states that a Community framework for supplementary pensions might hinge on three main measures:

- a Directive on prudential rules for occupational pension funds: occupational pension schemes are often subject to investment and management rules which, without improving the protection of beneficiaries, prevent funds from using capital markets and the Euro effectively when it comes to recycling the contributions received;
- the removal of obstacles to labour mobility - pension rights are often difficult to acquire and especially difficult to transfer from one Member State to another; and
- the co-ordination of Member States' tax systems. This will include abolishing the tax discrimination affecting the products offered by pension funds and insurance companies established in Member States other than that in which the fund member or potential customer resides.

### Recent Developments

On the 11th October, the European

Commission adopted a proposal for a Directive 'on the co-ordination of laws, regulations and administrative provisions relating to institutions for occupational retirement provisions',

([http://europa.eu.int/comm/internal\\_market/en/finances/pensions/com507en.pdf](http://europa.eu.int/comm/internal_market/en/finances/pensions/com507en.pdf)).

The proposal concerns 'institutions for retirement provision that are linked to employment and operate on a funded basis', for example, pension funds and life assurance companies when they provide occupational pension products. The proposal does not deal with the basic state pay-as-you-go schemes, nor does it deal with purely individual pension saving plans.

There are three sets of rules which have been created to ensure the proposed Directive meets the twofold objective of security and affordability:

- 1) Strict prudential rules to protect beneficiaries;
- 2) Investment rules tailored to the characteristics of institutions for occupational retirement provision (IORPs) and geared towards effective savings management; and
- 3) Rules enabling cross-border management of occupational pension schemes.

The Commission has highlighted that funds in the UK can continue to operate as they do now because the UK has already put in place supervision mechanisms that are in line with the requirements contained in the proposal ([http://europa.eu.int/comm/internal\\_market/en/finances/pensions/fagen.htm](http://europa.eu.int/comm/internal_market/en/finances/pensions/fagen.htm)).

A 'high-level' Commission working group was also launched on 11 October to examine the problem of pension provision and the EU's ageing population, which is putting a strain on publicly-funded schemes.

### Next Steps

The proposal will now go to the Parliament and the Council under the co-decision procedure.

Frits Bolkestein, the EU's single market commissioner said in early October that he was working on joint rules for tax treatment for the beginning of 2001. EU countries have to reach unanimous agreement on tax changes.

# Threats Against Lawyers

If you are a lawyer in Northern Ireland who, within the last three years, has been the direct or indirect recipient of threats made, or allegedly made, against you by members of paramilitary organisations or of the security forces, the Human Rights Commission would like to hear from you.

The Commission is compiling a dossier of such cases so that it can, if and when appropriate make the information known (at least in general terms) to those who are monitoring the human rights situation in Northern Ireland such as the United Nations' Human Rights Committee and its Special Rapporteur on the Independence of Judges and Lawyers, Mr Param Cumaraswamy.

The Commission can guarantee complete confidentiality to any lawyer who contacts it.

*Please write to:*

Professor Brice Dickson  
Chief Commissioner  
Northern Ireland Human Rights Commission.  
Temple Court  
39 North Street  
Belfast  
BT1 1NA

Fax: 028 9024 7844

*Mark your envelope "For the personal attention of Chief Commissioner".*

## REPUBLIC OF IRELAND AGENTS

.....

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## PUBLIC FUNDING FOR LEGAL REPRESENTATION AT INQUESTS

Practitioners may be aware of extra statutory funding arrangements recently put in place by the Lord Chancellor. In correspondence with the Northern Ireland Court Service the Society has sought to clarify the terms and procedures which will apply under the ex gratia scheme. Please note that the scheme is not operated by the Legal Aid Department. Your attention is drawn to the key features of the scheme and application process which is now in operation, as provided by the Northern Ireland Court Service.

Legal Aid is not currently available for representation proceedings before coroners in Northern Ireland. Nor does the Lord Chancellor have a statutory power at present in Northern Ireland to allow funding in exceptional cases on a one-off basis. The Lord Chancellor has established, as an interim measure, an extra-statutory ex gratia scheme to enable him to grant funding to allow for legal representation in proceedings before coroners in exceptional cases.

The Lord Chancellor has indicated that he intends to publish consultation proposals which will set out the criteria which he will apply in terms of whether to grant funding in individual cases.

Pending that formal consultation process, requests for financial assistance by solicitors for proceedings before coroners inquests should be forwarded in the first instance to:

H Alan Hunter Esq. Northern Ireland Court Service, Windsor House, 9 - 15 Bedford Street BELFAST BT2 7LT

No application form has been prescribed for this purpose (but see comments below as regards provision of financial information). However, applicants should be aware that under the scheme, Ministers will be interested in the reasons why the case should be considered exceptional. Some of the information that should be provided;

- A. The facts of the case;
- B. an indication of the complexity of the issues;
- C. the relationship of the applicant to the deceased; and
- D. why there is a need for representation to enable the applicant to take part effectively.

All cases which are given funding in this context must also satisfy the civil legal aid financial assessment criteria. Any formal application for funding should be accompanied by the standard financial application forms which are required in support of an application for civil legal aid. The means of the applicant should be clearly set out in this form, as the application will be subject to the normal means test procedures applied to civil legal aid applications.

It will also be necessary to provide an indication of the anticipated cost of representing the applicant at the inquest, if the application is approved. Funding provided from the extra-statutory scheme will be for a specified amount of money to cover representation at the inquest only.

## THE FAMILY PROCEEDINGS (AMENDMENT) RULES (NORTHERN IRELAND) 2000 [SR.2000 No. 329]

*These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 to prescribe the procedure for applications for pension sharing and pension attachment orders. The Rules come into operation on 1st December 2000, to coincide with the introduction of pension sharing.*

## MAGISTRATES' COURTS (DOMESTIC PROCEEDINGS) (AMENDMENT) RULES (NORTHERN IRELAND) 2000 [SR.2000 No. 300]

*These Rules amend the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1996 by substituting a new Form D3. (Respondent's consent to Article 8 order and statement of financial resources). The Rules came into effect on 6 November 2000.*

## NORTHERN IRELAND COURT SERVICE

### BELFAST COUNTY & MAGISTRATES' COURTS: RELOCATION OF LICENSING BUSINESS

As part of the development of the combined office concept, in anticipation of the new Court Complex, licensing business will be re-structured.

From 4th December 2000 all Magistrates' Court licensing administration, currently processed in the Courthouse, Chichester Street, will be carried out with the county court licensing functions in the Old Town Hall building, Victoria Street, Belfast.

Mandy Kilpatrick, Business Manager

## *Agricultural Advice*

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## NORTHERN IRELAND COURT BUSINESS

### Lord Chancellor's Directions - Crown Court

Lord Chancellor's Directions given after consultation with the Lord Chief Justice in accordance with Section 47 (2) of the Judicature (Northern Ireland) Act 1978

### Distribution of Crown Court Business

In Schedule 2 to the Lord Chancellor's Directions No 15/99 given on 16 August 1999, there shall be added at the end "His Honour Judge McFarland" and " His Honour Judge Lockie".

### Lord Chancellor's Directions - Magistrates' Courts

Petty Sessions District of East Tyrone

Petty Sessions District of Londonderry

Petty Sessions District of Newry and Mourne

Lord Chancellor's Directions under Article 11(3) of the Magistrates' Courts (Northern Ireland) Order 1981

### *Amendment*

Schedule 2 to the Lord Chancellor's Directions dated 24 May 1990 and published in the issue of "Northern Ireland Court Business" No 4/90 shall be amended with effect from 1 January 2001 as follows:

Page 4: Petty Sessions District of East Tyrone

Column 5: OTHER BUSINESS

Insert: 4th to appear opposite Thursday

Page 6: Petty Sessions District of Londonderry

Column 8: DOMESTIC

Insert: 1st and 3rd to appear opposite Friday

Column 2: PLACE AND TIME

Insert: Domestic Court, 1st and 3rd Fridays, commences at 12 noon

Page 6: Petty Sessions District of Newry and Mourne

Column 7: FAMILY

Delete: 1st, 2nd and 4th opposite Tuesday

Insert: 1st, 2nd, 3rd and 4th opposite Tuesday

## SCHEDULE 2 (continued)

Petty Sessions District (1)	Place & Time (2)	Wards (3)	Nature of Business/Day of Month						Place of Hearing of appeals (10)
			Day (4)	Other Business (5)	Youth (6)	Family (7)	Domestic (8)	Youth & Domestic (9)	
L'derry	L'derry  All sittings commence at 10.30am  Domestic court 1st and 3rd Fridays, commences at 12.00 noon	All wards	Mon	1st,2nd,3rd&5th			4th		L'derry or Coleraine
			Tues			4th			
			Wed	1st,3rd 4th&5th		2nd			
			Thurs	Every					
			Fri	5th	1st	1st,2nd,3rd&4th	1st and 3rd		
Magherafelt	Magherafelt  Other business and youth sittings commence at 10.30am  Domestic court commences at 11.00am	All wards	Mon	1st				3rd	Magherafelt
			Tues	1st,2nd,3rd&4th					
			Wed						
			Thurs						
			Fri						
Newry & Mourne	Newry  All sittings commence at 10.30am	All wards with exception of those shown for Killeel	Mon	5th					Newry
			Tues			1st,2nd,3rd&4th			
			Wed	Every					
			Thurs	5th					
			Fri	1st&5th	3rd		2nd&4th		
	Killeel  Youth court commences at 10.00am  Other business sittings commence at 10.30am	Annalong Binnian, Killeel Central, Killeel South, Lisnacree	Mon						Newry
			Tues	3rd&5th	3rd				
			Wed						
			Thurs						
			Fri						

## SCHEDULE 2 (continued)

Petty Sessions District (1)	Place & Time (2)	Wards (3)	Nature of Business/Day of Month						Place of Hearing of appeals (10)
			Day (4)	Other Business (5)	Youth (6)	Family (7)	Domestic (8)	Youth & Domestic (9)	
East Tyrone	Cookstown  All sittings commence at 10.30am	All wards with the exception of those shown for Clogher	Mon	2nd					Cookstown
			Tues	5th					
			Wed	Every					
			Thurs	4th	1st		3rd		
			Fri	1st,2nd,3rd&4th &5th					
	Clogher  Other business sittings commence at 10.30am  Youth court commences at 10.15am	Augher, Clogher, Fivemile-town	Mon					Cookstown	
			Tues						
			Wed						
			Thurs	2nd	2nd				
			Fri						
Fermanagh	Enniskillen  Other business and youth sittings commence at 10.30am  Domestic court commences at 11.30am	All wards	Mon	Every				Enniskillen	
			Tues						
			Wed	1st,2nd,3rd			4th		
			Thurs						
			Fri						
Larne	Larne  All sittings commence at 10.00am		Mon		3rd		1st	Ballymena	
			Tues						
			Wed						
			Thur						
			Fri	Every					

## *Consultation Facilities*

### *Musgrave Street*

The Police Authority of Northern Ireland have now confirmed and clarified Force Policy in respect of the use of the PACE interview rooms at Musgrave Street for solicitor/client consultations.

The Chief Constable has directed all Custody Sergeants at Musgrave Street RUC to exercise flexibility when considering requests by solicitors to use the PACE interview rooms for consultations.

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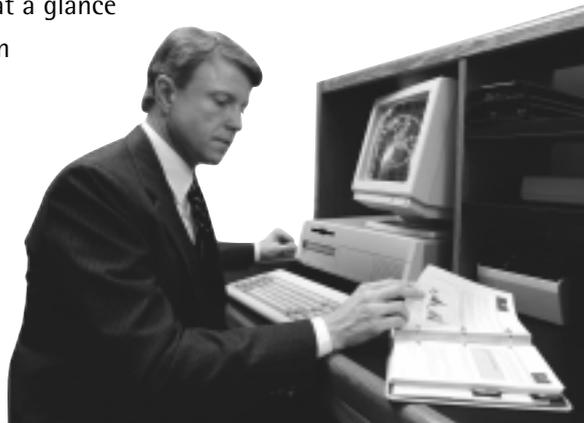
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### Missing Wills

**RE:** Peter Hugh Malone deceased late of 71 Donaghadee Road, Newtownards. Deceased 12th November 2000. DOB: 29TH May 1928

Would any solicitor who is aware of a will made by the above named deceased, please contact Joseph F McCollum, 51 Regent Street, Newtownards. Tel: 028 9181 3142 Fax: 028 9181 2490

**RE:** Vera Stanley Deceased late of 3 Bernagh Glen, Glen Road, Belfast.

Would any person having knowledge of the whereabouts of the Will of the above named Deceased please contact Murty M Toolan & Co Solicitors, Suite A, 174 - 184 Ormeau Road, Belfast, BT7 2ED.

Tel: 028 9024 1840  
Fax: 028 9032 3842

## Republic of Ireland Agents

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Contact:  
**Seamus Connolly**  
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**Solicitors**

Bank Building *or* Arran House  
Hill Street 35/36 Arran Quay  
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### Missing Land Certificates

LAND REGISTRY FOLIO NUMBER 39078 COUNTY ANTRIM REGISTERED OWNER: GARRY ROBINSON JOSEPHINE ROBINSON THE LANDS OF ESKYLANE TAKE NOTICE that any person having custody of or information as to the whereabouts of the Land Certificate relating to the above-mentioned Folio should forthwith produce the said Certificate or communicate such information to the under mentioned Solicitors.

AND TAKE FURTHER NOTICE that unless the said Land Certificate is so produced or adequate information as to its whereabouts is so communicated within three weeks of publication of this Notice, a duplicate Land Certificate may be applied for.

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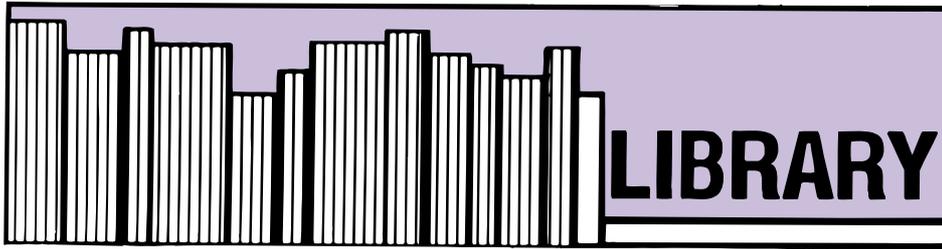
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### RECOMMENDED READING

#### *Stakeholder Pensions*

Legislation: Welfare Reform and Pensions (NI) Order 1999 NI11

Stakeholder Pension Schemes Regulations 2000 SR 262

Articles: Understanding the implications of stakeholder pensions for occupational pension schemes (including employers' responsibilities, designation requirements, information and access, operation of schemes, contributions, charges, restrictions on membership and money purchase tax treatment)  
Samsworth: 2000 JPM 2000, 6(1), 11-21

Self invested personal pension schemes – the flexible future of personal pensions? (Advantages of SIPPs, implications of introduction of stakeholder pensions and benefits of income drawdown)  
Tora: 2000 JPM 2000, 5(4), 279-282

How will the new requirements to facilitate access to stakeholder schemes affect employers? (Access requirements and exemptions as set out by the Order, alternatives for employers wishing to escape such access requirements and designation of schemes and employer liabilities)  
Greenstreer: 2000 JPM, 5 (4), 317-328

#### *INCREASE IN LIBRARY FEES*

The inter-library loan service operated by the library is the means of obtaining documents from external sources, many of them commercial.

We operate this service on a cost recoupment basis in the form of a charge to each solicitor for each document provided. In recent years, however, sources used by us have been steadily increasing, whilst the charge to the solicitor has remained static for 3 years, resulting in a loss to the library.

Accordingly, the Library Committee has introduced a 2-tier system of charging for inter-library loans of £10 and £6 each, depending on the organisation from which they are sourced.

#### New Books in the Library

- 1) Dignam: Company law and the Human Rights Act 1998. Butterworths. 2000
- 2) Lawrence: Law on the internet; a practical guide. Sweet & Maxwell. 2000
- 3) Alcock: The Financial Services and Markets Act 2000. Jordans. 2000
- 4) Greer: A commentary on the Civil Evidence (Northern Ireland) Order 1997. SLS. 2000
- 5) Aldridge: Powers of attorney. 9th ed. Sweet & Maxwell. 2000
- 6) Dobson: Sale of goods and consumer credit. 6th ed. Sweet & Maxwell. 2000
- 7) Thorley: Terrell on the law of patents. 15th ed. Sweet & Maxwell. 2000
- 8) Bradney: How to study law. 4th ed. Sweet & Maxwell. 2000
- 9) Actuarial tables for use in personal injury and fatal accident cases (Ogden tables). 4th ed. HMSO. 2000

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#### Note

**Early copy Deadline for December: Wed 6th Dec 2000**

Published by the Law Society of Northern Ireland  
98 Victoria St. Belfast, BT1 3GN  
Editor John Bailie  
The views expressed are not necessarily those of the Law Society of Northern Ireland

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