Society joins the Law Societies’ Joint Brussels office


The change will mean that for the first time the Brussels office will represent all three UK Law Societies at EU level, giving them a greater weight for lobbying in Europe.

John Meehan, President of the Law Society of Northern Ireland said he was very excited about joining the other two societies and felt it would be a valuable membership for all three Societies:

“This is an important move into Europe for the Law Society of Northern Ireland as we recognise that it is vital our members are represented within the European Union. The fact that the three UK Societies will all be represented by one body is an important consolidation process which will give Northern Ireland solicitors a greater voice within the EU on behalf of clients.”

Robert Sayer, President of the Law Society of England and Wales, said, “We are very pleased that the Law Society of Northern Ireland is joining. The three UK societies working together will provide a much more effective voice in Europe.”

Michael Scanlan, President of the Law Society of Scotland, said:

“In the UK we are increasingly affected by EU law - whether it is legislation relating to e-commerce and the Internet or the Working Time Directive. For us, the Brussels office has been a vital link in ensuring that solicitors are kept informed of developments in EU law and in representing their views and interests in Europe. I am sure that the Law Society of Northern Ireland will find the partnership equally rewarding.”

The Law Society of England and Wales established an office in Brussels in 1990 in order to represent the interests of the profession in Europe and in 1993 the Law Society of Scotland joined them. Primarily the office has two main activities: first, representing and promoting the views and interests of the solicitors’ profession and secondly providing advice and assistance to solicitors.

June O’Keefe, Head of the Joint Brussels office, addressed the Society Council and invited Law Society President, John Meehan, to sign the Joint Office agreement, pictured here with the Society’s representative to the CCBE, Mr Alastair Rankin.

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NEW LEGISLATION INTRODUCED

Ground Rents Bill

One of the first pieces of legislation to be introduced by the Northern Ireland Assembly will be the Ground Rents Bill which is now proceeding through the committee stage at Stormont. The Bill is intended to replace Part II of the Property (NI) Order 1997, which provided for a complex scheme for the redemption of ground rents on residential property in Northern Ireland. That scheme has not been brought into operation due, in part, to the fact that the Society had indicated, following the road shows, that the legislation as originally proposed was unworkable. The purpose of the Bill is to replace that complex and costly scheme with a more streamlined ground rent redemption procedure which is contained in the Ground Rents Bill. This will entail significant changes in conveyancing law and practice, with implications beyond the narrow issue of the redemption of ground rents. Practitioners should note the following:

1. The Bill creates the right for the owner of residential property subject to an annual ground rent voluntarily and unilaterally to enlarge their leasehold estate in the land into a fee simple or freehold title. The owner of the ground rent will not be able to object to voluntary redemption by the rent payer. The Bill does, however, make provision for the rent owner to receive compensation to reflect the loss of his future entitlement to the annual ground rent.

2. The Bill also makes provision for the compulsory redemption of ground rent in defined circumstances. When the party buys a house in certain locations he or she will have to redeem the ground rent on the property before the new title will be registered in the Land Registry. Compulsory registration will apply in tandem with compulsory redemption in the Land Registry, that is, at present, for purchase of domestic property in the North Down and Ards Areas. The regime of compulsory redemption will in the short to medium term advance in tandem with the regime for compulsory registration of title. Again, the rent owner will receive compensation from the purchaser to reflect the loss of future income.

3. Ultimately compulsory redemption will apply to purchasers of property for which the title is already registered. The policy behind the legislation envisages that eventually all private residential property in Northern Ireland will be held in fee simple and free from liability for ground rent. The objective of phasing the implementation of the policies is to minimise the financial and staffing impact on the Land Registry, which will clearly have a pivotal role in the implementation of the new law.

4. The Bill provides that before the new owner’s title to the property can be registered the purchaser of the property must redeem the ground rent. Only when the Registrar of Titles is satisfied that the ground rent has been redeemed will he permit the purchaser’s newly acquired interest in the property to be registered in the Land Registry. The redemption procedure commences with an application to the Land Registry accompanied by certain payments and other documents, to be specified in rules and forms not yet published. Immediately after the rent payer has made his application to the Land Registry he shall serve notice on the rent owner (if known) that he has done so. The Bill provides for the calculation of the redemption money payable by the rent payer to the Land Registry and for the keeping of a register of redemption monies by the Land Registry. The number of years purchase has not yet been stipulated but in debate Mr. Mark Durkan, the Minister of Finance and Personnel, has stated that he proposes to fix the multiplier at 9 years purchase.

5. The Bill sets out the basis for dealing with claims by rent owners. The Registrar shall only pay out the redemption monies if satisfied that the person who has made the claim is actually entitled to the money. Provision will also be made to safeguard the interests of different levels of rent owner in the typically N Ireland hierarchy system of titles and for the recovery of arrears of ground rent. The rules will contain provisions for dealing with apportionments of funds in certain circumstances and the legislation also makes provision for appeals ultimately to the Lands Tribunal in case of difficulty or dispute.

6. The date on which the ground rent has been redeemed is the date on which the Registrar shall seal the Certificate of Redemption, which he shall forward to the rent payer.

7. The former estate will be discharged from all estates in the land of the rent owner and of any superior owner to the extent that those estates carry entitlement to a fee farm rent or ground rent, or to matters connected with any such rent. In the case of a leasehold estate this is enlarged into an estate in fee simple and the title to the rent owner to the fee simple is extinguished. These provisions do not, however, affect the power of the rent owner or superior owner to enforce a covenant enforceable by them which is of a type which the law continues to recognise, as defined in the Bill. These categories of covenants are already familiar as they are set out in the 1997 Property Order. The redemption and the issue of the Certificate also operates as a grant by the rent owner to the rent payer of all easements rights and privileges on or over the land which had existed and been enjoyed by the rent payer immediately before the redemption. The effect of all of this is that the former rent owner, following redemption, will continue to enjoy the benefit of certain types of restrictive covenant, which continue to be enforceable, and other rights. In practice, however, it is felt that many of these rights will “wither on the vine” insofar as they cease to be of any commercial relevance and, in this respect,
the position has certain similarities with the law and practice relating to "equities" under the Land Purchase Acts of the nineteenth century. The overall objective of this legislation is to simplify the law of property and the commercial dimensions of the purchase and sale of private homes and, in this context, it is perhaps inevitable that the legal position may be somewhat untidy and offensive to the purist for a period of years.

8. Where any enlarged estate was held subject to a mortgage, any mortgage of the former leasehold estate continues to have effect as if it had originally been created as a mortgage of the fee simple. In particular where the instrument creating a mortgage was an assignment of the leasehold estate, it has effect as if it were a conveyance of the fee simple and where, more commonly, the instrument was a Sub Lease, it has effect as if it were a Lease for a term equivalent to the term of the Sub Lease.

9. It must be remembered that the new law relating to the redemption of Ground Rents does not apply to commercial property, flats, or leases of domestic property for terms of less than fifty years. The existing law will continue to apply in these circumstances.

10. These provisions will, of course, entail more work for solicitors in relevant cases. It is envisaged that the fees payable to the Land Registry will be modest but practitioners should of course, also charge for the necessary additional work, on a time basis, when acting for purchasers, just as they are currently entitled to charge for additional work relating to compulsory registration. This additional work should be taken into account when details of proposed charges are furnished, in accordance with Home Charter rules and practice.

11. It is our intention to publish a further article as details of the proposals become clearer as the legislation passes through its further stages. Consideration will also be given by the Law Society to organise further road shows, so that the profession may be fully advised as to the implications of this important new legislation as soon as the new law comes into operation.

Residential Property Law in Northern Ireland

By Sarah Witchell - A Review

This book could not have been published at a better time. We are currently witnessing far reaching and welcome reforms in the Land Registry, the full effect of the Property Order is about to be introduced and implemented, and the consumer lobby with Government encouragement is turning its attention to scrutinising the stewardship by our profession of property law and conveyancing practice. Sarah Witchell's useful guide will assist us as we seek to grapple with these and other ongoing matters. The book is divided into two main sections. Part 1 - Conveyancing takes the reader through all aspects of the procedures governing the sale and purchase of residential property. Much of the discussion is based, in the words of Professor John Wylie in his enthusiastic introduction, "upon the admirable Home Charter Scheme" which is likely to be made compulsory within the jurisdiction. Part 11 - Land Law contains a summary of the Law of real property as it currently applies in Northern Ireland. The author does not set out to provide a comprehensive text, but rather to concentrate on the basic features which underpin conveyancing law and practice. The book itself is handsomely produced, with a hard back in blue with gold lettering. It is well set out and easy to consult. It gathers under one cover, much of the law relating to the redemption of Ground Rents, conveyancing, matrimonial interests, bankruptcy and voluntary conveyances, matrimonial interests, and the Property Order. As many recently qualified solicitors, particularly those who have taken degrees outside the Province, will not have had much in depth study of Irish law, sections covering matters such as church grants, rent charges, and the powers of the tenant for life under the Settled Land Acts will be particularly instructive.

SLS is to be commended in furthering its important work by mounting this publication. In our small jurisdiction it is sometimes difficult to locate relevant law. Peoples rights, however, have to be no less clearly identified, established and protected than elsewhere. Whatever about the increasing impact of e-commerce, there will always be the need for good local books and journals, and SLS is to be encouraged in furthering this work. The publication of this book is a significant event in the life of our legal profession in Northern Ireland, and property lawyers are encouraged to add this publication to shelves which will already contain books such as Leitch, Carswell, Wylie, Aiken and Moir.

We conveyancers live in challenging times. May we anticipate a revised edition of this book within the next few years as e-commerce gathers pace and as we address the urgent task of satisfying Government and the public that we are well equipped to deal with modern conveyancing in a modern society?

John G Neill
Carnson Morrow Graham Solicitors
Advance Notice

Children (NI) Order 1995
Children Order Panel

ACCREDITATION SEMINAR

Please note that a 2-day training seminar will be held over 2 consecutive days on the 4th & 5th October 2000 in the Canada Room Queens University Belfast.

Attendance at the seminar is compulsory for all solicitors seeking accreditation for the first time and optional for solicitors already accredited to the panel.

When details have been finalised further information will be sent to those solicitors currently seeking accreditation. For further information please contact:

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Land Registry Practice

Changes to Land Certificates
The computerisation of the Land Registry will mean a number of changes in the appearance of Land Certificates. Initially, these changes will relate to transactions affecting Co Down but, as computerisation is rolled out, they will eventually apply to all transactions. A3 and A4 Land Certificates will be dealt with in slightly different ways. This reflects concerns, raised by members of the solicitors’ focus group, that some clients may have a sentimental attachment to Land Certificates that were created around the turn of the last century. We shall continue to consult this group, during the implementation of the LandWeb computerisation project, to try to achieve a system that meets the needs of the Land Registry and its customers.

1. "New Style" A4 Land Certificates
On completion of a transaction, the existing Land Certificate will be cancelled and a new Land Certificate, which will contain an up to date copy of the electronic Folio, will be issued. (The electronic Folio will consist of a scanned image of the current Folio, together with details of new entries.)

2. "Old Style" A3 Land Certificates
On completion of a transaction, the existing Land Certificate will be cancelled and the cancelled Land Certificate will be returned. A new Land Certificate, which will contain an up to date copy of the electronic Folio, will be issued. (The electronic Folio will consist of a scanned image of the current Folio, together with details of new entries.)

Changes to Copy Folios
Computerisation of the Land Registry will also lead to changes in the appearance of copy Folios. Initially, these changes will relate to Folios in County Down but, as computerisation is rolled out, they will eventually apply to all counties. Where a copy is requested of a folio that has been computerised, the copy will consist of:

- a scanned image of the current folio, and
- an additional sheet (or sheets) containing details of any electronic entries that have been registered since the Folio was computerised.

If no electronic entries have been registered, the additional sheet will still be produced as confirmation of this fact.

In the case of a certified copy of a Folio, the Registry’s seal will be printed on the final page of the copy.

Copy Folios and Land Certificates
Copies of some scanned Folios may contain notes, highlighted in green, which relate to an earlier data capture exercise. These notes do not form part of the Folio and they should be ignored.

The Family Homes and Domestic Violence (NI) Order 1998

How is it working?
The Office of Law Reform is seeking the help of solicitors in carrying out a review of the Family Homes and Domestic Violence Order.

When the Order came into force on 29th March 1999, it had an immediate effect on all those working in the Family Law system. It was introduced as an important step in the drive for effective best practice laws and procedures to fight domestic violence in Northern Ireland. But just over one year on, how is it working?

In August 2000, the Office will be carrying out a review of the Order. To properly utilise the experience and expertise of practitioners, the Office has decided to begin the review by sending out a questionnaire to all those legal and other professionals working with the new legislation. Their replies will be the raw material which will be used to decide what the important issues are, as well as whether, and what, amending legislation might be needed to make sure the legislation works as well as possible.

If you have received a questionnaire, please fill it in and return it to the office of Law Reform by 30 September 2000.
If you would like to be sent a questionnaire, you can obtain one by telephoning the Office of Law Reform on 028 9054 2900 or emailing claire.archbold@dfpni.gov.uk
Tutors Required

The Institute is seeking to recruit additional tutors across the curriculum,* and invites applications from any Solicitors who would be interested in assisting. Fees paid are at the following rates:

<table>
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<td>Lecture</td>
<td>Under 10 years qualified - £50,</td>
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<tr>
<td>Tutorial – this normally lasts for two hours but can be a full morning or afternoon</td>
<td>Qualified 10 years or over - £100</td>
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It would not be expected that anyone under three years qualified would apply.

Current tutors need not re-apply.

We will be running a half day teaching course on Friday 22 September and would be keen that all tutors make their best efforts to attend this course.

*CURRICULUM


Skills training in: drafting, negotiation, advocacy, client care including interviewing, and legal research.

Please apply, enclosing a short CV, indicating your area(s) of expertise and preferred subject areas to

The Director
Institute of Professional Legal Studies
The Queens University of Belfast
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Belfast BT9 5BY

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Fax: 028 9066 1192
E-mail: a.fenton@qub.ac.uk

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Contact AnneMarie McCrystal LL.B.
Also admitted N.I. 1991

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Willing to undertake agency work on behalf of Solicitors in Northern Ireland

Contact AnneMarie McCrystal LL.B.
(Also admitted N.I. 1991)
Firms should have procedures in place for taking on new clients. If the sole criterion is ‘how much can we make in fees?’, solicitors may end up paying out considerably more money than they receive.

It is not unusual for claims handlers at the Fund, when dealing with a claim, to be told by the indemnified, ‘I should never have taken the client on; I knew from the offset he was trouble.’ This, of course, raises the question; why was he taken on?

Every firm should have a new business vetting procedure which is adhered to by all fee-earners. Points which need to be considered include:

- The nature and legality of the work. Exactly what is the client asking for, and is it legal?
- The availability of the skills required to undertake it. It seems obvious, but do not take on work with which no one within the firm is suitably qualified to deal. It may be tempting, and the fee earning potential may be considerable, but so is the risk.
- The current pressures of work on the fee-earners, taking into account the time required. There is considerable risk in accepting instructions at the eleventh hour, such as the hour before the auction or one day before the limitation period expires.
- The firm’s experience of handling work for that client and any problems which have previously been met including claims or complaints. It is not unknown for solicitors to take new work on behalf of a client who has sued the firm previously or complained to the Society, or in some cases both! Consider the wisdom and risk of taking on such a client.
- Conflicts of interest. Consideration should always be given to potential conflicts of interest arising. They may not necessarily lead to a negligence claim, but can cause considerable embarrassment if a conflict is identified during the currency of the retainer which, if a proper enquiry had been made at the outset, would have identified the potential conflict.
- Can the client pay? Suitable enquiries should be made as to how the client is going to fund the retainer.
- Ascertain the client’s expectations of the firm at the outset; then advise the client whether he or she has realistic expectations regarding the result, service, time-scale and costs.

Adopting a client vetting procedure, and giving careful thought as to whether or not to take on the client, can save the firm from having considerable problems in the future.

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A VERY NOVEL INTERNET SERVICE IN DEEDS.

Land Registers Northern Ireland, in conjunction with Syntegra – BT’s systems integration business – now offer a new Internet service to solicitors. LandWeb Direct will enable you to work online - submit applications, request and carry out searches, request documents and even prepare deed maps electronically. It will mean faster processing times, more flexible working and even give you online guidance. If you’ve got an Internet ready PC, register now and make LandWeb Direct work for you.

And even if you’re not already online, you can talk to BT about an Internet solution best suited to your needs.

Either way, call us today: Freefone 0800 800 800.
LEGAL AID DEPARTMENT

The Law Society invites applications for a vacancy for a

TEMPORARY LEGAL ASSISTANT

(6 month appointment, with a possibility of monthly extensions up to a maximum of 12 months employment)

in its Legal Aid Department and invites applications from Solicitors and Barristers who have been admitted in Northern Ireland for at least three years and who have experience of Civil Litigation.

The salary will be £20,634 p.a. (under review)

Further details of the post and an application form maybe obtained by writing enclosing a stamped addressed A4 envelope, from

Human Resources Manager
LEGAL AID DEPARTMENT
16/22 Bedford Street
Belfast
BT2 7FL

Tel: 028 9024 6441

Alternatively applicants may obtain the information and application form from the Legal Aid Department’s web site www.nilad.org

The closing date for receipt of completed postal applications is

Tuesday 12th September 2000.

Applications will also be accepted by fax or e-mail before the closing date providing an original is also received within a further seven calendar days.

THE LAW SOCIETY IS AN EQUAL OPPORTUNITY EMPLOYER

CREDIT HIRE AGREEMENT CASES
(District Judges' Jurisdiction)

District Judge Keegan has directed that all Credit Hire Agreement cases presently entered for hearing in the Division of Londonderry i.e. those entered in Londonderry, Limavady & Magherafelt should be listed for review as follows:

Londonderry cases will be reviewed on Monday 18 September 2000
Limavady cases will be reviewed on Wednesday 20 September 2000 and Magherafelt cases will be reviewed on Wednesday 27 September 2000

It would be helpful if Solicitors would identify to Londonderry Court Office either the number or where that is not known the name of the case to enable notices of hearing to be issued as soon as possible.

P McCourt, Deputy Chief Clerk
ASSOCIATION OF FAMILY SOLICITORS FOR CHILDREN

Chair        Karen Fox  
Bogue & McNaulty, Solicitors  
3 Carlisle Circus  
Belfast  BT14 6AT

Vice Chair  Judith Brown  
Alan M Brown, Solicitors  
288 Newtownards Road  
Belfast  BT4 1HF

Treasurer   Eileen Ewing  
Holmes & Moffitt, Solicitors  
289 Shankill Road  
Belfast  BT13 1FT

Secretary  Clare Doherty  
McCann & McCann, Solicitors  
10 Royal Avenue  
Belfast  BT1 1DB

LUNCHTIME SEMINAR

The Association of the Family Solicitors for Children have arranged for the attendance of representatives from the Legal Aid Department at Law Society House on Wednesday 11th October, 2000 to address Family Law Practitioners on the following Areas:

- The completion of Legal Aid applications in Children Order proceedings;
- The preparation and completion of Legal Aid reports in Children Order Proceedings;
- Legal Aid assessment of costs.

The talk will commence at 12.30 and will take place in the Lecture Theatre at Law Society House. Tea/Coffee and sandwiches will be served from 12 noon in the Lecture Theatre.

Booking forms should be sent to:

Claire Doherty  
c/o McCann & McCann, Solicitors  
10 Royal Avenue  
Belfast  BT1 1DB

A fee of £10 per person is payable and a cheque should be enclosed with the completed Booking Form.

BOOKING FORM

Meeting at Law Society House, Wednesday 11th October, 2000 at 12.30 pm

Please return the form below, duly completed, together with cheque made payable to Association of Family Solicitors for Children, to Clare Doherty, c/o McCann & McCann, Solicitors, 10 Royal Avenue, Belfast. BT1 1DB

I enclose a cheque for £10.00 made payable to Association of Family Solicitors for Children.

Name ____________________________

Firm ____________________________

Address ____________________________

Tel no (work) ____________________________
By Brian Doherty

**Forest Grump**

An alliance of environmental groups have complained that Coillte (the Irish state sponsored forestry company) should not be granted a Certificate of Forestry Stewardship because of its extensive use of non native conifers at the expense of broad leafed trees.

Concern has also been expressed by the European Commission about the species mix.

**Irish Human Rights Bill signed by President**

A bill setting up the Human Rights Commission further to an Irish Government undertaking as part of the Belfast Agreement has been signed by President McAleese. It provides for the Commission to review existing protection measures and for the investigation of allegations into alleged abuses. An annual budget of £600,000.00 has been set aside for its work.

Legislation incorporating the European Convention into ROI law is due to be brought forward by October.

**Time Up**

The Irish Competition Authority recommends the removal of barriers to entry to the pub market to help reduce the cost of drinking. In Ireland drinkers face the highest bill in Europe. Fifteen percent of total private consumption spending is on alcohol and tobacco.

Independently owned supermarkets have threatened to challenge the lack of the regulations before the European Court as anti competitive.

**Phone Tap**

The Irish Council for Civil Liberties have applied to the European Court of Human Rights claiming that its staff and its clients’ telephones were tapped by the UK Government in breach of Convention rights.

They argue that their capacity to give legal advice was damaged and seek compensation.
THE HUMAN RIGHTS ACT AND HOUSING

The Human Rights Act 1998 (HRA) comes into force on 2 October 2000. Its introduction is set to change how individuals, lawyers, public authorities and the courts approach human rights issues. The HRA will have a range of implications. This article aims to outline some of the most relevant provisions for housing law and also the procedural steps for using the HRA.

ARTICLE 6 (1) - THE RIGHT TO A FAIR TRIAL

"In the determination of his civil rights and obligations ..., everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...."

All mechanisms for appealing adverse decisions of public housing providers and Housing Benefit decisions may be scrutinised against the yardstick of Article 6 (1). Some may not measure up. For example, Housing Benefit Review Boards are currently facilitated by NIHE staff. As the NIHE is a party to Housing Benefit proceedings, the independence of Review Boards may be challenged. Although Housing Benefit appeals are due to be incorporated into the Appeals Service system in April 2001, Housing Benefit claimants may be able to raise an Article 6 challenge to Review Board proceedings prior to this change. Also, homelessness appeals are currently considered within the Housing Executive, which may raise an Article 6 issue about the independence and impartiality of the appeal procedure.

ARTICLE 8 - THE RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE, HOME AND CORRESPONDENCE

Although Article 8 does not give a general right to housing or housing benefits, it may well prohibit policies and benefit rules which have an unnecessary or disproportionate effect on family life or the right to a home.

For example, the imposition of Housing Benefit restrictions on single people renting privately under the age of 25 may have the effect of depriving them of their home in breach of Article 8, and amount to arbitrary discrimination on grounds of age. Housing Benefit rules, which exclude some claimants from entitlement to Housing Benefit, for example those renting from a parent of a child of the household, may contravene Article 8, where it can be shown on the facts that the agreement was genuinely entered into on a commercial basis and was not designed to take advantage of the Housing Benefit scheme.

WHERE DOES THE HRA APPLY?

The HRA may be raised in respect of an act (or proposed act) of a public authority, which is defined to include a court or tribunal and those exercising public functions. Private agreements are not subject to HRA provisions, which is a major shortcoming. Private tenancy agreements are unlikely to be subject to HRA consideration. Also, as a general rule, the HRA will only apply to acts after 2 October 2000 unless proceedings were brought by or at the instigation of the public authority whenever the act took place (Section 22 HRA). As Northern Ireland departments have been under a duty, since the introduction of the Northern Ireland Act 1998 on 2 December 1999, not to do anything in breach of Convention rights, it may be possible to challenge some decisions made before 2 October 2000. It will also be necessary for any person claiming that a public authority has contravened Convention rights to show that she/he is (or would be) a victim of the unlawful act (Section 7).

Actions must generally be brought within a period of one year beginning with the date on which the act complained of took place, although the court has discretion to extend this time limit.

HOW TO RAISE CONVENTION ARGUMENTS

Where there is a right of appeal, convention arguments can be pleaded as grounds for appeal. Where there is no right of appeal e.g. from the second tier decision of a homelessness appeal, a judicial review application may be brought founded upon convention arguments.

Section 3 of the HRA introduces the principle that, so far as it is possible, primary legislation and subordinate legislation must be read and interpreted in a way that is compatible with Convention rights. In the determination of any question in connection with a Convention right, courts and tribunals must now also consider the case law of the Strasbourg institutions. A broad approach to the principles of interpretation may resolve many inconsistencies of domestic
legislation with Convention Rights.

**INCONSISTENT PRIMARY LEGISLATION**

Where primary legislation is clearly inconsistent with Convention Rights and this cannot be remedied by the principles of interpretation, the validity and continued operation of the legislation will not be affected.

In such circumstances the only remedy will be to apply to the High Court for a declaration of incompatibility. The Court of Appeal and the House of Lords will also have jurisdiction to make these declarations. It is hoped that the government will meet its assurances to take prompt steps to amend legislation, where such a declaration has been made. Where the court is considering whether to make a declaration of incompatibility, the relevant Northern Ireland Minister/Department will have a right to be notified and joined as a party to the proceedings.

**REMEDIES**

If a court finds any act or proposed act of a public authority is or would be unlawful, it may grant such relief or remedy, or make any order within its power as it finds just or appropriate. Damages can only be awarded by courts which currently have the power to award damages or to order the payment of compensation in civil proceedings.

**CONCLUSION**

The possible impact of the Human Rights Act will of course be influenced by the identification and litigation of relevant issues by individuals and their representatives to establish a body of domestic case law. Law Centre (NI) welcomes enquiries and referrals of cases on Human Rights Act issues.

*Patricia Carty (Solicitor)*

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**Human Rights in Action**

a conference by Law Centre (NI) and Northern Ireland Human Rights Commission, will be held in Belfast on 14 September. For more details, contact Law Centre (NI):

028 9024 4401
THE SOLICITOR’S CRIMINAL BAR ASSOCIATION

The annual general meeting of the above association took place in Law Society house on 27th of June 2000.

The following Officers were elected.

- President - Jonathan Taylor
- Chairperson - Sean McCann
- Secretary - Ciaran Steele
- Treasurer - Seamus Leonard
- P.R.O. - Pearse MacDermott
- Research Officer - Fergal McLhatton
- Two ordinary members - Emmanuel Morgan, David McLrath

At the meeting the association discussed the current review in relation to both the Criminal Justice System and the review of legal aid which is part of this review. It was agreed that any attempt to introduce franchising, which in effect would prevent many of the association’s members practicing criminal law, would be vigorously opposed. The meeting agreed that it was better to see the exact detail of the proposed review in September before deciding on what action should be taken.

The Association was anxious to continue its series of varied and interesting lectures with a view to arranging talks by noted speakers on such topics as the Human Rights legislation and a practical guide to the impact of the Children’s Justice legislation now it has been operative for some time.

The Committee was hoping to arrange a meeting with the new head of the Legal Aid Department to discuss the current problems with green form payments and the delay in criminal payments, although it was noted that there was some prospect of improvement in this area.

The Committee undertook to keep the general membership informed of any developments and in particular to discuss the draft changes in the criminal justice review.

LEGAL STUDIES FOR LEGAL ASSISTANTS

The School of Law at Queen’s, in conjunction with the Servicing the Legal System programme (SLS), runs an introductory course in legal skills for those who work with law but who do not have a legal qualification. The course is aimed primarily at legal secretaries and solicitors’ clerks although it would be of interest to anyone whose work has a legal dimension. Taught by a small group of lecturers from the Law School, the course aims to clarify core legal principles and enhance the legal knowledge and experience participants have gained through their work. The course will run from September 2000 to May 2001 culminating in a small graduation ceremony. It involves one weekly two-hour class held in the late afternoon and it runs for twenty-four weeks with Christmas and Easter breaks. The classes are informal in nature and students will be required to complete a number of assessment exercises. The course is divided into six parts:-

- The Legal System
- Contract Law and Tort
- Family Law and Inheritance
- Aspects of Commercial Law
- Land Law and Conveyancing
- The role of the Solicitor

For further information and an application form please contact:

SLS Legal Publications (NI)
School of Law
The Queen’s University of Belfast
Belfast BT7 1NN

Tel: 028 90335224
Fax: 028 90326308

We look forward to meeting you in September!

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Legal Aid Costs Consultants
72 Delhi Street
Belfast BT7 3AL

Tel: (028) 90 208393
Fax (028) 90 589896

Legal Visits H.M. Young Offenders Centre Hydebank Wood

Some Solicitors have indicated that they have experienced delays in gaining admission to this facility as they have to queue with other visitors, but are not then subject to searches. The Deputy Governor of Hydebank Wood has indicated that if any Solicitors experience difficulties or delays they should raise the matter with staff immediately so that the problem can be established quickly. They may also choose to put any complaint in writing to the Governor.
Preliminary Evaluation of the Northern Ireland Courts/Video Link Pilots (HMP Maghaberry)

Members are asked to note the content of this letter received by the Society.

“You may recall that late last year, I undertook preliminary evaluation of a pilot scheme whereby inmates at the Young Offenders Centre, Hydebank Wood, fulfilled certain requirements of the courts by video link. In essence this meant that those inmates did not have to be escorted to the court but appeared in purpose built extensions of the court within the YOC. Since that time, a similar arrangement has been initiated at HMP Maghaberry. I have again been retained to conduct a preliminary evaluation of that arrangement which has been in operation for three months. The Maghaberry evaluation will consist of an inspection of the facility in operation, interviews with prison staff and inmates and a general call for comment from those with a professional interest in the system. I do not consider it necessary on this occasion to distribute questionnaires to your members as their opinions were thoroughly canvassed during the first evaluation. I do think it appropriate, however, through your office, to advise of the present project and to extend an invitation to any of your members/affiliates to communicate with me about the Maghaberry pilot should they so wish. I can be reached by letter, fax, telephone or email as listed below. As the project is a relatively small undertaking I anticipate that my report will be submitted to the prison authorities at the end of the month.

Keith Bryett PhD
23 Woodlands Walk
Hawley GU17 9HY
Surrey
Tel: 44 (0) 1276 34753
Fax: 44 (0) 1276 33222
Email: kbjw@psilink.co.uk

Information Required

1. The Doagh Flax Spinning Company Limited
2. Victoria Weaving and Finishing Company Limited

Would any person who has dealt with compensation claims against the above named companies or having knowledge of same, please contact

Flynn & McGettrick Solicitors
9 Clarence Street
Belfast
BT2 8DX.
TEL: 028 9024 4727
REF: C.E./L1939

Law Reform Advisory Committee

The Committee’s tenth annual report has been published and is available in the library. The report details work carried out by the Committee over the year as well as reporting on the progress of the First Programme of Law Reform.

Northern Ireland Prison Service

Recoupment of Production Costs Information

A notice on the revised procedures for recoupment of production costs following the introduction of the Prison Escort Group is available in the Law Society Library.
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INSOLVENCY (AMENDMENT) RULES (NORTHERN IRELAND) 2000

The above named rules will come into operation on 5 September 2000.

The Rules have two main purposes; they amend the Insolvency Rules (Northern Ireland) 1991

(a) to substitute, for references to the Bank of England, references to the Financial Services Authority in order to take account of the transfer of responsibility for certain functions from the Bank of England to the Financial Services Authority, as effected by Part III of the Bank of England Act 1998; and

(b) to provide that an affidavit of service in respect of bankruptcy petitions and statutory demands shall state fully the means used by the server to satisfy himself of the identity of the person served.

Health & Safety at Work

Ignorance of the law is no excuse
(especially if you are a solicitor!)

In order to comply with current legislation, each Practice with five or more people must have written evidence of the management of their Health & Safety. (Remember all “part-timers” count as one!)

Quality Health & Safety Services
Have extensive experience in the production and implementation of specially prepared manuals for solicitors’ offices.

For further information & advice please contact:

Quality Health & Safety Services
8 Lower Crescent
BELFAST BT7 1NR

Please call Michael Hoey
Phone/Fax: 028 9024 7900
Mobile: 0802 986351

COMPLAINTS BY SOLICITORS: REMINDER

Practitioners may recall an invitation from the Council for solicitors to report to the Society concerns about behaviour towards solicitors and/or their clients on the part of the security forces (and any other agency within the criminal or civil justice system) which has the potential to impugn, threaten or inhibit the solicitors’ ability to carry out their professional responsibilities fully and independently.

For this purpose a formal and confidential system to allow any such allegations to be registered and monitored was set up in December 1997.

The Council of the Society remains concerned to establish the extent and nature of problems encountered by solicitors in this area and to assist in ensuring that the matters reported to the Society are properly and fully addressed by the authorities, irrespective of any other means of complaint and redress which may be available. Accordingly solicitors are reminded of this facility for reporting these matters in confidence by writing either to the President or the Chief Executive of the Society.
The Employment Lawyers’ Group Committee is pleased to advise members that the Law Society has confirmed it is prepared to award Continuing Legal Education points retrospectively for attendance at Employment Lawyer Group talks/seminars during the 1999-2000 session. Ten points are awarded for attendance at each seminar. The Committee has submitted a request for similar accreditation for its talks/seminars in the coming sessions, 2000-2001.

### Lunchtime Seminar

**Industrial Tribunal Practice and Procedure**

**Key Issues Prior to Hearing: Extracting Evidence**

- **Speaker:** John O’Hara QC  
- **Date:** 29 September 2000  
- **Time:** 1pm (coffee and sandwiches served from 12.30pm)  
- **Venue:** Law Society House, Victoria Street, Belfast  
- **Cost:**  
  - Members £3.00 per talk  
  - Non-Members £6.00 per talk

Booking forms and cheques should be sent to: Orla Murray - Departmental Solicitors Office, Victoria Hall, May Street, Belfast

Note - Further talks are planned on disability discrimination and stress injury at work. Watch the Writ for details.

### Booking Form

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### Notice

The AGM will be held immediately after the monthly talk. Nominations for officers or for those who would like to serve on the committee should be sent to the Secretary. Nominations should be received by Wednesday 27 September.
Eplani Programme

Autumn 2000

Tuesday 12 September – Laganside and the Odyssey

Study tour to the Odyssey complex at Queen’s Quay, Belfast

The Odyssey, which is due to open in November 2000 will be Ireland’s biggest visitor, entertainment and leisure attraction with far in excess of one million visitors per year. This is a unique opportunity to visit the Odyssey before it is open to the public and see the important role that it will play in the regeneration of the area.

The study tour will commence at 5.30 pm at the Laganside Development Corporation Office at Clarendon Building, 15 Clarendon Road, Belfast where car parking will be available. We will then be taken by bus across to the Odyssey complex where a guided tour will take approximately one hour. We will all then be returned to Laganside for a buffet meal and slide presentation at the Laganside Boardroom.

Tuesday 10 October – Green Room, Belfast Waterfront Hall

David Bell – Reforms of the Water Legislation

The Water (Northern Ireland) Order 1999 was enacted in March 1999 but the main provision has still to come into place. David Bell is the Deputy Principal in the Environmental Policy Division of the Department of the Environment. His talk will deal with the main changes that the 1990 Order will bring and will be of direct relevance to environmental consultants, solicitors and those working in local government.

Tuesday 14 November – Belfast Waterfront Hall

‘Judicial review – the new method of development control?’

Michael Burroughs and William Orbinson

The use of judicial review by third party objectors has increased considerably in the last number of years. Michael Burroughs, planning consultant and William Orbinson, barrister will examine how the risk of judicial review influences the development control process. This will be of interest to developers, interested parties and their legal and professional advisers.

BOOKING FORM

Please reserve the following number of places at the above seminar(s).

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Members ____________ Non-Members ____________
Unwaged ____________

£10.00 £15.00 £5.00

I enclose a cheque for £_______________ as a non-refundable fee made out to the Environmental and Planning Law Association for Northern Ireland.

Please return completed Booking Form to Karen Blair, Chair, EPLANI, c/o Cleaver Fulton Rankin, Solicitors, 50 Bedford Street, Belfast, BT2 7FW, DX 421 NR Belfast
Membership Form

I/we wish to join/re-join EPLANI and enclose a cheque made out to EPLANI for the appropriate fee/confirm that the attached standing order form have been forwarded to my bank (please delete as appropriate).

Please tick the appropriate box.

Subscription rates

Individual Membership £20.00 

Unwaged/student Membership £10.00 

Corporate Membership £60.00 

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Fax: ____________________________________________________________

Email: __________________________________________________________

Please complete and return Membership Form to Karen Blair, Chair, EPLANI, c/o Cleaver Fulton Rankin, 50 Bedford Street, Belfast, BT2 7FW, DX 421 NR Belfast
The Bar Council of Northern Ireland, The Bar Human Rights Committee of England and Wales and the Law Societies of both jurisdictions invite you to a major conference to mark the incorporation of the European Convention on Human Rights into United Kingdom Law.

Leading speakers from England and Northern Ireland will examine the major impact of incorporation on all aspects of the legal system.

Organised by

THE HUMAN RIGHTS ACT 1998 AND THE INCORPORATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS INTO UNITED KINGDOM LAW

BELFAST WATERFRONT HALL: BT STUDIO

SATURDAY 30TH SEPTEMBER 2000

9.45 am - 10.00 am  Introduction by Brian Fee QC, Bar Library Chairman of the Bar of Northern Ireland Human Rights Committee

10.00 am - 10.30 am  Opening Address
Lord Lester of Herne Hill QC

10.30 am - 11.15 am  The impact of the Convention on Civil proceedings
Lord Justice Sedley

11.15 am - 11.45 am  Coffee

11.45 am - 12.30 pm  The impact of the Convention on Criminal proceedings
Alan Newman QC, Cloisters

2.00 pm - 4.00 pm  Individual lectures / seminars on the impact of the Convention on each of the following areas;
(a) Emergency Legislation;
   Arthur Harvey QC, Bar Library

(b) Employment and Discrimination
   Seamus Treacy QC, Bar Library

(c) Family;
   Heather Swindells QC, St Phillips's Chambers

(d) Judicial Review;
   Mr Justice Kerr

4.00 pm - 4.30 pm  Tea
4.30 pm - 5.15 pm  The Role of the Human Rights Commission in Northern Ireland
       Professor Brice Dickson: Chief Commissioner of the Northern Ireland Human Rights Commission

5.15 pm - 6.00 pm  Panel discussion chaired by Patrick Kinney, Chairman
       Human Rights Committee of The Law Society of Northern Ireland

6.00 pm - 6.30 pm  Concluding remarks from Stephen Solley QC, Cloisters
       Chairman of The Bar Human Rights Committee, England and Wales

6.30 pm - 7.30 pm  Evening Reception

To reserve your place, please post, phone or fax:

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The Queen’s University of Belfast  BT7 1NN
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DX 4330 NR BELFAST 34

Please reserve _____ place(s) for:  Human Rights Conference  Cost £100

25 CLE points will be awarded for this conference

NAME(S) ____________________________________________________________
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Please reserve _____ place(s) for:  Barristers called from 1997 to 2000  Cost £50

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ADDRESS _______________________________________________________________________
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I enclose a cheque for £ _______ made payable to SLS Legal Publications (NI).
The Law Society of Northern Ireland European Communities (Lawyer’s Practice) Regulations 2000.

These Regulations take account of the Society’s obligations to implement the provisions of the Lawyer’s Establishment Directive (reference 98/5), vis-à-vis any European lawyer, wishing to establish in Northern Ireland. Similar provisions allowing our members to establish in other European jurisdictions, are being implemented by the appropriate Authorities in other member states of the European Union.

The Regulations read: -

"The Council of the Law Society of Northern Ireland, in exercise of the powers conferred on them by Regulation 4 and Schedule 2 to the European Communities (Lawyer’s Practice) Regulations 2000 and all other powers enabling them in that behalf, and with the concurrence of the Lord Chief Justice of Northern Ireland, hereby make the following Regulations for the purpose mentioned in Article 25 of the said Regulations.

1. These Regulations shall be cited as the "Law Society of Northern Ireland European Communities (Lawyer’s Practice) Regulations 2000", and shall come into operation on 22nd May 2000.

2. (a) The Interpretation Act (NI) 1954 shall apply to the interpretation of these Regulations as it applies to a Statutory instrument.

(b) Other expressions in these Regulations have the meanings assigned to them by the Solicitors’ (NI) Order 1976 or the European Communities (Lawyer’s Practice) Regulations 2000 (herein after referred to as "the Order" and the "Principal Regulations" respectively).

3. Any European lawyer established or seeking to be established in the United Kingdom and wishing to pursue in Northern Ireland such professional activities as fall to be regulated by the Society, which are subject to the Principal Regulations, shall apply to be registered by the Society on the application form REL I contained in Schedule I [not reproduced here] to these regulations.

4. On receipt of an application pursuant to Regulation 3, the Society shall grant or reject such registration in accordance with the provisions of Regulations 15 - 20 of the Principal Regulations.

5. (a) Once a European Lawyer has been registered with the Society, in accordance with Regulation 4, the Regulations specified in paragraph (b) of this Regulation made by the Society pursuant to its powers under the Order in relation to the professional conduct of solicitors shall apply to the professional conduct of the registered European lawyers in the same manner as they apply to solicitors.

(b) The Regulations applied to the conduct of registered European lawyers by paragraph (a) of this Regulation are: -

(i) Solicitors’ Compensation Fund Regulations 1976;

(ii) Solicitors’ Professional Indemnity Insurance Regulations 1976;

(iii) Solicitors’Practice Regulations 1987;

(iv) Solicitors’Overseas Practice Regulations 1989;

(v) Solicitors’ Practice (Cross Border Code of Conduct) Regulations 1989;

(vi) Solicitors’ (Property Selling) Practice Regulations 1990;

(vii) Solicitors’(Incorporated Practice) Regulations 1990;

(viii)Solicitors’(Disciplinary Proceedings) Regulations 1990;

(ix) Solicitors’ (Insolvency Practitioners) Regulations 1991;

(x) Practising Certificate Regulations 1992 (as amended);

(xi) Solicitors’ Practice (Qualified Assistant) Regulations 1992;

(xii) Solicitors’ Investment Business Rules 1992;

(xiii) Solicitors’ (Conflict of Interest) Practice Regulations 1993;

(xiv) Solicitors’Advertising (Amendment) Regulations 1994;

(xv) Solicitors’ (Advertising, Public Relations and Marketing) Practice Regulations 1997;

(xvi) Solicitors’Accounts Regulations 1998.

(c) References to "solicitor" and "solicitors" in the provisions listed in paragraph (b) of this Regulation shall where appropriate be read as references to "registered European lawyer" or "registered European lawyers" as appropriate, and all other terms and references therein shall be construed accordingly and in a manner with the provisions of the Principal Regulations.
Criminal Procedure

Section 66 Criminal Procedure and Investigation Act 1996

Articles 28-30 Criminal Evidence (Northern Ireland) Order 1999

Crown Court (Amendment) Rule (Northern Ireland) 2000

The Crown Court (Amendment) Rules (Northern Ireland) 2000 have been made, principally, to take account of section 66 of the Criminal Procedure and Investigation Act 1996 and Articles 28-30 of the Criminal Evidence (Northern Ireland) Order 1999.

Section 66 Criminal Procedure and Investigation Act 1996 (“the 1996 Act”)

Section 66 of the 1996 Act (as modified in its application to Northern Ireland by Schedule 4) amends the Judicature (Northern Ireland) Act 1978 to introduce a new statutory system for summoning a witness to attend the Crown Court, to give oral evidence or to produce documentary evidence, where that witness will not attend voluntarily.

Articles 28-30 Criminal Evidence (Northern Ireland) Order 1999 (the 1999 Order)

Articles 28-30 of the 1999 Order provide certain protection for complainants in sexual offence cases. Article 28(1) provides that, at a trial for a sexual offence no evidence may be adduced and no question may be asked in cross examination by or on behalf of the accused about the complainant’s sexual behaviour except with leave of the court.

Crown Court (Amendment) Rules (Northern Ireland) 2000 (the Rules)

The Rules amend the Crown Court Rules (Northern Ireland) 1979 (“the Principal Rules”) to:

- insert a new Rule 44D into the principal rules to prescribe the procedure to be followed on an application for leave, under Article 28(2) of the 1999 Order, to adduce evidence on or about the sexual behaviour of the complainant on a trial of a person charged with a sexual offence (Rule 3);

- insert a new Part X into the principal Rules detailing the procedure to be followed for the summoning of a witness to attend the Crown Court for the purpose of section 66 of the 1996 Act.

The Rules also provide for evidence of a surety’s means to be provided on taking of a recognizance (Rule 2(a)) and correct a number of errors in the principal Rules (Rule 2(b) and (c)).

The Rules (except Rule 3) came into operation on 21 August. Rule 3 will come into operation on the same day as Article 28 of the 1999 Order (this is expected to be in the late Autumn).

Statutory Rules of Northern Ireland

Criminal Justice

The Criminal Evidence (1999 Order) (Commencement No. 1) Order (Northern Ireland) 2000

In exercise of the powers conferred on me by Article 1(2) of the Criminal Evidence (Northern Ireland) Order 1999(a) and of all other powers enabling me in that behalf, I hereby make the following Order:

Citation

1. This Order may be cited as the Criminal Evidence (1999 Order) (Commencement No. 1) Order (Northern Ireland) 2000.

Appointed day

2. The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 shall come into operation on 1st June 2000—

(a) Article 37 and

(b) the provisions of Parts II to VI for the purpose only of the exercise of any power to make court rules.

Peter Mandelson
Secretary of State for NI
Northern Ireland Office
31st May 2000

Explanatory Note (This note is not part of the Order.)

This Order commences as from 1st June 2000 the provisions of the Criminal Evidence (Northern Ireland) Order 1999 in so far as they relate to the making of court rules to bring the provision of the Order into effect. It also provides that the restrictions on the use of evidence from computer records are removed (Article 37).
In The High Court of Justice in Northern Ireland Queen’s Bench Division (Commercial List) Practice Direction No. 1/2000

Generally

The aim of the commercial list is to provide those engaged in commercial litigation with a venue and procedures by means of which their disputes may be justly and expeditiously resolved. The commercial court specifically recognises the importance to the commercial community of economy, efficiency and the maintenance of good business relationships and, accordingly, the court is anxious to encourage serious attempts by the parties to enter into productive negotiations with a view to achieving a mutually satisfactory resolution of the litigation or, at the very least, identification and reduction of disputed issues at an early stage in the proceedings. In this context, subject to appropriate variation in the individual case, the court will expect those engaged in commercial litigation to adhere to the following timetable:

(1) Discovery of documents shall be completed by each party exchanging lists not later than 28 days after the case is first admitted to the commercial list or the close of pleadings, whichever is the later. Inspection of documents shall take place not later than 14 days after exchange of lists.

(2) Any notice for particulars required shall be served not later than 28 days after admission of the case to the commercial list or the close of pleadings, whichever is the later. Notice shall be furnished thereto not later than 21 days from receipt of the notice.

(3) Any interrogatories required shall be served not later than 14 days after the exchange of lists of documents has taken place and replies shall be furnished thereto not later than 28 days after service.

(4) Statements of evidence/reports from expert witnesses shall be exchanged and agreed as soon as practicable.

(5) Meetings of expert witnesses for the purpose of attempting to agree evidence, identify and, if possible, reduce disputed issues in relation to both liability and damages shall, as far as possible, be held not later than 21 days after the exchange of expert statements of evidence/reports. Such meetings shall be minuted upon completion so as to indicate clearly the relevant issues identified, those which have been resolved and the nature and extent of any remaining disputes.

(6) Solicitors shall attempt to agree a hearing date and consult with the Registrar of the Commercial List to fix a date for hearing. Solicitors shall furnish to the Registrar an assessment of the probable duration of trial.

(7) In suitable cases, once discovery and interlocutory proceedings have been completed, before finalising the date for hearing, the court will direct that the parties, their representatives and expert witnesses should arrange to meet at an appropriate venue for the purpose of conducting detailed negotiations with a view to achieving a mutually satisfactory resolution of their differences. A review date will be fixed by the court for the purpose of receiving from counsel a report as to the outcome of such a meeting.

(8) The plaintiff’s solicitors shall prepare the following documents for trial and lodge them with the Registrar of the Commercial Court not later than 14 days before trial:

**Bundle A**

(i) Section 1 - the up to date pleadings with all orders made to date.

(ii) Section 2

(a) a summary of the issues involved;
(b) a summary of the propositions of law to be advanced with reference to authorities to be relied on;
(c) a chronology of events.

(d) where agreement is not possible between the parties as to (a),
(b) or (c) above the party or parties concerned may lodge a separate Bundle A or part thereof in accordance with the circumstances together with a note indicating the existence of disagreement.

(iii) Section 3 - any proposed amendments to the pleadings.

**Bundle B**

This should comprise the following documents, set out in separate sections, paginated and indexed:

(a) Agreed bundle of correspondence in chronological order.

(b) Copies of disclosed statements/reports of evidence of expert witnesses.

(c) All documents to be relied on by the plaintiff.

(d) All documents to be relied on by the first defendant.

If there is more than one other party the bundle shall include the documents relied on by the other defendants and/or third party or subsequent parties. It shall be the responsibility of the defendants and other parties to furnish to the plaintiff the documents to be relied on by them in advance of trial for incorporation into the bundle. The parties should use their best endeavours to produce an agreed bundle of documents. If there is any dispute as to the admissibility or relevance of any document, such document or documents should not be included in the bundle but kept in a separate file. If the court admits the document/documents the document/documents can then be inserted in bundle B at the appropriate place.

(e) The documents discovered by each party.

The bundles should be wholly legible and arranged chronologically in a ring binder or lever-arch file. Where documents are copied unnecessarily or not properly incorporated into a bundle there may be a penalty in costs. Any document not included in a bundle which is to be adduced in evidence of the trial should be hole-punched for ease of insertion into the bundle at the appropriate place.

(9)(a) Where maps and photographs are relied upon, practitioners should ensure that the provisions of Order 38, rule 3A have been satisfied;

(b) where photographs are to be relied upon, they should be either presented in album form with each photograph numbered, dated and described in the album or in an index or be presented in an envelope of sufficient dimensions to hold the photographs which should be numbered, dated and described on the rear thereof.

(c) where maps are to be used the court should be provided with two clear copies.

(10) Any party shall have liberty to apply to the Commercial Judge for further or amended directions or extensions of time where the same are found to be necessary.

Dated the 2nd day of June 2000
COMPANY SOLICITOR
NORTHERN IRELAND BASED

Our client, part of a major international group, is a dynamic and highly successful manufacturing company. The company has achieved an unrivalled reputation for product innovation, continuous improvement and customer relationship management. The company employs over 3,600 people and continues to grow rapidly.

We are seeking to appoint a Solicitor who will play a key role within the Legal Department in assisting the company to conduct and manage its business effectively. This is an exciting and challenging role that offers tremendous variety and considerable scope for further career advancement.

The appointee will be responsible for legal activities in the corporate, contract and commercial fields and in legal matters relating to the company’s staff, property and products.

The successful candidate will have at least two years post qualification experience, be commercially astute and will demonstrate technical competence across a range of areas which may include employment law, commercial contracts, litigation, insurance and property practice. Excellent organisational and communication skills are essential. The role offers a very competitive salary package and excellent career prospects.

To apply, please write to Ciaran Sheehan enclosing a CV and quoting reference number 00125, at:

MERC Partners Northern Ireland,
12b Clarendon Road,
Clarendon Dock, Laganside,
Belfast BT1 3BG

Email postmaster@mercpartners.co.uk

Closing Date: 18th September 2000

Selection & Human Resource Consultants

visit our website at http://www.merc.ie
"If God invented Marathons to keep people from doing anything more stupid, Triathlon must have taken Him totally by surprise"

Some of you may recall an article headed "This is war" which was contained within this prestigious publication in the May issue when Peter Jack of RG Connell & Son, Limivady and Terry MacAllister of MacAllister Keenan, Larne squared up to each other for the title of the Fittest/Craziest Athlete. The gauntlet was firmly slapped down and quickly picked up again at 6.15am on the morning of the 29th July. They wished each other luck (Terry couldn’t find any henchmen that early in the morning to hold Peter back for a while) and plunged into the water at Benone Beach at the start of what some can only describe as lunacy; Peter and Terry just saw the chance of a good after race party! The challenge for the day was to swim 2.4 miles then cycle 112 miles and then run 26.2 miles (yes these figures are correct)! The event is known as the Iron Man Triathlon and anyone who knows Peter would realise that only he would be crazy/stupid enough not only to organise such an event but also participate. Anyone who knows Terry would know that he’s just stupid enough to do it!

The pride of the respective firms were at stake here and so with almost 50 athletes (lunatics) churning up the sea at Benone Strand the day commenced.

With healing scars of their frontal lobotomies glinting in the morning sun both Terry and Peter were out of the water fairly close to each other in just over an hour and as they shed their wet suits and donned their cycling kit. Terry could only watch from afar as Peter’s superior athletic prowess allowed him to take a lead on the bike and thoroughly pound Terry into a pulp on the Marathon Run. Obviously Terry’s preparations were not as good as Peter’s and a little mixture of dehydration and sunstroke didn’t help him much. Peter, with his usual twisted mind, had the run go past Magilligan Prison four times and it is not true that Terry was seen sneaking in the gates clutching a Green Form although his time for the run would tend to support the proposition. Alternative dispute resolution (ADR) had never looked so attractive and during the run Terry wished that he had taken Sue Bryson up on her kind offer to mediate between the duelling pair at the earlier stage.

Despite a strong surge at the finish, Terry was unable to catch Peter as a direct result of which Terry has been writing cheques ever since to Help the Aged (he felt like making that one out to himself) and also awaits with trepidation to hear who the winner of the bottle of champagne was, from the person with the closest guess to the times each respective athlete/lunatic took.

For the record Peter managed the gruelling event in 12 hours 46 minutes and 24 seconds.

Terry on the other hand limped home well behind in 14 hours 20 minutes and 58 seconds.

The real winners of the day were the National Meningitis Trust and Help the Aged and if any one of you kind readers have not yet submitted your contribution to either MacAllister Keenan or RG Connell for the respective charities, then please do so and if you correctly guessed the correct times or were the closest then contact either Terry or Peter and claim your free bottle of champagne (which will be followed by a short presentation to entice you to join a holiday club at nominal cost, honest, it isn’t a time share!)

The thanks of both Peter and Terry go to all those who supported them for the event (i.e.) families etc. and particularly those of you who gave so generously to the nominated charities.

Now, you would think that the duelling duo would let it rest there, wouldn’t you, - not on your Nellie sunshine – what’s all this about a marathon at the end of October?

Terry MacAllister
Public Liability Solicitors
Panels 2000 – 2003

Introduction
The Housing Executive regularly renews its external Solicitors Panels. As a result, there currently are vacancies on each of the Executive’s six Public Liability Solicitors Panels. Details of the geographical scope of each Panel will be provided on request.

The Panels are as follows:
- Belfast Panel (four members)
- North East Panel (one member)
- South East Panel (one member)
- South Panel (one member)
- West Panel (one member)
- North West Panel (one member)

Within the geographical scope of each Panel, that Panel’s member(s) will be responsible for carrying out all the Executive’s requirements for the services of external Public Liability solicitors.

Duration of Panels
Membership of a Panel will be for a period of three years.

Eligibility
A firm will be eligible for an appointment to a Panel if they satisfy all of the following eligibility criteria:

1) At least two solicitors must be working in the Firm (including any employed solicitor).
2) One of those Solicitors must have acted for defendants in personal injury litigation as a predominant (more than 50%) part of his/her work load for at least one year (or for periods in aggregate amounting to one year). That solicitor must be nominated as the “Designated Solicitor” for the purposes of the Panel.
3) Another solicitor in the firm must have acted for defendants in personal injury litigation as a substantial (more than 25%) part of his/her workload for at least one year (or for periods in aggregate amounting to one year).
4) The firm’s principal or one of the principals must have been in practice as a principal on his/her own account for at least three years.

Selection Procedure
Any firm willing to be considered for an appointment may obtain a questionnaire and details of the selection criteria, by writing to the Public Liability Solicitors Panels Co-ordinator, Client Services Division, Second Floor, The Housing Centre, 2 Adelaide Street, Belfast, BT2 8PB

A firm will not be free to make multiple Panel applications but instead it will have to choose one particular Panel in which it is interested.

Completed questionnaires must be returned to arrive with the Co-ordinator at the above address not later than 4.00pm on 22 September 2000. No acknowledgements will be sent.

SOCIETY FOR COMPUTERS & LAW

“Professional Use of the Internet and Basic Legal Issues”

Speakers: Michael Kaye, Kaye Tesler & Co. Lee Cudmore, Osborne Clarke

Date: Wednesday October 25th
Time: 5.00 pm
Venue: Law Society House
Booking: Caroline Gould 01179 237393
Cost: 20.00 + VAT (£23.50) for SCL members
£35.00 + VAT (£41.13) for non-members

Michael Kaye is Senior Partner in Kaye Tesler & Co and is Managing Director of NKT (Computer Consultants) Ltd (Internet design company) and Video Conferencing for Lawyers Ltd.

Lee Cudmore is an Assistant Solicitor at Osborne Clarke working in the IT, Telecoms and Medial team, based in Bristol where he advises a range of clients on a host of Internet-related issues.
ConsumerLine

Consumer Council’s Unique Website puts Consumer Advice ‘on-line’

Check it out at: www.consumerline.org

ConsumerLine is an exciting and unique website giving people the help and advice they need to sort out consumer problems. Launched by the General Consumer Council, with the backing of the District Councils, it is designed to be easy to use and has detailed information on problems ranging from counterfeit goods to second-hand cars.

ConsumerLine gives free advice on consumers’ legal rights and helps sort out the best way of getting a satisfactory result to problems. It offers help to solicitors by giving details of ‘What the Law Says’ on typical consumer issues. A summary of the main pieces of Northern Ireland consumer legislation is available. Also included are contact details for a whole range of consumer organisations offering expert advice.

PRACTICE FOR SALE

A well established South Belfast practice is for sale. Prominently located this practice would complement an existing business, or offer substantial opportunities to an enthusiastic solicitor wishing to develop his/her own potential.

The principal is retiring.

Enquiries in confidence to: Michael Wilson, Elliott Duffy Garrett, Royston House, 34 Upper Queen Street, Belfast BT1 6FD. DX 400 NR Belfast.
**Missing Land Certificates**

**Folio Nos: 38833**
**County Borough of Belfast**
Registered Owners: Nuala Dempsey, Mary McParland, Kathleen Collins
Lands at Somerton Road, Belfast

**TAKE NOTICE** that any person having custody of or information as to the whereabouts relating to the above mentioned Folio should forthwith produce said Certificate or communicate such information to the undermentioned Solicitor.

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

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Napier & Sons
1/9 Castle Arcade
Belfast
BT1 5DF

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**Land Registry**
Folio: TY7649
County: Fermanagh
Registered Owner: Saint MacCarten’s Diocesan Trust.
Bishop’s House, Monaghan, Co Monaghan

**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 said Certificate or communicate such information to the undermentioned 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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Belfast, BT1 5DF

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**Mrs Louisa McBride 44 Woodvale Road, Belfast, BT13**

Would any solicitor having possession of the title deeds of the above named property or having any knowledge as to the whereabouts of the same please contact the undernoted solicitor as soon as possible.

Raymond Crooks of
V Thompson & Co Solicitors
325 Shankill Road
Belfast
BT13 1FX

Tel 02890 595552
Fax 02890 595553

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**Land Registry**
Folio: 1242L
County: Antrim
Registered Owners: Patrick Joseph Boal and Kathleen Boal
Lands of Whiteabbey (8 Cambrai Park, Newtownabbey)

**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 said Certificate or communicate such information to the undermentioned Solicitors.

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Solicitors
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**Land Registry**
Folio: LY9420
Co. Londonderry
Registered Owner: Thomas Carlin & Rose Carlin
Lands at 35 Foyle Park, Londonderry

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**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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McCartney & Casey
Solicitors
3 & 4 Castle Gate, Derry
BT48 6HG

Tel: 02871 288888
Fax: 02871 372444
Busy Legal practice in Northwest seeks Assistant solicitors for Litigation/Court-related work.
Post qualification experience not essential.
Reply in writing with CV to:
The Office Manager
Brendan Kearney, Kelly & Co
Clarendon House
4 Clarendon Street
Londonderry
BT48 7EX
Closing date for applications Monday 18th September 2000.

Assistant Solicitor required for
Belfast city centre practice to handle range of work including litigation, conveyancing, matrimonial and criminal. Experience in criminal work preferred but not essential as training will be provided.
Position would suit newly qualified solicitor. Salary negotiable. Apply in writing, in confidence, enclosing C.V. to:
Mr Ciaran P. Steele
Solicitor
177 Victoria Street
BELFAST
BT1 4PE
Closing date: Friday 8th September 2000

McConnell & Fyffe
Long established provincial practice requires Assistant Solicitor for general practice. Applicants should have at least 3 years p.q.e. and have experience in both Conveyancing and Litigation. High level of initiative and presentation skills are required. Salary will be negotiable and good opportunities exist for career advancement.
Please apply in writing (enclosing a C.V.)
To: The Personnel Partner
McConnell & Fyffe
1, John Street,
Omagh

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Vacancy for newly qualified or 1-2 years P.Q.E
Criminal, Matrimonial & Family Law
All enquiries and CV’s to:
John F. McEvoy & CO.
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Tel: 028 3832 2228 or 3832 6977
Fax: 028 3832 4716

R M Cullen & Son Solicitors
Require Assistant Solicitor to join their long established firm.
Post qualification experience preferable, as is experience in Litigation and/or domestic/commercial Conveyancing.
An attractive financial package and a long term career opportunity will be available to the successful applicant.
Applicants preferring part-time work will be considered.
Absolute confidence guaranteed.
Application including C.V.:-
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R M Cullen & Son
16-20 Edward Street
Portadown
Co Armagh
BT62 3NA

Morrow & Wells Solicitors
We wish to recruit 2 Solicitors:
• A newly qualified solicitor or one with 1-2 years PQE to handle a range of work including litigation, property, commercial and/or wills/probate. There will be an opportunity to specialise in one of these areas once experienced is gained;
• An experienced Property Solicitor with 3-4 years PQE of commercial developments, conveyancing and leases. Applications from more experienced solicitors seeking fresh challenges and rewards would also be welcome.
Suitable candidates will be ambitious and hard working. Computer literacy an advantage. Attractive salary and excellent career prospects.
Please apply in writing, enclosing C.V to:
The Personnel Partner
Morrow & Wells
57 Upper Arthur Street
Belfast
BT1 4GJ
Telephone 028 9023 3866
Fax 028 9033 0762

Gerard Maguire Solicitors
4A Carleton Street
Portadown
BT62 3EN
TEL: (028) 3839 3488
FAX: (028) 3839 3489

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(2) Attractive salary with definite partnership prospects
(3) Suitable candidates should be ambitious and hardworking and willing to undertake all legal requirements of a small general practice.
Apply with C.V. to above address in strictest confidence by 15 September 2000.

Full Time Solicitor(s) / Legal Executives(s) Required for expanding Ballymena Practice
Candidates should have experience in Conveyancing and IT skills but applications will be considered from candidates who are prepared to acquire such skills.
Apply in the first instance, in writing, enclosing full CV to:
TS McAllister & Son
32-36 Mill Street
Ballymena
BT43 5AE
e-mail: tsrecruiting@Btinternet.com
All applications will be dealt with in the strictest of confidence.
**Solicitors required**

**Assistant Solicitor Required**
3 Years PQE required
Litigation experience preferred
IT skills essential
Excellent Prospects
For the ambitious candidate
Applications in writing before 15 September 2000 with full CV to:
The Office Manager
McGrady Collins
Solicitors
48 St Patrick’s Avenue
Downpatrick
BT30 6DW

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Mr Paul Nolan
Paul K Nolan & Co
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Finaghy
Belfast BT10 0LH
Tel: 028 9030 1113
e-mail to law&pkn.co.uk
Applications will be treated in confidence.

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For established and expanding practice. Experience in conveyancing and litigation an advantage and would be preferred.
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9 Portland Avenue
Glengormley
BT36 5EY
Closing date: 30 September 2000

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Law Firm seeks immediately Law Practice from anyone contemplating retirement.
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Citigate House, 157-159 High Street
Holywood, BT18 9HU

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**Missing Wills**

**RE:** Elizabeth Anderson deceased late of 5 Frankhill Park Carryduff County Down
Would any Solicitor who is aware of a will made by the above named deceased please contact
John Boston and Company Solicitors
565 Upper Newtownards Road
Belfast
BT4 3LP
Tel: 028 9048 0460

**RE:** Anna Mary Lenfestey Deceased late of 60 Springfield Road, Belfast
Would any Solicitor or other person holding or being aware of the whereabouts of a Will made by the above named deceased who died on the 2nd June 2000 please contact
James Doran & Co. Solicitors
19/21 Corn Market
Belfast.
Tel Nos - 90240440 or 90321434 or Fax No - 90439482.

**RE:** John Enwright late of 12 Stockman’s Crescent, Belfast. County Antrim
Would any Solicitor having knowledge of the whereabouts of a Will of the above named Deceased, or any other relevant documents, please telephone
Mr Brian Feeney, Solicitor,
Donard King & Co.
23 High Street
Ballynahinch
Co Down.
Tel: – 028 9756 5625

**RE:** Robert Kirkpatrick Rodgers deceased formerly of 15, Joymount, Carrickfergus/9, Wynnland Avenue, Newtownabbey, date of decease 8th February 2000.
Would any Solicitor who is aware of a Will made by the above named deceased contact
Paula Kearney at
Kearney Sefton Solicitors
Franklin House
12 Brunswick Street
Belfast
BT2 7GE
Tel: - 028 90232940.

**RE:** John (Jack) Kirkpatrick late of Nutfield, Brookeborough, County Fermanagh BT94 4FJ Would any person having knowledge of the whereabouts of a Will for the above named deceased please contact
McMillan & Ervine, Solicitors
31 Main Street
Saintfield
County Down
BT24 7AB
Tel: - 028 97519082

Would any Solicitor having possession of original Will of the above named deceased or having any knowledge of the whereabouts of same please contact
Gilbert Nesbitt
Wilson Nesbitt Solicitors
33 Hamilton Road
Bangor
Tel: - 028 9127 1035 or fax 028 9146 5389

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1) Witchell: Residential property law in Northern Ireland. SLS. 2000
4) Bramley: The Civil Justice Reforms one year on; Freshfields assess their progress. Butterworths. 2000
6) The corporate plan; the Legal Aid Department 2000 to 2003. Legal Aid [Northern Ireland]. 2000

Select Sites

Government Departments

1) Lord Chancellor’s Department
http://www.open.gov.uk/lcd/
The Lord Chancellor’s Department is responsible for overseeing the administration of justice in England and Wales. The site contains useful information on the management of the courts, administration of legal aid, and appointment of judicial office holders. Many major reports, reviews and research papers may be accessed from this site.

2) Department of Trade and Industry
http://www.dti.gov.uk/
The DTI is the government department with the aim "to increase competitiveness and scientific excellence in order to generate higher levels of sustainable growth and productivity of a modern economy". Of most interest on this site are the links to regulatory guidance on matters such as consumer safety and consumer credit, company and competition matters, fair trading, and aspects of employment law.

3) The Patent Office
http://www.patent.gov.uk/
This site provides information on intellectual property rights, covering copyright, designs, patents and trade marks. A list of frequently asked questions covers areas such as how to prepare a UK patent application and how to file registered designs. Official forms are available on this site, which may be filed by facsimile transmission when completed

4) Data Protection Registrar
http://www.dataprotection.gov.uk/dphome.htm
This site is divided up into 7 headings including what’s new, guidance and other publications, contact us, principles of data protection, site map, freedom of information and links to other useful sites. Each heading is then sub-divided. If you are unable to find what you are looking for from the links provided there is also a search facility.

5) The Home Office
http://www.homeoffice.gov.uk/
This site has been restructured around key subjects and there is also an A-Z index available. There are also other links to press releases and legislation and the Home Office organisation itself which gives details about Ministers and Home Office directorates and units. You can also use the search facility.

6) The Law Commission
http://www.lawcom.gov.uk/homepage.htm
In the Law Commission’s "What’s New" link you will see details of current consultation projects. In the "Library" link you will find executive summaries and the full texts of all recent reports and consultation papers, and the "Law under Review" link contains summaries of current official law reform projects by the Commission and by other bodies. There is also a very useful link to many other heavily used sites such as the Employment Appeal Tribunals, the Equal Opportunities Commission and the Health and Safety Executive.

Library Deposit Facility

The library is implementing a deposit facility whereby material and services provided will be automatically debited from solicitors’ accounts.

Deposit accounts
You can open a deposit account with a deposit of £50 or multiples thereof. We will debit your account and send you an itemised statement each month showing individual request details (including solicitor concerned and service used).

When the balance on your account reaches a certain level, we will send you a proforma invoice, inviting you to send further funds to replenish your account.

For further details, please contact Heather Semple, librarian.

Copy Deadline for September Friday 8 September 2000

Law Society Library Email: hsemple@lawsoc-ni.org

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