

# THE WRIT



JOURNAL OF THE LAW SOCIETY OF NORTHERN IRELAND

## THE TWO-LEGGED SCAM

You wouldn't fall for a Nigerian letter "scam" would you?. But what about the flattery and promises of largesse coming from clients who can best be described as "two-legged scams"? These walking time bombs for the Society's Master Policy have an unbelievably attuned antennae for solicitors with struggling practices, financial problems, or difficulty in meeting their partnership objectives.

What are the warning signs? The clients may arrive clutching bundles of allegedly unencumbered Title Deeds, with plans which involve the buying and selling of vast numbers of properties and apparently limitless funds from secondary lenders. Alternatively they allege how they have been hard done by some dishonest and fraudulent solicitor, and can't have access to their Deeds. What the solicitor may not realise is that many of the Title Deeds should have charges against them. Previous solicitors have been cajoled into not registering those charges. The secondary lenders charge above the odds levels of interest as a quid pro quo for turning a blind eye to the borrowers' lack of credentials, and to fund the heavy commissions paid to the lending staff. Valuations for the property come mostly from non first-rank valuers. Potential purchasers for whom the solicitor is also asked to act, may or may not exist – the solicitor will almost certainly not see some or all of them. Sometimes the client may work through a network of companies owned by himself or his family – properties are sold between them to fund increasing borrowings. Before long properties will have acquired

charges in excess of any market value. The properties will be sold on at undervalue – the solicitor has given undertakings; the bank loan is not redeemed and the Bank relying on the solicitors' undertaking threatens proceedings.

The client will persuade the solicitor to part with funds, the solicitor's accounts are not in order, the client is pressing and hustling, seeking a reward for all the business which he has put the solicitor's way. A cheque is written from the client account. The funds are not there to cover it. What does the solicitor do? See that the monies are replaced immediately? Consult the Society? Seek advice from a senior colleague? Consider the need for police involvement? No! Instead he continues to work for the client, who continues to cajole and charm. His ship never arrives; the crock of gold is not at the end of the rainbow; and the hole in the solicitor's client account continues to grow.

At the end of the day the solicitor loses everything – his professional integrity, financial probity, his sense of judgment and most likely his Practising Certificate.

Many solicitors have over the years conducted business successfully with entrepreneurial clients. This is done by making the ground rules clear; by refusing to breach regulations or give undertakings. The profit driven priorities of the entrepreneur are not necessarily the priorities of the professional. The differences are probably no more than the difference between getting things done and getting things done properly. For the

solicitor that includes maintaining a well defined paper trail, recording all client's instructions and all attendances in writing – these clients often don't give written instructions, you have to do it for them; paying out funds to the proper recipients; securing title for lenders who are also your clients. It also includes not acting for both parties unless in accordance with Society Regulations and guidance and if then in order, meeting and identifying both parties.

The Society has a regulatory framework, which enables solicitors to say 'No' – this includes reliance on the requirements of the Solicitors' Accounts Regulations; reliance on the core values of legal practice – independence, avoidance of conflicts, and confidentiality. Furthermore, the solicitor as an officer of the court, gives his word as his bond – commercial practice could simply not take place if third parties were not able to rely on undertakings. For that reason, the law on undertakings is very strict. Solicitors for that very reason should not give undertakings they have any doubts about fulfilling.

The Society's Practice Regulations specifically prohibit solicitors from acting for developers and purchasers – not only does that protect the solicitor, it protects the client from allegations of undue influence by a dominant client. There is no difference in principle between an entrepreneur for whom you are acting, and a developer, hence it is not advisable to act for a purchaser from such a client.

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At the very least, when acting in these circumstances, maintain separate files, ledger cards and records for each separate transaction irrespective of volume.

Finally, be prepared to ask yourself why such a wonderful and important client should choose your practice. If your partner has acquired such a client, bear in mind the clear dicta in Weston-v-Law Society (15th July 1998 Times Law Reports – QBD) that solicitors are under heavy obligations, quite distinct from their duty to act honestly, to observe the Solicitors' Accounts Regulations, so as to afford the public maximum protection. Where a solicitor, against whom dishonesty is not alleged, is guilty of breaches of the Accounts Regulations through the activities of his partner and of which he was unaware per se, such conduct may lead to disciplinary sanctions. The Disciplinary Tribunal in Northern Ireland has affirmed the Weston decision and confirmed that the same heavy onus of joint and several responsibility applies under the Solicitors' Practice Regulations.

## Notice to all Writ Contributors & Advertisers

Each edition of The Writ carries, on the back page, a deadline by which all editorial and advertising copy should be with either the Law Society or Citigate Northern Ireland.

Over recent months non-adherence to this deadline by contributors and advertisers has led to a certain amount of slippage in the printing and distribution of The Writ.

In future, editorial and advertising copy must be submitted to either the Law Society or Citigate Northern Ireland by the printed copy deadline. There will be no guarantee that copy arriving after the deadline will be published in the subsequent edition of The Writ.

All copy submitted for The Writ must be complete ie it must include not just the text to be printed but also any headlines, graphics, photographs etc.

The copy deadline for the July/August issue of The Writ is 19 August 2002.

# Senior Solicitor Panel

The members of the Senior Solicitor Panel are:-

1. John Baxter, formerly Wray & Baxter, 3 Ballyhome Road, Coleraine, BT52 2LU, Tel: 028 2073 1552/Fax: 028 2073 0045;

2. Bruce Thompson, W B Thompson & Co, 36 Catherine Street, Limavady, Co Londonderry, BT49 9DB, Tel: 028 7772 2400/Fax: 028 7776 6055/E-mail: wbt@wbthompson.co.uk;

3. Bill McCann, Mills Selig, 21 Arthur Street, Belfast, BT1 4GA, Tel: 028 9024 3878/Fax: 028 9023 1956/E-mail: infor@nilaw.com;

4. Alan Reid, James Murland & Company, 15 English Street, Downpatrick, BT30 6AP, Tel: 028 4461 9980/Fax: 028 4461 3527/E-mail: law@murlands.co.uk;

5. Gerard McClure, Gerard McClure & Co Solicitors, Unit 7, 190 Saintfield Road, Belfast, BT8 4HG, Tel: 028 9070 9348/Fax: 028 9070 9349;

6. Garrett E O'Reilly, O'Reilly Stewart Solicitors, 116 Royal Avenue, Belfast,

BT1 1DL, Tel: 028 9032 1000/Fax: 028 9023 1959/E-mail: oreillystewart@dnet.co.uk;

7. Sean Fox, Fox & Associates Solicitors, 403 Lisburn Road, Belfast, BT9 7EW, Tel: 028 9038 2788/Fax: 028 9038 2787;

8. Paul Malone of Malone & Co, Lisburn Road, Belfast, BT9 6AF, Tel: 028 9224 2859/Fax: 028 9232 5969.

The Practice Advisory Panel exists to provide a vehicle whereby solicitors with professional problems can seek impartial advice from experienced members of the profession in situations ranging from one-off problem files to serious management difficulties.

Solicitors may seek the services of any of the solicitors on the panel direct on a confidential basis (subject as below). Alternatively reference may be suggested by the Society's regulatory Committees or by our Brokers through claims handling in circumstances where it is felt that solicitors would benefit from advice, in particular where solicitors conduct has been such as to jeopardise their right to confidentiality

under Regulation 24 of the Solicitors' Practice (Amendment) Regulations 1995.

Where solicitors actively seek assistance, they will obviously be responsible for reimbursing the Advisory Panel member themselves but the Society will be responsible for reimbursing the solicitors to a limited extent where a referral is made through the Society or the Brokers.

All matters will be handled on a strictest confidentiality basis with each case being dealt with on its own merits. However, in circumstances where there is obvious defalcation or where client monies are missing, the panellists will draw the matter to the attention of the Society. This reflects the principle in Regulation 24 of the Solicitors' Practice Regulations that the Brokers may breach confidentiality where professional misconduct is evidenced.

We have every confidence that the members of the Practice Advisory Panel will do their utmost to assist colleagues in difficulties. You are urged to seek their help.

# Louis M Browne International Client Counselling Competition 2002

Dear Editor,

We are writing to you with a report as the Northern Ireland team who participated in this year's Louis M Browne International Client Counselling competition, held in Stetson University School of Law, St Petersburg, Florida.

We arrived in sunny Florida a few days early in order to acclimatise and met up with our team coach, Anne Fenton, on Wednesday 3rd April in order to discuss tactics and the forthcoming problems we were to deal with in the competition proper. That evening both the Scottish team and ourselves were lucky enough to avail of Stetson's season tickets for the 'Tampa Bay Devil Rays' baseball team, and were treated to a thrilling win over the 'Detroit Tigers' in Tropicana Field, we even managed to get our faces on the big stadium screen!

It was down to business the following day, when we attended Stetson Law School and met with our fellow competitors from Australia, New Zealand, South Africa, Jamaica, Cayman Islands, England, Scotland, Republic of Ireland, Hong Kong, USA and Canada.

We were presented with welcome packs from our hosts and drew lots for the order of proceedings in the following day's competition. That night we enjoyed real American food with our Australian, Scottish and Republic of Ireland counterparts. The first day of competition involved interviewing two clients regarding specific environmental law problems.

It proved quite a challenge trying to extract the relevant information from these actors/clients - each with very different problems and personalities - in a limited period of time and in front of three judges. After a long day of interviewing the competition organisers announced the six countries who were to progress to the semi-finals in the next and final day of competition. We were absolutely delighted to make it through to the

next round, being drawn with Australia and Republic of Ireland. The other semi-final consisted of New Zealand, Scotland and USA.

As the competition progressed, the problems (and the clients!) grew more and more difficult.

In our semi-final we were faced with a very emotional and frightened client whom we discovered - after a lot of probing - was involved in the illegal importing of endangered animals. We were happy with our performance but we were still surprised and absolutely delighted when it was announced that we had made it into the final against the team from Scotland.

We won the toss, decided to go first and had the grand total of twenty minutes to prepare for the final. Although no amount of time could have prepared us fully for the final 'client' - a Florida judge with an interest in amateur dramatics - who was more than happy to do all the shouting and none of the listening.

Despite this, and despite the large audience, panel of seven international judges and TV camera, we turned in a good display. Unfortunately for us, the Scottish team also did a fine job and were announced as winners.

The entire trip was a fantastic experience, and whilst we were disappointed to lose in the final, we were very happy with our performance and really did not expect to make it so far. A huge part of our success was down to the assistance of our coach, Anne Fenton, as well as



*Professor Teply (left) presenting the certificate to the Northern Ireland team, runners up in the 2002 Louis M Brown International Client Counselling Competition, Ciaran Maguire (centre) and Steven Keown (right).*

the invaluable help received from both Ruth Craig and Kate McKnight in the Institute of Professional Legal Studies prior to our departure for Florida. As well as having these superb people in our corner we also found ourselves with the assistance of one of last year's triumphant Northern Irish team, Paddy McGrath, who also travelled to Florida and provided us with his expert advice.

Whilst our thanks must go to the above-named people, our sincere thanks must also go to your organisation as a very generous sponsor of our trip. Without such assistance the trip would not have been the experience of a lifetime that it turned out to be, and we both hope that this letter gives you a glimpse of what was a truly memorable journey.

**Yours faithfully**  
**Steven Keown & Ciaran Maguire**

## ADVERTISEMENT

# Legal Studies for Legal Assistants

The School of Law at Queen's, in conjunction with SLS Legal Publications, 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 2002 to May 2003 culminating in a small graduation ceremony. It involves one weekly two-hour class held on Tuesdays from 5-7 pm 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:-

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For further information and an application form please contact:



SLS Legal Publications (NI)  
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We look forward to meeting you in September!

## ADVERTISEMENT

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# WEB WATCH

It is interesting to note that a number of law firms in Northern Ireland are now making good use of dot com addresses. One of the first to realize the potential of hosting a site behind a name that says much about the firm was MorganMcManus Solicitors which has offices both sides of the border. Their site at [borderbizlaw.com](http://borderbizlaw.com) reflects well their niche market in serving businesses that require legal advice for both jurisdictions.

Just a few years ago amid the dot com frenzy it was difficult to find popular dot com addresses. Now, as registrations lapse, many are back on the market and easy to buy at web sites such as [internetters.co.uk](http://internetters.co.uk). Gone however, are [solicitorsni.com](http://solicitorsni.com), [solicitorsni.net](http://solicitorsni.net) and [solicitorsni.com](http://solicitorsni.com) all to firms that no doubt realize the value of easy to

remember names when they appear on more traditional forms of advertising.

Many firms however, have still to launch themselves into cyberspace and one firm based in Belfast may make the process seem more like simple office administration than rocket science. [ecom-software.com](http://ecom-software.com) offer a package targeted directly at the professions in Northern Ireland. They offer templates, hosting and a software package which, they claim, allows firms to update their web site easily from their own office PC.

One disadvantage of a web site is that it usually leads to an increase in unsolicited mail for the firm. This is because email harvesters will visit the site and send any email address featured on it to commercial mailing lists which in turn send out unrequested emails to the firm



offering all sorts of goods and services. One way around this problem is to include hidden code in the email address which confuses these harvesters but does not affect the ability of the visitor to click and send a message in the normal way. One such piece of code is to be found at [www.joemaller.com/js-mailer.shtml](http://www.joemaller.com/js-mailer.shtml)

The Internet for law firms, it seems, is all about getting noticed, keeping ahead of the competition and out the way of the harvesters.

[barryjphillips@hotmail.com](mailto:barryjphillips@hotmail.com)

## The Solicitors' Practice (Conflict of Interest) Practice Regulations 1993

**The above Regulations are reproduced below, to remind solicitors of the position where they acquire any interest in a former firm or access to such interests, as regards taking action against that firm.**

The Council of the Law Society of Northern Ireland, in pursuance of the power conferred upon them by Articles 74(1) and (2) of the Solicitors' (Northern Ireland) Order 1976 (as amended) (hereinafter called 'the Order') and paragraph 6 of Schedule 15 to the Financial Services Act 1986 and all other powers enabling them in that behalf, and with the concurrence of the Lord Chief Justice of Northern Ireland, hereby make under Articles 33, 34 and 35 of the said Order the following regulations:-

1. These regulations may be cited as The Solicitors (Conflict of Interest) Practice Regulations 1993 and shall come into effect on 1 September 1993.
2. Except where otherwise stated in these regulations, expressions shall have the

meanings assigned to them by the Order.  
3. The Interpretation Act (Northern Ireland) 1954 shall apply to these regulations as it does to a measure of the Northern Ireland Assembly.

4. A solicitor who, or whose firm, has acquired any interest in a solicitor's practice carried on by any other solicitor or solicitors shall not act for any party to an action brought against such other solicitor or solicitors by any client or former client of such other solicitor or solicitors.

5. A solicitor who at any time has been employed by or has been in partnership with any other solicitor or solicitors shall not without the consent in writing of the Society act for any party to an action brought against such other solicitor or solicitors by any client or former client of such other solicitor or solicitors.

6. A solicitor who, or whose firm, employs any solicitor who has been in the employment of or in partnership with any other solicitor or solicitors shall

not without the consent in writing of the Society act for any party to an action brought against such other solicitor or solicitors by any client or former client of such other solicitor or solicitors.

7. A solicitor who, or whose firm, acts in an action brought against any other solicitor or solicitors by any client or former client of such other solicitor or solicitors shall not without the consent in writing of the Society share the fees charged by him or his firm in respect of such action with any solicitor other than any partner or partners in his firm.

8. A solicitor who, having acquired any interest in a solicitor's practice carried on by any other solicitor or having taken over the conduct of a matter from another solicitor, becomes aware of circumstances which might lead to a claim against the other solicitor, shall make notification of such circumstances pursuant to the Solicitors' (Professional Indemnity) Regulations 1976.

## ADVERTISEMENT

## EDUCATION (NORTHERN IRELAND) ORDER 1996

### PRESIDENT OF SPECIAL EDUCATIONAL NEEDS TRIBUNAL

The Lord Chancellor invites applications for the part-time post of President of the Special Educational Needs Tribunal for Northern Ireland.

The function of the Tribunal is to determine appeals from parents against decisions made by Education and Library Boards in connection with aspects of assessing and making provision for children with special educational needs. The Tribunal is comprised of a legally qualified chairman and two lay members.

The President is responsible for decisions on legal and procedural matters, issuing policy directions as necessary. Each appeal is heard by a Chairman and two lay members, who are selected by the President. The President may chair hearings personally. Hearings should normally be held at locations reasonably near to the appellant's home. The President has responsibility for the training of Chairpersons and other members and also for the production of an annual report.

Remuneration will be determined on the basis of a standard daily rate, at present £387. In order to be eligible for appointment, an applicant must be a barrister or solicitor of at least 7 years standing.

Where it is necessary to prepare a shortlist for interview, only those candidates who best demonstrate competence within the required criteria will be called for interview. It is therefore important that application forms should reflect how, and to what extent the criteria are met.

Application forms, together with supplementary information about the post, may be obtained only in writing to:

Nigel Hamilton  
Judicial Services Branch  
Northern Ireland Court Service  
2nd Floor, Headline Building  
10/14 Victoria Street  
BELFAST  
BT1 3GG

**Completed application forms must be returned to the above address to arrive not later than: Friday 26th July 2002 at 4.00 pm**



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The Northern Ireland Court Service (NICtS) invites applications for a 10 month temporary contract (non-renewable), for the post of Judicial Assistant within the Lord Chief Justice's Office in the Royal Courts of Justice, Belfast. The post holder will assist the High Court and Court of Appeal Judges and senior members of the Lord Chief Justice's Office, from September 2002 to 27 June 2003, by carrying out research and providing advice.

The NICtS is a separate Civil Service of the Crown, distinct from the Home and Northern Ireland Civil Service, and is the responsibility of the Lord Chancellor. The NICtS has an annual budget of approximately £60m and employs some 660 staff.

Applicants must possess, by the closing date for applications:

- at least a 2:1 honours degree in law or a qualification as a solicitor or barrister,
- excellent interpersonal and communication skills
- a proven ability to conduct research.

It is desirable that applicants have:

- a detailed knowledge of law and procedure in Northern Ireland,
- a detailed knowledge of human rights law and the European Convention on Human Rights.

For an application form and more detailed information, including the duties and responsibilities of the above post, as well as the criteria to be used during the recruitment and selection process, write to Recruitment Team, Human Resource Unit, Northern Ireland Court Service, 21st Floor, Windsor House, Bedford Street, Belfast, BT2 7LT. All requests for applications must include your name, address and reference number T38/02. Completed application forms must be returned to arrive not later than 4.00pm on Friday 19th July 2002.

The Northern Ireland Court Service are committed to equality of opportunity and welcome applications from suitably qualified people irrespective of religious belief, gender, disability, race, political opinion, age, marital status, sexual orientation, or whether or not they have dependants.

**ALL APPLICATIONS FOR EMPLOYMENT ARE CONSIDERED STRICTLY ON THE BASIS OF MERIT**



## NORTHERN IRELAND COURT SERVICE

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# Annual Golf Outings

## MALONE GOLF CLUB

16 MAY 2002

The Association's annual pilgrimage to Malone Golf Club took place once again on 16 May last!

There was the usual large turnout with many Clients still left wondering why it is so difficult to organise a consultation with a Belfast Solicitor on the afternoon of the third Thursday in May!

We were extremely fortunate for what against all the odds turned out to be a glorious afternoon weatherwise and hopefully all those concerned will agree that as in previous years the course and the hospitality at Malone were excellent.

This year we were greatly indebted to GMA Management Consultants and SGS Yarsley ICS Limited for their very generous sponsorship of the Outing with Gary Millar of GMA and Mary Norton of SGS Yarsley joining us for the whole day and for the meal/prize giving respectively. Hopefully we may be able to talk Gary and Mary into repeating their generosity next year

despite Cormac Fitzpatrick's monster drive beating Gary into second place in the long driving competition!!

The main Trophy was won by John Rodgers with a very creditable score of 39 points – congratulations John.

For the record the full list of this year's prize winners is as follows:-

**Members**

- Winner – John Rodgers - 39 points
- Runner Up – Keith Cowan – 37 points
- Third – Paddy Mullarkey – 36 points
- Fourth – Joe Moore – 34 points

**Members Special**

- Winner – Nigel Broderick
- Runner Up – Chris Ross

**Ladies**

- Winner – Orla Mallon

**Visitors**

- Winner – Michael Grant – 38 points
- Runner Up – Robin Boyd – 37 points

**Closest to the Pin** David Doherty

**Longest Drive** Cormac Fitzpatrick

Many thanks to all who took part making the event so successful and it is hoped that we will be back at Malone next year with the provisional date for your diary at the moment being Thursday 15 May 2003 (subject to confirmation by the Club).



"Iron Man" from left to right Cormac Fitzpatrick, the winner of the longest drive with Mary Norton and Gary Millar.



"Great Expectations" from left to right Stephen Andress, Keith Cowan and Eugene Hasson on the First Tee.



"The Victor" from Left to Right John Rodgers collecting trophy from Mary Norton, Gary Millar and Richard Palmer.

## BSA Practice Management and Client Care Seminar

At the Wellington Park Hotel on Saturday 28th September 2002.

- |                    |  |
|--------------------|--|
| <b>9.00-9.30</b>   | Registration and coffee  |
| <b>9.30-10.30</b>  | Risk Management and how to avoid the Pitfalls.<br>By Mr Tom McGrath of Marsh (UK) Ltd. |
| <b>10.30-11.15</b> | Complaint Handling Procedures<br>By Mr Gary Millar                                     |
| <b>11.15-11.30</b> | Coffee   |
| <b>11.30-12.30</b> | Cost Effective Practice Management<br>By Jeremy Harbinson of Harbinson Mulholland      |

Attendance at this seminar will qualify for 3 hours CPD.

Members £50; non-members £75.

### Booking Form for Practice Management seminar

Name \_\_\_\_\_

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Enclosure \_\_\_\_\_

*BSA On-Line*

The BSA website can be found at:

[www.belfast-solicitors-association.org](http://www.belfast-solicitors-association.org)

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Applications are invited from qualified Solicitors to join a team providing a wide range of legal services to Health and Social Services Boards, Trusts and other HPSS organisations. These include those relating to Health and Social Services/childcare law, employers/occupiers liability, professional negligence liability, employment matters, mental health and administrative law.

The successful candidate will join an experienced team of Solicitors and administrative support staff providing a high quality professional and client-sensitive service.

Applicants should be able to demonstrate experience in a wide range of legal services in at least two of the areas referred to above and have experience in managing a substantial personal workload on their own initiative. Whilst this post is initially for 6 months, it is possible that successful candidate(s) may be retained beyond that period. Any successful candidate retained on a more permanent basis may be eligible for transfer to a higher salary scale as follows: £29,249 - £38,631.

The postholder should be prepared to work flexibly to meet the demands of the workload which is demanding but interesting and challenging. Applicants should hold a current full driving licence and be prepared to travel throughout Northern Ireland.

**Application forms and further information can be obtained by applying in writing, enclosing a SAE (10" x 7" and 41p stamp) to: Human Resource Directorate, Central Services Agency, 25 Adelaide Street, Belfast BT2 8FH.**

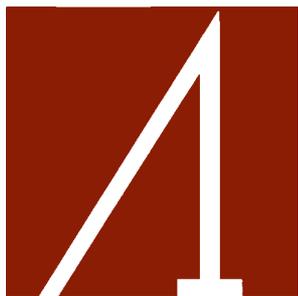
**Closing date for completed application forms is Friday 19th July 2002 at 4.00pm.**

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## Paying for residential care – recent changes

There have been a number of changes to the rules governing the financing of long term care in residential or nursing homes which may be of interest in particular to those advising older clients and their families.

### New capital limit

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2002 introduced a new capital limit for financial assistance from health and social services trusts. From 22 April, anyone who has capital valued at more than £19,000 will not be entitled to financial assistance with care fees. Those who have capital of between £11,750 and £19,000 may receive assistance but will have tariff income applied to the calculation of the level of funding required. Any sum under £11,750 is disregarded for the purposes of financial assistance.

### Short term disregard of the home

The regulations also introduce a twelve week disregard for the former home of a person entering care on a permanent basis. Once the twelve week period has passed, the former home will only be disregarded if the trust is obliged to do so due to the nature of the person remaining in the property or if it exercises its discretion to do so (for example, where a carer remains in the property). The twelve week disregard is intended to allow people who enter care to change their mind and return home without steps having been taken to sell the house to meet fees.

### Abolition of preserved rights to income support

The Personal Social Services (Preserved Rights) Act (NI) 2002 and the Personal Social Services (Preserved Rights) Regulations (NI) 2002 may mean changes for some clients.

Those who have been in private residential care since 31 March 1993 and who have required assistance with paying fees have until now been funded by the social security system through receiving a higher level of income support. This is in contrast to those who entered care after that time, who receive a mixture of funding from the social security system and the local health and social services trust. However this 'preserved' right has now been abolished from 8 April 2002.

Everyone who had preserved rights will now transfer to the mixed system of funding. Those people will become the responsibility of the local trust and will be assessed as to the level of care which is appropriate. This will then impact on the amount of funding which the trust is obliged to make available.

For some people, this will allow a move back into the community or supported living. Others will be assessed as needing the care which they are currently receiving and funding arrangements will follow. For others there may be a dispute as to the care required. For example, a person may have moved into a nursing home some years ago but be assessed by the trust as only needing residential care. The latter is cheaper and therefore the trust may not be willing to provide the extra funding required to allow the person to remain in the nursing home. When a decision is made about funding, there will need to be a consideration of the person's right to respect for home (article 8 ECHR) if the result of a lower level of funding is that the person would have to leave the home of choice.

Guidance in the form of Circular ECCU/1/2002 has been issued to trusts on how to handle the transfer of responsibility and will be useful for those advising in this area.

### Phasing out of the residential allowance

Those entering care after April 2002 will not have a residential allowance included in the calculation of the income support to which they are entitled. There should not be an impact

on the individual, however, as the trust will increase its contribution to the care fees by an equivalent amount. Those who were receiving a residential allowance before April 2002 will continue to receive it.

Those who enter trust owned homes from April 2002 will now have their income support calculated in the same way as those living in privately owned homes.

This still leaves us with three different ways in which income support can be calculated for someone in care.

### Introduction of free nursing care

If the Health and Personal Social Services Bill progresses as planned through the Assembly then free nursing care will be introduced on 7 October 2002. This will mean that part of the fees currently charged by homes will be met by trusts. This element of fees will not be subject to a means test so that those who do not normally receive any assistance will see a reduction in their fees.

The element of the cost of care which will be free is 'nursing care provided by a registered nurse'. An assessment tool has been devised to establish the need for nursing care. A flat rate payment will be made once need has been identified.

There is still an opportunity to contribute to the consultation on this issue. The consultation paper is available on the Department of Health, Social Services and Public Safety website.

The issue of whether free personal care will also be introduced is ongoing. This would reduce care fees further leaving a payment, according to means, for accommodation and board only. There is a working group considering how free personal care would be introduced and the cost of such a decision. If, as in Scotland, the minister decides to fund personal care from the public purse then it is unlikely that it will be in place until at least April 2003.

### Maura McCallion, solicitor, Law Centre (NI)

*Law Centre (NI) training courses attract CPD points for solicitors. The training programme for 2002-2003 has now been distributed to our membership. For further information, contact Patricia Morgan, Assistant Director (Training and Support Services), or request a programme form our Publications Department.*

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The Society presently holds the names of apprentices who, for one reason or another, would be interested in transferring their apprenticeships.

If you are interested in taking an apprentice, please contact Mrs Yvonne Blackstock at the Law Society, tel: 028 9023 1614

## Children Order Panel Solicitors

### Training

The Accreditation Board is concerned to note that some Panel members do not appear to have attended any training sessions so far in 2002. Panel members are reminded that they should attend a minimum of 2 events in the year 2002 to comply with training requirements as Panel members and for the purposes of any application for re-accreditation. Panel members should refer to the Accreditation Board's letter dated 7th February 2002.

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# High Court, Court of Appeal and Tribunal Decisions

**Reference by Her Majesty's Attorney General for Northern Ireland (No 1 of 2002), Court of Appeal, (Carswell, LCJ), 1st March 2002**

Rape. – combined custodial and custody probation order sentence. – whether sentence unduly lenient. – order on Attorney General's reference declined.

**R v Green, Court of Appeal, (Carswell, LCJ), 8th March 2002**

Referral of Criminal Cases Review Commission to Court of Appeal. – whether murder conviction safe. – whether appellant fit for interview due to hypoglycaemic state. – whether abused at police interview. – HELD that conviction unsafe: appeal allowed and conviction quashed.

**R v McBride, Court of Appeal, (Carswell, LCJ), 1st March 2002**

Application of leave to appeal to House of Lords. – whether point of law of general public importance. – application refused

**R v Ringland, Court of Appeal, (McLaughlin, J), 1st March 2002**

Burglary. – Crown Court sentence of three and a half years detention in Young Offenders Centre to run consecutively with previous sentence of two years having regard to totality principle. – whether defendant should receive same sentence as accomplice. – sentence upheld and leave to appeal refused

**R v Thompson, Court of Appeal, (Carswell, LCJ), 8th March 2002**

Murder and grievous bodily harm. – appeal against conviction. – whether trial judge should have directed the jury that there was no case to answer. – HELD verdict safe: case dismissed

**R v B, Court of Appeal, (Carswell, LCJ), 20th March 2002**

Application for leave to appeal against conviction and sentence. – rape and indecent assault. – evidence not used. – whether abuse of process. – whether sentence excessive. – application against conviction dismissed. – sentence varied

**In the matter of B and N (Children**

**(Allocation of Proceedings) Order (Northern Ireland) 1996, High Court Family Division, (Gillen, J), 13th March 2002**

Allocation of proceedings. – appeal against decision to remit proceedings to the Family Proceedings Court and refusal of application to have proceedings transferred to the High Court, – inherent jurisdiction of Court to hear appeal

**In the matter of an arbitration between Rosemary Finnegan and Patrick McAreavey, High Court Queen's Bench Division (Commercial List), (Carswell, LCJ), 19th March 2002**

Arbitration. – dissolution of partnership. – company trading for part of financial year. – whether arbitrator correct in method of valuation of goodwill. – matter remitted to arbitrator again after consideration

**In the matter of an application by Christopher McMillan and in the matter of a decision of the Governor of HMP Maghaberry, High Court Queen's Bench Division (Crown Side), (Weatherup, J), 8th March 2002**

Application for judicial review of decision of Governor of HMP Maghaberry. – lawfulness to refuse applicant legal representation and assistance due to low IQ. – whether art. 6 ECHR of right to fair trial or hearing applies to proceedings. – application for judicial review dismissed

**In the matter of an application by Paul McFadden for judicial review, High Court Queen's Bench Division (Crown Side), (Kerr, J), 12th March 2002**

Application for judicial review of RM's decision to stay criminal proceedings against applicant. – whether abuse of process. – direction of no prosecution against subsequently rescinded. – delay and legitimate expectation. – application dismissed

**Eastwood v Harper Collins, High Court Queen's Bench Division, (Kerr, J), 5th March 2002**

Damages. – libel. – appeal of Master's decision to grant leave to amend defence to include further pleading in

relation to justification. – appeal allowed

**Industrial Tribunals**

**Shaw v McCoy T/A Illuminaire, 3185/01, 6th March 2002**

Unauthorised deductions from wages. – respondent to pay applicant sum in respect of deductions

**Young v Department of Finance and Personnel, 109101, 20th April 2002**

Complaint of unlawful disability discrimination. – complaint presented out of time. – Tribunal ruled it was not just and equitable to extend the time limit

**Gibson v Royal Ascot, 02803/01, 5th April 2002**

Tribunal upholds applicant's claim for holiday pay and notice pay

**Hillis v D F Ross & Sons Ltd, 2406/01, 19th March 2002**

Applicant alleged unfair dismissal. – Tribunal ruled applicant fairly selected for redundancy. – complaint dismissed

**Owens v Walter Watson Limited, 2643/01, 5th April 2002**

Tribunal declares respondent made unauthorised deductions from wages of applicant. – deducted amount already paid to applicant

**Kirk v J S M Couriers Limited, 2383/01, 1st March 2002**

Unfair dismissal. – applicant summarily dismissed. – applicant given no reason for dismissal. – award of compensation

**Gillen v Kelly, 1683/01, 25th March 2002**

Tribunal rules applicant was unfairly dismissed. – compensatory figure reduced due to conduct of applicant which contributed to his dismissal

**Da Gama and Teixeira v Atlanco Limited and Moy Park Limited, 2230/01, 2231/01, 4th April 2002**

Preliminary hearing. – determination of who is correct respondent. – whether originating application is capable of amendment to include claim of race discrimination. – whether claim is out of time, and if time can be extended

**Donnelly v Duromould Limited,  
1415/01, 22nd February 2002**

Unfair dismissal. – whether proper and valid grounds for dismissal. – whether employer acted reasonably

**Lamont v Belfast City airport and Short Bros PLC, 00829/98SD; 00829/98UD; 00830/98RP; 01421/98SD; 01422/98UD; 01423/98RP; 01424/98BC, 15th March 2002**

Review of Tribunal decision of 9th July 2001. – impact of income tax on compensation for loss of earnings. – re-calculated schedule of loss of earnings taking account of pay in lieu of notice

**Graham v NACCO Materials Handling Ltd, 01677/00, 19th March 2002**

Applicant alleged unfair dismissal. – applicant undertook gardening jobs while complaining of medical condition. – Tribunal dismissed complaint

**Macauley v Homefirst Community Health and Social Services Trust, 03890/97SD, 27th March 2002**

Applicant alleged discrimination on grounds of sex. – respondent's decision to terminate contract of employment was not related to pregnancy

**Mumford v Ferguson [trading as Locktight Security], 2750/01, 4th April 2002**

Unlawful deductions from wages of applicant

**Bower v Royal Ulster Constabulary and Police Authority for Northern Ireland, 1744/01, 17th April 2002**

Preliminary issues. – complaint of sex discrimination presented out of time. – second named respondent dismissed from proceedings

**Wilson and Johnston v Labour Relations Agency, 00132/98SD; 00133/98SD, 26th April 2002**

Applicants asserting grounds to review previous tribunal decision. – applications dismissed

**Fair Employment Tribunals****Morton v Northern Ireland Housing Executive, 00454/98FET; 01724/99SD; 03302/98TUA, 11th March 2002**

Application for internally trawled post. – trade union activities. – complaint of discrimination on grounds of political opinion and gender. – Tribunal ruled applicant not shortlisted for post due to contents of his application form. – complaints dismissed

Full text decisions are available from the library

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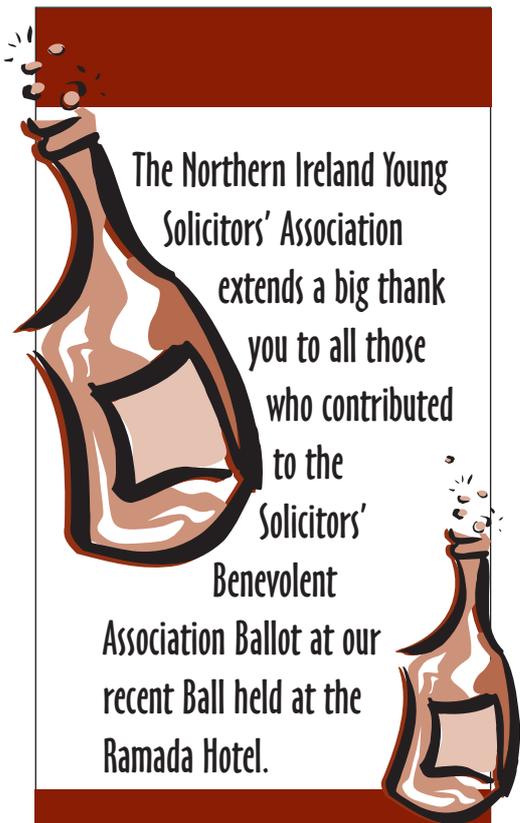
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The Northern Ireland Young Solicitors' Association extends a big thank you to all those who contributed to the Solicitors' Benevolent Association Ballot at our recent Ball held at the Ramada Hotel.

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A short application form will be forwarded to you for completion. Solicitors applying should have at least three years post qualification experience and be able to demonstrate experience of taking instructions from children and young people.

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

## Magistrates' Courts

### 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 19 June 2002 as follows:-

Page 6: Petty Sessions District of Newry & Mourne

Column 2: Place and time

Insert: Video link Remand Court sits at 10.00am every Wednesday

### 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	1st,3rd 4th&5th		4th			
			Wed			2nd			
			Thurs	Every					
			Fri	2nd&5th	1st &3rd	Every	1st and 3rd		
Magherafelt	Magherafelt  Other business and youth sittings commence at 10.30am  Domestic court commences at 11.00am	All wards	Mon	1st&4th				3rd	Magherafelt
			Tues	1st,2nd,3rd&4th					
			Wed						
			Thurs						
			Fri						
Newry & Mourne	Newry  All sittings commence at 10.30am  Video Link Remand Court sits at 10.00am every Wed	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		

## 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)	
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**Venue:** Law Society House, Victoria Street, Belfast  
**Cost:** Members £3, Non-members £6.

*Booking forms and cheques, payable to The Employment Lawyers' Group (NI), should be sent to our Treasurer, Ms June Turkington, Legal Directorate, Central Services Agency, 25-27 Adelaide Street, Belfast BT2 8FH.*

### Booking Form

Name \_\_\_\_\_

Firm \_\_\_\_\_

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

I enclose remittance of £ \_\_\_\_\_

### AGM

The Employment Lawyers' Group will hold its Annual General Meeting immediately following the talk on Friday, 20 September. After the Chairperson's report and presentation of Accounts the main business of the AGM will be the election of a new Committee for 2002-03. The Committee would welcome new members. Anyone interested please contact any of the Committee Officers before or at the meeting.

## Membership Renewal

Membership fees are now due for 2002-03. Fees are unchanged at £10 per annum. Members are invited to renew their membership for the forthcoming year. New members are encouraged to join. Please return the form below to our Treasurer, Ms June Turkington, at the address cited above, with cheques made payable to Employment Lawyers' Group (NI).

### Membership Form

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

Name \_\_\_\_\_

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

Tel: (work) \_\_\_\_\_ E-mail \_\_\_\_\_

## Rules of the Supreme Court (Northern Ireland) (Amendment No.2) 2002 [SR 2002 No 202]

The Rules of the Supreme Court (Northern Ireland) (Amendment No.2) 2002 (the Rules) came into operation on 21 June 2002.

The Rules amend Orders 83, 88, 98 and 112 of the Rules of the Supreme Court (Northern Ireland) 1980 ("the Principal Rules").

### Order 83

The existing Order 83 prescribes the procedure for re-opening agreements under the Consumer Credit Act 1974 (the 1974 Act). The new Order 83, which substitutes the existing Order 83, is set out in Schedule 1 to the Rules. It provides for existing procedures relating to the re-opening of extortionate agreements and in addition:

- prevents default judgments being obtained in writ actions without the leave of the Court and notice to the other parties to the proceedings, in circumstances where that would appear to be inconsistent with the scheme of protection for consumers under the 1974 Act;
- prescribes procedures to facilitate debtors or sureties in bringing applications for time orders;
- prescribes how an application for an enforcement order granting leave to enforce a regulated agreement or related security should be made;
- prescribes for the joinder of parties;
- prescribes particulars to be given in a claim arising out of a regulated hire purchase agreement and conditional sale agreements; and
- prescribes how an application for the variation or revocation of certain orders under the 1974 Act should be made.

### Order 88 - Mortgage Actions

Order 88 is amended by:

- substituting a new rule 4B and Form 10C which simplifies the procedure requiring notices of hearing to occupiers of mortgaged property so that a single notice can be addressed to the Occupier(s) and only in dwelling houses cases; and
- adding a new paragraph at the end of rule 5A to confer power on the court (in applications affected by rule 5A) to direct an account and inquiry as to all mortgages and to make any claim by the plaintiff for delivery of possession land conditional on the result of such an account and inquiry.

### Order 98

Rules 2 to 3A, 6(a) and 18(1) of Order 98 of the Principal Rules and Forms 48B and 48D are revoked to take account of the fact that the procedure governing applications for declarations of parentage and legitimacy of legitimation is now provided for in the Family Proceedings Rules (Northern Ireland) 1996 (as amended by the Family Proceedings (Amendment) Rules 2002).

### Order 112

Order 112 of the Principal Rules is amended on account of section 3 of the Family Law Act (Northern Ireland) 2001 which amends Part III of the Family Law Reform (Northern Ireland) Order 1977 to enable courts to direct the taking and testing of bodily samples (eg hair, saliva, skin) rather than simply blood for the purpose of scientific tests to resolve parentage disputes.

# In the High Court of Justice of Northern Ireland

## Queen's Bench Division Proceedings By Way of Summons Before the Masters PRACTICE NOTE (No2 of 2002)

1.(a) Commencing 31 May 2002, and thereafter, the open period at the start of the Friday Summons Court will begin at 9.45am and continue until 11.15am.

(b) Paragraph 1(a) of the Masters' Practice Note (No 2 of 2001) is amended accordingly.

2.(a) The registrars will not answer practitioners' queries or take applications for first time adjournments during the open periods at the start of the Thursday and Friday Summons Court. All adjournment applications must be made to the Master except that initial applications for adjournment of four weeks or more may, where made with the consent of the parties, be made in writing either by fax or delivery, to the Writ Office on the day prior to the return day for which the summons is issued.

(b) Paragraph 4(a) of the Masters' Practice Note (No 2 of 2001) is amended accordingly.

3.(a) At the Thursday and Friday Summons Courts the general practice will be that the Master will not hear contested summonses of a duration greater than 15 minutes, save in exceptional cases, or where there is urgency, when the Master may at his discretion hear a summons of a maximum duration of 30 minutes. All other summonses will be heard by fixed appointment earlier in the week.

(b) Where the parties wish the Master to hear a summons of duration greater than 15 minutes, leave of the Master must be requested during the open period when a time is being fixed for hearing.

(c) Time should not be fixed for the hearing of a contested summons unless there is a genuine intention that the summons will be heard at that time. The fixing of times for hearings in order to circumvent the

Masters' practice that summonses will not be stood over to be mentioned after the close of the open period will not be permitted.

4. Prior to an application for reinstatement of a summons which has been struck out for non-attendance, the party making the application must request the summons papers from the Writ Office and take them to the Master before whom the application is to be made. Such applications will only be heard during the open period at the start of the Thursday or Friday Summons Court, and not at any other time.

5. (a) Counsel mentioning a summons during an open period on behalf of a colleague, or standing in for a colleague on the hearing of a contested summons, must ensure that he has been given adequate instructions to enable him to do so.  
(b) Counsel requesting a colleague to mention on his behalf a summons during an open period, or to stand in for him on the hearing of a contested summons, must ensure the he provides that colleague with adequate instructions to enable him properly to do so.  
(c) Counsel are reminded that pursuant to rule 23.02 of the Bar's Code of Conduct pupils may appear on behalf of their own Master only, and not other counsel.  
(d) Solicitors when filing a summons for issue by the Writ Office must ensure that the supporting papers are adequate to enable the Master to deal expeditiously with the questions at issue. In particular, where a summons relates to an issue arising from the pleadings, the adequacy of replies to a notice for further and better particulars, or interrogatories, the papers should include a complete book of pleadings.

(e) Failure to comply with the requirements of sub-paragraphs (a)(b) and (d) above may prevent the summons from being heard within the time allowed at a Thursday or Friday Summons Court, and may result in the summons being adjourned by the Master to a time convenient to

the Court.

6. In general it will be the Masters' practice not to adjourn: (a) a summons for discovery pursuant to Order 24, rule 3; or (b) a summons to compel replies to a notice for further and better particulars pursuant to Order 18, rule 12, where no replies have been served.

7. The practice set out in this Note will, except where otherwise stated, come into operation at the commencement of Michaelmas Term 2002.

J W WILSON  
Master (Queen's Bench and Appeals)  
C J McCORRY  
Master (High Court)

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## ADVERTISEMENT

# Department for Employment and Learning



## PUBLIC APPOINTMENTS 2002

The Department for Employment and Learning (DEL) wishes to fill two vacancies on the Board of the Labour Relations Agency and would like to hear from individuals who have the relevant experience to serve with this body. The Board of the Agency consists of a Chairman and nine members made up as follows: three with an employer background, three with an employee background and three appointed at the Minister's discretion.

On this occasion, due to the pattern of retirements of existing members, the two vacancies are for,

- (i) one person with an employer background and
- (ii) one person appointed at the Minister's discretion.

Persons applying for vacancy (ii), as well as demonstrating relevant experience, will be expected to show that they will bring an impartial and independent perspective to the Board's deliberations.

Both appointments will take effect from 1 October 2002. Remuneration is £4,345 per annum.

### LABOUR RELATIONS AGENCY (LRA)

The Labour Relations Agency aims to be the leading organisation in Northern Ireland for improving employment relations. The Agency will contribute to organisational effectiveness by providing impartial and independent services for promoting good employment practices and preventing and resolving disputes.

### Expressions of interest

Those who feel they have the relevant skills and experience and could make a positive contribution to the work of this Board should request a nomination form and information pack. These can be obtained as follows:

Tel: (028) 90 257821 voice mail system. Please specify in your message which vacancy you are applying for.

Or by writing to:  
Irene Kincaid  
Appointments Unit  
Department for Employment and Learning  
Room 518  
Adelaide House  
39/49 Adelaide Street  
Belfast  
BT2 8FD.

Application forms should be completed and returned to the above address by Friday 26 July 2002.

### Equality of Opportunity

The Department for Employment and Learning is committed to equality of opportunity. Appointments to its public bodies are made on the basis of merit.

## Missing Land Cert

Land Registry  
Folio Number 30966  
County Tyrone  
Registered owners: Ernest Knox, Henry McCormick, Oliver Gilmore, James Montgomery and James Hanna  
Townland of Inishmagh (Part)  
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 such Certificate or communicate such information to the undermentioned solicitors.

And further take 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.

C T McAlpine & Son Solicitors  
12 Northland Row  
Dungannon  
BT71 6AT

Land Registry  
Folio No26068 County Tyrone  
Registered Owner - Patrick Ward  
Lands of Knockavaddy  
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.

Doris and MacMahon Solicitors  
63 James Street  
Cookstown  
Co Tyrone

## Missing Wills

Lady (Jane) Hamilton, deceased.  
Resided in Dublin the 1820s. Will dated 8th March 1821, died 1826, proved in the Prerog Court, Dublin 1826/1829.  
If anybody has a copy of this lost Will, then please respond to PO Box number 108, c/o Citigate NI Ltd, Citigate House, 157-159 High Street, Holywood, Co Down, BT18 9HU.

Missing beneficiary in the estate of Mr Thomas Mervyn McBurnie deceased late of 1 Norkfolk Avenue, Donaghadee, Co Down  
We are trying to trace a Mrs Joanne McCartney whose last known address was Grand Parade, Belfast. Mrs McCartney is believed to have worked as a Legal Secretary with a Belfast firm of Solicitors.  
Would any person having any knowledge of this person please contact Mr Colin G Haddick or Mrs Anne Donaldson at Russells Solicitors, 11 Lower Mary Street, Newtownards, Co Down. Telephone: 028 9181 4444. Fax: 028 9181 2782.

Re Hugh Dennis Andrew McComb deceased late of 36 Sandymount, Ballyskeagh, Lambeg, Lisburn, Co Antrim. Date of death - 20 April 2002.  
Would any person having knowledge of the whereabouts of a Will of the above named person please contact:-  
Conn and Fenton Melvyn T Doherty Solicitors  
39 Bow Street  
Lisburn  
Co Antrim  
BT28 1BJ  
Telephone: 028 9267 2760  
Fax:- 028 9267 1430  
DX 3381 NR LISBURN

Lawrence Valentine Kinder Deceased late of 46 Springhill Avenue, Bangor, County Down, BT20 3NZ. Would any person or solicitor having knowledge of the whereabouts of a Will, please get in touch with David Carson & Company Solicitors, 3 Market Street, Bangor, County Down, BT20 4SP - DX 2553 NR Bangor 2./ Telephone 028 9147 0400. Fax 028 9147 0401.

Re: The Reverend James Dallas Deceased  
Obit: 1st July 2001  
Late of 1 Greendale Crescent, Greenpark Road, Rostrevor, Co Down, BT34 3HF  
Would any person having knowledge of the whereabouts of a Will for the above named person, please contact S C Connolly and Company Solicitors, Bank Building, 39 Hill Street, Newry, Co Down, BT34 1AG. Telephone: 028 3026 5311.

## Missing Records

I am looking for any surviving records of solicitors practice Mr F Henry Miller, practising in 1893 from Shipquay Street, Londonderry. This practice became Miller & Babbington and then Babbington & Hunter. If anyone knows the whereabouts of these records, please respond to PO Box number 108, c/o Citigate NI Ltd, Citigate House, 157-159 High Street, Holywood, Co Down, BT18 9HU.

## Practice for Sale

Established County Antrim solicitor's practice for sale. Please contact PO Box number 109, c/o Citigate Northern Ireland Ltd, Citigate House, 157-159 High Street, Holywood, Co Down, BT18 9HU.

## **FINDING DEBT RECOVERY UNECONOMIC OR JUST TOO MUCH HASSLE?**

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BT78 1DE

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to 20th December 2002  
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available.

Please reply in writing to:-

The Office Manager  
McGrady Collins Solicitors  
48 St Patrick's Avenue  
Downpatrick  
Co Down  
BT30 6DW  
Telephone: 028 4461 6411  
Fax:- 028 4461 2893

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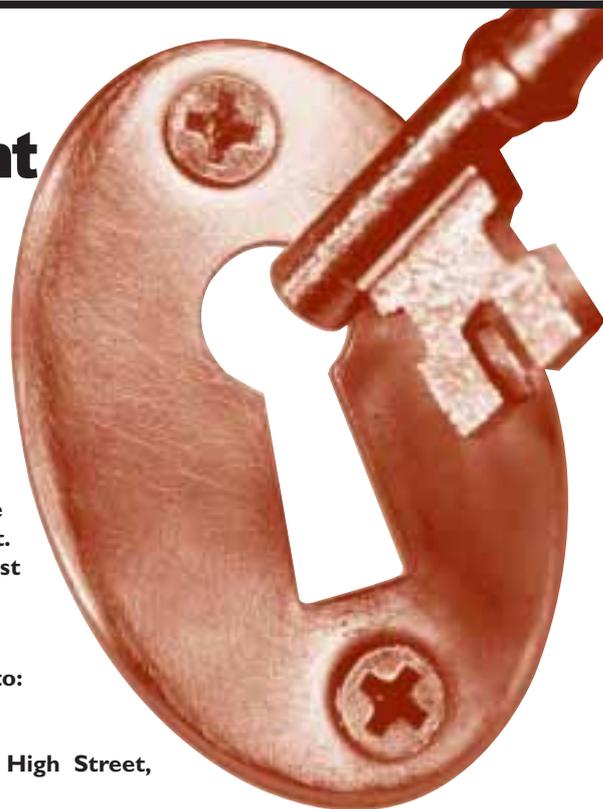
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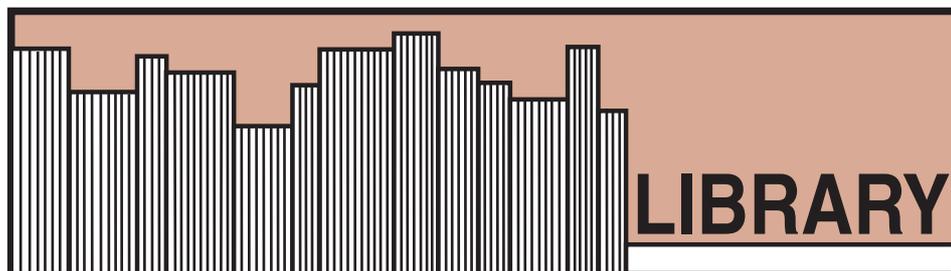
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#### Contact:

Brian Spence is our actuary for Northern Ireland. Brian will be happy to discuss your cases on a free informal basis at first - if you wish. Please contact Brian on 02890 412020 or email [brian.spence@hazellcarr.com](mailto:brian.spence@hazellcarr.com).

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## RECOMMENDED READING

### Data Protection - Use of Personal Data in Employer/Employee Relationships

#### Websites

Information Commission

<http://www.dataprotection.gov.uk/commissioner.htm>

Elizabeth France, previously the Data Protection Commissioner, became the first Information Commissioner in 2001.

The Information Commissioner enforces and oversees the Data Protection Act 1998 and the Freedom of Information Act 2000.

The Commission is a UK independent supervisory authority reporting directly to the UK Parliament and has an international role as well as a national one.

Draft Code of Practice on Use of Personal Data in Employer/Employee Relationships

<http://www.dataprotection.gov.uk/dpr/dpdoc.nsf>

#### Articles

Draft code of practice on use of personal data in employer/employee relationships. (Key features of Data Commissioner's draft code of practice, including monitoring of employee's Internet access)

ITL.T 2000, 8(10), 3-4

I spy... (Legal aspects of monitoring employee's use of e-mail and Internet including provisions of 2000 Act draft code of practice on use of personal data in employer/employee relationship and advice to firms producing internal policies).

Kendrick: SJ 2001, 145(41) Supp (IT), 8-9

Don't get personal – the draft employee data code. (Status and structure of draft code of practice on use of personal data in employer/employee relationships, areas of concern including sensitive personal data, recruitment and monitoring and consultation details)

Boardman: Emp. L. J. 2001, 17(Feb), 15-17

E-Mail and Internet privacy. (Legislation affecting employer's ability to monitor employees' e-mail and Internet usage, including 1998 Act and 2000 Regulations, and draft Data Protection Code of Practice on the Use of Personal Data in Employer/Employee Relationships).

Barlow, Lyde and Gilbert: I.B.L. 2000, 28(11) 526-528.

When ignorance is bliss – data protection and recruitment. (Scope of 1998 Act and draft code of practice on use of personal data in employer/employee relationships in relation to recruitment process and particularly short listing, interviewing and use of references)

Huffer: Emp. Law. 2002, 81, 17-19

#### Legislation

Data Protection Act 1998

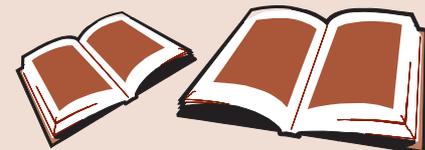
<http://www.hmso.gov.uk/acts/acts1998/19980029.htm>

Regulation of Investigatory Powers Act 2000

<http://www.hmso.gov.uk/acts/acts2000/20000023.htm>

## New Books in the Library

- 1) Lush: Cretney & Lush on enduring powers of attorney. 5th ed. Jordans. 2001
- 2) McLoughlin: Commercial leases and insolvency. 3rd ed. Butterworths. 2002



## E-MAIL DIRECTORY – 5TH EDITION (£5)

You may recall that the library compiled a directory of e-mail addresses of firms in December 2001. The directory currently holds the addresses of 70 firms and was distributed free of charge to all those who provided us with their addresses.

We are now producing a new edition of the directory and would be grateful if you could let us know whether your e-mail address has changed.

The invitation still stands for any new contributors – in return for giving us your address we will send you your first copy free.

## LIBRARY CLOSURE

Please note that the Library will be closed from Monday 8 July to Friday 19 July inclusive.

Law Society Library Email:

[hsemple@lawsoc-ni.org](mailto:hsemple@lawsoc-ni.org)

**Copy deadline for July/August  
Monday 19th August 2002**

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