THIS MONTH:
IT'S A JUDGE'S LIFE
Mergers and Acquisitions Conference
30th November 2006     The Waterfront Hall, Belfast    4.00pm – 6.00pm

Merging law firms can be a challenging process, but when effectively executed a merger will allow you to add leverage to your firm. Economies of scale and increased capacity can give you significant advantages and a more competitively balanced firm. In the changing legal landscape the desire to merge is becoming increasingly commonplace but the merger route is not always easy.

Attendance at The Ridley Partnership Ltd Mergers and Acquisitions Conference will give you the insight.

Hear about how to:

• Build the business case for the merger or acquisition
• Develop a strategy for the merger or acquisition talks and approach the initial discussions
• Organise and manage financial and commercial due diligence
• Identify and analyse the business and operational risk exposures
• Understand professional indemnity insurance implications
• Gain buy-in from your people and manage the change process post merger
• Integrate operational and compliance systems
• Communicate with clients and gain their support

Speakers:

Tom McGrath
Tom McGrath is a Fellow of both the Chartered Insurance Institute and the Institute of Administrative Management. He is also a Chartered Insurance Broker. Tom has been involved in risk management activity with a number of professions, particularly Solicitors.

Tom has been closely involved with the Master Policy Scheme in Northern Ireland since its inception. He continues to be engaged as an Expert Witness in insurance cases.

Tim Richmond
Tim is a Chartered Accountant by profession with vast wealth of experience in the management and leadership of professional services firms and the private business sector.

Tim has extensive experience in non-executive directorships in both the public and private sectors, including private equity backed companies. He was a non executive director of Nottingham Law School for some 10 years.

Jane Ridley
Jane is Chairman of The Ridley Group of companies with 20 years experience in management consultancy and people development, the past eleven years having been spent advising professional service firms and supporting the management development of executive managers, partners and lawyers.

The Ridley Partnership Ltd Mergers & Acquisitions Conference qualifies for 2 hours CPD
Cost per delegate: £150.00 + VAT

To book a place on the Mergers & Acquisitions Conference please telephone us on: 0845 600 2729
Or email us at: info@theridleypartnership.co.uk
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Relocation Update

The timescale for relocation of the Society to permit the redevelopment of Law Society House has been changed. It is expected that this will not take place until the New Year.

In the interim all existing facilities at Law Society House remain available to members with the exception of The Law Club.

Once an exact date for the relocation has been confirmed, this will be advised to members. Updated information will also be posted on the Society's website.

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First impressions
When you step into the office of Judge Tom Burgess in the modern court complex on the banks of the Lagan, the immediate impression is of an environment dedicated to getting a job done. There are none of the conventional trappings of the courtroom or the kind of frills you might expect to surround the Second Citizen of the City of Belfast (the historical civic rank of the Recorder of Belfast). Pride of place is given to the computer and work station. In front of his desk is a table for meetings, which consume much of his time when he isn’t sitting in court or working on judgments.

Appointment
Judge Burgess became Northern Ireland’s first solicitor county court judge when he was appointed in 1992. In fact it is understood that he was the first in the whole of Ireland. And he may have been the first judge to have been appointed without prior experience of criminal practice.

“My background had very little to do with the courts,” he explained. “I had never been in a criminal court in my life until I appeared in a Diplock court as a judge. I was born and bred a commercial lawyer and therefore the learning curve was particularly steep. The positive aspect of this of course was that there was no room for complacency and the discipline of thorough preparation was invaluable. To this day I regard the trial and sentencing responsibilities of my work as among the most demanding, but also the most fascinating aspect of the job.”

Origins and Career Development
Judge Burgess qualified in the mid nineteen sixties and was apprenticed to his solicitor father, Alexander G Burgess. In the early seventies he joined Tughan & Co as a partner to head their commercial and company law department - an area of law in which he was increasingly specialising. He developed a formidable reputation for genuine expertise, intellectual rigour and hard work.

Judge Burgess became Northern Ireland’s first solicitor county court judge when he was appointed in 1992. At the same time he developed wider interests in legal affairs, serving first for many years on the Council of the Law Society, becoming President in 1986. He had always had a keen interest in European and international aspects of legal practice, typified by his appointment in the early nineties as leader of the UK delegation to the Council of Bars and Law Societies of the European Community (CCBE). In that capacity he was responsible for representing the collective views of the UK legal profession. In that post he dealt with the evolution and negotiation of the seminal Directive on Establishment under Home Title, which allowed for example, a solicitor to set up his plate in Paris and vice versa.

Also in the early nineties he was pioneering a new venture - working as a sole practitioner offering a package of services to other small practices who did not have extensive expertise in company work and commercial work.

“I would act for the client who had a particular transaction but undertaking, in writing, that I would never work for their client - so that they would never be afraid of losing that client,” he explained. “We had also put together a package of multi-disciplinary professionals with whom I had worked over the years in commercial and company matters (such as Great Northern Tower, the shopping centre at Holywood Arches and the Robinson & Cleaver Building) to offer a suite of services.”

Kismet
Then, after he had ceased to be a partner in Tughan’s and just as his plans for offices and his new practice were at an advanced stage, his appointment to the Bench overtook that aspiration.

“I had been a deputy county court judge sitting part-time but regularly on civil work for a couple of years so I had a fair idea of the judicial function. The decision to accept full-time appointment and to give up other plans which were at an exciting stage was frankly a difficult one. But I have absolutely no regrets about my choice and I am delighted also that we now have three other solicitor colleagues Judge Derek Rodgers, Judge David McFarland and Judge Phillip Babington serving with such distinction on the County Court Bench.”

Judicial Career
After his appointment he became a peripatetic judge until his appointment as Recorder of Londonderry where he stayed for seven years. He then moved to Belfast and in 2005 was appointed Recorder of Belfast.

“My time in the North West was invaluable and extremely enjoyable. It is very much the Division in which I settled down to the job, learning much about the responsibilities (also the rewards) of managing a diverse caseload covering civil litigation of all types, as well as criminal, family and licensing work.”

The position of Recorder of Belfast has always tended to be regarded de facto as distinctive, if only because the amount of work transacted in Belfast has historically made it the busiest court venue.
In April 2006, however, a new dimension was added to Judge Burgess’ role with his appointment as Presiding Judge with responsibility for the County Courts. This was part of the re-structuring of responsibilities for judicial business under the Justice Act 2004, with presiding judges appointed at each court tier accountable overall to the Lord Chief Justice. He comments as regards this development:

“It is important to realise that this re-organisation is to do with reinforcing judicial independence under the Lord Chief Justice as Head of the Judiciary. It does not affect but rather complements the role of individual judges in determining the outcome of individual cases and I am not empowered in any way to inhibit this.

“The practical outworkings of all this is that I remain responsible for the administration of the county court work in Belfast specifically but I am also responsible for the delivery of an efficient and timely disposal of the work of the County Courts across Northern Ireland. This involves working with my colleagues to ensure the best allocation of judicial resources, but also to develop good, standardised and consistent working practices and protocols aimed at managing cases from an early stage to hearing or trial.

“I have other responsibilities in terms of sitting on Committees and chairing the County Court Rules Committee - presently dealing for example with proposed increased costs for solicitors and barristers in the County Court. I also have responsibility for working with the Court Service in the running of the Laganside Courts Complex, and chair the Users’ Committee comprising a wide range of users of the court building and the court system.”

Job Evaluation

Judge Burgess confirms that the job he took on when first appointed has changed to a degree which few would have predicted. He points to the fresh emphasis on judicial case-management, and the increasing interest in ADR. He highlights with emphatic approval the development of judicial training under the auspices of the Judicial Studies Board.

“When I started the concept let alone the practice of continuous learning for judges was far from recognised.

There has been a transformation both in attitude and commitment, so that now I believe it is universally accepted by the judges that we can and should receive regular and systematic updating on all aspects of our work.”

He refers also with conspicuous enthusiasm to the development of IT whether in terms of the courtroom and case processing but also as a powerful research tool for the practice and administration of the law.

Despite a candid and ready acknowledgment that there are aspects of private practice he continues to miss, the Judge speaks warmly of the working life of the modern judge:

“No matter how important efficient case management and technical aids are to the job, judicial work will always be fundamentally a people business. The intellectual challenge and stimulation are rewarding. While achieving an efficient service will always bring a proper sense of satisfaction, the real work is as a judge and that must always be conducted at a human level. There is nothing as sobering but at the same time rewarding as discharging, to the best of your ability, responsibilities which you know have a significant impact on the present and future lives of others, victims and defendants, many being vulnerable human beings. This applies whether you are dealing with a finely-balanced question of guilt or innocence, length of custodial sentence, or the emotional devastation of a family break-up and determining the arrangements for children.”

He did however not turn his back completely upon the world of the solicitor when he embarked on the upward path of judicial advancement. He declares himself, not very convincingly, to be out of touch with the business of solicitors but he has clear and well-articulated views on the contribution solicitors can make:

“The public of Northern Ireland is as a rule well served by our solicitors. Access to justice is not just about finance. Access is also about everybody being able to get a solicitor. In a country of a relatively small number of smallish towns - outside two large conurbations - you need a spread of solicitors easily accessible near to hand. It is no use telling someone to go to Belfast for a solicitor. That person needs access to some one in whom he or she has confidence, including confidence that the solicitor will act independently and fearlessly in the clients interests.”

They say that if you want a job done well, ask a busy man. So, notwithstanding his many other duties, Judge Burgess serves on the Law Society’s Library & Information Services Committee.

Career Advice

Judge Tom Burgess works long hours but gives every appearance of a man who loves his job. His counsel to solicitors is this:

“A judicial career will not be for everyone. Like any job it has its fulfilments and frustrations. But I am an enthusiast by nature, and I think that there has never been a more propitious time for solicitors to consider this as a serious career option. The fact that solicitors are now eligible statutorily for all judicial posts is important and welcome but is only part of the picture. We also have young people, female and male, of ability and tremendous potential joining the solicitors’ ranks, and a Judicial Appointments Commission which is keen to explore ways of maximising the attraction of able candidates. My last word of advice and encouragement to any solicitor would be – if you get a chance to serve in a judicial capacity, whether full or part-time, take it! The prospect may be a little scary, but you never know where you may end up.”
News in Brief

**SDLT NEWSLETTERS**

As indicated in the June edition of The Writ, SDLT Practitioners’ & Technical Newsletters are no longer automatically being issued by HMRC as paper copies but are now being produced as interactive online documents.

The latest Practitioners’ Newsletter (Issue 12 and now renamed SDLT Practitioners’ News) may be accessed at http://www.hmrc.gov.uk/so/newsletter12.htm

The latest Technical Newsletter (now renamed SDLT Technical News) is available from http://www.hmrc.gov.uk/so/technewsletter3.htm

**HOME OFFICE CONSULTATION EXTENDED TO NORTHERN IRELAND**

A Home Office consultation on the test used by the Court of Appeal for quashing criminal convictions has been extended to Northern Ireland.

The consultation paper ‘Quashing convictions - Report of a Review by the Home Secretary, Lord Chancellor and Attorney General’ seeks views on amending the Criminal Appeal Act 1968 (as amended by the Criminal Appeal Act 1995) to ensure that where the Court of Appeal is satisfied the appellant committed an offence, the conviction cannot be quashed. A copy of the consultation paper can be found at www.nio.gov.uk - follow Public Consultations link. Comments are required by 18 December 2006.

The current test applied by the Court of Appeal is on the “safety” of a conviction. If the courts find that a conviction is "unsafe" the conviction is quashed. In all other cases the appeal is dismissed.

**OLDER PEOPLE’S CHAMPION APPOINTED**

David Hanson MP has announced that he will take up the role of ‘Champion for Older People’.

Last year with the publication of the Older People’s Strategy, ‘Ageing in an Inclusive Society’, the Government made a commitment to establish a ‘champion’ to ensure that the needs of almost 300,000 older people are understood and addressed at the highest levels of decision taking.

In this new role of Older People’s Champion, the Minister states that he hopes to promote equality of opportunity for older people, to raise awareness of their issues and needs and to identify critical issues, obstacles and solutions to key problems faced by older people. He will also seek to ensure good practice across the public and private sector in the delivery of accessible services to older people.

The Strategy can be accessed at: http://www.ofmdfmni.gov.uk

**FOSTER CARE INITIATIVE**

The DHSSPS has announced a substantial increase with effect from 1 October 2006 in allowances for foster carers in Northern Ireland. This increase in allowances is one strand of a six million pound investment in foster care over the next two years. The investment will also provide a 24/7 helpline for foster carers, additional foster care support social workers, a regional training coordinator and a regional marketing and recruitment service.

This new initiative, ‘Fostering Achievement: Supporting Foster Carers as First Educators’ will also provide 500 foster families with free computers this year to help the education of young people in their care. Foster carers will also be able to get a range of other equipment and help including educational tuition, musical instruments, sports equipment and driving lessons.

**SUPREME COURT**

The go-ahead to convert Middlesex Guildhall into the new Supreme Court has been given by Westminster City Council. The building will undergo an extensive renovation programme due to start in April 2007 with the new court opening for business in October 2009.

The Supreme Court created under the Constitutional Reform Act 2005 will be a new independent court separate from the House of Lords and will act as final court of appeal for England, Wales and Northern Ireland.

**CAR COMMUTING**

Commuters using cars to get in and out of Belfast spend, on average, the equivalent of a full working day travelling to and from work each week. The survey conducted amongst a sample of 500 commuters who travel by car into Belfast each day, showed that the average commuter journey in and out of the city takes 45 minutes, which equates to 1.5 hours per day and 7.5 hours per week spent in traffic.

The survey also found that just under one third of car commuters (31%) are car sharing, while two out of three cars travelling in and out of Belfast each day during the commuter rush hours are transporting only a driver. And only 52% of respondents said that they required their car for work, which means that 48% of car commuters simply drive to work, park their car and drive home again.

**A-Z GUIDE FOR CARERS**

The Department of Health and Personal Social Services has launched two departmental initiatives which it is hoped will make a difference to the lives of carers. The first is the publication of an "A-Z Guide to Services for Carers" which will be available from GP surgeries and carers voluntary organisations. The second is a DVD about young carers which has been produced in association with the Department of Education and Barnardo’s Northern Ireland. The DVD is to be used as a training aide in the health and education sectors to raise awareness about the impact of caring on the lives of young people.

**EXPANSION OF CCTV SCHEMES**

The Government is to invest £2 million in 14 CCTV schemes throughout Northern Ireland as part of a drive to make streets, towns and cities safer for the whole community. The investment will allow for an additional 87 cameras to be strategically placed in town centres where there are problems with crime and anti-social behaviour.

The successful schemes have been allocated to areas which experience high crime or anti-social behaviour levels. They are Ballymena; Bangor and Hollywood; Coleraine, Portrush and Portstewart; Downpatrick and Newcastle; Enniskillen; Glengormley; Lisburn; Newry, Warrenpoint and Kilkeel; Newtownards; North Belfast; Omagh; Portadown and Lurgan.
Do your clients know who they are dealing with?

KPMG Forensic’s Corporate Intelligence service uses information from trusted sources to help businesses understand the nature of potential business partners, agents, investment targets, suppliers or employees. We apply rigorous methods to confirm and corroborate data, often gathered from jurisdictions where reliable and accurate information is hard to obtain – helping your clients to take more effective decisions.

To find out more about how we can help you manage these and other related issues, contact John Hansen at john.hansen@kpmg.ie, Andrew Brown at andrew.brown@kpmg.ie or Michael Hynds at michael.hynds@kpmg.ie or call us on +44 (28) 9024 3377.

www.kpmg.ie
From Monday 28 August the Waterfront Hall hosted the 17th World Congress of the International Association of Youth and Family Judges and Magistrates. Held every four years, this is only the second time in the history of the Association that the Congress has been held in the United Kingdom or Ireland.

Almost 600 delegates from 50 countries in all five continents of the world attended this significant international convention to discuss the protection of children’s rights as enshrined in the various international instruments such as the UN Convention on the Rights of a Child. It is a truly multi-disciplinary World Congress. The delegates included all those whose work supports the courts in dealing with children, families and youth justice.

The central theme of the Congress was ‘The Right Justice’ and over the course of the week the delegates:

- discussed and promoted the rights and welfare of children across the world
- champion the rights of children to speak, be heard, listened to and be protected
- The subtitle of the Congress ‘Putting the pieces together again’ was chosen to reflect the commitment to increase and renew efforts in this important area.

Discussions took place under three themes reflecting the rights enshrined in the United Nations Convention on the Rights of the Child and other relevant international instruments.

- The Child in the Family - A Child’s Right to Family Life
- A Child in the Community - A Child’s Right to Survival and Development
- Children in Conflict with the Law

The major outworking of the Congress was to draw up a set of recommendations - ‘The Belfast Declaration’ - which will be presented to the United Nations and the Council of Europe before the end of 2006. The Belfast Declaration highlighted 16 key issues emerging from the conference.

Belfast successfully competed against Thailand, to a panel of five international judges, to bring this convention to Northern Ireland. The success of the bid demonstrates the resurgence of Belfast city and also the presence of our family law justice and youth systems on the world stage.

The opening ceremony of this prestigious event was attended by the Lord Chief Justice for Northern Ireland, Sir Brian Kerr, the Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer and President Mary McAleese.

Officially opening the Congress, Lord Falconer said:

“This Congress aims to get across some simple and powerful messages about the rights of children in all circumstances. This is particularly important if we are to address domestic abuse and neglect, which have too frequently gone unheard and unseen in the past. Thankfully, these and other problems are becoming more widely acknowledged as governments are working with agencies to prevent crimes against children and bring more perpetrators to justice.”

President McAleese in the opening address said:

“This conference presents us with an opportunity to re-consider and re-freshen with new shared wisdom how the law in all its office but also in all its humanity can work to diminish the fall out from the problematic lives of children and young people. The international and multi-disciplinary nature of the audience provides the conference with a broad and deep well from which to draw.”
New criminal justice measures

The Criminal Justice (NI) Order 2005 received Royal Assent in July 2005. Approximately half of its provisions came into effect automatically with the remaining provisions to be commenced on an appointed day.

The first Commencement Order was made in August 2005, making provision for legal aid for both extradition and prison disciplinary hearings and revenue provisions relating to speed cameras.

The second Commencement Order (SR 2006 No 368) which commenced on 18 September 2006 brought into effect seven articles to strengthen Northern Ireland's anti-social behaviour legislative framework.

These include:

- Article 2 - enables the Secretary of State to designate, by order, additional relevant authorities or persons who may apply for an ASBO
- Article 3 - makes amendments to provisions for the making of ASBOs on conviction in criminal proceedings, to improve the process relating to adjournment proceedings
- Article 4 - provides the court with the power to grant an interim ASBO where the accused has been convicted of a criminal offence
- Article 5 - makes provision for varying or discharging ASBOs or interim ASBOs on conviction
- Article 6 - extends the special measures provisions currently available to vulnerable or intimidated witnesses in criminal proceedings, to all ASBO proceedings. Special measures provisions available for vulnerable or intimidated witnesses include:
  - Screening the witness from the accused
  - Evidence by live link
  - Evidence to be given in private
  - Removal of wigs and gowns
  - Video recorded evidence in chief and
  - Aids to communication.
- Article 7 - makes amendments in relation to breach proceedings to provide that a certified copy of an ASBO order can be treated as a self-evidencing document without the need for further statement to its authenticity
- Article 8 - facilitates the availability of legal aid in ASBO proceedings when the new legal framework detailed in the Access to Justice (NI) Order 2003 is commenced and
- Article 27 - is being commenced in so far as it relates to the repeal of existing ASBO provision (detailed in Schedule 2), which has been superceded by amending provisions made in Article 5 of the 2005 Order.

Defence Disclosure

S 33(1) of the Criminal Justice Act 2003 (Defence Disclosure) came into operation in Northern Ireland on 10 July 2006 in so far as it inserts a new subsection (5C) of s 5 of the Criminal Procedure and Investigations Act 1996.

BACKGROUND

One of defence counsel's duties under current disclosure law is to supply a case statement to the prosecution and the court. If the defence fails to do so, sanctions may follow. Comments may be made by the judge on this failure and adverse inferences may be drawn by the court or jury. Although there is a duty in law to serve such a statement, there is currently no prescribed period within which it must be served.

S 33(1) inserts a new s 5(5C) into the Criminal Procedure and Investigations Act 1996. This new section makes it clear that the defence is obliged to give its statement within a prescribed period of 14 days.

This section was brought into operation for Northern Ireland by The Criminal Justice Act 2003 (Commencement No 13 and Transitional Provision) Order 2006 (SI 2006 No 1835), which came into force on 10 July 2006.

A copy of this Order can be found on the Office of Public Sector Information website - www.opsi.gov.uk
The Serious Organised Crime and Police Act 2005 (Appeals under S 74) Order 2006


THE ORDER

The Order set out the process for appeals against decisions of the Crown Court in reviewing a defendant’s sentence on the basis of assistance the defendant has given, agreed to give or failed to give to the authorities (Queen’s evidence).

POLICY BACKGROUND

The Serious Organised Crime and Police Act 2005 puts on a statutory footing existing common law provision (known as Queen’s Evidence) relating to reductions in sentence to reflect assistance given by defendants. S 74 provides that the Crown Court can review the sentence of a person on the basis of assistance the defendant has given, agreed to give, or failed to give to the authorities. The section also provides that the general avenues of appeal apply to these decisions. The Order sets out the detailed provisions (bail, evidence, court powers etc) as to how these appeals should be dealt with in both the Court of Appeal and the House of Lords. These provisions correspond to the general provisions relating to appeals against sentence.

LEGISLATIVE BACKGROUND

S 74(12) of the Serious Organised Crime and Police Act 2005 provides for the Secretary of State to make Orders containing provisions corresponding to the provisions of the Criminal Appeal (NI) Act 1980. The provisions relating to appeals under s 74 of the 2005 Act correspond to, but are not identical to, the wider appeal provisions. This is the first Order made under this section.

A copy of this Order can be found on the Office of Public Sector Information website - www.opsi.gov.uk
The NIO has announced a consultation on the supervised use of licensed firearms by young people in Northern Ireland.

At present, under the Firearms (NI) Order 2004, 16 years is the minimum age at which a young person can shoot under the supervision of an adult who is aged 21 or more and has had a firearm certificate for three years or more. There is no minimum age for supervised shooting by young people in the rest of the United Kingdom but the Home Office is currently conducting a review of their firearms controls.

The consultation paper sets out options for the way forward in response to a recommendation by the Northern Ireland Affairs Committee that there should be a single regime for young people’s access to firearms throughout the United Kingdom. The wide-ranging consultation will determine at what age young people in Northern Ireland may use shotguns and air rifles under adult supervision. The present age is 16.

The paper (which can be accessed at www.nio.gov.uk – follow Public Consultation link) includes as one option a reduction in the Northern Ireland minimum age limit to 12. Other options include that supervised shooting remains with an age limit of 16 as at present and the age for supervised shooting aligns with Great Britain where there is no minimum age limit.

The consultation will run until 29 December 2006.
Prison update

NEW PRISONER ESCORTING SERVICE

The NIO has announced plans for a new Prisoner Escorting and Court Custody Service (PECCS).

A detailed proposal from the Prison Service for improving value for money in the arrangements for transporting prisoners to court and their supervision while they are there has recently been accepted by the Prisons Minister and will be introduced on a phased basis. It is intended that it will be fully operational by September 2007.

The new arrangements will provide a fully integrated prisoner escorting and court custody service under a single management structure for the first time in Northern Ireland.

The new PECCS will retain the existing public sector management team and benefit from the skills of supervisors and staff currently employed by a private security firm in the Magistrates’ Courts in Northern Ireland. The supervisors and staff who currently provide the service in the Magistrates’ Courts will be invited to transfer to the employment of the Prison Service under arrangements contained within Transfer of Undertakings Protection of Employment (TUPE) legislation.

Prison Officers currently working in the NIPS Prisoner Escort Group will return to other duties in prisons, on a phased basis, as newly employed Prisoner Custody Officers are recruited and trained.

PRISONER SERVICE TO TRIAL USE OF HAND-HELD PAVA PERSONAL INCAPACITANT SPRAY

The Prison Service has announced its intention to trial the use of hand-held PAVA incapacitant spray in strictly defined and controlled circumstances. The Prison Service has published a Consultation Paper “Policy and Guidance for the Operational Deployment of PAVA Incapacitant Spray” which is downloadable from www.niprisonservice.gov.uk

The consultation period closes on 8 December 2006. PAVA will not be deployed during the consultation period.

The purpose of the trial is to assess the operational effectiveness of PAVA as a tactical aid in safely resolving violent or potentially life threatening situations. It is stated that the introduction of PAVA will bring NIPS into line with HMPS which has had PAVA available for over a year now. It is also used by numerous police forces in the United Kingdom.

The Consultation Paper states that in line with human rights principles, PAVA will only be deployed in “serious incidents” where there is a real threat to the health and safety of staff, prisoner or others and, exceptionally, where an individual refuses to leave his cell in a “planned cell removal” and there is a high risk of violence and where other methods of resolution have been unsuccessful. The spray will not be used on females or juveniles or where there is a risk of endangering the safety of anyone by its deployment. It may only be used after a warning has been issued.

The use of PAVA will be subject to a trial period of 12 months or ten operational uses, whichever is longer. The Director of the Prison Service has signed a protocol with the Prisoner Ombudsman to investigate all instances where the spray is issued and/or used during the trial period and to provide a written report of his findings, making recommendations where necessary.

PRISONER OMBUDSMAN PUBLISHES FIRST ANNUAL REPORT

Of the 368 complaints received from prisoners in Northern Ireland between May 2005 and April 2006 50% of them have been upheld.

This statistic is among the information contained in the first annual report issued by the Prisoner Ombudsman for Northern Ireland which is available from www.niprisonerombudsman.gov.uk

The figure of 368 complaints is 50% more than had been predicted using historical information when the office was set up. The Ombudsman, Brian Coulter, commented that the high number of complaints demonstrated that prisoners were prepared to put their trust in his independence and impartiality. Mr Coulter went on to say:

“The work of my office has begun to make a significant contribution not just to the resolution of individual problems but also to a fairer and more transparent prison system.

“Complaints from individual prisoners were on a wide variation of themes but over half of those received fell into eight categories: food; health and safety issues; healthcare; night guard routines; property and cash; regime activities and searching and staff issues. The fact that after fully investigating complaints marginally over 50% were upheld and just under 50% rejected, suggests that my approach has been reasonable and fair for all involved.

“During this first year the relationship between my office and the Prison Service has been both professional and constructive. I fully recognise the excellent work that is undertaken by prison service staff, a great deal of which is not often publicly acknowledged. That said, many of the complaints received by me could more properly have been dealt with at source by prison staff.

“I am pleased to report that all of the recommendations made to the Prison Service by my office were accepted by the Director General.

“Ultimately it is my hope that the existence of a Prisoner Ombudsman will lead to better self-regulation by the Prison Service including the development of a more efficient process for dealing internally with prisoner complaints.”

In addition to investigating prisoner complaints, the Prisoner Ombudsman was last September invited by the Prison Service to investigate the events surrounding any subsequent deaths in custody from whatever causes. Three deaths are currently under investigation.

A Prisoner Ombudsman office operates in only three countries worldwide, namely the UK, Argentina and Canada.
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**Criminal Solicitor**
An established firm of Solicitors is seeking a Criminal Solicitor to join one of their branches in Greater Belfast. You will be a minimum of 3 years’ PQE and be experienced in managing a large caseload. Ref: JO284082

**Conveyancing Solicitor**
A Conveyancing Solicitor is required for this multi-disciplinary practice based just outside Belfast city. Dealing primarily with residential conveyancing you will be a minimum of 3 years’ PQE. A great opportunity to join an expanding firm. Ref: JO284360

**Matrimonial Solicitor - Newry**
Our client, a 3 Partner firm based in Newry is seeking a Matrimonial solicitor. Suitable candidates will be NQ+. You will be eager to contribute to this highly regarded team of solicitors and manage a growing case load. Ref: JO284326

**Probate Solicitor**
Our client, based in the North West is seeking a Probate Solicitor. This firm has a thriving probate practice and is seeking a committed solicitor. Fee generation and client management skills are a major factor in order to sustain the reputation in such a competitive market. Ref: JO281631

**Matrimonial/Conveyancing Solicitor**
Our client, a two partner firm based in Belfast is seeking a Conveyancing/Matrimonial Solicitor. This forward thinking firm is based in a busy modern office building situated just 15 minutes walk from the heart of Belfast City Centre. Our client is seeking a candidate with ideally at least 3 years’ experience. A great role in a reputable firm. Ref: JO282650

For more details on these and other interesting opportunities contact Fionnuala or Katherine on 028 9032 3333 or e-mail legal@blueprintappointments.com
With more and more people ‘going on-line’, e-mail has emerged as a business-critical tool. As well as being central to communications with existing clients and business associates, it can be used to maximise the efficient running of a legal practice.

This ‘hands on’ workshop is intended to provide practitioners with a comprehensive look at all aspects of Microsoft Outlook from e-mail correspondence, address book management to best use of the electronic calendar. It is suitable for those with a range of IT skills - from those who have little knowledge to those who are keen to pick up further Outlook hints and tips.

The course will also cover legal issues surrounding the use of e-mail such as e-mail policies, disclaimers and Data Protection. There will also be a technology update covering the range of options available for those interested in remote or home working.

Attendance at this workshop will count towards the Client Care and Practice Management requirement of the CPD Regulations.

Due to the nature of these workshops places are limited, so early booking is advisable.

For more details and further course information, e-mail cpd@lawsoc-ni.org
Developments at the Planning Service

ANTENNAS & SATELLITE DISHES
The Planning Service has recently published Information Leaflet No 13 A Householder’s Planning Guide for the Installation of Antennas, including Satellite Dishes. The guide aims to:

- explain what the regulations say about the number and the size of antennas allowed and where they should be placed
- offer guidance on the most appropriate places to site antennas to try to help protect the environment
- help retailers and installers provide appropriate advice and service on where to place antennas

The leaflet may be downloaded from www.planningni.gov.uk

ADVERTISING CHANGE FOR PLANNING APPLICATIONS
The Planning Service is changing the way it advertises planning notices in the Greater Belfast area.

From 9 October it is no longer paying to advertise in the Belfast Telegraph, Irish News and News Letter. In place thereof, details of new planning applications received for the Belfast City, Castlereagh Borough and Newtownabbey Borough Councils areas will be published in local weekly papers.

A spokesperson for the Planning Service explained:

“We are committed to providing an efficient and effective service to our customers. This change follows a review of government advertising policy and aims to ensure value for money. It brings planning advertising in Headquarters and Belfast Division into line with the other divisional offices around Northern Ireland which already advertise in local weekly papers.

NOTE: The three Belfast based daily newspapers have joined forces in seeking a judicial review in the High Court of this decision.

THE PLANNING REFORM (2006 ORDER) (COMMENCEMENT NO 2) ORDER (NI) 2006
This Statutory Rule was made under A 1(3) of the Planning Reform (NI) Order 2006. It brings A 5 (independent examination of development plans) of the Planning Reform (NI) Order 2006 into operation on 17 October 2006. Commencement of this Article provides for independent examination for the purpose of considering objections to a development plan or to the alteration, repeal or replacement of a development plan.

PLANNING (DEVELOPMENT PLANS) (AMENDMENT) REGULATIONS (NI) 2006
This Statutory Rule amends regulations 11, 12 and 13 of the Planning (Development Plans) Regulations (NI) 1991 to replace references to “public local inquiries”, “public local inquiry” and “inquiry” by references to “independent examinations”, “independent examination” and “examination”. These regulations also came into operation on 17 October 2006.

Co-ownership value limits increased

Measures to make the Co-ownership shared equity housing scheme more accessible have been announced. Over the past 28 years 19,000 households have been purchased through Co-Ownership across Northern Ireland and more than half a billion pounds of public and private funds has been invested.

The Minister with responsibility for Social Development, David Hanson MP, said: “I am keenly aware that high property prices in recent years are making it difficult for increasing numbers of people on lower incomes to buy a home of their own. The Co-Ownership Scheme has traditionally played a significant role in overcoming such affordability barriers and earlier this year I announced a series of changes to the Scheme that were designed to make it more accessible to people on lower incomes by reducing the joining fee and the rent chargeable to Co-Ownership participants.”

The Minister explained that while these measures have helped to reduce the costs associated with the Co-Ownership scheme, the current system of value limits basis that apply to property eligible for purchase through Co-Ownership are a constraint in many areas. In recognition of this and in order to ensure that the Co-ownership scheme is open to all, it has been decided to increase the value limits in 16 District Council areas to £150,000 and to £130,000 in the remaining ten.

Details of the new limits applicable in each of the 26 District Council areas can be found on the Co-Ownership’s re-vamped website at www.co-ownership.org. The website features an online internet buyers’ information pack comprising a Co-Ownership fact file, personal home buyers checklist, tool box with links to mortgage information, money saving tips, step-by-step guides on buying and selling a house and monthly cost calculations.
The Northern Ireland Housing Statistics 2005-06, detailing recent trends in housing, has been published by the Department for Social Development.

Some of its key findings with year-on comparisons include:

- There were approximately 702,400 (provisional) dwellings in Northern Ireland at 31 March 2006, a rise of 7,700 (1.1%) on March 2005
- Owner-occupied dwellings accounted for 483,700, i.e. 72.8% of total occupied stock (664,300). 10,745 residential planning applications were granted, a decrease of 14.3% on 2004-05
- 15,184 new dwellings were started during 2005-06, of which 92% were commissioned by the private sector
- 20,121 households presented as homeless, a rise of 15.9% on 2004-05
- Total number of NIHE tenancies decreased from 93,477 at March 2005 to stand at 90,931 at 31 March 2006
- The number of dwellings sold by NIHE decreased by 16.7% from the previous year to 2,683 for 2005-06.
- 2,614 actions for mortgage possession were recorded for 2005-06, an increase of 19.5% from the previous year
- The average price of NHBC-registered houses sold during 2005-06 was £134,000 (provisional), an increase of 13.6%
- The average rent per week in Northern Ireland in 2004-05 from the Family Resource Survey was £61.90, some £42.96 below the UK average (£104.86)
- Construction output for Private Sector new housing was 17.2% higher in January-March 2006 (£289.6 million) than for the same period in 2005 (£247.2 million)
- The average house price, according to Valuation and Lands Agency data, in 2002-03 was £97,700. For 2004-05 the average price had risen to £113,900 (provisional)
- The median advance for first time buyers in 2001 was £50,000. By 2005 the median advance had increased to £77,480 (55% higher)

INSTITUTE OF PROFESSIONAL LEGAL STUDIES

Commercial Conveyancing Course

The Institute of Professional Legal Studies is offering a five week course in Commercial Conveyancing. Issues covered in the course include Site Assembly, Building Contracts, Analysis of a Commercial Lease and Finance.

Main Facilitator: Mr Ian Huddleston - L'Estrange & Brett (supported by members of the Institute staff).

When:
- Monday, 22 January 2007
- Monday, 5 February 2007
- Monday, 19 February 2007
- Monday, 26 February 2007
- Monday, 12 March 2007

Time: 9.30am – 1.00pm
Venue: Institute of Professional Legal Studies, 10 Lennoxvale, Belfast

Cost: £650

Successful completion of the course will lead to a Certificate in Commercial Conveyancing from IPLS
15 CPD points (including 3 Client Care/Practice Management) are awarded for attendance at this course.

Booking form and cheques, made payable to QUEEN'S UNIVERSITY BELFAST, should be sent to Mrs Joan Playfair, Institute of Professional Legal Studies, 10 Lennoxvale, Belfast, BT9 5BY.

Closing Date for applications: FRIDAY, 15 DECEMBER 2006.

Applications will be taken on a first-come first-served basis (Places are limited to 30 people)
This course is designed primarily for those who have relatively little practice experience in Commercial Conveyancing.

Commercial Conveyancing Course - Booking Form

Name: 
Firm: 
Address: 
Tel. No: 
I enclose remittance of £
Email Address: 

Practice Guidance Note (Probate)
Engrossments of Wills and Codicils

1. Attention is drawn to the requirements of Order 97 rule 8 of the Rules of the Supreme Court (Northern Ireland) 1980. The purpose of this note is to provide guidance on the particular circumstances in which a typed or printed engrossment of a will (for this purpose to include a codicil) should be included in the papers to be lodged in the Probate Office on an application for a grant.

2. An engrossment should be lodged with the application in any of the following circumstances:
   a) The will contains an alteration not admissible to probate (except where (i) the original has been altered but not re-executed or republished and there exists a photocopy of the original executed document, or (ii) inadmissible words on the same page below the testator's signature can be masked out, or (iii) a complete page or pages of the will are to be excluded).
   b) The will has been rectified by an Order pursuant to A 29(1) of the Wills and Administration Proceedings (NI) Order 1994.
   c) The will is illegible.
   d) The will is otherwise unsuitable for photocopying, eg because it or any documents to be incorporated in it are of a size or shape or contain ink or print which would not be compatible with clear and satisfactory A4 photographic reproduction.

3. In future a handwritten or home-made will need not be the subject of an engrossment provided it does not fall within any of the categories listed in paragraph 2. A will upon which there is pencil writing need not be engrossed unless it falls within one of those categories but a copy (whether engrossed or photographic) marked in accordance with rule 8(4) must be lodged.

4. Where an engrossment is lodged it must be:
   i) prepared strictly in accordance with rule 8(3) and (ii) certified at its end or foot by the lodging solicitor or applicant in person as a true copy of the original will (adding where appropriate: “as rectified by Order dated…” , and/or “excluding all material not admissible to probate”, and/or “pencil writing on the will/codicil being shown underlined in red ink on this engrossment”).

13 September 2006
Master Ellison

The purposes of the Practice Guidance Note are to:

i. clarify the circumstances in which engrossments need accompany probate applications
ii. reduce the number of engrossments prepared by solicitors and applicants in person and processed by Court staff
iii. to that extent, reduce the time, costs and resources involved in extracting grants

The Note was issued after consultation with the Chancery Division Liaison Committee and the Non-Contentious Business Committee of the Law Society.

Appeal for body donations by Queen's University

The Department of Health has urged more people to consider leaving their bodies to medical science.

With approximately 300 new medical and dental students coming to Queen’s University each year, there is a shortage of bodies for education and training.

Dr Glenda Mock, Principal Medical Officer, Department of Health, said: "The successful training of doctors and dentists depends on the generosity of those offering their bodies, after their death, for medical education, training and research. During the time the medical school holds the body it will be used for vital training of medical students, dentists, trainee surgeons and other health professionals. Each body is made anonymous to protect identity."

The Human Tissue Act 2004 permits, with consent, the donation of whole bodies for anatomical examination. The Human Tissue Authority has recently issued a Code of Practice on anatomical examination, which gives clear guidance on the regulation and licensing requirements of the legislation. It can be viewed on the Authority’s website at www.hta.gov.uk

The donation of a body must be made by the person, after reading and signing of documents which ensure that donors and their relatives understand what is involved.

Dr Dave Wilson, Head of Anatomy at Queen’s, added: "Anatomy at Queen’s has a central role, ensuring that future doctors and other health professionals understand how the human body is put together. Students need to explore the body in detail and acquire their knowledge from studying real bodies.

Those interested in discussing the donation of their bodies to medical science can contact the Anatomy Department at Queen’s by telephoning 028 9097 2131, by emailing anatomy@qub.ac.uk or by writing to the Anatomy Department at The School of Medicine, Queen’s University Belfast, Medical Biology Centre, 97 Lisburn Road, Belfast. BT9 7BL."
Providing professional advice whilst operating as a viable business is a demanding and complex process.

In today’s corporate environment legal professionals often face competition and have to ‘chase’ their own markets. They are becoming increasingly aware of the need for excellent interpersonal and business skills and the fact that they have to adapt to the changing marketplace.

The ‘Managing Your Client and Yourself’ workshop will concentrate on the current issues facing legal professionals and it will offer invaluable information on client care, client relationships and practice management.

As this workshop fully covers the Client Care and Practice Management requirement of the CPD Regulations early booking is advisable.

For more details and further course information contact Susan Duffy, Law Society CPD Co-ordinator, on 028 9023 1614 or e-mail susan.duffy@lawsoc-ni.org

Managing Your Client and Yourself
Booking Form

Please specify which venue you wish to attend:

- 4 December 2006 Canal Court Hotel, Newry
- 6 December 2006 The Mount Conference Centre, Belfast
- 7 December 2006 City Hotel, Derry
- 11 December 2006 Killyhevlin Hotel, Enniskillen

Name:
Firm:
Address:
Postcode:
Telephone Number:
E-mail:
Cheque enclosed: (made payable to "Law Society of Northern Ireland")
In our chosen sectors, Northgate Information Solutions is a clear market leader. A highly successful and growing business with exceptional people and services, an outstanding record of innovation and a high level of delivery performance and customer satisfaction.

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**Commercial Lawyer**

The successful candidate will have post-qualifying experience ideally focused in the IT sector. Candidates with experience in negotiating large managed services contracts and knowledge of OGC, Catalyst and PFI frameworks will be particularly welcome. However candidates without specific experience but with eagerness and capacity to learn, an ability to work under pressure and to tight deadlines and an overall appetite for hard work are also encouraged to apply.

An attractive package including contributory pension, private health insurance, bonus and car allowance will be available to the successful candidate.

The position is based in Belfast but travel throughout the UK will be required.

For further information and an application pack please contact:-

Northgate Information Solutions, Human Resources, Hillview House, 61 Church Road, Newtownabbey, BT36 7LQ.  
Tel +44 (0)28 9085 7682 or Email: sabrina.sloan@northgate-is.com Web: www.northgate-is.com/managedservices

Completed application forms must be returned by Friday 1st December 2006. Please note that supplementary information to the application form will be accepted in CV format. Please quote reference on your application.
The Office of First and deputy First Minister published this year two revised Lists setting out the authorised departments of the Government of the United Kingdom and the Northern Ireland Departments respectively under s 17 of the Crown Proceedings Act 1947 as extended to Northern Ireland by the Crown Proceedings (NI) Order 1981. A copy of each of the Lists can be purchased from the Stationery Office.

The effect of s 17(3) of the Act is to ensure that civil proceedings against the Crown are brought against the appropriate departments. The Crown is sued through departments such as, for example, the Northern Ireland Office but not through Ministers such as the Secretary of State for Northern Ireland, nor through agencies such as the Compensation Agency and the Northern Ireland Prison Service. The subsection also provides that where the person bringing the proceedings has any reasonable doubt as to which is the appropriate department or none is appropriate then the Attorney General should be sued.

In addition to the names of the authorised departments, the Lists contain the name and address of the solicitor for each department.

For all the United Kingdom Departments listed, this is the Crown Solicitor for Northern Ireland, Royal Courts of Justice, Belfast BT1 3JY and for all the Northern Ireland Departments this is The Solicitor, Department of Finance and Personnel, Departmental Solicitor’s office, Centre House, 79 Chichester Street, Belfast, BT1 3J E.

S 18 of the Act requires all documents to be served in Crown proceedings on the solicitor acting for the department sued or, if the Attorney General is sued, on the Crown Solicitor.

Proceedings against United Kingdom Departments are often served on the Departmental Solicitor at Centre House, Chichester Street, Belfast. Clearly, this is not good service, nor is service on the Crown Solicitor at Centre House. Similarly, service of a Northern Ireland Department cannot be effected on the Crown Solicitor. The Northern Ireland Office is not a Northern Ireland Department.

The Act provides that judicial review proceedings are not civil proceedings against the Crown and so s 17 does not apply. Nonetheless, it would be prudent to follow the same approach with regard to service of those proceedings.

Incompatibility notices under the Human Rights Act should be served with regard to these lists. (See RSC Order 121 Rule 6).

We are grateful to the Crown Solicitor’s Office and the Departmental Solicitor’s Office for this update.
Changes to Commercial Court Practice Direction 6 of 2002 will have implications for the appointment, briefing and role for experts and their evidence. This article explores proposed changes that will become effective in early 2007 at the beginning of Trinity term.

The consultation period for the proposed changes to Practice Direction 6 of 2002 Expert Evidence closed at the beginning of September and it is reported that Mr Justice Coghlin is working to a programme that will have all amendments included within a revised Practice Direction that will be issued and become effective in early January 2007.

Commercial list cases often rely upon the input of experts to assist the court and the letter that accompanied the draft changes suggests the intention is for Northern Ireland to come closer to the English method of appointment of experts and their role within court proceedings. One could also suggest another reason being the recently detected judicial frustration as to the lack of resolution between experts appointed by opposing parties. The main proposed amendments may be categorised as follows:

**APPOINTMENT OF EXPERTS**
The proposed amendments articulate the need for lawyers to choose an informed and appropriate expert. The instructing lawyer should provide clear instructions and information to the expert and include lists of information to be supplied and what charges and costs should be agreed. This obligation for instructing lawyers would extend to any enhancement during the progress of the case and to the scope of service required of the expert. These amendments should enable easier resolution of awarding of costs at the conclusion of a case and reduce any disagreements between instructing lawyers and experts. There are also proposed new sections that address the expert's acceptance of instructions, withdrawal and request for directions.

**EMPHASIS OF INDEPENDENCE AND ASSISTING THE COURT IN RESOLUTION OF THE CASE**
The need for independence is emphasised - with a useful test being that the expert would express the same opinion if given the same instructions by the opposing party. The potential for an order of costs directly against an expert is mentioned if their evidence causes significant expense to be incurred in disregard of their duties to the court. The proposal to make an order of costs against experts requires careful consideration - in that flagrant and reckless disregard of their duties to the court could be caused by information and instructions received by the expert. Instructing lawyers and the party they represent can be quick to find fault with the role of the expert they have engaged, especially if the outcome of the case has not gone particularly in their favour. These illustrations demonstrate the intermediary role of the expert with the commitment to assisting the court to resolve the case - but being paid by one side of the dispute.

The addition of a clause requiring the expert to have no potential conflict of interest would perhaps need clarification in that the relatively small world that is Northern Ireland, experts in their day-to-day professional capacity may have had business dealings with parties or advisors involved in the case. The explicit "no" and "potential" could be used by legal teams to discredit or muddy the role of a particular expert whose evidence they find indigestible - although it may clarify matters and assist the court.

**TIMING, PROGRESSION AND PRESENTATION OF EVIDENCE**
There is much additional emphasis placed upon agreeing of timescales, diaries and dates. Uniformity of presentation of evidence will be encouraged through the use of model forms of reports available through expert witness organisations with sources of information, assumptions, facts, and the opinion of others to be clearly distinguished. A process for experts to change their evidence during proceedings is also a suggested amendment to the Practice Direction. There is proposed clarification as to the purpose of expert meetings, the outcomes of such meetings and when lawyers should attend and how they can intervene.

**SINGLE JOINT EXPERTS**
The proposed amendments include a new extensive set of clauses that outline the appointment, instruction and conduct of single joint experts. There would be much more focus and responsibility placed upon a single expert and hence the choice of single expert needs to be made even more carefully by the instructing lawyers. My response on behalf of the Royal Society of Ulster Architects suggested that allowances are made within court for the more complex role of a single expert and that initially there may be few, if any, experts within Northern Ireland who have previously acted as a single expert.

**SUMMARY**
The RSUA response suggested the Commercials List Office encourages the use of Practice Direction 6 of 2002 by instructing lawyers and also made the recommendation that a new digital version should include appendices containing documents referred to within the Practice Direction. The indication from the Commercial Lists Office is that the revised Practice Direction will be ready for early January and will be issued to take immediate effect. J judges will be aware of the changes and hence it is important for those instructing and acting as experts to be aware of the new Practice Direction.

**ALAN M JONES RIBA FRSA**
Alan M Jones is a director of Alan Jones Architects Ltd, Belfast and he is frequently asked for expert opinion. He responded to the proposed changes to Practice Direction 6 of 2002 on behalf of The Royal Society of Ulster Architects. A full copy of the proposed changes and the templates for expert evidence are available at www.buildinglegal.com.

Alan Jones, Director
Alan Jones Architects Ltd
37 Malone Road, Belfast BT9
6RX United Kingdom
Tel: 028 9066 7789 Fax: 028 9066 7567
Email: alan@jonesarchitects.com
The Society is pleased to welcome Susan Duffy, who has joined us as our new CPD Co-ordinator. Before accepting this post Susan was employed as Project Manager with Sentinus, an educational consultancy company.

Susan’s duties will include the administration, processing and monitoring of the CPD record cards returned by solicitors each year to the Society. In addition to examining all cards to ensure compliance with the Scheme and keeping a permanent computerised record of each solicitor’s CPD history on the Society’s central database, she will also provide advice and guidance about the requirements of the Scheme and deal with any queries that arise.

Susan will build on the work of the previous CPD Co-ordinator, Eleanor McCabe, by continuing to provide a range of training courses, seminars, lectures and other CPD events on behalf of the Society. These courses will give solicitors a comprehensive and varied route to fulfilling CPD requirements.

Compliance with the CPD Scheme has to date been embraced by the vast majority of solicitors in Northern Ireland.

Solicitors should note that in addition to all cards being inspected to ensure compliance with the Scheme, a monitoring exercise will be carried out whereby some solicitors will be required to provide written evidence of the CPD events claimed on the returned card. Each solicitor should therefore keep a CPD file and retain records of each event attended. Solicitors who do not return a card to the Society as required by the Regulations will be identified via the Society’s computer database and may be subject to disciplinary action.

Please note that CPD record cards can be sent to the Society at any time after the required hours have been completed as it is not necessary to wait until the end of the CPD year to submit the card. This will greatly assist the administration and monitoring of the CPD Scheme.

Solicitors, local associations and other relevant groups who have specific needs or suggestions should contact Susan at the Society on 028 9023 1614 or by email at susan.duffy@lawsoc-ni.org where she will be pleased to address any queries about any aspect of the CPD Scheme.

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New regulations prohibit age discrimination


A 6.1 of the Directive allows Member States to include exemptions in their national legislation for age discriminatory practices which are objectively justified. A 6.2 of the Directive also allows exemptions in relation to some aspects of occupational pension schemes.

The new Regulations which prohibit age discrimination in employment and vocational training create important new rights and responsibilities for every employee and business in Northern Ireland – see The Writ Issues 168 (October 2005) and 176 (July/August 2006).

Speaking at an event held at the Equality Commission’s headquarters in Belfast to mark the coming into operation of the new legislation, the Equality Minister, David Hanson MP, said: “Discrimination knows no age barrier and this legislation covers people of all ages. It will have far-reaching consequences and the Equality Commission has a key role to play in working with the business community to help employers fulfil their obligations under the Regulations.”

The Regulations prohibit unjustified direct and indirect age discrimination and all harassment and victimisation on grounds of age in employment and vocational training. They apply to individuals in work, seeking work or access to training and to all employers and providers of vocational training (including further and higher education institutions).

The Minister also announced that the occupational pension provisions which form part of the Age Regulations will not now come into operation until 1 December 2006. The decision to defer commencement of the pension’s aspect of the Regulations is in response to concerns raised by the pensions industry.

Speaking about the delay, the Minister said: “The additional two months will give occupational pension schemes more time to adjust to the new age discrimination regulations following a period of significant activity within the pensions sector. The additional time will be used to consider whether any amendments should be made to the pension provisions in the Age Regulations to provide greater clarity for pension schemes and employers.”

Schedule 1 to the Age Regulations sets out those age-related aspects of the operation of occupational pension schemes that will continue to be permitted without having to be objectively justified by pension schemes themselves. If a scheme wishes to continue with an age-related practice not covered by the provisions of Schedule 1, it will still be able to do so as long as the scheme itself can objectively justify the practice.

New rules for notifying collective redundancies

The Department for Employment and Learning has announced changes in the way collective redundancy notifications must be made.

From 8 October 2006 businesses proposing to make collective redundancies (ie where 20 or more employees are to be made redundant) must notify the relevant public authority before redundancy notices are issued to staff. Previously, notification could be made after the issue of redundancy notices.

The Collective Redundancies (Amendment) Regulations (NI) 2006 (SR 2006 No 369) which amend a 221 of the Employment Rights (NI) Order 1996 address a European Court of Justice decision in the case of Junk-v-Kuhnel, which clarified that notification of redundancies to public authorities must take place before redundancy notices are issued.

A spokesperson for the Department said: “This amendment will ensure that notification of collective redundancies to the Government will occur earlier, enabling the relevant authorities to take appropriate action to mitigate the effects on those concerned.”

Currently, collective redundancies must be notified to the Department of Enterprise Trade and Investment. In 2005, 64 employers proposed making collective redundancies, compared to 53 in 2004 and 91 in 2003. “Businesses proposing to make collective redundancies must notify the relevant public authority before redundancy notices are issued to staff.”
What price privacy? – buying and selling personal information

The Information Commissioner laid before Parliament on 10 May 2006 a report entitled “What Price Privacy” about the unlawful and widespread trade in confidential personal information. On the same day he wrote to the media and to financial and professional bodies inviting them to raise awareness, to encourage good practice and to take a strong line to tackle any involvement in the illegal trade of personal information. Following publication of the report, the government indicated that it was increasingly concerned at the growth of the unlawful trading of personal information and it agreed that the current penalties do not provide a sufficiently strong deterrent to those who seek to profit from it.

Under s 55(1) of the Data Protection Act 1998 it is an offence to “obtain or disclose personal data or the information contained in personal data” or to “procure the disclosure to another person of the information contained in personal data”. Under s 55(4) it is an offence to sell personal data obtained in contravention of s 55(1). Certain defences exist if the person can show the disclosure was necessary to prevent or detect crime, or was duly authorised by law or by court order or the person making the disclosure would have had the consent of the data controller, or that disclosure was in the interests of justice.

Following research carried out by the Information Commissioner’s Office and other bodies, a flourishing black market in selling personal information was uncovered with over 100,000 offences detected. On the demand side the main customers, apart from the media, are insurance companies, lenders and creditors including local authorities chasing council tax arrears, parties to matrimonial and family disputes and criminals intent on fraud, seeking to influence jurors, witnesses or legal personnel. On the supply side is the private investigation industry. It obtains personal information in two main ways:

• by corruption, usually by paying employees who have access to the information through their employment

• by “blagging” the information on the telephone, usually by impersonating either the data subject (ie the person about whom the information is held) or other officials

The blaggers use training manuals to teach new recruits the tricks of the trade and have been known to send them on courses to learn how to get information out of systems and people. Solicitors are strongly advised to make themselves and their staff aware of the fascinating but worrying blagging techniques described in the report and to which any of us could easily fall victim. Various charges paid to the blaggers for supplying information are listed in the report, with one agent invoicing up to £120,000 per month of positive tracing.

A flourishing black market in selling personal information was uncovered with over 100,000 offences detected. The report does not disclose evidence of particular involvement by the solicitor’s profession in the market of obtaining and selling of personal information. The main players are as indicated above. Nevertheless, the report states that businesses which regularly turn to private investigation firms and through them to the “shadier end of the tracing market” requesting personal information must know or suspect that it has been unlawfully obtained. “It may only be on the fringes but it is clear that insurance companies, solicitors, local authorities, finance companies and other lenders are implicated in this trade”. The report also states that it is “necessary to send out a clear message that all those involved in the chain of supply may be committing an offence under s 55”. It mentions one case where the Information Commissioner is in the process of “cautioning a partner in the law firm acting for the client”.

The report concludes that outsourcing the work to other parties does not preclude the principal from being tried and convicted for the offence committed and businesses involved in obtaining, supplying or buying personal information need to be aware of the risks. It suggests that they should “restrict themselves to obtaining information which they are confident has been lawfully obtained. Otherwise it is only a matter of time before they find themselves charged with this offence. It is in line with the Information Commissioner’s new regulatory strategy to prosecute such ‘commercial’ offenders more actively.”

The report found that there was a generally low level of penalties imposed following prosecutions of cases. From November 2002 to January 2006 only two out of 22 cases produced total fines of more than £5000 and other investigations produced frustrating outcomes despite detriment caused to individuals and to public confidence generally. Following the recommendations made by the report the Department for Constitutional Affairs issued a consultation paper proposing an increase in penalties of up to six months imprisonment for summary conviction and up to two years imprisonment for conviction on indictment.

The report also makes a series of recommendations to the Security Industry Authority, the Association of British Investigators, the Press Complaints Commission and the Office of Fair Trading. It supports the proposal of the Department for Constitutional Affairs to create a new court order (the Data Disclosure Order) by which a creditor could apply to seek information about a judgment debtor from third parties in the public and private sectors.

The paper can be viewed at the DCA website at www.dca.gov.uk/consult/misuse_data/consultation0906.pdf. The report “What Price Privacy” was researched and issued by the Information Commissioner’s Office and can be viewed from a link at the ICO web’s home page - www.ico.gov.uk
For more details call Orla Milligan at prglawsearch on 02890 314 644 or email orlamilligan@prglawsearch.com

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Professional Recruitment Group Limited, trading as PRG, acts as both an Employment Business and an Employment Agency.
I’m afraid you’ll think (with some justification) that this is yet another article written by someone who, under the guise of fundraiser, has undertaken an adventure that is part self-serving holiday and part endurance test – in my case eight days cycling over 800 kilometres across the Pyrenees and the mountainous northern provinces of Spain to the medieval city of Santiago de Compostella. But before you skip this page please bear with me and help with another challenge which has been thrown down to us all as solicitors. But more of that later…

The trip was a collaborative effort between Phoenix Cycling Club Belfast and the Friends of the NI Cancer Centre, a fundraising charity which supports the work of the new Cancer Centre at Belfast City Hospital. Our group of 12 cyclists, which included three oncologists, a GP, two barristers and “a lawyer” – ie me – all paid their own expenses so that every penny raised goes to the charity. A backup van carried all the essential gear. The team leader was Consultant Oncologist, Seamus McAleer, who unfortunately was reduced to walking sections of the route each day. During training he had fallen while cycling the Bordertrek and torn a tendon in his right hand but was strongly suspected of having flung himself to the ground to avoid the hills!

The Friends of the Cancer Centre Trust helps medical staff, patients and their families in many practical ways and is presently fundraising to provide accommodation for patients and their families who travel long distances from all over the province to attend daily therapy.

Santiago is the resting place of the remains of St James the Apostle, John’s older brother. Legend has it that following his martyrdom in AD44, his remains were spirited out of the Holy Land and taken by his followers for safety to the very end of the then known world in the northwest corner of Spain. His bones lay undiscovered until about 843 when they were found by a hermit who was guided to the exact spot in a hilltop field by an unusual starry formation (“Campo de Estrellas”). It was pronounced that the tomb of the Apostle had indeed been discovered and Saint James was duly declared the patron of Spain.

This rather dodgy legend was greatly enhanced when about the same time St James appeared in person wielding his sword to rally the Spanish army at a time when Spain itself was under great threat from Moorish invaders. His appearance saved the day and he was known henceforth as Santiago el Matamoros - St James the Moorslayer.

The 12th century cathedral built over the spot is truly awesome and is now a Unesco World Heritage Site visited by over 100,000 pilgrims each year. The Rough Guide to Spain considers Santiago to be “one of the most beautiful of all Spanish cities”. Chaucer’s Tales illustrate how medieval pilgrimages were really the first package tours. They were ostensibly undertaken for reasons of faith but (as in my case) often undertaken for more venal reasons.

During the cycle, we encountered extremes of weather from 33°C down to 7°C complete with two days of driving rain blown by the lash of Hurricane Gordon. The constant westerly headwinds slowed us even on the steepest
descents. Grinding climbs 10 or 15 miles long were part and parcel of the daily ascents which averaged 4000 feet altitude. In total we cycled higher than Everest.

Mind you, one of the hardest parts of the journey was passing through the Rioja wine growing region without being able to do justice to this year's vintage! The best parts were the dramatic scenery and the beautiful villages, towns and cities of the provinces of Navarra, Castilla y Leon and Galicia.

The accompanying photos will hopefully give an impression of the grand scale of the magnificent scenery. Much more information about the cycle, including interesting statistical details, can be seen on the website which provided a daily record of the journey: www.caminocycle2006.com

The Bar of Northern Ireland has already responded very generously to this appeal. My challenge to each and every firm of solicitors in Northern Ireland is to respond in kind. You are asked to donate no more than £25 per firm. As there are over 500 firms in the province, you can work out for yourself what an impressive total that will represent. Please join in this effort and send a cheque made out to the Friends of the NI Cancer Centre to me at Paul K Nolan & Co Solicitors, 135 Upper Lisburn Road, Belfast, BT10 0LH. Each donation will be acknowledged in a list given to the Trustees.

To those of you who have already given donations, I offer my sincere thanks. Not that you'll need any incentive but in any event every £25 donated entitles you to an entry in a free draw for a case of Rioja wine donated by my firm - so the more multiples of £25 you donate, the better your chances! The winner will be announced in a later edition of The Writ. I hope to hear from you and thanks a lot.

Paul K Nolan

Brightwater is a leader in the Northern Ireland recruitment market. Our success has been based upon our level of expertise and professional service. Our specialist Legal Division recruits professionals into practice and in-house roles from support staff to partner level. We guarantee a full confidential service to our candidates, identifying suitable career opportunities with genuine prospects.

General Practice Solicitor £Negotiable
Portadown * Convey. & Litigation Ref: 27058

Conveyancing Solicitor £Negotiable
Lisburn * Ideally 4 years' PQE Ref: 26872

Litigation Solicitor (6 mth contract) £Negotiable
Ballymena * 5 years' PQE Ref: 26421

Conveyancing Solicitor £Negotiable
Belfast * 1-3 years' PQE Ref: 27180

Family Law Solicitor £22,000-£30,000
Portadown * 2 years' PQE Ref: 27030

General Practice Solicitor £20,000-£25,000
Belfast * 1-2 years' PQE Ref: 27090

Litigation Solicitor £18,000-£22,000
Belfast * NQ - 1 year's PQE Ref: 27179

Conveyancing Solicitor £18,000-£22,000
Portadown * NQ or recently qualified Ref: 26816

For further information on these roles and other opportunities, please contact Nicole Dowling for a confidential discussion on 028 90 325 325 or email n.dowling@brightwaterNI.com
Practice Direction 6/2006

Supreme Court of Judicature of Northern Ireland
Court of Appeal (Civil and Criminal Divisions)
Chancery Division
Queen's Bench Division
Family Division

DIRECTION BY THE LORD CHIEF JUSTICE UNDER SECTION 115 OF THE JUDICATURE (NORTHERN IRELAND) ACT 1978

The Lord Chief Justice hereby directs under s 115(3) of the Judicature (Northern Ireland) Act 1978 that one single electronic seal may be used in the various divisions and departments of the Supreme Court in addition to the manual seals currently used. He further directs that the use of electronic signature shall apply to all the divisions and departments of the Supreme Court.

Lord Chief Justice 25 September 2006

Appointment to the Office of Master (High Court) in Northern Ireland

The Lord Chancellor has appointed Dr Robert Evan Bell to be a Master (High Court) in Northern Ireland with effect from 11 September 2006. Dr Bell was sworn into office on Monday 11 September 2006.

Dr Bell was educated at Queen’s University, Belfast and graduated with an Honours Degree in Law. He was admitted as a solicitor in September 1979. He obtained a PhD at Queen’s in 1989 and an MBA from the Open University in 2001. Dr Bell has been employed in a variety of roles in the public sector over a number of years including with the Department of the Director of Public Prosecutions for Northern Ireland. He currently holds the positions of part-time chairman of the Special Educational Needs and Disability Tribunal for Northern Ireland and the Health Social Services and Public Safety Disciplinary Investigating Panel.

Dr Bell serves on the Editorial Advisory Committee for two law journals and has been the author of numerous articles accepted for publication on civil and criminal legal issues. He is also a co-author of two text books and is both an elected Fellow of the Society for Advanced Legal Studies and a member of the Advisory Council of the Society. Given his particular legal expertise, Dr Bell has been called upon to provide evidence to Select Committees of both the Westminster and Jamaican Parliaments. He has been a regular speaker at legal conferences such as the Cambridge Symposium on Economic Crime and has spoken at the International Bar Conference and at events organised by the US Department of Justice and the International Monetary Fund.

Supreme Court of Judicature of Northern Ireland
Offices of the Supreme Court

Pursuant to Order 64, rule 5(1), of the Rules of the Supreme Court (Northern Ireland) 1980, the Offices of the Supreme Court will be closed to the public on the following days:

Monday, 25 December 2006  Tuesday, 26 December 2006
Wednesday 27 December 2006  Monday, 1 January 2007

The Supreme Court itself will not sit during the HALLOWEEN RECESS which is from Monday 30 October until Friday 3 November 2006 (both days inclusive). Over the CHRISTMAS PERIOD the Courts will not sit from Friday 22 December to Friday 5 January 2007 (both days inclusive).

Simon Rogers  Principal Secretary to the Lord Chief Justice
Following a recommendation from the Lord Chancellor, Lord Falconer, the Queen has appointed Mr Karamjit Sukhmindr Singh CBE as the first Northern Ireland Judicial Appointments Ombudsman.

The Ombudsman’s remit will be to investigate complaints where maladministration or unfairness is alleged to have occurred during the judicial appointments process by the Northern Ireland Judicial Appointments Commission or Committees of the Commission, the Northern Ireland Court Service or the Lord Chancellor. The NI Ombudsman will not investigate complaints relating to judicial conduct as these will continue to be dealt with by the Lord Chief Justice for Northern Ireland.

Mr Singh has been appointed with effect from 25 September 2006 for an initial period of five years. The post is part-time. The Ombudsman will be independent of government, the judiciary, the Northern Ireland Court Service and the Northern Ireland Judicial Appointments Commission.

The Ombudsman said: “I am delighted to have been selected for this important role. It is vital that people in Northern Ireland have confidence in the justice system and the integrity of the new framework for appointing the judiciary. Accountability, impartiality and transparency are important aspects of this. I am committed to providing a responsive and fair service to complainants. At the same time I will be working to ensure that those responsible for judicial appointments are able to consider any individual concerns or wider lessons arising out of complaints”.

In 2001 Mr Singh was appointed as one of the inaugural Commissioners to the Electoral Commission (for the United Kingdom) and reappointed for a further four year term earlier this year. He has also been the Commissioner retaining a special interest in Northern Ireland affairs. In 2005 he was also appointed as a non-legally qualified Member of the Queen’s Counsel Selection Panel for England and Wales. The early stages of his career have covered academia, the voluntary sector and local government. He has also held a number of public appointments during the past two decades.

The Constitutional Reform Act 2005 provides for the establishment of a Northern Ireland Judicial Appointments Ombudsman who replaces the existing Commissioner for Judicial Appointments for Northern Ireland (John Simpson OBE). The creation of this new post follows the establishment of the Northern Ireland Judicial Appointments Commission.

The 2005 Act also provides for the Ombudsman to submit an annual report on the performance of his functions to the Lord Chancellor and who in turn is required to present it to both Houses of Parliament.
ANNUAL MEMBERSHIP FEE NOW DUE
Membership Fee: £30
Send to: Roisin McKenna, Secretary
Madden & Finucane Solicitors
88 Castle Street
BELFAST BT1 1HE

FORTHCOMING CPD LECTURES - NOVEMBER AND DECEMBER

Ancillary Relief Procedures
10 November 2006
Speaker: Master Redpath
1pm at Law Society House

The Role of the Court Welfare Officer
14 November 2006
Speaker: Michelle Casey
4.30pm at Laganside Court

Cost of each seminar: £15 members; £20 non members
Send cheques to: Roisin McKenna, Secretary
Madden & Finucane
88 Castle Street
BELFAST BT1 1HE

Stop Press!

It's GO! GO!! GO!!! for the big Macmillan Cancer Support gig.

“Rock ‘til you Drop” will take place at the Spring and Airbrake nightclub Ormeau Avenue on Friday evening 17 November kicking off at 8.30pm.

The event is sponsored by the Northern Bank and the Law Society and Janet Patterson of Camelot confirms that the Camelot Foundation will make a special “top-up” contribution.

Top local bands Legal Tender and Big Wheel are already confirmed for the gig and tickets (great value at £15) are available from Law Society House and through the local Solicitors’ Associations.

So it’s Spring and Airbrake on 17 November - be there or be square!!
From January 2005 all solicitors in Northern Ireland are subject to the Continuing Professional Development Scheme (CPD).

The Ridley Partnership Ltd provides a range of 3-hour seminars, which meet the Law Society of Northern Ireland's Client Care and/or Practice Management CPD requirements. This year's seminar programme is targeted at 3 different levels of experience within a law firm:

- **Level 3** Senior Partners and Managers
- **Level 2** Staff and Solicitors who have some level of management responsibility
- **Level 1** Junior staff who need basic understanding of managing their work and the law firm environment

Please see below for forthcoming events:

**Winning & Retaining Clients** *(All Levels)*

**Wednesday 22nd November 2006 - The King's Hall Exhibition Centre, Belfast**
How to increase your client list and market your services, build loyalty with your current clients and win back clients you may have lost.

**Lexcel Quality Standard** *(All Levels)*

**Wednesday 6th December 2006 – The King’s Hall Exhibition Centre, Belfast**
This is an introduction to the Quality Standards approved by the Law Society. The main areas of practice are covered with a discussion of how implementation may best be achieved and the barriers to be overcome.

**Client Care & Complaints Handling** *(All Levels)*

**Wednesday 13th December 2006 – The King’s Hall Exhibition Centre, Belfast**
This is an introduction to the principles of client care, the main causes of complaints and how to deal with them.

Qualifies for 3 hours CPD
All seminar times: 2.00pm – 5.00pm
Cost per seminar: £125.00 + VAT per delegate

To reserve a place on any CPD seminar please contact us on:
Tel: 0845 600 2729 or Email: info@theridleypartnership.co.uk
Mental health legislation – a new approach?

Maura McCallion, assistant director (casework) at Law Centre (NI), looks forward to the results of the Bamford Review and presents a new mental health legal service.

The Bamford Review of Mental Health and Learning Disability (Northern Ireland) which started work in October 2002 is due to conclude on 31 October 2006 with a conference entitled 'The End of the Beginning’. Recognising the need for this Review to translate into action, the concluding conference will identify the challenges to the government on reforming mental health and learning disability services.

REFORM OF MENTAL HEALTH LEGISLATION

A key challenge will be the introduction of legislation to replace or update the Mental Health (Northern Ireland) Order 1986. An expert working committee has been exploring the need for a new legal framework over the past few years, including meeting with mental health professionals, service users and carers. The working committee, chaired by Master Brian Hall of the Office of Care and Protection, is made up of legal practitioners, medical and social work professionals, representatives from the Mental Health Review Tribunal and the Mental Health Commission for Northern Ireland and user/carer organisations.

Criticisms of the Mental Health (NI) Order 1986 include that it is narrow and risk based legislation, neither comprehensive nor compatible in some respects with the Human Rights Act. Difficulties with the legislative framework have been compounded by the fact that psychiatric services have not traditionally attracted sufficient funding.

The review of the current legislation involves consideration of definitions and terminology, including whether to include personality disorder within the legislation. It also set out to consider the interface with both the Children (NI) Order for young people with mental health difficulties and criminal justice legislation.

As the Mental Health Order is the statutory basis for detention, the working committee is considering what should be the conditions for compulsory assessment and treatment, and the procedures to be followed in so doing. It is considering whether it can set out principles, such as ‘autonomy’ and ‘least harm’, which might be a good basis from which to legislate. It also looked at the grounds for guardianship.

At present, there is a statutory basis for imposing medication on a non consenting person who has capacity to refuse treatment in some situations, for example during the first three months of detention in hospital for treatment. The review committee is exploring whether this needs reform. Arguably, for example, changes in psychiatric practice and evolving human rights standards could be the basis for a more individual focused approach to compulsion.

Of particular interest to legal practitioners will be any proposals about the role of the Mental Health Review Tribunal and how it fits into new legislative and practice arrangements.

Mental incapacity and the law relating to people who are unable to manage their own affairs are also likely to be reformed. A working committee sub group looked at this area. The Office of Law Reform for Northern Ireland has stated that, when producing its own deliberations, it will take into account the recommendations of the Review on this issue, as well as looking at the English Mental Incapacity Act 2005 due to come into force next year.

CONSULTATION

The report of the legal issues working committee has not yet been made available for consultation. All reports issued to date have been published as consultation papers and then issued in final form on the website of the Review: www.rmhldni.gov.uk. Hopefully practitioners will get a chance to comment on the conclusions of the Legal Issues working committee.

A number of the other reports will also be of interest to solicitors. The Human Rights and Equality of Opportunity consultation report made a number of key recommendations, including a right to expert legal representation at Mental Health Review Tribunals, irrespective of income or savings. It also places great emphasis on the need for advocacy for service users. The latest paper: ‘A Vision of a Comprehensive Child and Adolescent Mental Health Service for Northern Ireland’ is focused on services for young people, which have been under-resourced in Northern Ireland.

Once the review is complete, the focus will shift to lobbying the government to implement progressive recommendations and, vitally, providing adequate resources for any reforms. The review has been wide ranging across both mental health and learning disability and it will be particularly interesting to see if the ambitious scope of the review is matched by a positive government response.

NEW SERVICE

One of the areas examined in the review is the need for advocacy and advice services. The Law Centre is delighted that at this time of change in the system it has been able to secure funding to set up a specialist mental health legal service. We have recruited two solicitors to work exclusively in this area: Mary Traynor and Louise Arthurs.

Over the next five years, we will be hoping to build capacity in the advice sector to work in mental health law. We are keen to work with solicitors in private practice who are interested in mental health, initially through a mental health practitioners group. Our service will involve operating a mental health telephone advice line, representing clients at Mental Health Review Tribunals and delivering training and information as well as feeding into the policy process. For more information, contact Maura McCallion at Law Centre (NI).
CPD training at Law Centre (NI)

Autumn/Winter 2006

BELFAST

Habitual Residence and the Right to Reside – 23 November 2006
Advisers Guide to Community Care – 29 November 2006
Age Discrimination in Employment – 8 December 2006

DERRY

Age Discrimination in Employment – 29 November 2006
Advisers Guide to Community Care – 6 December 2006

For more information, consult our website: www.lawcentreni.org
or contact our Training Department on Tel: 028 9024 4401.

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BSA Annual Lecture Series 2006

<table>
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<tr>
<th>Date</th>
<th>Lecture Title</th>
<th>Speaker</th>
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<tr>
<td>23 November 2006</td>
<td>“Magistrate’s Court Procedure”</td>
<td>Des Perry, RM</td>
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<tr>
<td>7 December 2006</td>
<td>“Tax Implications on Matrimonial Settlements”</td>
<td>Sheena Grattan BL</td>
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All lectures will be held at The Edge, Mays Meadow, Laganbank Road, Belfast and commence at 1pm with coffee and sandwiches available from 12.30pm. The cost of all lunchtime lectures is £20 for members and £40 for non-members.

Contact Breige Williams, tel 028 9058 5974 or info@belfast-solicitors-association.org for further information and booking.

Date for your diary

The BSA's Annual Dinner Dance is on Saturday 20 January 2007 at the Europa Hotel, Belfast.

Further details will appear in the next issue of The Writ and will be circulated by email to members.

AGM Notice

Members are reminded that the AGM of the BSA takes place on Wednesday 22 November 2006 at 1pm at Law Society House.

We would like to remind all members that their yearly membership of the BSA lapses in January 2007 and will need to be renewed. A Solicitor practising in Belfast is not automatically a member of the Belfast Solicitors’ Association but has to join.
Northern Ireland Young Solicitors’ Association presents

A LUNCHTIME LECTURE IN CONJUNCTION WITH CRN FINANCIAL SERVICES ON

Pensions and Divorce

Date: 5 December 2006

Time: 1.00pm - 2.00pm (refreshments provided)

Venue: The Edge, May’s Meadow, Belfast

Cost: £10 for members of the NIYSA* and £15 for non-members

THE LECTURE SHALL INCLUDE:
- Pension options and the advantages/disadvantages of each
- Data gathering
- Advising parties on options available
- Impact of ‘A’ Day on pension rights
- Implementing orders effectively

Attendance at this lecture will provide one hour CPD entitlement.

Cheques and booking forms to NIYSA c/o Laura Baker, Millar McCall Wylie Solicitors, 1 Lanyon Quay, Belfast BT1 3GP. Email: laura.baker@mmwlegal.com

*All Solicitors aged 36 or under are automatically members of the NIYSA

BOOKING FORM - Pensions and Divorce lunchtime lecture

NAME

FIRM

ADDRESS (DX if possible)

E-MAIL ADDRESS

TELEPHONE

NUMBER OF PERSONS ATTENDING

I ENCLOSE REMITTANCE OF £
High Court, Court of Appeal and Tribunal Decisions

AN APPLICATION BY NWACHUKWU HENRY ALINTA FOR JUDICIAL REVIEW
Application for judicial review of decisions of an immigration officer that the applicant was a person liable to be removed from the UK and a person liable to be detained pending arrangements for removal. - applicant a Nigerian national who remained in the UK after his visitor's visa had expired. - applicant refused entry to the Republic of the on the ground he was a non-national who was not in possession of a valid passport. - applicant returned to detention in Northern Ireland and given notices that he was liable to removal. - whether applicant was an overstayer. - whether he was an illegal entrant by virtue of being returned by a security firm rather than voluntarily. - application dismissed
HIGH COURT 5 SEPTEMBER 2006
HART J

AN APPLICATION BY CIARAN JAMES CUNNINGHAM FOR JUDICIAL REVIEW
Application for judicial review of the operation of the pre-release home and resettlement leave arrangements for sentenced prisoners. - arrangements for notice to prisoners of home leave entitlement. - whether different practices apply to integrated and separated prisoners. - whether breach of a. 8 ECHR. - legitimate expectation. - application dismissed
HIGH COURT 13 SEPTEMBER 2006
WEATHERUP J

APPLICATION BY JOHN NEILL BELL GORDON FOR JUDICIAL REVIEW
Application for judicial review. - applicant objected to the opening of a pharmacy by MH (Newry) Ltd. - MH had applied for inclusion in the pharmaceutical list in October 2004. - application turned down by the Pharmacy Practices Committee (PPC). - MH appealed the decision in February 2005 and the National Appeal Panel (NAP) allowed the appeal. - applicant felt that the NAP acted unfairly as it accepted a late submission of account material, did not furnish the objectors with the material and the account material contained incorrect and misleading assertions of fact. - it is within NAP discretion to accept material outside the administrative time limit. - procedural impropriety in the decision of NAP in not disclosing material to the objectors. - appeal of MH (Newry) referred back for reconsideration by a differently constituted panel of the NAP
HIGH COURT 15 SEPTEMBER 2006
WEATHERUP J

AN APPLICATION BY MARY GRAHAM FOR JUDICIAL REVIEW
Application for judicial review of decision of Legal Services Commission not to pay the legal costs of the applicant as an assisted plaintiff in proceedings in the County Court. - legal costs already taxed. - whether proceedings were ordinary proceedings or equity proceedings. - circumstances in which costs may be taxed in the County Court. - HELD that the proceedings issued in the Recorder’s Court involved an Ordinary Civil Bill and the payments to be made to the applicant’s solicitor and counsel out of the legal aid fund fall to be assessed by the Legal Services Commission. - order made accordingly quashing that part of the Order that provided for the taxation of the applicant’s costs
HIGH COURT 14 SEPTEMBER 2006
WEATHERUP J

AN APPLICATION BY PATRICK MCALLISTER FOR JUDICIAL REVIEW
Application for judicial review of a decision of the Governor of HMP Maghaberry confirming that the Pre-Release Home and Resettlement Leave Arrangements for all Sentenced Prisoners applied to the applicant. - this scheme abolished the entitlement to home leave which was dependant on the classification as a star class determinate prisoner or an ordinary class determinate prisoner. - whether old scheme applied to the applicant. - legitimate expectation. - whether policy inflexible. - whether breach of a. 8 ECHR. - delay of the applicant in making an application for judicial review. - application dismissed
HIGH COURT 13 SEPTEMBER 2006
WEATHERUP J

RICHARD BOYD v CAPPER TRADING LIMITED AND KRONOSPAN LIMITED
Personal injuries. - plaintiff injured in accident while in the employment of the first defendant. - plaintiff suffered fractured and dislocated shoulder, extensive arm injuries and scarring, fractured teeth and neck injuries. - plaintiff claimed that the accident occurred because the load being carried in his trailer shifted. - whether defendant was at fault since no seatbelt was fitted for the driver to use. - whether plaintiff could establish as a matter of causation that the absence of a seatbelt would have prevented the injuries. - whether accident caused as a result of the plaintiff’s driving. - whether breach of the employer’s duty of care towards its employee. - HELD that the plaintiff failed to establish on the balance of probabilities that the trailer rolled over because of a set of circumstances that was the responsibility of the first named defendant and claim dismissed [Note that a calculation of general and special damages is included in the judgment had the claim succeeded]
HIGH COURT 11 SEPTEMBER 2006
WEATHERUP J

APPLICATION BY CIARAN JAMES CUNNINGHAM FOR JUDICIAL REVIEW
Application for judicial review of the operation of the pre-release home and resettlement leave arrangements for sentenced prisoners. - arrangements for notice to prisoners of home leave entitlement. - whether different practices apply to integrated and separated prisoners. - whether breach of a. 8 ECHR. - legitimate expectation. - application dismissed
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HIGH COURT 13 SEPTEMBER 2006
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Personal injuries. - plaintiff injured in accident while in the employment of the first defendant. - plaintiff suffered fractured and dislocated shoulder, extensive arm injuries and scarring, fractured teeth and neck injuries. - plaintiff claimed that the accident occurred because the load being carried in his trailer shifted. - whether defendant was at fault since no seatbelt was fitted for the driver to use. - whether plaintiff could establish as a matter of causation that the absence of a seatbelt would have prevented the injuries. - whether accident caused as a result of the plaintiff’s driving. - whether breach of the employer’s duty of care towards its employee. - HELD that the plaintiff failed to establish on the balance of probabilities that the trailer rolled over because of a set of circumstances that was the responsibility of the first named defendant and claim dismissed [Note that a calculation of general and special damages is included in the judgment had the claim succeeded]
HIGH COURT 11 SEPTEMBER 2006
WEATHERUP J
IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW
BY NOEL MCCREADY AND IN THE MATTER OF DECISIONS TAKEN BY THE SENTENCE REVIEW COMMISSIONERS
Applicant charged with murder, attempted murder and possession of a firearm. - application for leave to apply for judicial review to challenge decision of the Sentence Review Commissioners granting the Secretary of State’s revocation of the declaration that the applicant’s release be granted. - whether preliminary indication by Commissioners undermined the lawfulness of the substantive determination. - hearing of ancillary appeals which may have a bearing on the preliminary indication before the indication is given under r.14 (3) (c) of the Northern Ireland (Sentences) Act 1998 (Sentence Review Commissioners) Rules 1998. - application by Secretary of State to abridge the time for ancillary applications. - HELD that any breach of r. 14(3) (c) can properly be described as technical and that non-compliance should not affect the validity of the preliminary indication or the substantive determination
HIGH COURT
18 SEPTEMBER 2006
MORGAN J

R v BOTHWELL
Rights of audience in the Supreme Court. - application by 2 solicitor advocates who initially represented the defendant for leave to represent defendant in the Court of Appeal on her application for leave to appeal against conviction for possession and supply of drugs. - comparison of rights of solicitor in England and Wales whose rights of audience were clarified by virtue of the Courts and Legal Services Act 1990 s.27. - applicant wants her present solicitor advocate to represent her at appeal. - whether breach of art. 6 ECHR not to be represented by a lawyer of one’s own choice. - statutory entitlements to those providing representation. - position of solicitors in Northern Ireland who have completed the advanced advocacy course. - whether in the interests of justice for court to exercise its inherent jurisdiction to confer rights of audience. - HELD that in this case the inherent jurisdiction need not be invoked and application dismissed
COURT OF APPEAL
11 SEPTEMBER 2006
KERR LCJ

AN APPLICATION BY THE SECRETARY OF STATE FOR NORTHERN IRELAND FOR JUDICIAL REVIEW
Criminal injury compensation for sexual abuse of minors. - application by Secretary of State for judicial review of a decision of the Criminal Injury Compensation Appeal Panel awarding claimant £40,000 in respect of sexual abuse by her father. - whether award ought to have been limited to that payable prior to 1st July 1988 which did not admit the payment of compensation in respect of sexual abuse committed by offender living in the same household as claimant under the Criminal Injuries (Compensation) Order 1977. - interpretation of the Criminal Injuries (Compensation) (NI) Order 2002 which provides a tariff for compensation for criminal injuries. - whether the 2002 Scheme should be interpreted as removing the restrictions on same household cases. - HELD that the decision of the Appeal Panel should be quashed and a £30,000 award substituted
HIGH COURT
12 SEPTEMBER 2006
WEATHERUP J

ELVITT JOHN WALSH v MINISTRY OF DEFENCE
Appeal by plaintiff of Master’s dismissal of action for want of prosecution. - application under O.3 r.6.2 and O.34 r.2 RSC. - plaintiff was injured while serving as a soldier in Canada 9 years previously. - limitation. - period of delay between date of accident and date of hearing caused by failure of counsel to respond to plaintiff’s solicitor and reluctance of solicitor to instruct other counsel. - difficulty in tracing witnesses and accurately remembering events of 9 years previously. - HELD that due to the inordinate and inexcusable delay the defendants defence of the action has been prejudiced. - appeal refused and order of the Master upheld
HIGH COURT
6 SEPTEMBER 2006
DEENY J

Industrial Tribunal and Fair Employment Decisions

FIELD, ROGER WILLIAM v MARCUS CUNNINGHAM
Whether applicant had been dismissed as a result of redundancy and if so the redundancy payment due. - respondent gave notice of termination on 11 November 2005 but no redundancy payment. - respondent claimed he could not afford to make payment. - Tribunal found that claimant was entitled to redundancy payment and ordered respondent to pay £892.53
318/06IT
23 August 2006

FINN, FRANCES v JEREMY FOSTER AND ROYAL MAIL GROUP PLC T/A ROYAL MAIL
Sex discrimination. - claimant did not appear and was not represented. - claimant employed as a reserve and did not have assigned duties. - claimant could not complete her duties during her contracted hours of work and was unable to work overtime as she had family responsibilities. - respondent applied a provision, criterion or practice which they offered to all employees if they were not able to work overtime - respondent created an indoor duty in order to accommodate her. - tribunal found that the claimant’s claim of sex discrimination was not sustainable
HIGH COURT
6 SEPTEMBER 2006
MORGAN J

MAIL
ROYAL MAIL GROUP PLC T/A ROYAL MAIL
£892.53
11 SEPTEMBER 2006
FIELD, ROGER WILLIAM v MARCUS CUNNINGHAM
6 SEPTEMBER 2006
CUNNINGHAM
DEENY J
318/06IT
23 August 2006
FINN, FRANCES v JEREMY FOSTER AND ROYAL MAIL GROUP PLC T/A ROYAL MAIL
318/06IT
23 August 2006
discrimination be dismissed and refused the respondent's claim for costs. 740/03IT 9 AUGUST 2006

JOHNSTON, KATHLEEN AND MARDI BELL v SIOBHAN MELLON
Claim for redundancy payments, notice pay and holiday pay. - claimant did not appear and was not represented. - claims arose from the closure of the respondent’s hairdressing salon. - respondent did not give any notice to the claimants. - Tribunal agreed that the first named claimant is entitled to a redundancy payment, notice pay and holiday pay totalling £2,519.41 and the second named claimant is entitled to redundancy payment and notice pay totalling £1,826.85 as both claimants had been continuously employed for one month or more and the respondent had not notified them of her intended closure. 682/05IT; 768/05IT 27 J JULY 2006

KERNOHAN, IVY v CAUSEWAY HEALTH AND SOCIAL SERVICES TRUST
Whether claimant had been unfairly dismissed by her employer. - claimant employed as a nurse and was disciplined and ultimately dismissed due to professional negligence and misconduct. - whether internal investigation was conducted appropriately. - tribunal considered that the respondent had acted reasonably in the conduct of the investigation and also in the dismissal of the claimant. - claim dismissed 875/02IT; 2248/02IT 3 AUGUST 2006

MCCONVILLE, PATRICK DAVID ELDER AND EDWARD PATRICK MURRAY v C AND S HUNTER AND SONS (CONT) LTD
Claim for redundancy payments and payments in respect of notice pay. - respondent ceased trading in February 2005. - claimants were dismissed by reason of redundancy. - tribunal agreed that the claimants were entitled to redundancy pay but were outside the time limit regarding notice pay. 295/06IT; 299/06IT; 310/06IT 15 AUGUST 2006

MCGUIGAN, JAMES v ROYAL MAIL GROUP PLC T/A ROYAL MAIL
Whether applicant had been unfairly dismissed. - applicant was charged with theft of a Royal Mail motor vehicle tax disc and theft of a postal packet containing a valid motor vehicle tax disc. - the first charge was upheld and second dismissed. - applicant was dismissed on grounds of conduct. - should respondent have adjourned hearing pending disposal of criminal proceedings. - whether the taking out of the tax disc could amount to theft. - was dismissal an unfair sanction as stated in British Leyland UK v Swift [1981] IRLR 91. - Tribunal found that claimant was not unfairly dismissed and refused to make order for costs against claimant. 161/04IT 17 AUGUST 2006

KANE, JONATHAN VANCE v WATERWAYS IRELAND
Decision on a pre-hearing review. - were political and religious discrimination claims presented within three month time limit. - were racial discrimination claims presented with time specified in a. 65(1). - is it just and equitable to extend time limits. - discrimination happened in 2002 but applicant did not become aware of it until 2005. - Tribunal found that claims were out of time but it is just and equitable to consider them 183/05FET 11 J JULY 2006
RECOMMENDED READING:

Statutory Grievance Procedure

LEGISLATION

Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004 SR 521
These Regulations provide for the application of the statutory dismissal and disciplinary and grievance procedures set out in Schedule 1 to the Employment (Northern Ireland) Order 2003

The Employment (Northern Ireland) Order 2003
http://www.opsi.gov.uk/si/si2003/20032902.htm

NB: The English equivalent to the NI Regulations are
The Employment Act 2002 (Dispute Resolution) Regulations 2004 SI 752
http://www.opsi.gov.uk/si/si2004/20040752.htm

ARTICLES

Discretion on time limits not restricted (comments on the BUPA Care Homes (BNH) Ltd v Cann case and time limits) Johnstone: 2006, EOR 151, 28

Working practice: Part 3 (examines the two forms of statutory grievance procedure prescribed by the Employment Act 2002 Sch.2.) Withington: 2005, SJ 149(48), 1514-1515

Statutory grievance procedure: equal pay questionnaire not "statement of grievance"
2006 I.R.L.B. 779, 17-18

Practice and procedure: extension of time limit (discusses the three month time limit)
2006 IDS Emp. L. Brief 810, 11

Statutory grievance procedure: solicitor’s letter satisfied step one of statutory guidance procedure
2006 IRS Emp. Law 842, 58-59

CASELAW

BUPA Care Homes (BNH) Ltd v Cann (pre existing limitation provisions in the Employment Rights Act 1996 and the Disability Discrimination Act 1995 and the statutory grievance process)

Holc-Gale v Makers UK Ltd (questionnaire not amounting to statutory grievance)

Mark Warner Ltd v Aspland (whether solicitor’s letter satisfied first step of the procedure)
2006 I.R.L.R. 87

Canary Wharf Management Ltd v Edebi (employee’s compliance with statutory grievance procedure) 2006 I.C.R. 719; 2006 I.R.L.R. 416

Galaxy Showers Ltd v Wilson (discusses the meaning of “grievance”) 2006 I.R.L.R. 83
(All of the cases are available from the Law Society library)

INTERNET SITE

Labour Relations Agency http://www.lra.org.uk/
This site has a section on disciplinary and grievance procedures which contains sample letters and easy to follow flow charts, as well as a code of practice

BOOKS

The library has a wide selection of employment textbooks and looseleaf textbooks available for reference in the library
The Institute of Professional Legal Studies is offering a Workshop on Presentation Skills.

**Facilitator:** Professor Nancy L Schultz, Graduate Law School, Chapman University, CALIFORNIA

**When:** Friday, 8 December 2006

**Time:** 9.30am – 12.30pm

**Venue:** Institute of Professional Legal Studies, 10 Lennoxvale, Belfast, BT9 5BY

**Cost:** £100

Professor Schultz is an international speaker on Legal Client Counselling Skills and has spoken at conferences throughout the USA and Europe. She is the co-author of the recent publication entitled ‘Legal Writing and Other Lawyering Skills’.

3 Client Care/Practice Management CPD hours are awarded for attendance at this Workshop.

Booking form and cheques, made payable to QUEEN’S UNIVERSITY BELFAST, should be sent to Mrs Joan Playfair, Institute of Professional Legal Studies, 10 Lennoxvale, Belfast, BT9 5BY. Closing Date for applications: Thursday, 23 November 2006. PLACES WILL BE STRICTLY LIMITED TO 30 PEOPLE

---

**COMPANY AND COMMERCIAL LAWYERS’ GROUP UP COMING EVENT**

**MORNING SEMINAR: “Acquisitions Accounting”**

**Speaker:** PriceWaterhouseCoopers

**Date:** 30th November 2006

**Time:** 9.00am - 1.30pm

**Venue:** Holiday Inn, Ormeau Avenue, Belfast

**Cost:** £90 for members; £120 for non-members

**CPD Allocation:** 4 ¼ hours

Lunch and refreshments provided.

This seminar will provide an overview of accounts warranties, completion accounts and earn-out provisions that have a significant impact on deal value.

**Booking Form - Acquisitions Accounting**

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<thead>
<tr>
<th>Title:</th>
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<td>E-mail:</td>
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Send cheque made payable to “Company & Commercial Lawyers’ Group” and booking form to Richard McLoughlin, Jones & Co, 4th Floor, The Potthouse, 1 Hill Street, Belfast BT1 2LB.
The Institute of Professional Legal Studies is offering a Workshop on communicating with clients.

Facilitator: Professor Nancy L Schultz, Graduate Law School, Chapman University CALIFORNIA
When: Thursday, 7 December 2006
Time: 9.30am - 12.30pm OR 2.00pm - 5.00pm
Venue: The Queen's Elms Function Room, Malone Road, Belfast.
Cost: £100

Professor Schultz is an international speaker on Legal Client Counselling Skills and has spoken at conferences throughout the USA and Europe. She is the co-author of the recent publication entitled ‘Legal Writing and Other Lawyering Skills’.

3 Client Care CPD hours are awarded for attendance at the Workshop.

Booking form and cheques, made payable to QUEEN’S UNIVERSITY BELFAST, should be sent to Mrs Joan Playfair, Institute of Professional Legal Studies, 10 Lennoxvale, Belfast, BT9 5BY.

Closing Date for applications: Thursday, 23 November 2006.
PLACES WILL BE STRICTLY LIMITED TO 30 PEOPLE.

Effective Communication with your Client - Booking Form
7 December 2006

Name: ____________________________
Firm: ____________________________
Address: ____________________________
Postcode: ____________________________
Telephone Number: ____________________________
E-mail: ____________________________

I would like to attend the Workshop on 7 December 2006 (please tick one option):
Queen’s Elms Function Room: ☐ Morning 9.30am - 12.30pm
☐ Afternoon 2pm - 5.00pm

*Deals are also available for larger firms who wish to subscribe to any of the above products
Onsite training is available for all firms who take up this offer – similarly free trials can be arranged on any of the products on a 2-week basis
Contact Heather Semple, Head of Library and Information Services, for further details of any of the products available.
Missing Wills

Re: Georgina Mary Elizabeth Harrison aka Georgina Mary Elizabeth Brannigan nee Turner (deceased)
Late of: Cool-bawn Nursing Home, Queen Street, Warrenpoint, County Down BT34 3HZ
Formerly of: 7a Cleary Crescent, Newry, County Down BT35 8AQ
Date of Death: 4 May 2006
Would any person having knowledge of the whereabouts of the Will for the above named deceased please contact:
Ms Anne-Marie Featherstone
Rosemary Connolly
Solicitors
2 The Square
Warrenpoint
County Down BT34 3JT
Tel: 028 4175 3121
Fax: 028 4175 3141
Email: anne-marie@solicitorsni.net
Ref: AMF/SK/P/B226002

Re: Anthony Darragh
Late of: 14 Claragh Hill, Kilrea
Formerly of: 74 Handsworth, Birmingham
Date of Death: 18 March 2006
Would any person having knowledge of the whereabouts of the Will for the above named deceased please contact:
Carmel O’Meara & Co
Solicitors
32 Irish Street
Dungannon BT70 1DB
Tel: 028 8775 2455

Re: Robert James Eric Baird (deceased)
Late of: Rufus House, 280 Mowhan Road, Glenanne, Armagh
Date of Death: 24 August 2006
Would any person having knowledge of the whereabouts of the Will for the above named deceased please contact:
Mr Christopher H Mitchell
Thompson Mitchell
Solicitors
12-14 Mandeville Street
Portadown
County Armagh BT62 3NZ
Tel: 028 3833 7172

Re: Michael James Cassidy (deceased)
Late of: 23 Ribadoo Road, Ballyward, Castlewellan, County Down
Date of Death: 31 July 2006
Would any person having knowledge of the whereabouts of the Will for the above named deceased please contact:
Eamonn King & Co
Solicitors
31 Main Street
Castlewellan
County Down BT31 9DQ
Tel: 028 437 71049
Fax: 028 437 71726

Missing Title Deeds

Folio: 21372
County: Antrim
Registered Owner: Northern Ireland Transport Holding Company
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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 under mentioned 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.
Carson McDowell Solicitors
Murray House
4-5 Murray Street
BELFAST BT1 6DN
Tel: 028 9024 4951
Fax: 028 9024 5768

Folio: 39006
County: Antrim
Registered Owner: Ulidia Housing Association Limited
Land of: 9, 35 & 67 Henderson Avenue, Belfast and 35 Cliftonville Avenue, Belfast
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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.
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92 High Street
BELFAST BT1 2 BG
Tel: 028 9024 3040
Fax: 028 9032 8063
Folio: DN 18826  
County: Down  
Registered Owner: Brenda O’Loughlin & Brian Quinn  
Lands at: Garlandstown Road, Fourwinds, Belfast  
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6 J ohn Mitchel Place  
Newry  
County Down BT34 2BP  
Tel: 028 3026 2269  
Fax: 028 3026 5660

Folio: 27923  
County: Armagh  
Registered Owner: Department for Regional Development (as statutory successor to the Department of the Environment)  
Lands at: Armagh Water Treatment Works  
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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.  
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Newry  
County Down BT34 2BP  
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Fax: 028 3026 5660

Folio: AN 7910  
County: Antrim  
Registered Owner: John Joseph Latimer and Margaret Latimer  
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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.  
John P Slevin  
Solicitor  
144 Longstone Street  
Lisburn  
County Antrim BT28 1TR  
Tel: 028 9266 8700  
Fax: 028 9266 8702

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County: Antrim  
Registered Owner: Timothy Crane and Grace Crane  
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And further take notice that unless the said Land Certificate is 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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Patterson Donnelly  
Solicitors  
26 Balloo Avenue  
Bangor  
County Down BT19 7QT  
Tel: 028 9127 4644  
Fax: 028 9127 7300  
Email: claire@pdslaw.co.uk  
Ref: L00080-16055

Folio: 21294  
County: Antrim  
Registered Owners: John Franklin Mowat and Robina Welsh Mowat  
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 under mentioned 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:  
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Solicitors  
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Antrim  
County Antrim BT41 4DT  
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HEART TRUST FUND
(ROYAL VICTORIA HOSPITAL)

The main object of this established and registered charity is the support and furtherance of the vitally important treatment, both medical and surgical, provided for patients in the Cardiology Centre in the Royal Victoria Hospital Belfast, and the equally important work of research into heart disease carried on there. The charity is authorised to use its fund to provide that support, or achieve that furtherance when, (but only when) public funds are not available, or are insufficient, for the purpose.

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The administration of the charity is small and compact and the trustees are careful to ensure that its cost is minimal. As a result donors and testators can be assured that the substantial benefit of their gifts and bequests will go directly to advance the causes of the charity.

Further details about this charity and its work will gladly be supplied by the Secretary, The Heart Trust Fund (Royal Victoria Hospital), 9B Castle Street, Comber, Co. Down BT23 5DY. Tel: (028) 9187 3899.

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<th>Role</th>
<th>Minimum Experience</th>
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<tbody>
<tr>
<td>1945</td>
<td>Media / Technology Solicitor - Top 10 Firm</td>
<td>3</td>
</tr>
<tr>
<td>1395</td>
<td>Planning and/or Environmental Solicitor - Belfast</td>
<td>2</td>
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<tr>
<td>1944</td>
<td>Snr Litigation Solicitor - Professional Indemnity</td>
<td>5+</td>
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<td>1550</td>
<td>Solicitor - MBOs, M&amp;As, IP/IT, Agreements</td>
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<td>Banking and Finance Solicitor - Top 5 Firm</td>
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<td>1534</td>
<td>Commercial Conveyancing Solicitor – Eng Qualified</td>
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<td>1643</td>
<td>Commercial Litigation Solicitor</td>
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<td>1144</td>
<td>Commercial Prop Solicitor - Scottish Qualified</td>
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<td>1716</td>
<td>Commercial Property Solicitor</td>
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<td>Commercial Property Solicitor - Roi Qualified</td>
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<td>Banking / Projects Solicitor (PPP/PFI)</td>
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<td>1872</td>
<td>Commercial Property Solicitor – Abacus Exclusive</td>
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<td>Commercial Property Solicitor – Belfast City Ctr</td>
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<td>884</td>
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<td>1894</td>
<td>Construction Solicitor (Non-Contentious)</td>
<td>3+</td>
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<td>1247</td>
<td>Construction Solicitor - Belfast City</td>
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<tr>
<td>1760</td>
<td>Conveyancing Solicitor (Domest/Commerc) – Bangor</td>
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<tr>
<td>1749</td>
<td>Conveyancing Solicitor (Locum)</td>
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<td>1453</td>
<td>Conveyancing Solicitor – Lisburn</td>
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<tr>
<td>1868</td>
<td>Conveyancing Solicitor – New Qual to 6 mths PQE</td>
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<tr>
<td>1638</td>
<td>Corporate / Commercial Solicitor</td>
<td>4</td>
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<tr>
<td>1387</td>
<td>Corporate / Commercial Solicitor-top Dublin Firm</td>
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<tr>
<td>1871</td>
<td>Corporate Solicitor - New Qualified to 6 mths PQE</td>
<td>2</td>
</tr>
<tr>
<td>1874</td>
<td>Corporate/Comm Solicitor – Abacus Exclusive</td>
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<tr>
<td>1306</td>
<td>Corporate/Commercial Solicitor</td>
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<td>1640</td>
<td>Employment Solicitor - Blue Ribbon Firm</td>
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<td>1757</td>
<td>Family/Matrimonial Solicitor – Belfast</td>
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<tr>
<td>1834</td>
<td>General Practice Solicitor – Belfast</td>
<td>1+</td>
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<td>1808</td>
<td>Litigation Solicitor – Belfast</td>
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</tr>
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<td>Litigation Solicitor – New Qual to 6 mths PQE</td>
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<tr>
<td>1947</td>
<td>Newly Qualified Solicitor – Conveyancing Belfast</td>
<td>NQ-1</td>
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<tr>
<td>1946</td>
<td>Jnr Conveyancing Solicitor – South Tyrone</td>
<td>6mths+</td>
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<tr>
<td>1936</td>
<td>General Practice - Family/Matrimonial, South Tyrone</td>
<td>6mths+</td>
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<tr>
<td>1934</td>
<td>Solicitor – Conveyancing, Bangor</td>
<td>NQ-1</td>
</tr>
</tbody>
</table>

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