THE NEW SILK ROAD
THE ROUTE TO BECOMING QC TAKES A NEW DIRECTION
President’s Message

also offers training in client care and practice management oriented topics. I have been in touch with the local bar associations with a view to organising such training in the Autumn. I am very encouraged by the response and the training will be coming, if not to your association, then to an association near you in September. The training will count toward CPD requirements and in particular will fulfill the compulsory client care and practice management element.

I attended the launch recently of the new Northern Ireland Judicial Appointments Commission. The Lord Chief Justice (who is chairing) spoke enthusiastically of his aspirations for the commission. All future judicial appointments will be made by this body which is made up of representatives from the judiciary, from the bar, from the solicitor profession and which has in addition five lay members. This represents a significant and worthwhile development not least from an equal opportunities perspective. Whereas the previous system worked well and is responsible for the high calibre of our judiciary, the creation of this new body brings a greater transparency to the system, which when combined with the quality and experience of the commission, and particularly the lay representation, is bound to add value to the process and inspire public confidence.

The full membership of the commission can be found on the official website at www.courtsni.gov.uk/jacrn/. The solicitor member is John Gordon.

Speaking of judicial appointments, I am very pleased to congratulate two of our colleagues on their appointments. Fiona Kelly (formally of Napier and Sons) has just been appointed a Master of the High Court, and Eamonn King (formally of Curran and King) has become a resident magistrate. It is very gratifying to see very able solicitors join the ranks of the judiciary, and I wish Eamonn and Fiona every success.

The system of appointment as QC has also recently undergone change leading to a more transparent process (see lead article in this edition). The next round of QC appointments will be made following recommendations by a panel comprising representatives of all branches of the legal profession and lay members. Although solicitors are eligible to apply, I suspect that on this occasion, given the emphasis on advocacy in the higher courts there will be few solicitor applicants. This hopefully will change in time and with the continued success of the advanced advocacy course, and greater recognition by way of costs structure, there is absolutely no reason why solicitors should not aspire to the status of QC.

Finally as summer holidays approach, I appreciate that this is a very busy time for practitioners. Not only must desks be cleared in anticipation of a holiday but on return long hours are required to clear the backlog. This is in all addition of course to the burden of keeping children occupied and entertained during the weeks ahead.

Against that background I apologise in advance for asking more of you. However this is the time of year when you can expect to receive an endless stream of letters from colleagues inquiring about apprenticeships. Their place at the Institute is dependant on an apprenticeship being obtained by the last week in August. If you cannot offer a position please let the applicant know. Don’t leave it to the last minute, try and arrange selection as soon as possible.

If you already have your full complement of apprenticeships but could offer a place to another, please contact the Law Society as this may be possible. If you have any queries please contact Yvonne Backstron or Kevin Delaney at the Law Society.

Have a safe and happy summer!

Attracta Wilson, Law Society President 2004/2005

You may have noticed a short reference to LAWCARE in my last message in The Writ. As promised there are more details in the form of a flyer in this edition.

I believe that this is a very worthwhile service to the profession. The flyer concentrates on help and support to those suffering from personal problems and particularly addictions. However LAWCARE is even more than that. I see it as a valuable resource that practitioners can turn to in the event of a difficulty arising in the office. In many cases solicitors may need to talk to somebody on a confidential basis.

Where the alternative is worrying in silence in the certain knowledge that the problem will not go away, LAWCARE can and will assist. It is manned by experienced lawyers who know and appreciate the difficulties facing practitioners. It is an entirely confidential service and has proved of benefit to lawyers including solicitors, barristers, and judges in England, Wales and Scotland. It is available here to solicitors and apprentices. Any discussion between members and LAWCARE will remain entirely confidential. It will not be discussed with or reported to the Law Society.

In addition to pastoral care LAWCARE

The New Silk Road

Following on from a review exercise initiated by the Lord Chancellor, agreement has been reached recently on reforms to the traditional process to identify those considered suitable for the award of the designation “Queen’s Counsel”. In this article Tony Caher and John Balfe explain what the reforms are, why they have been introduced and how they will affect solicitors.

Opinions as to the intrinsic value of the QC system appear to differ. At one extreme is the view that it is little more than a licence to print money, at the other that it is a genuine mark of the achievement of excellence in a noble profession. Whatever the truth in that respect there has in recent years been a much greater consensus that if the rank (and public confidence in it) is to be maintained, the process by which “silks” are selected should be reformed.

The reform debate in England and Wales has been contentious. There could hardly be a starker contrast between the views of those who condemned the obscurity of the traditional process and those who argued for greater transparency, a formal and documented process and the involvement of a selection panel.

But in Northern Ireland also there has been a widespread recognition of the need for reform, expressed through several review processes undertaken by the Bar. Against this background and following a consultation nationally on the future of the QC system, the Lord Chancellor, Lord Falconer announced in May 2004 that the Government was content to allow the rank to be continued for the time being, but that it was no longer considered appropriate for the Government to be directly responsible for a process which should more properly be a “site-marking” quality-assurance exercise to be operated by the profession.

The challenge thus presented to the Bar and Law Societies, both here and in England and Wales, was to design a scheme for future appointment of senior counsel which could be demonstrated to serve the public interest by offering an objectively based, transparent mechanism for recognizing excellence. A Joint Working Party was established to develop a scheme which would be acceptable to the four professional bodies and to the Lord Chancellor.

Following extensive work over the last twelve months a scheme has been agreed which will be utilized first in a “call” process which has just commenced (see details below). The Northern Ireland Scheme (which is based on the same selection criteria and principles as the Scheme for England and Wales but with some variations in structure and process to take account in particular of the smaller scale of the profession) can be summarized as follows:

The scheme is based upon an agreed set of competences, setting out the behaviours required of leading advocates. Apart from regulatory checksto be undertaken...
New Appointments to Human Rights Commission

The Secretary of State for Northern Ireland who is responsible under the Northern Ireland Act 1998 for making appointments to the Northern Ireland Human Rights Commission has announced the appointment of a new Chief Commissioner, seven Commissioners to the Commission.

Professor Monica McWilliams has been appointed as Chief Commissioner. She is currently the Professor of Women’s Studies and Social Policy at the University of Northern Ireland. She is a member of the Domestic Violence Committee of the Family Court’s Children Order Advisory Committee.

The new Commissioner appointments are Jonathan Bell, Thomas Duncan, Professor Colin Harvey, Alan Henry, Ann Hope, Eamonn O’Neill and Geraldine Rice. The appointments will supplement two current Commissioners – Lady Christine Eames and Kevin McLaughlin – who were re-appointed in November 2004 for a further period of three years.

The Commissioners will take up appointment in September 2005 and will serve a term of three years.

The Northern Ireland Human Rights Commission was established in 1999 by the Northern Ireland Act 1998 to protect and promote the human rights of everyone in Northern Ireland. The powers and functions of the Commission include reviewing law and practice, advising government, promoting an awareness of human rights and taking cases to court.

The new silk road to obtaining silk, while undoubtedly more open and level, remains relatively narrow in terms of dealing primarily at present with excellence in higher courts advocacy. However, the new system in its design and construction is capable of carrying more than one form of transport. It has the potential for development of the kitemark to recognise achievement of excellence in other areas of legal endeavour and expertise. The new silk road may not be perfect but it is a significant improvement on the previous largely uncharted and muddy pathway. It is, as they say, full of eastern promise.

The Lord Chancellor, Lord Falconer, has announced the establishment of the new Northern Ireland Judicial Appointments Commission and announced its membership.

The Judicial Appointments Commission has four key statutory responsibilities:

1. Conducting the appointment process and making recommendations on the basis of merit using transparent procedures that will enhance public confidence in the appointment process.

2. Engaging in a programme of action to secure, so far as is reasonably practicable, a judiciary as a whole that is reflective of the community.

3. Engaging in a programme of action to secure, so far as is reasonably practicable to do so, that a range of persons reflective of the community in Northern Ireland is available for consideration for appointment by the Commission for appointment.

4. Publishing a report annually on its activities.

Under the chairmanship of the Lord Chief Justice for Northern Ireland, Sir Brian Kerr, the Commission will comprise 12 other members, including 5 members of the judiciary, 5 lay members, a barrister and a solicitor nominated by the General Council of the Bar for Northern Ireland and the Law Society for Northern Ireland respectively.

The Commission is made up of 8 men and 5 women and in terms of community balance 6 are regarded as Protestant, 6 are regarded as Catholic and 1 is regarded as neither.

All members of the Commission have been appointed for an initial period of 3 years. Remuneration for these posts will be £504 per day, or £147 per half day. Judicial members will not receive any remuneration, except for the Lay Magistrate member.

The following are some duties that the newly appointed Commissioners will undertake:

1. Establish criteria and organise the selection processes to fill vacancies.

2. Participate in assessment panels – conducting shortlists, interviews and recommending the best candidate for appointment.

3. Develop an outreach strategy to broaden the pool of potential candidates.

4. Take collective responsibility for the strategic direction and management of the Commission.

5. Oversee the delivery of planned activities by monitoring the Commission’s performance against agreed strategic objectives and targets.

The Commission is located at Headline Building, Victoria Street, Belfast, BT1 3GG. Its website address is www.nijac.org
From January 2005 all solicitors in Northern Ireland are subject to the Continuing Professional Development Scheme (CPD).

AFP Consulting 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

To reserve your place on any CPD seminar please contact us on:

Tel: 0845 600 2729 or Email: afpconsulting@aforbes.co.uk

**2005 CPD Seminar Programme**

**Changing CPD Requirements**

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Please see below for forthcoming events between September and October 2005

**RISK MANAGEMENT** (Levels 2 & 3)
Wednesday 21st September 2005 - The King’s Hall Exhibition Centre, Belfast
How to develop a risk management strategy and raise risk awareness in firms to contain claims and complaints and manage the cost of insurance.

**LEXCEL QUALITY STANDARDS** (Level 2 & 3)
Wednesday 5th October 2005 - 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.

**PRACTICE MANAGEMENT** (Level 3)
Wednesday 12th October 2005 - The King’s Hall Exhibition Centre, Belfast
This will comprise a session on how to develop a business plan and strategies for business development. It will be as interactive as possible (depending on the number of participants) and include a case study. The aim of the session will be to raise important questions for Partners and Managers in the 21st Century for discussion, not provide definitive answers.

**Future Seminars** (The King’s Hall Exhibition Centre, Belfast)

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<th>Seminar Title</th>
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<td>Practical Management for Lawyers (Level 1)</td>
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<td>Crisis and Reputation Management (Level 3)</td>
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<td>Winning and Retaining Clients (All levels)</td>
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Qualifies for 3 hours CPD
All seminar times: 2.00 pm - 5.00 pm
Cost per seminar: £125.00 + VAT per delegate

To reserve your place on any CPD seminar please contact us on:
Tel: 0845 600 2729 or Email: afpconsulting@aforbes.co.uk

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Corporate Manslaughter laws to extend to Northern Ireland

The Northern Ireland Office has published new proposals to prosecute companies and organisations responsible for manslaughter in Northern Ireland.

Launching a public consultation on the proposals the Criminal Justice Minister, David Hanson said, “Corporate manslaughter is a criminal offence committed by organisations, not by individuals and the law must be updated to reflect this. The existing legislation that tackles deaths caused by corporate bodies dictates that an individual senior official must be personally guilty of manslaughter before the company can be prosecuted. These new proposals are a tough response to this weakness in the law and companies will now be held accountable if a death results from working practices where senior management have shown a gross disregard for their responsibilities to employees or others.”

He added, “This law is already being introduced in England and Wales and its extension to include to Northern Ireland will help build public confidence in a modern criminal justice system. Corporations already taking a conscientious approach to their obligations have absolutely nothing to fear from these proposals.”

The new offence focuses responsibility on the working practices of the organisation, as set by senior managers, rather than limiting the scope of investigations to gross negligence by individual company bosses.

The proposals will apply to private companies, Crown bodies, including government departments and the wider public sector. They create a broad, level playing-field between public and private sectors. However, there will be certain public and government functions that will be outside the scope of the Bill. These include:

- regulatory standards, statutory inspection, issuing guidance and standards to public services or centrally procuring goods or services for other public bodies;
- public policy decisions such as decisions that involve the allocation of public funds or competing social or political factors, for example decisions by Primary Care Trusts about what services to provide patients; and a narrow band of core public functions that require specific lawful authority (for example, the Government providing services during a civil emergency or the holding of prisoners in detention – whether in a publicly or privately managed prison).

Interested parties have an opportunity to respond to the consultation until the closing date of 25 August 2005.

The consultation document and draft Bill are available for download from www.nio.gov.uk - see Public Consultation link.

Gerard A. Doherty
Legal Costing Services

Offering a prompt and efficient Costs Drawing Service throughout Northern Ireland...

We have made arrangements with the Hays Document Exchange for the collection and return of files anywhere in Northern Ireland - please ring for details (you will not be charged for this collection and return service) 71A Spencer Road, Waterside, Londonderry BT47 6AK
Tel: 028 7134 9265
Fax: 028 7131 8316.
DN No.4144 NR Londonderry 5
VAT NO: 756 6188 90

Public Prosecution Service formally established

The Review of the Criminal Justice System in Northern Ireland (2000) set out a vision of an independent, effective and efficient criminal justice system which had the confidence and support of the people across the province.

One of the recommendations was the establishment of a new Public Prosecution Service built upon the existing Department of the Director of Public Prosecutions.

The new PUBLIC PROSECUTION SERVICE FOR NORTHERN IRELAND (PPS) was formally established on 13 June 2005. On that date the relevant provisions of the Justice (Northern Ireland) Act 2002 were commenced.

The PPS takes responsibility for all prosecutions in Northern Ireland presently conducted by police in addition to the work of the existing Department of Public Prosecutions. In addition to taking decisions as to prosecution in all cases submitted by the police in Northern Ireland it also handles cases submitted to it by other statutory authorities.

The PPS will provide the following key services:

- An enhanced service to victims and witnesses
- Prosecutorial and pre-charge advice to police
- Review of all charges prior to submission to court
- Production and issue of summonses
- Conduct of prosecutions in the Magistrates’, Youth & County Courts by Public Prosecutors.
- A range of diversionary options (ie. a way of dealing with offenders other than the formal court process)

The PPS is headed by the Director of Public Prosecutors for Northern Ireland. It is a regionally based organisation. On full implementation of the Service there will be four regions each coterminous with one or more court divisions as follows:

Regions

- Belfast
- Northern (Ballymena and Londonderry)
- Western & Southern (Omagh and Newry)
- Eastern (Lisburn)

Each of the four regions will be headed by a Regional Prosecutor who will have overall responsibility for decisions as to prosecution and for conduct of all prosecutions in that region, with the exception of those files that are transferred to prosecutors at Headquarters.

Whilst the PPS came into effect as a statutory body on 13 June 2005, the new PPS structures are not yet fully in place throughout Northern Ireland. At present the full range of services is available within the Greater Belfast area and five police Districts in Fermanagh and Tyrone only. The remainder of the service is being “rolled-out” with the target date for full implementation being December 2006. The next Regional Offices to be opened will be in Lisburn, early in 2006, with the Eastern Region of the PPS being fully operational by June 2006. The remainder of the Western and Southern Region will follow shortly thereafter with the Northern Region coming on line in the Autumn and will be fully operational by December 2006. The PPS will employ approximately 560 people by the end of 2006.

From left: Joe Donnelly, Past President of LSNI, Lord Goldsmith QC, Attorney General, Sir Alasdair Frazer QC, Director of Public Prosecutions.

The proposals will apply to private companies, Crown bodies, including government departments and the wider public sector. They create a broad, level playing-field between public and private sectors. However, there will be certain public and government functions that will be outside the scope of the Bill. These include:

- regulatory standards, statutory inspection, issuing guidance and standards to public services or centrally procuring goods or services for other public bodies;
- public policy decisions such as decisions that involve the allocation of public funds or competing social or political factors, for example decisions by Primary Care Trusts about what services to provide patients; and a narrow band of core public functions that require specific lawful authority (for example, the Government providing services during a civil emergency or the holding of prisoners in detention – whether in a publicly or privately managed prison).

Interested parties have an opportunity to respond to the consultation until the closing date of 25 August 2005.

The consultation document and draft Bill are available for download from www.nio.gov.uk - see Public Consultation link.

As from 13 June all correspondence should be addressed to ‘PUBLIC PROSECUTION SERVICE’, The current addresses remain unchanged as do telephone and fax numbers i.e.

All offices in Belfast
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR

Omagh
Western and Southern Region Courthouse
Omagh
Co Tyrone BT78 1DU

Colesine
Northern Region
18 Lodge Road
Colesine
BT52 1NB
The Review of the Criminal Justice System in Northern Ireland of March 2000, recommended the creation of a single, independent criminal justice inspectorate which would be responsible for ensuring the inspection of all aspects of the criminal justice system other than the courts.

Criminal Justice Inspection Northern Ireland (CJINI) was established as an independent statutory inspectorate by virtue of the Justice (NI) Act 2002 (the 2002 Act). It is headed by a Chief Inspector, Kit Chivers, who has extensive experience in police and prison services.

CJINI began work on 1st October 2004. Following completion of a number of inspections, it has recently published the following reports, all of which can be accessed at www.cjini.org.

**MASRAM**

The first report is entitled, ‘The Management of Sex Offenders in Northern Ireland.’ The inspection had three main aims:

1. To examine the effectiveness of Northern Ireland’s multi-agency risk assessment offender management procedure (known as ‘MASRAM’)
2. To compare MASRAM with the Multi-agency Public Protection Arrangements (MAPPA) that apply in England and Wales;
3. To consider the potential for placing MASRAM on a statutory footing, and for extending MASRAM to incorporate violent offenders.

The inspection team found many positive features of the current system:

- The agencies attach high priority to their sex offender work, despite it being a small proportion of caseloads.
- Police protection was unambiguously identified as the central purpose;
- Both the PSNI and Probation Service have dedicated MASRAM staff, who are highly skilled and motivated;
- Inspectors saw some excellent examples of collaborative working, especially with high risk offenders in crisis situations.

Recommendations for improvement were made to build on these positive foundations and address a number of issues, including the fact that the MASRAM arrangements are overloaded.

Key recommendations include:

1. MASRAM should be placed on a statutory footing. The Criminal Justice Act 2003 and the English MAPPA guidance should be used as a basis for this. (para 2.17)
2. The remit of MASRAM should extend to include violent offenders. This will require clear criteria, and a supervised parole system should be introduced to fulfill this purpose. (paras 2.5; 3.19)
3. To create more capacity the MASRAM agencies should manage cases at the lowest possible level consistent with providing a defensible risk management plan. (para 1.13)
4. The agencies should establish a co-located Public Protection Team, drawing upon best practice elsewhere. (paras 3.20-3.22)

**Magilligan Prison**

An inspection of Magilligan Prison took place in September 2004. It was the first prison inspection to have been conducted under the new arrangements created by the 2002 Act. HM Inspectorate of Prisons previously inspected Northern Ireland’s prisons on an extra-statutory basis. The 2002 Act gave statutory responsibility for inspection to the CJINI. However under the Act, CJINI may call on the expert help of other Inspectorsates such as HM Inspectorate of Prisons, and did so for the inspection of Magilligan.

The two Inspectors worked together on this inspection, assisted by the Adult Learning Inspectorate for England and Wales and the Education and Training Inspectorate (NI).

Magilligan prison holds about 350 low to medium risk prisoners who are mostly nearing the end of their sentences. They are accommodated in H Blocks built to the same design as in the former HMP The Maze, which lack integral sanitation.

A quarter of the prisoners are sex offenders. There is no separation of prisoners on the basis of their political allegiance, as in Maghaberry.

The Inspectors found that there was much good to record at Magilligan, but that industrial relations problems since the last inspection in 2002 had put a brake on progress.

Staff-prisoner relationships had improved and prisoners were held safely, without the need for separation. Most prisoners had ample access to activities.

However, a deteriorating industrial relations situation had resulted in a breakdown of trust between managers and staff. Too many decisions essential to the good running of the prison were in effect outside managers’ control.

As a result prisoners could not be guaranteed regular access to activities such as education and training.

Moreover, there was insufficient good quality education and work.

There was an over-emphasis on physical security at the expense of other services. Finally, there was no equality monitoring of outcomes for prisoners.

As a result of the inspection, a comprehensive action plan has been prepared by the Governor and his senior management team which is intended on implementation to bring Magilligan up to higher standards of custodial care.

**Women Prisoners**

There are some 30 women prisoners accommodated at Ash House, Hydebank Wood. There is a wide age range, and the offences for which they are in custody range from minor to very serious. These may be drug related, but there are none at present.

Inspectors found that at Ash House the proportion of female to male prisoner numbers was about 50:50. There is no separation of prisoners on the basis of their political allegiance, as in Maghaberry.

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**Juvenile Justice Centre**

In April 2005 a report was published on an inspection of the Juvenile Justice Centre (formerly Rathgael) in Magilligan. The report found that the transition has been well managed, and that the young people were being provided with a good standard of care, good educational and health services and a reasonable amount of physical activity – though there could be more, especially in the open air. The premises are not ideal, however, and there is a problem in meeting the needs of the very small numbers of girls (occasionally just one or two) who have to be accommodated.

The report notes that the facility is expensive, and running costs will need to be borne in mind in planning the replacement Centre.

**Future reports**

Work is currently progressing with reports pending in relation to:

- State Pathology and Forensic Science
- Police Ombudsman for NI
- Victims and Witnesses

In conclusion, the Chief Inspectors said: “The Northern Ireland Prison Service urgently needs to seek the help of prison services in other jurisdictions that have developed policies and practices to meet the specific needs of women, and to train and support a separate manager for the women’s unit at Ash House. But, in the longer term, it needs to plan for a discrete and suitable separate location in which women can be held safely and purposefully.”

The NIPS has responded positively to the Chief Inspectors’ report, accepting almost all their recommendations and has published its Action Plan for implementing them. Work is planned to install integral sanitation in the cells in Ash House. NIPS recognises that even so Ash House cannot be a permanent solution to the problem of accommodating the women. There is now a dedicated Governor with responsibility for the women prisoners, reporting to the Governor of Hydebank Wood, and many aspects of the regime are to be improved.

The Prison Service has stated that it will report regularly to the Inspectors on progress against the Action Plan, which is published together with the report.
The Government has laid a draft Fraud Bill before Parliament with proposals to strengthen and extend existing legislation to counter fraud.

Welcoming the move and publishing the NIO’s response to its consultation on the proposals, Criminal Justice Minister David Hanson said: “The rapid development ... more sophisticated and it is vital that police and prosecutors have a modern legislative framework equipped to deal with it.

“Current laws to counter fraud focus on specific offences and do not adequately cover the wide variety of potential crimes. The draft Bill introduces a new general offence of fraud which can be committed in three ways – by falserepresentation, by wrongfully failing to disclose information and by abuse of position.

“These reforms should make the law more relevant and effective in tackling the wide range of fraudulent activity and should make the prosecution process simpler and more efficient for both juries and defendants.”

The consultation paper did not cover what might be described as specialist branches of fraud - forgery and counterfeiting, false accounting, tax evasion, insider dealing, misleading market practices, benefit fraud and intellectual property offences. These require separate consideration.

The Government’s proposals were based on those in the Law Commission report on fraud (published in 2002). The Commission concluded that introducing a general fraud offence would improve criminal law in several respects. It would help to make the law simpler and more easily understandable for juries, defendants and the general public.

The existence of a clear definition of fraud would also help to make the prosecution process more efficient and effective.

The Government response to the consultation is downloadable from www.nio.gov.uk

Moves to strengthen law to counter fraud

A Judicial Review Group has recently been established in the High Court. It comprises Mr Justice Girvan (Chairperson), Mr Justice Weatherup, TonyMcCleman BL, Paul Maguire BL, Karen Blair (Cleaver Fulton Rankin Solicitors), GerryHyland (Madden & Finucane Solicitors) and Gwen McBride from the Central Office.

The objectives of the Group are:
• to achieve the most effective way to process applications
• to streamline systems

In achieving these, it is intended there will be mutual benefits for court users, staff and professional bodies.

To assist with the above, the Group has been asked to comment on a draft Practice Note in relation to:

Order 53 Statements

The Group would welcome views on the draft document, a copy of which has been placed on the Society’s website and a hard copy is available from the Library.

Any comments should be directed to Gerry Hyland (Gerry.Hyland@madden-finucane.com) or to Karen Blair (k.blair@cflaw.co.uk) on or before Wednesday 31st August 2005.
Northern Ireland Co-ownership Housing Authority (NICOHA) - Building Control Certificates

We are taking this opportunity to reproduce the Home Charter Scheme’s Practice Direction of 1st March 2003 in relation to Regularisation Certificates and Building Control approvals and Completion Certificates. The Home Charter Committee has agreed with SOLACE (Society of Local Authority Chief Executives) with regard to Local Authority Council Property Certificates that, other than in cases in which for reasons specific to any particular case, time limit for enquiries 1 and 2 is to be ten years back from the date of the Certificate. As the enquiry is normally limited to a ten year period, the Committee directs that the purchaser’s solicitor should not request a vendor’s solicitor to provide further Building Control documentation regarding any building work which would require Building Control approval, and which has been undertaken more than ten years prior to the date of application for the Property Certificate. If there is no evidence of Building Control Approval for the system and the system was installed or converted more than five years since the date the property was agreed for sale, then the purchaser’s solicitor shall not require the vendor’s solicitor to provide a Completion Certificate for buildings constructed prior to the 28th November 1994.

In relation to Completion Certificates, the Committee directs that a purchaser’s solicitor should not request a vendor’s solicitor to provide a Completion Certificate for buildings constructed prior to the 28th November 1994.

The Society had heard reports that NICOHA required Regularisation Certificates in all cases in which they were involved. We can confirm that they have no general policy to do so.

However, because the bulk of NICOHA’s housing stock is comprised of existing properties, which tend to have had some work carried out on them, they require existing property valuation reports, from external valuers, on each property being considered for their Scheme. Valuation reports are prepared for both NICOHA and the Co-Ownership applicant. Where the report indicates that work has been carried out to a property, which may or would require statutory approval-consents, then the Association will instruct a solicitor to seek the requisite documentation.

THE LAW SOCIETY OF NORTHERN IRELAND in association with SLS will hold a Conference on the subject of

THE CHANGING WORLD OF CONVEYANCING

The Conference will be held at the following venues from 10.30am to 4.45pm

Limavady – Radisson Roe Hotel – Thursday 10th November 2005
Armagh – City Hotel – Thursday 17th November 2005
Belfast – Waterfront Hall – Friday 25th November 2005

Current practice in conveyancing and the law of real property will soon be revolutionised by planned law reform and the advent of e-conveyancing. This important conference will provide the crucial information to enable you to find out about existing practice, ongoing developments and to prepare for the future.

Topics covered will include:

• The conveyancing process
• E-conveyancing
• Compulsory registration of title
• Mapping
• Ground Rent reform
• Law of covenants
• Planning and Building Control
• Modern building estate conveyancing
• Treatment of open spaces
• Issues affecting the sale and purchase of rural properties
• Flat management companies
• Home Charter Scheme
• Commercial conveyancing
• Taxation issues
• Impact of family law on land transactions – including co-habitation and civil partnership issues

CONFERENCE BOOKING FORMS WILL ACCOMPANY THE NEXT EDITION OF THE WRIT
Sea change in Northern Ireland? BICMA conference on rehabilitation

On 13th May this year a conference, the first of its kind, was held at Law Society House on how claim handling practices could improve outcomes for people injured in accidents to the advantage of all concerned. It was run by the Bodily Injury Claims Management Association (BICMA), which has seen great benefits achieved in England and Wales, at the request of practitioners considering the way forward for personal injury claims.

Chaired by Robin de Wilde QC, the conference was attended by 60 people, mainly solicitors (both plaintiff and defendant) and insurers. In introducing the day’s debate, he said that the presenters had come to offer the experience they had had in England and Wales in the hope that it could be utilised or adapted to help accident victims in Northern Ireland. The exchange was likely to be mutually beneficial. All concerned shared the objective of getting the injured person back to the fullest quality of life as soon as possible. The practicalities surrounding that objective were likely to require a radical rethink about the way things were done.

Norman Cottingham, President of BICMA and Managing Director of TICCS (The Injury Care Clinics), spoke of the historical development and changing philosophy. He outlined the Rehabilitation Code, its adjunct the Practitioners Guide, the concept of needs assessment outside the litigation process and the success of the Code in England and Wales. He explained how case managers are used to provide the assessment independently and simultaneously to both sides as a trigger for early intervention. He suggested that the real test of the initiative would be whether anyone did things differently the next Monday morning.

Keith Popperwell, consultant with Silverbeck Rymer, described the defendant’s experience in England and Wales and pointed out some areas for enquiry on the obligations of the NHS and local authorities. He saw great advantage to both sides in an insurer offering to fund an early joint report (which would not be admissible in the proceedings under the Code) assessing immediate needs. The advantage to all was even greater when the insurer funded the “fixing” of those needs. It was no secret that insurers had a financial interest in plaintiffs getting better, being more independent, and getting back to work. It was a “win-win”.

Gerry Lee, Principal at P R Hanna Solicitors, said that it was of paramount importance that insurers accept the role of the properly experienced solicitor and acknowledge their “worth” in the process. Only then could good relations be achieved, based on mutual trust and respect, that enable swift and early cooperation that is so necessary for the achievement of effective rehabilitation for plaintiffs. Gerry is the Northern Ireland regional co-ordinator for MASS, the Motor Accident Solicitors Society.

John Caldwell, Senior Partner at Caldwell Warner Solicitors, who provided administration support for the conference, shared these views. He expressed the hope that ways could be found to encourage these developments and was convinced that practitioners could work together with good will on both sides. He identified rehabilitation as the area of common interest for both plaintiff and insurer.

Janet Tilley, Joint Managing Partner of Coleman-ctts Solicitors, said that her starting point in acting for a plaintiff was the principle of “restitutio in integrum” – putting the plaintiff back in the position they had before the accident. “We cannot say we have achieved justice for plaintiffs if all we do is to get money for them”, she said. Traditional claim-handling practices perpetuated disability. The “damages first” approach meant that by the time the money was there the opportunity for meaningful rehabilitation had often been irrevocably lost.

Motivation and self-worth could start to diminish at a very early stage in the process. She also explained the Civil Justice Council’s role and the effect of the recent changes to the English Personal Injury Protocol. The evolutionary shift from adversarial to consensual claim handling was coming and she advocated getting work ahead of the game.

Rose Corless, Chair - Case Managers Society UK (CMSUK) and Rehabilitation Manager QBE Insurance, explained the role of the case manager in assessing, facilitating, planning and advocating for the health and social needs of the injured person. She went on to set out CMSUK’s role as a professional body run by and for case managers, setting standards and providing education, enabling industry to engage their services with confidence. She also took the meeting through a number of case studies demonstrating the very considerable achievements that a collaborative approach could deliver whilst stressing that dramatic success cannot be guaranteed in every case.

Mr Justice Deeney concurred with the view that the principle of “restitutio in integrum” was key to genuinely effective ways of dealing with injured victims. Focus only on the question of damages neglected the entitlement of the plaintiff to have his/her life back as far as that was possible.

He recognised that the trial will always be an adversarial process but considered that this does not require the whole process of litigation to be uncooperative. He noted with approval the increasing interest of the English judiciary in encouraging co-operation between the parties on the question of rehabilitation. The presentations gave rise to lively debate. What was envisaged was clearly not a minor adaptation but a significant cultural shift. Nonetheless, progress was likely to be achieved on an individual case basis by forward-looking practitioners.

Amongst the many points to emerge was the benefit of early realistic decisions on liability by insurers and an early discussion along the lines of “What can we do to help?”

Insurers and plaintiff solicitors needed to establish how to make rehabilitation work so that everyone gained.

There was recognised a potential issue in relation to fixed costs. However, in broad terms it would be fair to say that consensual claim-handling practices not only obtained better overall outcomes for plaintiffs, but also earlier settlement so that each case delivered its legal fee earnings in a shorter time span than traditional practices.

There was no Personal Injury Claims Protocol yet in Northern Ireland but in the interim the Code and/or the BICMA Agreement or variations of them could deliver the same benefits. It was suggested that BICMA would set up a separate register to identify supporters of the Code in Northern Ireland. This, like the existing one, would be on the BICMA website www.bicma.org.uk and would show contact names as well as firms and companies.

By the end of the conference the general consensus was that a convincing case for change had been made and that the main challenges were –

• resource – how will market forces deliver case management and rehab provision?
• traditional barriers – distrust and adversarial habits
• education – practitioners getting to grips with the practical requirements, and
• how to adapt the principles to the special environment of Northern Ireland.

There was also very positive feedback after the event and considerable support for a further conference including more material from case managers and rehabilitation providers.

A similar conference is planned in Edinburgh later in the year.

Copies of the conference pack including the presentation slides are available from BICMA at a cost of £35.00 - cheque payable to BICMA - write to:- Shirley Weedon, BICMA, 205 High Street, West Wickam, BR4 0PH.

Full Details and Booking: www.actnow.org.uk

5th October 2005 (£299 +vat)
Applicable law and jurisdiction in divorce

The European Commission has launched a public consultation on the applicable law and jurisdiction in divorce matters. The Commission considers that current provision may lead to practical difficulties for the increasing number of “international” couples who divorce each year within the European Union.

The Green Paper describes these difficulties and proposes possible solutions. The initiative is part of the European Union’s on-going work to create a common judicial area in the field of family law with the aim to facilitate the daily life of its citizens.

Thousands of couples divorce each year in the European Union. Many of these divorces concern marriages between spouses of different nationalities or spouses living in different Member States. As an illustration, approximately 30,000 couples of different nationalities divorce each year in Germany alone.

There are currently no Community rules on applicable law to divorces. The Brussels II Regulation sets out rules on jurisdiction of courts and provides for mutual recognition of divorce judgments but does not include conflict-of-law rules. The current jurisdiction rules may in certain cases encourage a spouse to file for divorce before the other spouse to ensure the application of a particular divorce law. Another problem is the lack of legal certainty and predictability for the spouses. The current rules may also result in situations that do not respond to the legitimate expectations of the citizens.

The Green Paper points out that the lack of legal certainty and predictability is particularly striking when the spouses are of different nationalities and do not live in the same Member State. As an illustration, a Portuguese-Italian couple who split up shortly after the marriage and move back to their respective Member States may apply for divorce in either Portugal or Italy. An Italian court would apply the law of the State where the marriage was “principally based”. A Portuguese court would, on the other hand, apply the law of the State with which the spouses have the “closest connection”. The spouses would in both cases have difficulties to predict what the applicable law would be.

These and other problems are described in the Green Paper on the basis of practical examples. It suggests several possible solutions to enhance legal certainty and meet the legitimate expectations of the citizens.

An Italian court would apply the law of the State where the marriage was “principally based”. A Portuguese court would, on the other hand, apply the law of the State with which the spouses have the “closest connection”. The spouses would in both cases have difficulties to predict what the applicable law would be.

While volume is a real problem, it should not be ignored or excuses put forward for avoiding this risky issue.

Compare the problems with more traditional communication methods, such as the post. For example would your firm:

- Allow any member of staff, regardless of experience, to send out a letter in the name of the firm without it being checked? No? Then why do so many firms allow staff to communicate via email without any form of supervision?
- Allow staff to keep all incoming post in a single tray irrespective of the file it relates to for months on end without filing it? No? Then why do so many firms allow staff to have inboxes with hundreds and in some cases thousands of received e-mails?
- Allow staff to spend hours at a time on the telephone making private calls? No? So why is it that many firms allow unfiltered access to the internet and e-mail for private purposes?
- Allow staff to send out enclosures without checking carefully that the letter is addressed to the correct person, is error-free, says what it is meant to say, and has the correct enclosures? No? Then why is it that many firms make no reference to outgoing e-mail correspondence in their procedures manual?
- Allow staff to leave copies of outgoing correspondence and staff documents unfiled? No? Then why is it that many firms do not ensure all e-mail correspondence is printed and filed?
- Any e-mail policy should at the very least address these issues by stating:
  - Delegated specific authority to individuals as to who may sign what. For example, should trainees be allowed to send any e-mails unsupervised?
  - That all incoming and outgoing e-mail correspondence should be printed and filed.
  - Who is entitled to access the internet and private e-mail usage (if you monitor staff e-mails, be careful of your statutory obligations).
  - The procedure to be followed with regard to checking outgoing e-mail correspondence.

This column was prepared by AFP consulting, a division of Alexander Forbes Risk Services UK and first appeared in "The Gazette", the journal of the Law Society of England and Wales, 102/06 10 February 2005.


The Commission has invited interested parties to submit comments to them before 30 September 2005.

COURT SERVICE BUSINESS MODERNISATION PROGRAMME

CIVIL BILL CENTRALISATION

The Northern Ireland Court Service is continuing with its modernisation programme. To realise the potential benefits provided by the introduction of the Integrated Court Operation System (ICOS), it has been decided to centralise certain aspects of county court civil business.

To support this approach we will encourage documentation to be lodged to a dedicated PO Box - however the facility to lodge documents at a local court office will still be available. It is anticipated that centralisation will take place in Autumn 2005 and further details in relation to the specific functions, effective date and lodgement procedures will be provided at the end of the Summer.

Comments or queries regarding centralisation should be directed to: Mandy Kilpatrick or Mark Radcliffe, Business Support Group, 3rd Floor, Bedford House, Bedford Street, Belfast. (028) 90729970 or (028) 90728800.

JOURNAL OF THE LSNI JULY 2005

There is often considerable resistance in law firms to implementing an email policy. The reason often given for this is that it is simply not possible.

“How on earth can we be expected to monitor incoming e-mails? There are so many of them that the supervisor would not get any work done.” While volume is a real problem, it should not be ignored or excuses put forward for avoiding this risky issue.

Compare the problems with more traditional communication methods, such as the post. For example would your firm:

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  - Who is entitled to access the internet and private e-mail usage (if you monitor staff e-mails, be careful of your statutory obligations).
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The Green Paper points out that the lack of legal certainty and predictability is particularly striking when the spouses are of different nationalities and do not live in the same Member State. As an illustration, a Portuguese-Italian couple who split up shortly after the marriage and move back to their respective Member States may apply for divorce in either Portugal or Italy.
New legislation to help young people leaving care

The Children (Leaving Care) Act (Northern Ireland) 2002 provides a new legal framework for young people leaving care and also for the provision of aftercare services.

Its main purpose is to improve the life prospects of young people who are looked after by Health and Social Services Trusts (HSSTs), as they make the transition to independent living.


Commenting on the legislation, the Health Minister Shaun Woodward said:

“The Regulations and Guidance provide further details on the new duties placed on Health and Social Services Trusts by the Children (Leaving Care) Act and explain the implications of these for leaving care policies, procedures and practice.

The legislation will provide significant improvements for young people. They will not leave care until they are prepared and ready to do so. There will be improved assessment, preparation and planning for leaving care. Young people will receive better personal support after they leave care, and there will be improved financial arrangements for care leavers.”

The legislation places the following new duties on HSSTs. The main provisions are:

- to assess and meet young people’s individual needs;
- to ensure each young person has a Pathway Plan.

A Pathway Plan is a document drawn up by the responsible HSST along with the young person, which sets out the manner in which the Trust proposes to meet the needs of the young person, when the Trust might cease to look after the young person and the date by which and by whom the plan will be implemented;

- to provide Personal Advisers for young people. A Personal Adviser is a person who is appointed by the responsible HSST for each eligible, relevant and former relevant child.

The Personal Adviser will be responsible for overseeing the Pathway Plan and ensuring that the young person receives the support, to which he or she is entitled, in a co-ordinated and easily accessible way. They will be the main point of contact between a young person and his or her responsible HSST;

- to ensure that 16 and 17 year old care leavers are provided with personal support and suitable accommodation.

Under the Equal Pay Act (NI) 1970 (as amended) employees may claim equal pay with colleagues of the opposite sex where they are in the same employment or are doing:

- Work which is the same or broadly similar (known as “like work”)
- Work related as equivalent under a job evaluation scheme
- Work which is different but which is of “equal value” in terms of the demands of the jobs.

Women working full-time in Northern Ireland still earn 91% of the average hourly earnings of full-time working men according to the Northern Ireland Annual Survey of Hours and Earnings (ASHE), April 2004, DETI Statistics Research Branch.

A former female employee of Desmond & Sons Ltd. in Dungiven has received a settlement of £19,000 (to include back pay for approximately a six year period) in an equal pay case supported by the Equality Commission.

The woman, who worked as a sample cutter with Desmonds, took the complaint to the Industrial Tribunal under the Equal Pay Act 1970. In the case, she alleged discrimination on the grounds that she was being paid less than male colleagues doing like work. Desmonds accepted that the employee had experienced hurt feelings as a result of differential treatment and regretted any such injury. They stated that their willingness to resolve this case showed their commitment to the principle of equal treatment between men and women in the workplace.

Welcoming the settlement Dame Joan Harbison, Chief Commissioner of the Equality Commission said, “Equal pay legislation has been in place since 1970, yet still remains central to achieving fairness in the workplace and there is also a strong business case for it. We have been working with employers, trade unions and government to address pay inequalities, but employers have a duty to be proactive in ensuring that they are treating female and male employees equally when it comes to their pay.”

She added, “While most employers genuinely believe that they have equal pay, very few have actually carried out the necessary checks to be sure – partly because they don’t know how. The Commission has an Equal Pay Review Kit which is available free to all employers. This cuts through the mystique of equal pay by providing a set of user-friendly tools, robustly tested, to all help employers to review their pay practices and to ensure they avoid pay inequalities.”

Agricultural Advice

Litigation reports prepared on all aspects of agricultural/horticultural production, livestock and handling, including personal injury and loss adjustment, by an experienced ExpertWitness, checked and listed in the Law Society of England and Wales’ Directory of Expert Witnesses 2005, is a Member of the British Institute of Agricultural Consultants and a trained Mediator on agricultural problems.

Contact:

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W Alan McIlmoyle and Associates
Animal Nutrition and Agricultural Consultants
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Fax: (028) 9266 1128
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Issue may be referred to the stage procedure. It may be possible to claim the cost of professional fees which are reasonably incurred by a claimant, in discretionary payments which can be paid as a result of a complaints action.

If a claimant remains unhappy with a decision to recover, it is possible to pursue the issue through HMRC’s complaints procedure, which is covered in Code of Practice 1.

**Fund-raising activities**

Society fund-raising has already started. At this year’s Annual Conference held at Ashton Castle, a raffle was held during the conference weekend to raise the magnificent sum of £1,690. Since then, the Belfast Solicitors Association has generously donated £500 to the charity, being the proceeds of a raffle held at their annual golf outing.

**Have a R-oaring Time on the River**

The next major fund-raising activity will be a Society Dragon Boat Race to be held on the River Lagan on Sunday 18th September 2005. This will provide an ideal opportunity to have fun on the water combined with a team building challenge. It will be an excellent way of having a great family day out whilst helping CLIC Sargent Northern Ireland.

**CLIC Sargent - the Society’s nominated charity 2005**

Readers of The Writ will be aware that this year’s President, Attracta Wilson, has chosen to adopt CLIC Sargent Northern Ireland as the Society charity during her year in office.

Each week in Northern Ireland 2 children or young people are diagnosed with a cancer or leukaemia. CLIC Sargent Northern Ireland acts as a lifeline keeping families together when the unimaginable happens. It provides clinical, psychological, emotional and financial care to these children and their families through its Youth Programme, Family Support Programme and Play Specialist Programme.

**Launch**

Formerly known as Sargent Cancer Care for Children, the charity has recently amalgamated with CLIC (Cancer Leukaemia In Childhood). The official launch of CLIC Sargent took place across the UK on Friday 22 April 2005. At a press conference at Stamford Bridge, Chelsea Chief Executive Peter Kenyon and Manager José Mourinho both confirmed their support by announcing that CLIC Sargent had been chosen as Chelsea Football Club’s official charity.

The President was invited to attend the Northern Ireland launch which was performed by Darren Lynch (aged 9) with the help of actress Olivia Nash and playwright Marie Jones. Darren was diagnosed with leukaemia when he was only 7 years of age. His older brother Stephen aged 9 at the time became Darren’s bone marrow donor. Darren and his family availed of support from both CLIC and Sargent Cancer Care for Children in the past when they had to travel to Bristol for his bone marrow transplant.

At the launch Darren’s mum, Judy said “Darren is now 10 and back at school and touch wood everything seems well, but I can’t help feeling Stephen now 12 has had to grow up very quickly. If it hadn’t been for CLIC and Sargent Cancer Care for Children, I dread to think how we would have managed – the fact that they have come together as CLIC Sargent can only mean one thing – good news for children and young people with cancer and leukaemia and their families in Northern Ireland”.

**Overpayment decisions**

There is no right to appeal a decision that there has been a recoverable overpayment to an independent appeal tribunal. When the recoverability of overpayment is determined there is no right of appeal. More information on entitlement and calculations is available online at the website of Her Majesty’s Revenue and Customs (www.hmrc.gov.uk).

Note: In April 2005, the Inland Revenue amalgamated with Her Majesty’s Customs and Excise into a new department named Her Majesty’s Revenue and Customs (HMRC).

**TAX CREDITS DECISIONS**

There are two main types of decisions: initial and final decisions. The initial decision, which is made at the start of a claim, is an estimate of entitlement for the tax year. It is based on the claimant’s income for the complete tax year and her/his current personal circumstances and childcare costs. This is the source of much confusion, as the final decision is based on the claimant’s actual income for the relevant tax year if it is lower or more than £2,500 higher than the estimate. In order to avoid overpayments and underpayments, claimants should keep HMRC advised of any changes in their circumstances preferably in writing. The deceptively brief tax credits claim form is accompanied by a document, “How to complete your tax credits claim form” which is 55 pages long. Claimants should be advised to read this and retain it for reference as it will outline which changes must be notified and how this is to be done.

HMRC is currently commencing its annual review and renewal exercise in which all claimants will be contacted and asked to confirm their income and circumstances in 2004-2005. This information will be used to make the final decision for that tax year and this is when overpayments are likely to be identified.

**Law Centre (NI)**

**Tax Credits - Understanding and dealing with overpayments**

Patricia Carty, solicitor at Law Centre (NI), offers guidance on helping clients to challenge tax credits overpayments.

The tax credits system was introduced in April 2003 and has provided very welcome financial support to recipients. However, the system is complex and has become characterised by overpayments and administrative difficulties. A recent e-consultation carried out by advisors revealed widespread chaos in the system and many people sinking in an ever growing mountain of debt and paper work. This article will consider decision making and how overpayments arise and will give some guidance on how to challenge overpayment decisions. All the Codes of Practice, forms and leaflets referred to in this article are available online at the website of Her Majesty’s Revenue and Customs (www.hmrc.gov.uk).

**OVERPAYMENT DECISIONS**

There is no right to appeal a decision that there has been a recoverable overpayment to an independent appeal tribunal. However, decisions on entitlement can be appealed to a tribunal. This means that if it is possible to argue that HMRC’s calculation for the year is wrong, the decision can be appealed. More information on entitlement and calculations is available on the Law Centre’s website (www.lawcentreni.org), in the Encyclopedia of Rights section.

The time limit for appealing is 30 days from the date of the decision although this may be extended if there is good cause.

If an overpayment decision is correct, the only avenue for challenging recovery is to ask HMRC to exercise its discretion not to recover under its Code of Practice 26, “What happens if we have paid you too much tax credit?”. Before HMRC will correspond with a representative, a form of authority TC089 must be completed by the claimant (both parties in the case of a joint claim) and sent to HMRC. The onus is always on the claimant to contact HMRC to ask it to use its discretion to waive recovery.

HMRC’s starting point is that claimants will normally be expected to repay any overpayments. The Code of Practice sets out that HMRC may not recover:

- where a claimant was paid too much because of a mistake made by HMRC where it was reasonable for the claimant to think that the award was correct. There have been many problems with the Revenue’s computer software and many claimants will only become aware that they have been overpaid when they receive their final decisions. Recovery in these cases should be challenged.

- where recovery of all or part of the overpayment would cause hardship to a claimant or her/his family. HMRC sets out a list of relevant criteria. In such cases, it may waive all or part of the overpayment or allow a longer period to pay.

**FURTHER ACTION**

If a claimant remains unhappy with a decision to recover, it is possible to pursue the issue through HMRC’s complaints procedure, which is covered in Code of Practice 1, “Putting things right - How to complain.” This is a two stage procedure. It may be possible to claim the cost of professional fees which are reasonably incurred by a claimant, in discretionary payments which can be paid as a result of a complaints action.

If a claimant remains unsatisfied, the issue may be referred to the
Adjudicator in London and to the Parliamentary Ombudsman. As there are very limited appeal rights on tax credits issues, judicial review is an important remedy for challenging HMRC's use of its discretion. Law Centre (NI) recently commenced judicial review proceedings to challenge the HMRC's recovery of an overpayment from a lone parent with severe mental health problems who had been declared bankrupt.

The action was withdrawn as the HMRC agreed to waive recovery on the grounds that the overpayment should have been actioned as a bankruptcy debt and paid our costs. Law Centre (NI) welcomes referrals of similar cases as we are anxious to test the compliance of the current system with Article 6 of the European Convention of Human Rights.

CONCLUSION
Tax credits are likely to play a role in the finances of many solicitors' clients. The massive problem of overpayments in the system makes it very difficult to rely on initial decisions in financial planning. A proactive approach needs to be taken by members of the profession to promote natural justice in the resolution of disputes arising in this system and to push for higher standards of service from HMRC.

CONTINUING PROFESSIONAL DEVELOPMENT
Law Centre training carries CPD hours for solicitors. Forthcoming courses include:

**Belfast**
- Welfare Rights Adviser Programme
- Rights of Migrant Workers: Advanced
- The Civil Partnership Legislation
- An Adviser's Guide to Community Care
- Current Issues in Community Care
- Social Security for Lawyers

**Derry**
- Welfare Rights Adviser Programme
- Social Security for Lawyers

**اري**
- Welfare Rights Adviser Programme
- An Adviser’s Guide to Community Care
- Social Security for Lawyers

**COPY DEADLINE**

FOR AUGUST EDITION FRIDAY 22ND JULY 2005

Editor: John Bailie.
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NORTHERN IRELAND YOUNG SOLICITORS’ ASSOCIATION PRESENTS
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IN CONJUNCTION WITH MOORE STEPHENS CHARTERED ACCOUNTANTS

FRIDAY 28th OCTOBER 2005
Time: 1.00pm – 5.00 pm (refreshments provided and talks to commence at 1.30)
Venue: To be confirmed – please see www.niysa.com for full details.
Cost: £40 for members of the NIYSA* and £60 for non-members.

TOPICS MAY INCLUDE:
- Changes in insolvency legislation in GB and prospective changes for NI;
- Litigation support;
- Treatment of WIP and / or solicitors PI cover; and
- Solicitors accounting regulation with a focus on practice management.

Attendance at this Seminar will provide three hours’ CPD entitlement.
At least one hour will attract CPD for practice management/client care requirements.

Cheques and Booking Forms to NIYSA c/o Emma Duffy, Almac Sciences, Almac House, 20 Seagoe Industrial Estate, Craigavon, BT63 5QD.

E-Mail: emma.duffy@niysa.com

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

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I ENCLOSE REMITTANCE OF £ ________

FOR AUGUST EDITION FRIDAY 22ND JULY 2005
Lottery and Internet scams

The Fraud Squad of the PSNI are warning members of the public about various financial scams which continue to be widely practised in Northern Ireland.

Many people are receiving letters and telephone calls to their home or business telling them they have won a large amount of money via the Spanish or Canadian lottery and in order to release the money the person should pay a small sum to cover local taxes.

Personal banking details are also requested in another type of scam which claims to be from an ‘overseas’ government official or solicitor acting on behalf of a deceased person with no known living relatives within that country.

The scam states that millions of dollars can be moved out of the country to the bank account of an individual here. However, before the funds can be accessed the individual must forward a sum of money in order for the process to commence.

The local tourist industry is also being targeted - a number of hotels and guesthouses have had bookings from fraudsters who negotiate a price, forward a cheque for a larger amount and then ask the business to reimburse them. The reimbursement is often asked for by way of a money transfer eg. Western Union. The initial cheque sent by the fraudster subsequently turns out to be stolen or altered.

Caution should always be exercised before disclosing personal bank details or sending money to unknown persons as a result of a letter, telephone call or Internet booking.

Notices should be directed to: The Coroner’s Office, Old Townhall Building, 80 Victoria Street, Belfast BT1 3FA, Telephone: (028) 9072 8202 (24 hours) Fax: (028) 9072 4559

Issued by the Northern Ireland Court Service May 2005

President of the Industrial Tribunals and President of the Fair Employment Tribunal in Northern Ireland

Miss Eileen Rosemary McBride was appointed to the offices of President of the Industrial Tribunals and President of the Fair Employment Tribunal in Northern Ireland. Miss McBride was educated at Queen’s University Belfast and became a part-time Chairman of the Industrial Tribunals in Northern Ireland in 1989. In 1993 she was appointed part-time Chairman of the Child Support Appeal Tribunals and became a full-time Chairman of the Industrial Tribunals and of the Fair Employment Tribunal in Northern Ireland in 1994. Miss McBride was sworn in office before the Lord Chief Justice of Northern Ireland on 9 May 2005. She replaces Mr John Maguire CBE, who has served as President since 1990.

Resident Magistrate

Miss Lois Amanda Henderson BL was appointed to the office of Resident Magistrate in Northern Ireland. Miss Henderson was educated at Queen’s University Belfast and called to the Bar in September 1984. She is currently a practising barrister working both in civil and criminal law. She has been a Deputy Resident Magistrate since October 2002.

Resident Magistrate

Mr Patrick Eamon King, Solicitor to the Office of Resident Magistrate in Northern Ireland. Mr King was educated at Queen’s University Belfast and admitted as a solicitor in Northern Ireland in January 1982 and in the Republic of Ireland in October 1987. He was engaged in private practice working in the areas of conveyancing, common law, probate, criminal, and family and matrimonial law. He has been a Deputy Resident Magistrate since May 1998.
ALTERNATIVE DISPUTE RESOLUTION and MEDIATION TRAINING COURSE

WEDNESDAY 14 SEPTEMBER - 26 OCTOBER 2005
at the Institute of Professional Legal Studies, 10 Lennoxvale, Malone Road, Belfast.

SLS in conjunction with the Law Society is pleased to announce the eighth repeat of this very successful course which provides training in advanced negotiation, dispute resolution and mediation.

The course is delivered by experienced mediators and skills trainers led by Brian Speers (Carron Morrow Graham), David Gaston (Gaston Graham) and Alva Brangam QC and will combine lectures with experiential role play and analysis.

Response to this course has been immensely enthusiastic and those who have taken part to date have found the course to be of great interest, value and enjoyment.

The course is open to both solicitors and barristers but numbers are limited to 15.

The course will run for 7 evenings (14, 21, 28 September, 5, 12 and 19 October at ILS from 6.00-9.00pm). There is also an all day Saturday programme on 22 October from 10am-4.00pm which it is essential to attend.

It is expected that participants will be committed to attend the complete programme. There will be a presentation of certificates on 26 October.

Note: Completion of this course will fulfil all your CPD requirements for the year 2005.

Cost: £765.00 (includes course materials, evening refreshments and lunch on the Saturday)

Please contact SLS for an application form.
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Draft Safety of Sports Grounds (NI) Order 2005 published

Following a consultation exercise carried out in 2004, the Department of Culture Arts and Leisure has published a draft Order in Council entitled Safety of Sports Grounds (NI) Order 2005 together with an accompanying Explanatory Memorandum.

This Order is intended to introduce a safety certification scheme, similar to that which already exists in Great Britain, for larger sports grounds and non-temporary spectator stands. The scheme will be administered and enforced by the District Councils in Northern Ireland.

The aim of having such a certification scheme is to improve the level of safety for spectators at sports grounds and to prevent serious accidents involving spectators.

The Department will prepare subordinate legislation and advice and guidance for District Councils and interested parties to assist with the implementation and enforcement of this Order in due course.

The consultation period closes on 2nd September 2005. A copy of the draft legislation can be accessed at www.dcal.gov.uk

LEGAL STUDIES FOR LEGAL ASSISTANTS

The School of Law at Queen’s, in conjunction with SLS Legal Publications (SLS), runs an introductory course in legal skills for those who work with law but who do not have a legal qualification.

The course is aimed primarily at legal secretaries and solicitors’ clerks although it would be of interest to anyone whose work has a legal dimension.

Taught by a small group of lecturers from the Law School, the course aims to clarify core legal principles and enhance the legal knowledge and experience participants have gained through their work. The course will run from September 2005 to May 2006, culminating in a small graduation ceremony. It involves one weekly two-hour class held on Tuesdays from 5-7 pm and it runs for twenty-four weeks with Christmas and Easter breaks.

The classes are informal in nature and students will be required to complete a number of assessment exercises. The course is divided into six parts:

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Contract Law and Tort
Criminal Law
Family Law and Inheritance
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For further information and an application form please contact:
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School of Law
The Queen’s University of Belfast
Belfast BT7 1NN
Tel: 028 9097 5224
Fax: 028 9032 6308
DX: 4330 NR Belfast 34

We look forward to meeting you in September!

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The full text of these decisions are available on the Library's Libero database at www.lawsoc-ni.org or by contacting the Library.


Application to vary terms of final order and for prohibitive steps order preventing father from recording telephone conversations with children. – conflict of laws. – order given in Milton Keynes County Court. – whether children habitually resident in Northern Ireland. – whether current proceedings connected with matrimonial proceedings. – HELD that Northern Ireland has jurisdiction to hear the case but there is no jurisdiction to make an order of variation or discharge. – all proceedings stayed so that alternative proceedings are taken and determined in Milton Keynes County Court

High Court 5 May 2005
GILLIN J

IN THE MATTER OF SAMUEL E COOPER (APPLICATION BETWEEN COOPER, SAMUEL AND JOHN HOUSTON AND IAN FINNEGAN AS TRUSTEES IN BANKRUPTCY OF THE ESTATE OF SAMUEL E COOPER, A BANKRUPT AND JOSEPH HASSON AS OFFICIAL RECEIVER)

Package Travel, Package Holidays and Package Tours Regulations 1992 SI 3288

Package Travel, Package Holidays and Package Tours (Amendment) Regulations 1998 SI 1208

Books available for reference in the Library
Saggerson: Travel law and litigation, CLT, 1996. (new 2004 edition on order)

Travel law: liability and local excursions
(discusses excursions booked with the holiday or on arrival at the holiday destination) Moore: 2004, P.L.L. 27 (Aug), 15-16

* Due to the implementation of the Copyright Directive, this article will have to be ordered from the publisher

Lecky, Alan Alexander
Application by bankrupt for an order that the Court determines the appropriate fees and expenses of the trustees in bankruptcy. – Bankruptcy order annulled
HIGH COURT 20 MAY 2005
WEATHERUP J

FORRESTER, CHIEF INSPECTOR C V LECKEY, ALAN ALEXANDER

High Court, Court of Appeal and Tribunal Decisions

Appeal by way of cases stated against dangerous driving conviction. – whether judge was correct in convicting the applicant when he had concluded the action taken by the applicant was the result of what he reasonably believed to be a situation from which he had good cause to fear death or serious injury would otherwise result in the light of self-defence and defence of duties in circumstances under the Criminal Law Act (NI) 1967. – appellant driver of police land rover deployed to control a serious public order disturbance. – vehicle mounted footpath. – HELD that decision quashed and re-trial ordered
COURT OF APPEAL 20 MAY 2005
NICHOLSON LJ

GREGG, WILLIAM JOHN V ASHIREA LIMITED

Damages. – post traumatic stress disorder. – psychiatric injury as the result of defendant's negligence. – collapsing wall causing death of applicant's colleague. – whether secondary victim or rescuer. – HELD that applicant entitled to recover damages of £35,000 plus £52,000 loss of earnings
28 APRIL 2005
HIGH COURT
HART J

IN THE MATTER OF AN APPLICATION BY RICHARD JAMES FOR JUDICIAL REVIEW AND IN THE MATTER OF THE FISHING VESSELS (DECOMMISSIONING) SCHEME (NORTHERN IRELAND) 2001

Fishing Vessels (Decommissioning) Scheme (NI) 2001. – application to decommission fishing vessel. – meaning of bid price in Scheme. – whether Department of Rural Development applied Scheme correctly
HIGH COURT 5 MAY 2005
GIRVAN J

IN THE MATTER OF AN APPLICATION BY CHARLES LEONARD FOR JUDICIAL REVIEW AND IN THE MATTER OF THE FISHING VESSELS (DECOMMISSIONING) SCHEME (NORTHERN IRELAND) 2001

Fishing Vessels (Decommissioning) Scheme (NI) 2001. – application to decommission fishing vessel. – meaning of bid price in Scheme. – whether Department of Rural Development applied Scheme correctly
HIGH COURT 5 MAY 2005
GIRVAN J

LENNON, CHARLES RICHARD ALAN V MS (NI) LIMITED, HANSON, WESLEY, MCFARLAND, STANLEY AND 3i Group PLC

Company director. – whether dismissal justified or contrived by majority shareholders. – wrongful dismissal proceedings subsequently brought before an Industrial Tribunal. – present proceedings compel a fair valuation of the Company and applicant's shares. – discovery. – whether documents privileged. – HELD that all documents discoverable
HIGH COURT 19 MAY 2005
WEIR J

IN THE MATTER OF AN APPLICATION BY ANNE MARIE MCCALLION, LORRAINE MCCOLLGON AND ANNE MCEWEN FOR JUDICIAL REVIEW

Appeal against dismissal of application for judicial review of Secretary of State's refusal of compensation under Criminal Injuries (Compensation) Order 1988. – applicant widow of deceased man who had been excluded from compensation in respect of criminal injury resulting in death of person described in art 5(9). – dissection of Minister of State to award payment. – seriousness of previous crimes, age of applicant and subsequent pattern of behaviour as indicated by the positive contribution to welfare of community. – United Nations Convention on Rights of the Child. – HELD that the decisions on 2 of the applicants be reversed on the grounds of failure to comply with Wednesbury principles. - cases remitted to Secretary of State for re-consideration
COURT OF APPEAL 29 APRIL 2005
NICHOLSON LJ, CAMPBELL, LJ COGHLIN J

MCARTNEY, CHARLES AND BENSON V CHIEF CONSTABLE OF THE POLICE SERVICE OF NORTHERN IRELAND AND THE NORTHERN IRELAND OFFICE OF POLICE COMMISSIONER

Judicial review of decisions of Chief Constable pertaining to a Voluntary Severance Scheme between the PSNI and NIO implementing the Patten Report. – compliance of police force. – eligibility criteria using age and service. – whether Scheme discriminated against officers who joined police aged 18. – application refused
HIGH COURT 22 MARCH 2005
HIGGINS J

IN THE MATTER OF A AND S (RESIDENCE ORDER: CONTACT: IMPLACABLE HOSTILITY)

Contact. – application for residence by non-residential father. – application for reduction in contact by mother. – principles and
remedies governing cases of intractable disputes. - welfare and best interests of children. - risk of significant harm. - HELD that threshold criteria under Children's Order are met and that care or supervision order must be appropriate. - Trust directed to undertake investigation into child's circumstances within 8 weeks. - temporary suspension of contact order and substitution with art. 8 Order prior to consideration of residence. 4 MAY 2005 HIGH COURT GILLEN J

R V DONALDSON AND OTHERS rulings on abuse of process and related applications, rulings on an application on stand by power, rulings respecting John Kennedy Doran and Samuel William Selwyn Doran and on removal of property and related matters. Fraudulent evasion of duty, VAT and money laundering. - whether abuse of process for trial to continue by reason of passage of time. - whether breach of art. 6 ECHR right to fair trial. - reasonable time requirement. - HELD that proceedings should not be stayed as an abuse of process. Ruling on removal of property and related matters. - removal of proceeds of crime under art. 47 (1) (b) Proceeds of Crime Order 1996. - whether offence committed outside Northern Ireland. - whether removal of property outside the jurisdiction or relocation of property outside the jurisdiction created the offence. Ruling on exercise of stand by power. - application by prosecution to stand by pursuant to Proceeds of Crime Order. - conversion of property for the purpose of assisting an offender to avoid prosecution. - whether offence committed outside Northern Ireland. - whether abuse of process to proceed with trial CROWN COURT 29 APRIL 12 13 + 16 MAY 2005 MORGAN J

R V FISHER, BARTHOLOMEW Sentencing. - manslaughter - 3 years imprisonment CROWN COURT 25 FEBRUARY 2005 DEENY J

R V HADDOCK, MARK, MOORE, DARREN, MILLAR, DAVID, WOOD, THOMAS, LOUGHLIN, JASON AND LOUGHLIN, WILLIAM Attempted murder, assault, false imprisonment and arson. - 2 separate rulings on application for severance and abuse of process. - whether offence of the accused would be prejudiced if tried in the course of the same trial as the rest. - whether or more of the accused should be tried on indictment where there is no common count alleged against them. - events involving some of the accused separate in time and location than the others. - HELD that all defendants stand trial together and application to sever indictment refused. - Abuse of process ruling. - whether charges should be stayed on the basis that police failed to investigate security video tape recording. - evidence. - HELD that failure to obtain tape prejudiced defendants’ ability to defend himself. - changes stayed against one of the defendants, but application to stay charges against remainder dismissed 6 MAY 2005 CROWN COURT HART J

R V KING, SEAN CHRISTOPHER AB FOSTER, HUGH WILLIAM Murder with special rules concerning process. - leave to appeal against conviction and sentence. - whether conviction was against the weight of the evidence. - evidence that was well founded and complaint of unfair dismissal is founded and respondent ordered to pay applicant £650 2683/04IT, 21 APRIL 2005

R V MCCARTAN, RICHARD AND SKINNER, BARRY Murder. - application for entry of No Bill under s.2 (3) Grand Jury Abolition Act (NI) 1969 on the basis that the committal papers do not disclose a sufficient case to justify putting applicant on trial. - HELD that tribunal of fact could not act the accused and that there is a case sufficient to put the accused on trial. - application for a No Bill refused CROWN COURT 13 MAY 2005 HART J

R V MCLUSKEY, WILLIAM Possession of drugs. - leave to appeal against conviction and sentence. - whether conviction was against the weight of the evidence. - evidence was well founded and complaint of unfair dismissal is founded and respondent ordered to pay applicant £650 2683/04IT, 21 APRIL 2005

ROSS, WILLIAM V PRECISION INDUSTRIAL SERVICES LIMITED AND DU PONT (UK) LIMITED Appeal by way of cases stated from a decision of Industrial Tribunal preliminary hearing that respondent did not suffer a disability under s. 1 Disability Discrimination Act 1995. - whether tribunal correct in law in holding the appellant was not a disabled person taking into account appellant’s physical condition at date of hearing. - whether tribunal treated less favourably for reason relating to the disability. - appellant suffered from seborectic eczema which flared up in warmer environments. - whether physical impairment which affected day-to-day activities. - appeal dismissed COURT OF APPEAL 19 MAY 2005 KEIR LCJ

INDUSTRIAL/FAIR EMPLOYMENT TRIBUNAL DECISIONS FRAN ATKINSON V ALAN MORROW AND SHARON LOWE 1/3 QUALITY CLEANING SERVICES Unfair dismissal. - applicant was dismissed and not constructively dismissed. - applicant owed any monies in respect of wages or holiday pay 2485/04IT 15 MARCH 2005

SINEEN McLOUGHLIN V DUNNES STORES (BANGOR) LIMITED Disability discrimination. - unfair dismissal and unlawful discrimination. - whether applicant was dismissed or resigned voluntarily. - whether applicant had adverse effect on day-to-day activities. - appeal dismissed COURT OF APPEAL 19 MAY 2005 KEIR LCJ

TERMINATION OF CONTRACT

JOHN SOMERVILLE V H.U.R.T. GROUP Application dismissed. - whether the applicant has not been unfairly dismissed and that the dismissal was therefore unfair. - compensation awarded of £3,194.55 9431/03IT 14 MARCH 2005

ALAN HOY V RICHARD NASH AND SUNRISE LTD Breach of contract for unpaid wages. - whether unlawful deduction made from wages. - respondent held that claimant received no pay for work carried out and was entitled to £2,466.24 unpaid wages 2892/04IT, 11 MAY 2005

GERARD SCUILLON V KNIFE CONTRACTS AND NIALL GREEN Unfair dismissal and redundancy payment. - tribunal decided that respondent had acted reasonably and the dismissal was therefore unfair. - compensation awarded of £3,194.55 9431/03IT 14 MARCH 2005

R V MCCRORY, GERARD, FITZSIMMONS, HARRY, RAINIE, LIAM AND TOLAN, THOMAS Kidnapping, false imprisonment and unlawful wounding. - whether proceedings should be stayed. - whether defendants’ right to fair trial under art. 6 ECHR had been infringed by Independent Monitoring Commission Report. - whether Report constituted a declaration of defendant’s guilt and prejudiced presumption of innocence. - whether trial judge could be persuaded by Report containing information about paramilitary links which would otherwise be inadmissible evidence. - appeal dismissed COURT OF APPEAL 6 MAY 2005 HART J

JACQUELINE HAWKINS V TOWNSLEY, ELIZABETH 2936/04IT 20 APRIL 2005 - redundancy payment on closure of respondent’s business. - pay in lieu of notice. - tribunal found the applicant’s complaints were well founded and ordered respondent to pay £1,103.25 2936/04IT 20 APRIL 2000

MURPHY V H.I.T. SECURITY Termination of contract. - redundancy pay and arrears of pay. - applicant dismissed £5,477.09 3048/04IT, 10 MAY 2005

MERRY V MERVYN WOODS T/A COKKERY NOOK Compensation for unfair dismissal and pay in lieu of notice. - whether union permission must be reduced to reflect any contributory conduct. - whether physical impairment which affected day-to-day activities. - appeal dismissed COUNCIL OF APPEAL 19 MAY 2005 - whether disability discrimination. - unfair dismissal and unlawful discrimination. - whether application was dismissed or resigned voluntarily. - whether applicant had adverse effect on day-to-day activities. - appeal dismissed COUNCIL OF APPEAL 19 MAY 2005 - whether substantial impairment which had adverse effect on day-to-day activities. - held that applicant does not have a disability under s. 1 Disability Discrimination Act 1995. - whether conviction cannot be regarded as safe and that retrial should take place 2485/04IT, 15 MAY 2005 CROWN COURT

CHRISTINA GILLIES V GARY MCCORY AND THE YEW TREE RESTAURANT Unfair dismissal. - whether reason for dismissal was fair. - applicant employed as a waitress who was dismissed because she did not notify respondent that she was going to be absent from work due to sickness for a day. - tribunal held that the applicant was not committing an act of misconduct and that employer imposed a grossly disproportionate sanction. - applicant’s claim of unfair dismissal upheld and respondent ordered to pay applicant £368.50 2529/04IT 14 FEBRUARY 2005

SINEEN McLOUGHLIN V DUNNES STORES (BANGOR) LIMITED Disability discrimination. - unfair dismissal and unlawful discrimination. - whether application was dismissed or resigned voluntarily. - whether applicant had adverse effect on day-to-day activities. - appeal dismissed COUNCIL OF APPEAL 19 MAY 2005 - whether substantial impairment which had adverse effect on day-to-day activities. - held that applicant does not have a disability under s. 1 Disability Discrimination Act 1995. - whether conviction cannot be regarded as safe and that retrial should take place 2485/04IT, 15 MAY 2005 CROWN COURT

STEPHEN MCNULTY V ROYAL VICTORIA HOSPITAL Constructive dismissal. - application out of time and preliminary hearing requested. - whether conviction cannot be regarded as safe and that retrial should take place. - appeal dismissed COUNCIL OF APPEAL 19 MAY 2005 - whether substantial impairment which had adverse effect on day-to-day activities. - held that applicant does not have a disability under s. 1 Disability Discrimination Act 1995. - whether conviction cannot be regarded as safe and that retrial should take place 2485/04IT, 15 MAY 2005
Confidentiality is assured on all inquiries.

Deeds

Missing Title Deeds

Re: Robert Alexander Stewart (also known as Ronald Stewart) (deceased)
Late of: 1 Silverstream Park, Bangor, County Down, BT20 3LU
Date of death: 7 May 2005
Would any person having knowledge of the whereabouts of the Will of the above named deceased please contact:
Patrick Donnelly Solicitors
Bangor
County Down BT19 7QT
Tel: 028 9127 7302

Re: Robert Jennings Ferguson (deceased)
Late of: Ardiview House, 18 The Ward, Ardglass, County Down
Formerly of: 11 Ballea Road, Downpatrick, County Down
Would anyone holding a Will for the above named deceased or have any knowledge of the whereabouts of the title deeds for the above property please contact:
James Doran & Co Solicitors
11 Ballee Road, Downpatrick, County Down

Re: William James McLean (deceased)
Late of: 10 Coolishinney Park, Magherafelt, County Londonderry
Date of death: 30 March 2005
Would any person having knowledge of a Will for the above named deceased please contact:
Bernadette Mulholland Solicitors
37 King Street Magherafelt
County Londonderry BT45 6AR
Tel: 028 7963 2030
Fax: 028 7963 3633
Email: info@bernadettemulholland.com

Folios: 298, 473, 10787
County: Derry
Registered Owner: Mr Marcus McKenna
Folios of: 9 Forgetown Road, Draperstown
Lands at: Forgetown/Moybeg
Take notice that any person having custody of or information as to the whereabouts of the Land Certificate relating to the above-mentioned Folios should forthwith produce said Certificate or communicate such information to the registered owner.

Folios: DN 6347TL
County: Down
Registered Owner: Derek McCalden and Josephine McCalder
Lands of: 7 The Chanderies, Greyabbey, County Down
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 registered owner.

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