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Domestic Violence

In Northern Ireland statistics show that each year on average 6 people are killed by a current or former partner and that 2 women are seriously assaulted by a male partner every day. It is estimated that as many as 1 in 4 women and 1 in 9 men will be a victim of domestic violence at some point in their lives. Domestic violence can cause lifelong harm to children. The financial cost to local communities each year in health, policing and social work services is staggering. In this edition we are pleased to publish four short articles concerning some of the issues arising.

Taking Domestic Violence Seriously

Monica McWilliams, Professor of Women’s Studies at University of Ulster

Domestic Violence is a crime. However, until relatively recently, it was untouched by law and protected as the private sphere of family life. Over the last 20 years, it has become more visible and has been recognised as a feature of contemporary family life. There has been an explosion of legal reform and police policies, the development of refuges and 24 hour helplines, the production of government reports and research studies and extensive coverage of trials and front page headlines in media reports.

Given all this, why are there such ill informed views about the causes of domestic violence? When I undertook research, in the early 1990s for the Department of Health and Social Services, I attempted to interrogate some of these views by undertaking some analysis on domestic violence and alcohol abuse. One of the important research findings was that the majority of abusive men who used alcohol as an excuse for their behaviour were also abusive to their partners when sober. All the time alcohol exasperated the violence or increased its level of severity but it was rarely the root cause of it. The reason why it is still so frequently cited as an explanation is that many police and hospital forms record the presence of alcohol when responding to domestic violence incidents. Women do seek help when their partners are violent and drugs are always the concern for their physical safety. However, the piece of information that is usually not recorded is whether the perpetrator was also abusive when sober. If this was the case, then we would get a better understanding of the physical, psychological, financial and / or sexual forms of abuse that take place.

Countries in which alcohol is banned also have high domestic violence rates. So abuse of alcohol may be a factor in causing more serious injuries or threats in the context of domestic violence in Northern Ireland but cannot be used as an explanatory cause. Public awareness and the law have worked together to show how excessive drinking is no longer an acceptable plea in driving offences. The lesson is there for domestic violence offences.

Attention has also been focused on another explanation of domestic violence, about which we need to be equally cautious. This explanation holds that there is an inter-generational transmission of violence with children who have witnessed fathers beating their mothers going on to do the same when they become husbands. Again, we need to ask about the thousands of children who grow up with an abusive father but do not repeat the behaviour. Apart from this sending out a very frightening message to young male children, that they are destined to become abusers. It also fails to explain why female children are much less likely to become violent perpetrators.

A more gendered explanation is therefore needed. For much too long the focus has been on psychological problems, behavioural problems or mental disorders. Consequently, explanations about who is likely to experience violence and why, have varied from alcoholism, to a disposition for brutal violence, to early childhood experiences. It is still the case that these old ideas are part of the thinking of some professionals working with victims of domestic violence.

Fortunately, there is now a more accurate explanation for domestic violence, based on concepts of power and control. It is worth noting that PSNI/Force Order 2004 emphasises the coercive nature of domestic violence in its new guidelines. Police officers are now trained on domestic violence using the context of the abuse of power and coercive control within intimate relationships. Victims need to be able to identify with what has happened to them. They also want several basic, simple things - to be believed, to be respected, to be told they are not at fault but are they the only ones, and that they deserve to be treated better than this.

These basic, simple messages are what mattered most to women when I interviewed them for my research ten years ago. I have no doubt that it is still what the need want as they start to look for outside help. What has changed over the years is the need to remove danger from women and children rather than removing them from danger. Women want interventions that can minimise the costs and disruptions in their own and their children’s lives, such as not having to leave their homes and communities. And, indeed, it is the case that our public and private law has made a difference in this regard.

A further important factor to note is that leaving a violent relationship is a process, not an event. So women and children may need access to a range of resources at different points in their struggles to escape abuse and deal with its consequences. Initially, what most want is a solicitor to talk to, to explore the issues with, to be validated by. This may then develop into needs for legal advice, advocacy and safety. It is important that solicitors explain clearly what is happening to their clients as they proceed down the harrowing road of leaving and utilising the law to most effect as they embark on a new life. Solicitors should also be alert that when a woman makes the decision to leave, this can be a very dangerous time for her. During my research, the women who had survived attempts on their lives, identified a period of heightened predatory behaviour at this time and summed this up by repeating what they had often been told: “I can’t have you then no one else can.”

Women’s Aid now provide court support services for women as they go through what can be a very difficult process. Many solicitors work in partnership with the support workers and Women’s Aid are keen to increase this number. Support services are particularly useful when women disclose the connections across many forms of violence such as rape, harassment and domestic violence.

Another important connection is that providing the legal protection that meets the needs of the mother is also the most effective means of supporting and protecting children. In other words, protection of the non-abusive parent (most often the mother) is the best form of child protection.

Those making the connection between different kinds of violence in intimate relationships, held in different courts, under different types of law (both public and private) have met with some resistance. Over the last 10 years, I have noted the changes in the police and the probation service to address domestic violence but the corresponding developments with criminal law practitioners and the criminal courts has been much slower. It has taken much more time for those working within the family jurisdiction to recognise and respond to the problem of domestic violence. However, as Justice Ian Hamilton (2002) says: “times are changing and there is recognition that the criminal justice system should be able to respond effectively to the challenge that domestic violence presents to society”.

In recognition of this, the government is taking a new stance in relation to domestic violence issues and how it is addressed in both the civil and criminal jurisdiction. It has set up a Ministerial Group on Domestic Violence that Northern Ireland has now joined, alongside its Scottish and Welsh counterparts. This Ministerial group is supported by an inter-departmental working group that in turn is supported by the Department of Constitutional Affairs Domestic Violence Advisory Group. When I undertook a trawl of the courts in 1995 for my research, I came to the following conclusions:

• Offences which increase in frequency and intensity need to be taken more seriously by those responding to domestic violence;

• The previous history of the offender’s abusive behaviour towards his partner is an important factor and as such, it needs to be considered as an aggravating factor in issues pertaining to prosecution and sentencing;

• There is evidence in the cases of men of domestic violence, the onus is on the criminal justice system to work towards the development of a more preventative policy in this area.

It was also the case in this research that the disjointed nature of the legal process left many victims questioning their confidence in the justice system. So it is heartening to read that one of the priority objectives of the Ministerial group is to:

‘improve the interface between the criminal, civil and family jurisdiction; to provide a “joined up” approach to court proceedings arising out of domestic violence and by reducing the number of court hearings and combining venues, make the court process less distressing and provide protection for survivors’ (Raising The Standards, 2003).

New guidance on domestic violence, which is likely to include a family/criminal crosscheck in domestic violence cases, has been proposed. After all the years of research, collection of data, and persistent course of behaviour, there is recognition of this in the proposed “joined up” court process. Proposals for...
Accordingly, when a woman discloses domestic violence to her solicitor it is very important to assure her that there is no excuse for abuse and that she is not to blame for the situation she finds herself in.

What a solicitor can do for a woman experiencing domestic violence:

Do

1. Give her the number of the Women’s Aid 24 Hour Helpline (028 9033 3818).
2. Give priority to ensuring her immediate safety.
3. Be sensitive and take her seriously. She knows what her abuser is capable of doing.
4. Find out what she wants and see if you can help her achieve it.
5. Recognise her need for clear information, discuss the situation and any options open to her to assist her to make an informed decision.
6. Assure the woman that you believe her - it is common for a woman to be told by her abuser (and others) that she is at fault and that no one will believe her account.
7. Note all abuse and not just the physical manifestations. Be aware that there are many types of domestic violence, including threats, name calling, blackmail, financial control, sexual assault and destroying objects in the home.
8. Check if it is appropriate to send letters or make contact at her home. Respect her wishes if she doesn’t want you to make contact at all.
9. Take personal responsibility when referring her elsewhere.
10. Remind her that Women’s Aid isn’t just about the controlling violence. She can come to Women’s Aid for advice, support, and counselling without having to leave her home.

Women’s Aid believes that the underlying cause of violence against women is the abuse of power and control by perpetrators. Violence against women, including domestic violence, reflects the unequal position of women in society and remains a historical and cultural feature of our society.

Domestic Violence is sometimes blamed on other factors such as the misuse of alcohol and drugs, stress, unemployment or poverty. These should, however, be more accurately described as coincidental factors contributing to particular incidences of abuse or assault rather than the primary cause.

Domestic violence training to be undertaken by the Law Society, the Bar Council and the Judicial Studies Board have yet to be implemented.

Other proposals for reforming the law on Offences Against the Person have also been put forward, for example making common assault an arrestable offence and domestic violence an aggravated offence. On the other hand there is a view that serious examination is needed for a specific offence of domestic violence to get a clearer definition in criminal law, which includes the true range and pattern of coercive and controlling behaviour - similar to the 1995 New Zealand Domestic Violence Act. Interim occupation and contact orders could be made alongside criminal action. The maximisation of victim safety would then have a greater focus than has hitherto been the case. If this were to happen, increased partnerships could be developed with victim’s advocacy and support services, both in the community and at court. Creating more victim confidence in the legal system means taking domestic violence seriously. Taking domestic violence seriously means less abusive relationships and a more equal society. That has to be a worth working for:

Women’s Aid provides a variety of services that legal practitioners use to increase the level of support that can be provided to women and children. A fuller list is available from the Northern Ireland Women’s Aid Federation (see www.niwa.org or tel 02890249041). Key services provided are as follow:

The Role of Women’s Aid

Stephanie Mallon, Information and Communications Worker, Women’s Aid

Domestic Violence in Northern Ireland

Every year women are physically or emotionally abused as a result of domestic violence in Northern Ireland. In 2003/2004, the PSNI dealt with an average of 46 incidents a day and domestic violence accounted for a third of all recorded violent crime in Northern Ireland. Most critically of all is that there have been almost 50 reported domestic violence murders since 1996 in Northern Ireland.

Who suffers domestic violence?

Domestic violence happens to women regardless of family income, where she lives, how long she has been with her partner, whether she or her partner works, whether they have children or any other possible factor. Statistics indicate that 1 in 4 women experience domestic violence in their lifetime. That means women suffering from domestic violence look exactly like the woman eating lunch at a neighbouring table, the woman in your local store or the woman who is working in the next office.

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Domestic violence is sometimes blamed on other factors such as the misuse of alcohol and drugs, stress, unemployment or poverty. These should, however, be more accurately described as coincidental factors contributing to particular incidences of abuse or assault rather than the primary cause.

Women themselves are regularly blamed for causing or perpetuating the violence they experience or of failing to prevent or stop it. This attitude is evidence of a culture that is prepared to blame victims rather than to challenge perpetrators.

How Women’s Aid helps

Women’s Aid is the lead agency in providing a full understanding of domestic violence as it affects victims. We are committed to working collaboratively in an interagency basis and are represented on every Domestic Violence Forum within each Health Trust area. Within this context we provide 30 years experience of working with women and children. This experience informs Women’s Aid understanding of the policy, legislative and judicial responses that are required to address domestic violence effectively.

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Helpline

Northern Ireland Women’s Aid Federation provides a 24 Hour Helpline to provide help and support for women suffering domestic violence. Last year the Helpline handled over 19,000 calls both from women in need of assistance as well as families, friends and a range of agencies. This is an increase of 11% on the previous year and is indicative of the rise year on year since its inception in 1995.

A fifth of the women found out about the Helpline from friends and family while a massive 54% were told about the service by agencies including the Northern Ireland Housing Executive, Police Service for Northern Ireland, social services, health care professionals and legal practitioners.

Recognising the increasing ethnic diversity of Northern Ireland, the 24 Hour Helpline also provides a translation service for those women who do not speak English as their first language.

Working towards achieving its aim of eradicating domestic violence, Northern Ireland Women’s Aid Federation is the lead agency in providing a wide variety of training programmes. Many solicitors and legal practitioners have attended training with their local Domestic Violence Forum. Women’s Aid also delivers training to all new PSNI recruits on domestic violence. That training has been extended to all Community Beat officers to improve responses to women.

Court Support

Local Women’s Aid groups are currently piloting Court Support schemes to assist women through the often bewildering legal system. Women frequently report that they feel intimidated in court, that it is as if the woman is on trial and that having to constantly repeat their story is undermining and distressing. Consequently, the opportunity to visit the court before proceedings take place, to meet court personnel in advance and being given an indication of how events are likely to unfold on the day gives women more control and confidence.

Community Support Services

Women’s Aid can provide one to one support either at her home or at an alternative venue of her choice. Support workers can provide clear information and advice and the opportunity for the woman to explore her options.

What contacting a solicitor can mean to a woman.

Many solicitors and those in the legal profession know about domestic violence and its effects through practising family law. However, it is important to consider the following when a woman comes to you for help:

- Few things will take away your sense of autonomy.
- Your ability to protect yourself and your independence as much as the person you share your life with beating you.
- The bruises and broken bones may be an obvious indication of abuse but it does not show the extent of the emotional trauma or the solitary, unable to break free and unable to be safe that a woman who suffers domestic violence feels.

Therefore, contacting a solicitor is a huge step for a woman experiencing domestic violence. For her it may not be just about getting legal advice to protect yourself and your independence as much as the person you share your life with beating you. The bruises and broken bones may be an obvious indication of abuse but it does not show the extent of the emotional trauma or the solitary, unable to break free and unable to be safe that a woman who suffers domestic violence feels.

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Women’s Aid help...
Policing Domestic Violence

Inspector Robin Dempsey, Community Safety Branch, Police Service of Northern Ireland

Helen (not her real name) was married and lived on the outskirts of Belfast with her husband and two children. On Christmas Eve, Helen’s husband arrived home after work, later than usual, having called into the local pub with some friends. As he entered the home, Helen enquired where he had been and her husband then proceeded to strike her several times causing horrendous bruising across her face, arms and body. Her husband then walked out, leaving her to place the children’s gifts around the Christmas tree and finish preparing for the following days’ festivities.

Helen reported the matter to police and her husband was arrested and charged with assault. Prior to the court appearance, Helen withdrew her complaint and in the absence of sufficient evidence, the prosecution was withdrawn. I have no doubt that this was not Helen’s first experience of domestic violence and probably not her last.

This incident is typical of so many others which occur daily across Northern Ireland. The Police Service of Northern Ireland attend, on average, 46 domestic incidents a day and whilst not every incident amounts to a crime, every incident has that potential.

During the period 1st April 2003 to 31st March 2004, the Police Service attended 16,926 domestic incidents, 8565 of these incidents being recorded as crimes. These incidents resulted in 4 murders, 21 attempted murders, 252 threats to kill, 4631 physical violence and 1077 damage to property. Of these incidents 83% of victims were women.

Essentially domestic violence is about power and control and is rarely an isolated incident. It is often frequent, persistent and the longer it continues, the more often it is likely to occur and the more serious it is likely to become. Whilst many incidents result in physical injury or damage to property, this is not always the case, many people are subjected to psychological and/or social abuse.

Perpetrators of domestic violence often make excuses for their behaviour by blaming alcohol, the other person, pressures at work or home or other difficulties within the relationship. There is no excuse for domestic violence.

These are only the incidents that the police know about. Research suggests that women may have been assaulted as many as 35 times before they contact police, and many choose never to do so.

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In September 1997 Domestic Violence Officers were appointed across Northern Ireland in every police sub division. The role of the Domestic Violence Officer was to provide information, advice and support to victims of domestic incidents. This role has remained unchanged until this time.

On 18th August 2004 the Chief Constable, Mr Hugh Orde, approved the introduction of a new Police Service Domestic Violence Policy. This policy aims to effectively, robustly and consistently ensure that all victims of domestic incidents are protected and supported and that perpetrators are held accountable to the law.

The Police Service is currently training all existing and newly appointed Domestic Violence Officers as specialist domestic violence investigators. Once training has been completed all serious offences of physical assault and repeat offences will be investigated by a Domestic Violence Officer.

Police routinely advise victims of domestic incidents of the additional protection available through the Family Homes and Domestic Violence (NI) Order 1998. The Police Service, where possible, prosecute all breaches of Non Molestation/Occupation Orders and have recently agreed to serve all ex-parte and non-consent orders granted under this legislation.

The important message for victims of domestic violence is that slowly but surely people are beginning to understand the complex issues of living in a violent and abusive relationship and that help is available.

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Perpetrators must also understand that no longer can they, nor will they be permitted to, hide behind ‘closed doors’ and ‘excuses’ and that the police will take effective and proactive action to ensure that they are held to account.

For further information on the police response to domestic violence, including contact details for the Police Service Domestic Violence Officers visit the PSNI website at www.psni.police.uk.

These costs include medical treatment and medication, perpetrator programmes, accommodation and funding to support organisations such as Women’s Aid. Last year the policing costs alone were in the region of £1.2million.

It is, however, very easy to become engrossed in the policy and procedures, costs and theories and forget that many thousands of individuals, across Northern Ireland, regardless of age, gender, class, religion, ethnic group or sexual orientation live their lives in constant fear and reality of violence or abuse.

Implement a cohesive and effective strategy to tackle domestic violence.

This is not just a matter for the government and police. Many statutory and voluntary organisations have an important and essential role to play. Recently published figures estimate the annual economic cost to Northern Ireland of domestic violence is approximately £380million.

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Civil Remedies for Uncivilised Behaviour

Clare Irvine, Legal Assistant, Office of Law Reform

Given the incidence of domestic violence in Northern Ireland, it is extremely likely that the next client who comes through the office door will be seeking advice and assistance in relation to this difficult and emotional issue.

The main focus for the solicitor will be in assisting the client to obtain a protective order under the Family Homes and Domestic Violence (NI) Order 1998 (hereinafter referred to as “the 1998 Order”). This legislation has been subject to review and consultation over the last number of years, culminating in forthcoming legislative changes which will soon impact upon everyday legal practice.

Non-molestation orders

These orders, once served upon a respondent, prevent the respondent from molesting the applicant. Recent case-law states that exclusion zones can be attached to prevent, for example, a respondent from entering the curtilage of the applicant’s home or a school or a place of work. The current legislation offers protection to an applicant if he/she is associated with the respondent in question. A person will be associated to another person if:

• They are married or have been married;
• They are cohabitees or former cohabitees;
• They live in the same household, otherwise than merely by reason of one of them being the other’s employee, tenant, lodger or boarder;
• They are relatives;
• They have agreed to marry;
• They are parents of a child or have parental responsibility for the same child;
• They are parties to the same family proceedings.

The proposal for a draft Law Reform (Miscellaneous Provisions) (NI) Order 2005, which is likely to be laid before Parliament in February 2005, will extend the definition of ‘family’ to include grandparents, step-parents, step-siblings, aunts, uncles, nephews and nieces, nieces and nephews.

3 months imprisonment and/or a level 4 fine. The draft 2005 Order seeks to change this penalty to 6 months imprisonment and/or a fine at level 5 on the scale.

Occupation orders

Occupation orders confer or declare rights of occupation (but not ownership) of the family home upon family breakdown. When made in conjunction with a non-molestation order, they offer protection to victims of domestic violence.

There are a variety of types of occupation order, but the main issue for practitioners to be aware of is the changes that the proposed legislation could make to the categories of people eligible to apply for an order.

Articles 11 and 13-16 of the 1998 Order describe the types of possible applicant. Articles 14 and 16 will be affected by the draft 2005 Order. Under the 1998 Order, “cohabitee” is defined as “living together as husband and wife” and since the draft Order contains provisions to redefine “cohabitee”, those in same-sex relationships could apply for occupation orders (whether in cases of domestic violence or not).

Civil Partnership Act 2004

Another piece of legislation which contains amendments to the 1998 Order is the Civil Partnership Act 2004. It creates a new scheme of civil registration for committed same-sex couples, with rights and responsibilities flowing from that legal recognition of the relationship.

Civil partners and former civil partners will benefit from the protections contained in the 1998 Order in the same way as spouses and former spouses. Details of this legislation is obtainable from www.hmso.gov.uk. Schedule 20 to the Act contains amendments to the 1998 Order.
The Annual Dinner of the Society was held in the Culloden Hotel on 1st December. Just over 200 guests (including some 38 newly admitted solicitors) ate, drank and were merry. Ably marshalled by Joe Donnelly, Senior Vice-President, principal speakers were Mr G Bernard Turkington, who proposed the toast to the Society, Mrs Attracta Wilson who responded and proposed the toast to the newly admitted solicitors and Ms Michelle McVeigh who replied on behalf of the newly admitted solicitors.

Set out below are ‘key point’ extracts from the speech given by the President at the Society Dinner.

The President’s Speech

From January 1 2005 all solicitors holding Practising Certificates will become subject to the continuing professional development regulations. I hope that ultimately this will not be viewed as another burden to bear in already overstretched professional lives but rather as an opportunity to keep up to date with developments and perhaps acquire new skills in the company of colleagues.

Our CPD scheme draws heavily on the scheme in operation in Scotland and the Scottish experience has been very encouraging. The Scots strive to provide relevant and affordable training through the local associations and interest groups in their efforts to identify relevant topics, willing and able speakers and to generally facilitate the provision of useful and affordable training throughout Northern Ireland.

Energy will be devoted to the specific requirement to spend 3 hours of group study on client care and practice management with particular emphasis on risk management. Tom McGrath, Peter Kelly and Gary Thompson of Marsh, the Society’s insurers, are anxious to be involved in this aspect of training concentrating on what they believe to be high risk situations and advising how to guard against them. They have asked me to convey to you their willingness to be involved in the provision of this training and I have no doubt that that offer will be very much appreciated.

The Access to Justice Committee has been and will continue to be very busy in the year ahead as discussions continue with the Northern Ireland Court Service to reach agreement on remuneration in criminal legal aid. This type of issue goes to the very heart of the general practice network operating in Northern Ireland and much credit is due to those criminal law practitioner members of the committee for their hard work and commitment to this project which is continuing and is likely to continue through a significant part of 2005.

I do not propose to dwell any further tonight on what the year ahead holds. I will be doing so throughout the year by means of regular articles in The Writ and I hope to meet as many of you as I can through visits to the local associations.

I shall now move on to better news. My first task tonight is to make a small presentation to our Senior-Vice President John Pinkerton, John filled the role of the presidency of the Law Society last year with energy, enthusiasm, commitment and good humour. He worked tirelessly and was a perfect ambassador for the Society. Our thanks go to him and to his wife Sue.

I expect many of you may not know that Annette Flanagan who was recently released from captivity in Kabul is a Northern Ireland solicitor. Her ordeal at the hands of her captors has touched all of us and I know that I was not alone in fearing for her life especially following the tragic and brutal death of Ken Bigley.

The relief we all felt following her release cannot compare with the relief and joy experienced by her family and close friends. We salute her for her courage, dignity and stoicism. We wish her a full recovery from this indescribable ordeal. We hope that her spirit recovers and we wish her a joyous and peaceful Christmas with her family.

I would like to extend congratulations to one of our members Philip Babington who has recently been appointed to the County Court bench. Philip follows in the illustrious footsteps of Judges Burgess, McFarland and Rodger. We are indeed proud of him and we look forward to further judicial appointments from within our ranks in the not too distant future.

And finally my very pleasant duty tonight is to propose a toast to the newly admitted solicitors. I have spoken to some of you on previous occasions at the Institute but I expect many of you may not know that Michelle McVeigh, Louise Lynch and Yvonne Bell are amongst you.

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And finally my very pleasant duty tonight is to propose a toast to the newly admitted solicitors. I have spoken to some of you on previous occasions at the Institute but I expect many of you may not know that Michelle McVeigh, Louise Lynch and Yvonne Bell are amongst you.

The Access to Justice Committee has been and will continue to be very busy in the year ahead as discussions continue with the Northern Ireland Court Service to reach agreement on remuneration in criminal legal aid. This type of issue goes to the very heart of the general practice network operating in Northern Ireland and much credit is due to those criminal law practitioner members of the committee for their hard work and commitment to this project which is continuing and is likely to continue through a significant part of 2005.

I do not propose to dwell any further tonight on what the year ahead holds. I will be doing so throughout the year by means of regular articles in The Writ and I hope to meet as many of you as I can through visits to the local associations.

I shall now move on to better news. My first task tonight is to make a small presentation to our Senior-Vice President John Pinkerton, John filled the role of the presidency of the Law Society last year with energy, enthusiasm, commitment and good humour. He worked tirelessly and was a perfect ambassador for the Society. Our thanks go to him and to his wife Sue.

I expect many of you may not know that Annette Flanagan who was recently released from captivity in Kabul is a Northern Ireland solicitor. Her ordeal at the hands of her captors has touched all of us and I know that I was not alone in fearing for her life especially following the tragic and brutal death of Ken Bigley.

The relief we all felt following her release cannot compare with the relief and joy experienced by her family and close friends. We salute her for her courage, dignity and stoicism. We wish her a full recovery from this indescribable ordeal. We hope that her spirit recovers and we wish her a joyous and peaceful Christmas with her family.

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Photographer: David Lavery
Tel: 028 90455515

Victoria O’Hara, Cathy Morrison and Nathalie Smyth
Maria Gillen, Martina Gillen, Denise Strahan and Maureen Hutchinson
Aidan Gribbin, Victoria O’Hara, Kirsten McKevitt and John Mackell
Eddie McAllister, Sarah McAllister, His Honour Judge Derek Rogers and Jack Irwin
Cutting the Cost of Work-Related Stress

Employers already have a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of their employees at work. The Health and Safety at Work (NI) Order 1978 and the Management of Health and Safety at Work Regulations (NI) 2000. These duties cover work-related stress. The Health & Safety Executive for Northern Ireland (HSENI) has recently endorsed a new approach from the Health and Safety Executive (HSE) in Britain to help employers work with their employees to manage the risks from work-related stress.

Liam McBrinn, Chairperson of HSENI, said: “Work-related stress is one of the leading causes of ill health in the workplace in Northern Ireland, affecting an estimated 16,000 people. Tackling work-related stress has been identified as one of the major challenges under the workplace health strategy for Northern Ireland. Working for Health, launched last year. The Management Standards for Work-related Stress offer a very practical approach and demonstrate how easy it can be to reduce the causes of work-related stress.”

Mr McBrinn added: “Pressure is part and parcel of all work and helps to keep us motivated. But excessive pressure can lead to stress which undermines performance, is costly to employers and can make people ill. The new standards provide clear advice for employers to follow and highlight the components of good organisation, job design and management that keep stress levels in check and enhance productivity.”

He concluded: “It is essential that we all wake up to the impact that poor workplace health, including work-related stress, can have on our lives and its cost to the economy. Employers already have a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of their employees at work by virtue of the Health and Safety at Work (NI) Order 1978 and to assess health and safety risks by virtue of the Management of Health and Safety at Work Regulations (NI) 2000. These duties cover work-related stress. The Health & Safety Executive for Northern Ireland (HSENI) has recently endorsed a new approach from the Health and Safety Executive (HSE) in Britain to help employers work with their employees to manage the risks from work-related stress. These duties cover work-related stress. 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**Human Rights Commission Welcomes Extra Powers**

The Northern Ireland Human Rights Commission has welcomed a recent statement by the Northern Ireland Office that extra powers will be provided to the Commission in order to carry out its investigations work. Secretary of State, Paul Murphy MP announced that the Government had decided in principle that the Commission should be granted the right of access to places of detention and the power to compel evidence and witnesses in conducting its investigations.

In welcoming the announcement, Chief Commissioner, Professor Brice Dickson, said:

“We are delighted that the Secretary of State has accepted our recommendations and will now empower us to effectively carry out our investigations work. We first called for the power to compel evidence way back in March 2001 and it is gratifying that, at long last, we will be able to effectively investigate allegations of human rights abuse. At the moment, contrary to the United Nation’s Paris Principles, we have no power to compel anyone to provide evidence during the course of our investigations or to have access rights to places of detention. These new powers will enable us to act fully independently in the conduct of inquiries and investigations.”

The Secretary of State also announced that there would be a new competition for a Chief Commissioner. This follows the recent re-appointment of two members to the board of the Northern Ireland Human Rights Commission. In the first phase of a new round of appointments, two current Commissioners – Lady Christine Eames and Mr Kevin McLaughlin – have been re-appointed to serve for a further period of three years from March 2005. Interviews are currently taking place for the remaining places on the Commission. It is envisaged that the Northern Ireland Office will complete these interviews in February 2005 and make appointments shortly thereafter.

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**AFP Consulting - a specialist consultancy for the legal services sector**

Talk to AFP Consulting and you'll be tapping into a wealth of experience and expertise, gathered over many years of specialist work in the legal services sector. Our experts know the market inside-out and are committed to finding practical, innovative solutions based on the priorities you have in mind.

**Risk Review - Helping to minimise the risk of managing your practice**

Our Risk Review service is designed to provide you with invaluable information that will help you to improve risk management within your practice. This cost-effective yet concise service is designed to assist your practice:

- Appraise current risk management systems and procedures
- Identify vulnerabilities and avoidable risk exposures
- Address areas which commonly give rise to professional indemnity claims
- Identify recommendations for implementation

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**Lexcel**

AFP Consulting has assisted a number of practices with achieving Lexcel - the Law Society of Northern Ireland’s practice management quality mark. We are delighted that one of our clients - Ian J MacCorkell Solicitors, Private Client and Commercial Legal Practice - were recently awarded the prestigious Lexcel quality mark.

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**Plans to Strengthen Road Traffic Laws**

The Government has launched a public consultation on new proposals to strengthen road traffic provisions in Northern Ireland. These proposals for change are based mainly on provisions already available, or currently proposed for England and Wales.

The key features are:

- Powers for registered healthcare professionals to take blood from a suspected drunk driver and for medical practitioners to take blood from unconscious drivers.
- Power of arrest for failing to stop when required to do so by a police constable in uniform or following an accident causing personal injury.
- DVTA given power to stop cars for testing.
- Police powers to seize a vehicle detected whilst being used by an uninsured driver.
- Fixed penalties for driving without insurance, not displaying a vehicle excise license and failure to supply details necessary to identify an offending driver plus an increased fixed penalty for having no MoT certificate.
- Automatic Number Plate Recognition (ANPR) to be self-funding through the hypothecation of fixed penalty revenue.

The consultation paper which sets out the Government’s current thinking is downloadable from [www.nio.gov.uk](http://www.nio.gov.uk).
Solicitor Advocacy - in praise of progress to date

2005 promises to be a year of major developments in solicitor advocacy in Northern Ireland. The annual Advanced Advocacy Course organised by the Advocacy Working Party of the Law Society will take place again this September preceded as usual by a series of lectures in Evidence during the months of April-May.

Most of you will have heard of this course, which is delivered under the auspices of the National Institute For Trial Advocacy (NITA) based in the USA and many will now know some of the more than 120 Solicitors who have successfully completed the course and gained the advocacy certificate awarded by the Society. The reputation of the course is second to none. Not only do we have the privilege of securing the attendance of the USA’s top trial lawyers for a week of teaching colleagues their craft in argument and persuasion skills but we can also take pride in the fact that we have now gathered up a group of local tutors drawn from the judiciary and senior members of the profession who assist our American faculty to deliver the NITA programme.

The course is almost always over subscribed and if you are interested in developing your advocacy skills AND at the same time acquiring the full annual compliment of CPD points then you should ensure your application is with the Committee before the expiry date. Details of the course and the actual application form are enclosed as an insert with this edition of “The Writ”.

We should also reflect on the fact that the Society’s course has now been successfully adopted by our colleagues in the Republic and Scotland. Each of those jurisdictions now use the template created by NITA and our course co-ordinator, Fiona Donnelly, to teach advanced advocacy to solicitors in each region. Not only has the course been “exported” but we have successfully organised a joint training programme in which all the jurisdictions participate by way of a refresher course. This refresher course, open only to members in this jurisdiction who have acquired the Society’s advocacy certificate, has become an annual event and is hosted by each Society in turn. This year Scotland hosts the refresher course in April in Edinburgh and again it is anticipated that demand for the three day residential will far outweigh available places. The experience of last year’s exercise in Newcastle, County Down, will be hard to repeat even allowing for the many attractions of Scotland’s capital in the springtime.

A special tribute must be paid to all those members representing our Society who managed to persuade the government to recognise solicitor advocacy as deserving of appropriate status and reward in connection with the new Legal Aid costs regime in the Crown Court. The award of the Society’s advocacy certificate and the designation of solicitor advocate in the Crown Court will ensure that many more of our members will be appearing in the Crown Court than has been the experience to date.

It should always be borne in mind that the aim of the course is not simply to create better advocates but to allow solicitors to become more informed consumers of advocacy. We are not attempting to undermine the Bar or threaten the livelihood of young counsel. What the Society seeks to achieve is the enhancement of advocacy skills, awareness and appreciation and to recognise that good advocates can be found among our own profession as well as at the Bar. We would be failing in our duty if we did not recognise that fact and seek to build upon these strengths and provide choice to the public who require advocacy services.

A final point to note with some satisfaction - marking again how far we have travelled in this development - is that two of our own “faculty members” were invited by NITA to teach in their New England Regional Program last December. We should also reflect on the fact that the Society’s course has now been successfully adopted by our colleagues in the Republic and Scotland. Each of those jurisdictions now use the course, a relationship which is now firmly established and is so important to the ongoing education of solicitors.
Northern Ireland Young Solicitors Association

NORTHERN IRELAND YOUNG SOLICITORS’ ASSOCIATION PRESENTS A LUNCHTIME LECTURE ON:

WHAT LITIGATION LAWYERS NEED TO KNOW ABOUT MEDIATION

SPAKER: Mr Brian Speers
DATE: Friday 25th February 2005
TIME: 1pm-2pm (tea, coffee and sandwiches from 12.30 pm)
VENUE: Law Society House, Victoria Street, Belfast
COST: £10 for members of the NIYSA* and £20 for non-members.

Attendance at this Seminar will provide one hour’s CPD entitlement. Cheques and Booking Forms to NIYSA c/o Barbara Johnston

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

BOOKING FORM

NAME
FIRM
ADDRESS
E-MAIL ADDRESS
TEL
NUMBER OF PERSONS ATTENDING
I ENCLOSE REMITTANCE OF £

NORTHERN IRELAND YOUNG SOLICITORS’ ASSOCIATION
In conjunction with the Society of Young Solicitors Ireland
ANNUAL CONFERENCE
Mount Juliet, Co. Kilkenny 18th, 19th February 2005

The NIYSA has pleasure in inviting its members to attend our annual conference, which will take place in Kilkenny this year. We are hosting the conference jointly with the Society of Young Solicitors of Ireland (SYSI). We are confident that the 2005 conference will be particularly special with a busy programme of seminar sessions and social functions. The venue for the conference is the exclusive Mount Juliet Country Club, set within 1500 acres of beautiful gardens in County Kilkenny. It is located 75 miles south of Dublin and is easily reached by car or train.

• The first thirty places will be available at the substantially subsidised price of £150.00!
• Free transport to and from the conference will be provided and CPD hours are available!
• Book now to ensure you benefit from the reduced rate and to avoid disappointment!

Notes
1. Persons wishing to attend must apply through NIYSA.
2. Accommodation is limited and will be allocated on first come first served basis, in accordance with the procedure set out below.
3. The Conference fee is £200 pps and includes Friday and Saturday night accommodation, two breakfasts, reception, gala dinner and conference materials

BUT THE FIRST 30 PLACES WILL BE AVAILABLE AT THE SUBSTANTIALLY REDUCED PRICE OF £150 PER PERSON.

4. One application form must be submitted per room per envelope together with cheque(s) for the appropriate Conference Fee.
5. Names of delegates to whom the cheque(s) apply must be written on the back of the cheque(s)

APPLICATION FORM

PLEASE USE BLOCK CAPITALS. ONE FORM PER ROOM PER ENVELOPE.

NAME 1 NAME 2
FIRM 1 FIRM 2
EMAIL 1 EMAIL 2

ONE CONTACT ADDRESS
PHONE (Office) (Mobile) (Home)
I enclose a cheque for £ made payable to NIYSA

Please contact Emma Duffy at info@niysa.com if you would like to advertise on our site.

FRIDAY 18TH FEBRUARY
20.00 - 21.30 Registration
21.00 - Late Welcome drinks in The Presidents Bar

SATURDAY 19TH FEBRUARY
9.30 - 12.00 Lectures*
1. Chairperson’s Introduction
2. Mr Justice Weir of the High Court of Northern Ireland
3. TBC

14.00 Health Centre, Swimming, Beauty Treatments, Walking, Golf etc.
19.30 - 20.00 Pre Dinner Drinks Reception
20.00 - Late Gala Dinner, Band & DJ (black tie)

SUNDAY 20TH FEBRUARY
12.00 Check Out
* Time spent attending the above lectures may be counted when assessing the completion of your CPD requirements

New NIYSA Website
Visit the new NIYSA website at www.niysa.com to view events, seminars and register your details.

Please contact Emma Duffy at info@niysa.com if you would like to advertise on our site.
The Disability Discrimination (Questions and Replies) Order (Northern Ireland) 2004

Statutory Rule 2004 No. 479

This Order which came into operation on 27th December 2004 revokes and replaces the Disability Discrimination (Questions and Replies) Order (Northern Ireland) 1996 which prescribed the form of a questionnaire which could be used by a person ("the complainant") who considered that he may have been discriminated against by another ("the respondent") contrary to any provision of Part II of the Disability Discrimination Act 1995. The 1996 Order also prescribed a form for the respondent’s reply and laid down specified periods within which the questions had to be served by the complainant in order to be admissible in proceedings before an industrial tribunal. This Order prescribes amended forms for questions and replies in consequence of the changes made to Part II and (in respect of employment services) Part III of the Disability Discrimination Act 1995 by the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 in order to implement Council Directive 2000/78/EC (O.J., No. L303, 2.12.2000, p. 16) so far as it relates to disability discrimination. The relevant changes include:

• an amended definition of discrimination;
• a specific prohibition of harassment;
• extension of the scope of Part II of the Act to cover, for example, partnerships;
• the requirement that the respondent reply to the questions served by the complainant within 8 weeks, in the absence of a reasonable excuse.

Article 3 of this Order prescribes the forms which may be used for the purposes mentioned in section 56 of the Act, as amended. The form set out in Schedule 1 is for use where the complainant considers that he may have been discriminated against or subjected to harassment in contravention of the Act and wishes to question the respondent. The form set out in Schedule 2 is for use by the respondent when replying.

Article 4 relates to the period within which questions must be served on the respondent if they are to be admissible as evidence in proceedings before an industrial tribunal. Article 4(a) applies where a question is served before a complaint has been presented to an industrial tribunal. Article 4(b) applies where a question is served after a complaint has been presented to an industrial tribunal. It extends the period provided for in the 1996 Order from 21 to 28 days.

Article 5 relates to the manner of service of questions and replies.

Reminder: Street Bail

Article 4 of the Criminal Justice (NI) Order 2004 came into effect on 1st January 2005 allowing police to bail suspects at locations other than police stations.

For fuller details on the new provisions and the requirements thereof see feature at p11 of the November/December edition of The Wilt.
EU Copyright Directive and how it has affected the library – an update

The EU Copyright Directive (2001/28/EC) which was implemented in the UK by SI 2003/2498 came into force on 31st October 2003. This Directive required the library to comply with changes to copyright law and as a result make some changes to charging policies in the library.

As a consequence of the Directive, the Library and Information Service had to procure a copyright licence from the Copyright Licensing Agency and this has resulted in some changes to the types of information the library staff and its users can photocopy and the charges the latter will incur.

Before the implementation of the Copyright Directive library users and library staff were covered by the exemption of fair dealing, research and private study. These exemptions were removed in October 2003 and the only material exempt from the new Copyright Directive is Crown Copyright material, or copying carried out for non-commercial purposes or for judicial proceedings.

Users will be required to sign a copyright declaration form declaring that the material is exempt from copyright and the usual photocopying charges will apply.

WHAT WILL IT COST THE USER?

Self service photocopying

When a user comes into the library and carries out photocopying for commercial purposes he/she will be required to buy a sticker declaring that the copyright fee has been paid. The sticker costs £9.

Document delivery services

Material requested from the library, by routine requests or via our current awareness list will incur a charge of £5 per item. The user will no longer need to complete a copyright declaration form.

We apologise for the increase in fees, but please be aware that the money generated goes directly back to the Copyright Licensing Agency.

We look forward to your continued support in 2005 and we will continue our commitment to provide a comprehensive library service for our users.

If you have any enquiries please contact Derval McFetridge, Information Officer.

Material covered by the Directive and therefore not exempt;

- Journals
- Law reports
- Text books

As a result of the Directive new charges will apply. (see below)

Material exempt under the new Directive;

- All legislation
- All EU material
- All material from Libero
- Material to be used for judicial proceedings (i.e. after a writ has been issued)

Please be aware that there are limits to the amount that can be photocopied. A user can only photocopy:

- One article from a magazine, journal or other periodical
- One chapter from a book
- One entire case from a published report of judicial proceedings
- Or 5% of the publication, if greater than the above.

As the library has had to purchase a licence this has resulted in an increase in our prices. The Copyright Licensing Agency has set the prices and the money generated goes directly back to them and the publishers. The library does not make any profit.

Users will be required to sign a copyright declaration form declaring that the material is exempt from copyright and the usual photocopying charges will apply.
SICK PAY

When talking about sick pay, it is normal to distinguish between contractual sick pay, where payment is made for a set time subject to certain conditions governed by the contract of employment, and Statutory Sick Pay (SSP), which is governed by legislation. There is no presumption in law that an employee should be paid contractual sick pay. Entitlement may depend on what the terms of a contract of employment state. On the other hand, most employees who satisfy the statutory conditions, subject to certain limited exceptions, are entitled to receive SSP from their employer at a weekly rate of £68.15 for up to 28 weeks regardless of the terms of the contract of employment.

Reducing sick pay can be discriminatory

In Nottinghamshire County Council v Maliki EWCA Civ 859 [2004] IRLR 703, the Court of Appeal in England and Wales had to consider whether the duty under what was then section 6 of the Disability Discrimination Act 1995 (the DDA) to make reasonable adjustments to payment of contractual sick pay.

Mrs Maliki was employed as a teacher and suffering from a deteriorating visual condition. She asked her employer to make various adjustments to her working arrangements. Few adjustments were made. She was suspended because of her absence. Under the terms of a Department for Education circular, she was put onto half-pay as a result of a policy whereby an absence from work for more than 100 days resulted in a reduction of sickness benefit.

It was unclear due to section 6(11) of the DDA whether the arrangement could be discriminatory. Section 6(11) provided that the duty to make reasonable adjustments does not apply in relation to ‘any benefit... payable in money or money’s worth under a scheme or arrangement for the benefit of employees in respect of –(c) accident, injury, sickness or invalidity’.

The Court of Appeal found that contractual sick pay arrangements do not fall within the exclusion in s 6(11) of the DDA and therefore are subject to the duty to make reasonable adjustments.

In finding in favour of the applicant, the court stated that, if all the reasonable adjustments required by the section 6 duty to make reasonable adjustments to her working conditions had been made, the applicant would not have been absent for over 100 days and therefore her sickness payment would not have been reduced.

Is it the responsibility of the industrial tribunal or Inland Revenue to determine entitlement to SSP?

Prior to the decision of the Employment Appeal Tribunal (EAT), in Taylor Gordon & Co Ltd v Timmins [2004] IRLR 180, it was thought that an employee could submit a claim for non-payment of SSP to an industrial tribunal for unlawful deductions from wages and/or to the Inland Revenue for breach of provisions in social security law.

However, in this case the EAT held that an industrial tribunal has no jurisdiction to entertain the question as to whether there is entitlement to payment of Statutory Sick Pay. Officers of the Board of the Inland Revenue have exclusive or exhaustive jurisdiction for the determination of disputes as to entitlement.

However, the EAT held that an industrial tribunal may still have jurisdiction to entertain a claim of unlawful deduction in cases where the employer admits entitlement to SSP but withholds part or all of it or where the statutory authorities had previously determined that SSP is payable.

ANNUAL LEAVE

The right to annual leave is governed by a worker’s contract and Regulation 13 of the Working Time Regulations (NI) 1998 (the Regulations). The Working Time Regulations (NI) 1998 were introduced in order to implement the EC Working Time Directive No. 93/104 which lays down minimum conditions relating to, amongst other things, matters relating to annual leave. Most, although not all, workers are entitled to four weeks paid annual leave under the Regulations. The contract of employment of workers covered by the Regulations may validly allow for more holidays to be taken but not less.

Long-term sickness and holiday pay

In Bamsey and others v Albion Engineering & Manufacturing plc [2004] IRLR 457, the Court of Appeal had to decide whether overtime is included in what constitutes a ‘week’s pay’ when calculating holiday pay entitlement under the equivalent to the Working Time Regulations (NI) 1998. In this case the employee’s contract of employment required, but did not entitle him, to work overtime in addition to his basic contractual hours. The question was whether he should receive less than the usual rate of pay for annual leave than when he was working. The Court of Appeal provided a useful summary of what constitutes “normal working hours” under the current law.

(1) Where pay for normal working hours does not vary according to the amount of work done in any period or as to when the normal working hours are worked, the determination of ‘a week’s pay’ does not depend on an employee’s ‘normal working hours’; it is the weekly amount payable under the contract at the relevant calculation date.

(2) Where there are no ‘normal working hours’, ‘a week’s pay’ is the amount of an employee’s average weekly pay in the applicable twelve weeks preceding the calculation date.

(3) Where pay varies according to the amount of work done during ‘normal working hours’ in any period, ‘a week’s pay’ is calculated at an average hourly rate of pay in the applicable twelve weeks before the calculation date.

(4) Where, in category (3), the contract does not provide for overtime, but an employee undertakes it voluntarily at his employer’s request – the overtime hours are not part of the ‘normal working hours’.

(5) Where, in category (3), an employee has a contractual duty to provide overtime and an employee has a matching contractual duty to do it, the ‘normal working hours’ would include the overtime worked.

In this case, overtime would not be included in the calculation of holiday pay as there was not a mutual obligation on the employer to provide and the employee to work overtime.
The Department of the Environment has announced the introduction of new planning controls over demolition. Article 18 of the Planning (Amendment) (Northern Ireland) Order 2003 brings demolition within the meaning of development for planning purposes. This Article came into operation on 1 December 2004. For the time being, however, only buildings in Areas of Townscape or Village Character will be subject to this new regime.

This is achieved by specifying in a departmental direction, under Article 11(2)(f) of the Planning (Northern Ireland) Order 1991, those buildings whose demolition does not come within the meaning of development for planning purposes and those buildings that do. Those buildings whose demolition is already controlled, i.e. historic monuments, listed buildings and buildings in conservation areas will continue to be subject to their specific control regimes.

DOE's new policy to accompany this legislative change is contained in a Consultation Draft Addendum to Planning Policy Statement 6 'Planning, Archaeology and the Built Heritage' entitled 'Areas of Townscape Character'. It sets out the Department's policies for new development, the control of advertisements and demolition within Areas of Townscape and Village Character. It aims to ensure that development proposals respect the appearance and qualities of each townscape area and maintain or enhance their distinctive character.

DOE will be undertaking consultation on the Draft Addendum to PPS 6 for a period of four months ending on 31 March 2005.

Planning Policy Statements (PPSs) set out DOE policies on particular aspects of land-use planning and other planning matters and apply to the whole of Northern Ireland. The consultation draft Addendum to PPS 6 and the departmental direction referred to above can be accessed at the Planning Service website: www.planningni.gov.uk

**The Law Society of Northern Ireland adds: “Remember that identifying and knowing your client are essential.”**
Population size, significant numbers of complaints were also received by Coleraine and Carrickfergus Councils. Fermanagh and Cookstown had the lowest level of noise complaint.

30 January/February 2005

The highest levels of enforcement activity were reported by Belfast and Coleraine Councils. The vast majority of complaints (82%) made to District Councils, ... with the main source being pubs and clubs. Only 2% of complaints related to noise from industrial activities.

BelFAST SOLICITORS

The report is available on the web at: www.ehsni.gov.uk.

Belfast Solicitors Association

BSA Lecture Series 2005

Following on from the success of previous years’ Continuing Professional Development (CPD) lecture programme, the BSA intends to run a full and varied programme of lectures over the course of 2005 and will strive to continue to provide the most cost effective and relevant seminars to the profession.

*Forensic Accountancy* by Nora Talton, Harbinson Mulholland, Accountants – Thursday 13 January 2005

*Implications of Hand Injuries* by Dr Kevin Herbst – Thursday 27 January 2005

*Sstress* by David Ringlad OC – Thursday 10 February 2005

*Professional Negligence* by Gary Thompson, Managing Director, Ulster Insurance Services – Thursday 24 February 2005

*Auxiliary Relief* by Master Redpath – Thursday 20 March 2005

*Financial Implications of Divorce* by J ohn Beattie, Director, KPMG, Belfast – Thursday 7 April 2005 (To be confirmed)

*Criminal Justice Act 2003* by David Wiltey & J im Strain, Northern Ireland Office, Criminal Law Branch – Thursday 21 April 2005


*Up-date on LRNI Practice and Procedures* by John Gibson, Land Registry of N i – Thursday 26 May 2005 (To be confirmed)

*Money Laundering* by Alan McQuillan in association with PSNI – Thursday 9 June 2005 (To be confirmed)

*Money Laundering* by J ohn Horan, Harbinson Mulholland, Accountants – Thursday 23 June 2005 (To be confirmed)

*Trusts, Inheritance and Family Home* by Sheena Grattan BL – Thursday 8 September 2005 (To be confirmed)

*Stamp Duty Land Tax* by Maurice Donaghy, Stamp Office Headquarters, Nottingham – Thursday 6 October 2005 (To be confirmed)

*Personal Injury Trusts* by Peter Reagan, First Trust Bank – Thursday 3 November 2005

All lectures between January and the end of June 2005 will take place at Law Society House, Victoria Street Belfast and commence at 1.00pm with coffee and sandwiches available from 12.30pm. The cost of all lunchtime lectures is £20.00 for members and £40.00 for non-members. Cheques should be made payable to the BSA and sent to BSA Administrator, Suite 7, Merrion Business Centre, 58 Howard Street, Belfast, BT1 6PJ.

We will also be holding a half day seminar on Client Care and Practice Management on a date in September 2005.

Further details of speakers and topics involved will be published in due course. Please therefore consult our website and/or forthcoming editions of “The Writ” to confirm the location at which the lectures from September to December will take place and to confirm that there have been no changes to the dates.

As with previous years, in organising this year’s lecture programme, we have endeavoured to provide lectures on a variety of topics over a range of disciplines but would welcome any suggestions from the profession in this regard.

Due to the possible unavailability of the Lecture Hall at Law Society House in the latter part of the year, the lectures from September to the end of December 2005 will take place at a venue to be confirmed.

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How Noisy Are We?

A new report, published by DOE Environment and Heritage Service, reveals how noisy people are in Northern Ireland.

The report on noise complaint statistics provides information on the number and type of noise complaints, received by all 26 District Councils in Northern Ireland, for the period 2003/2004.

District Councils have the main responsibility for investigating and dealing with most types of complaint from the public about noise nuisance. An EHS spokesperson said: “The statistics show us that there were 8,397 noise complaints made to Councils in 2003/04. The majority of the complaints (52%) were received by Belfast City Council. When adjusted for population size, significant numbers of complaints were also received by Coleraine and Carrickfergus Councils. Fermanagh and Cookstown had the lowest level of noise complaint.”

“The highest levels of enforcement activity were reported by Belfast and Coleraine Councils. The vast majority of complaints (82%) made to District Councils, ... with the main source being pubs and clubs. Only 2% of complaints related to noise from industrial activities.”

The report is available on the web at: www.ehsni.gov.uk.

BSA Yearbook

Further to the recent publication of the BSA Yearbook, members are advised that further copies may be purchased from the BSA Administrator, Suite 7, Merrion Business Centre, 58 Howard Street, Belfast BT1 6PJ, at a cost of £10.00 per copy.

The Yearbook, amongst other useful matters, contains a handy guide to High Court, County Court, Conveyancing and Non-contentious Probate matters. It also contains the CPD lecture programme for 2005. A must for every practitioner’s desk or briefcase.
Case Tracking at the Enforcement of Judgments Office

The Enforcement of Judgments Office (EJO) has recently made available a new case tracking system to creditors and their legal representatives. From 1st October 2004 ‘case tracking’ allows solicitors to monitor online the progress of cases lodged by them in the EJO. The new system is part of a modernisation programme which has been ongoing in the EJO in the last few years and which very shortly will result in a new online search system of the Register of Debtors also being made available. This article looks at the new system and advises how members of the profession can benefit and find out more information.

TRACKING A CASE
Case tracking is an internet based information facility. It allows solicitors (and other creditors) to obtain information on any case accepted for enforcement by the EJO via the internet and without having to contact the Office by phone or by writing. The service is normally available from 6.00am to 10.00pm. The data available online is the same data available to the EJO staff member who is processing a particular case and is ‘live time’, meaning that it is as up to date to the customer as to EJO staff. Access by a customer is restricted to cases lodged by that customer and is denied to all contested cases lodged by other customers.

Various pages are available to the customer who has logged on. The case enquiry screen contains basic information relating to a case such as the type of case, the debt amount, the parties and their representatives and the status which indicates the enforcement stage reached at that time. From the enquiry screen you can move directly to an event history screen which allows you to look at the particular enforcement steps which have been taken by the EJO in the case. These include notices served, orders made and standard letters used as part of the usual enforcement process. From there you can move to the case statement screen which provides the customer with details of balances, payments received and paid out, fees and a link to related cases of the debtor.

If a solicitor wants a particular order or notice it can be requested in writing direct from the EJO via e-mail if preferred. However, the system is largely ‘read only’ at this stage in that you cannot, for example, commence enforcement by lodging your application online or make other online applications later in the process. One important document not yet available online is the report on the debtor, which gives a creditor an overview of the debtor’s financial circumstances and whether enforcement is likely to result in ultimate payment.

ACCESSING THE SYSTEM
Access to the EJO case tracking system is gained via the Northern Ireland Court Service web home page at www.courtsni.gov.uk where you click on the Services link provided. On the first occasion you must complete a registration process. When registration is completed, access is achieved by clicking on the appropriate link and entering your password and the EJO case number. It is as simple as that. The service is free.

The case tracking technology is supported by organisational changes made in the EJO since 2003. One team will now deal with a case from initial application until final closure, instead of the previous system where cases were passed between different departments from time to time. The teams are allocated cases on a regional post code basis. Team members’ details and Customer Liaison Officers’ e-mail addresses are available online.

These internal changes should ensure that the case tracking system will be kept up to date and that the customer will see on screen exactly what the EJO staff also see.

The EJO has indicated that it will be surveying customers asking for assessments on the changes being introduced. There will be an annual survey and newsletters and meetings with customer groups. Feedback on the operation of the case tracking service – and on the debtor search service soon to be introduced will be welcomed by the EJO.

THE MAYO CONNECTION

STOP PRESS!!
Law Society Conference
Ashford Castle
Friday 25th March – Sunday 27th March

For those wishing to attend the Conference at Ashford Castle there are still some places left. Please complete the booking form asap. The Conference brochure and booking form are available on the website – www.lawsoc-ni.org

Ashford Castle is one of the top hotels in Europe situated in magnificent grounds on Lough Corrib, County Mayo. In addition to enjoying the luxury of the hotel, there is golf, horse riding, clay pigeon shooting, falconry and the new Spa to experience. The business session planned for Saturday morning will not be burdensome. It promises to be interesting and relevant to all practitioners and will cover a range of risk management issues. The session will qualify for CPD hours in client care and practice management.
New Strategy for Children's Rights and Responsibilities

A draft 10 year strategy, which aims to place the emphasis on children and young people's rights, as well as highlighting their responsibilities as active citizens, has been launched for consultation.

The consultation document, entitled ‘Making It r wrld 2’, embraces far-reaching issues that affect children and young people. These include protection, education, the environment, bullying, play facilities, transport and the promotion of their rights.

It also seeks to increase their participation in decisions that will affect their everyday lives, such as road safety initiatives and schemes to improve the lives of children and young people living in rural areas.

Monitoring mechanisms, such as the publishing of a biennial report on the progress of the strategy, have been set in place to ensure that all of the issues are addressed effectively and efficiently.

Publication of ‘Making It r wrld 2’ represents three years of information gathering and informal consultation with all those involved in children and young people’s issues, including discussions with children and young people themselves.

‘Making It r wrld 2’ can be found online at www.allchildrenni.gov.uk. The consultation period ends on 28th February 2005. It is intended to publish a final strategy in Spring 2005.

Family Law On-line

The Library and Information Service now has access to Family Law and Family Law Reports electronically:

Family Law - J January 2003 - present day
Family Law Reports - 1980 - present day

Staff can now e-mail requested articles and reports straight to your desktop. Due to the implementation of the Copyright Directive, it is no longer possible to photocopy articles from Family Law, so please feel free to contact a member of staff to receive your article electronically.

Child Contact Questionnaire

The Office of Law Reform is reviewing how the private law aspects of the Children (Northern Ireland) Order 1995 are operating in practice. As part of the review, it is considering the issue of child contact and how parents can be supported and assisted following relationship breakdown. In the coming weeks, the Office will be seeking the views of parents who have just obtained a contact order and will be circulating a questionnaire for this purpose.

The Office is also keen to hear from family law practitioners and a questionnaire on the issue of contact will be included in next month’s Writ. If you want to hear more about what the Office is doing or, if you want to relay your views in person, please contact Laura McPolin or Clare Irvine on 028 9054 2900.

Major Report on Children’s Rights Online

The Northern Ireland Commissioner for Children and Young People, Nigel Williams, has published a major report into children’s rights in Northern Ireland on the NICCY web site (www.niccy.org). The report entitled “Children’s Rights in Northern Ireland 2004” has been produced by Queen’s University, Belfast on behalf of the Commissioner.

At the launch the Commissioner said, “The publication of this report represents a major milestone in children’s rights in Northern Ireland. For the first time there is a serious academic examination of how Northern Ireland measures up against international standards, such as the UN Convention on the Rights of the Child. It is also extremely important to me that much of this report had the direct input of children and young people - more than 1,200 school children took part in the research, including many from groups that have been hard to reach.”

Collaborative Law - what it's all about?

The idea for collaborative law came from an experienced family law practitioner Stuart Webb who felt that he and the system had failed families. Whether family lawyers like it or not, we have the task of bringing families from marital breakdown to post separation. In his experience neither the Courts nor the Court process was the way to do this. Stuart created a “Court free” practice. To litigate was simply not an option. When there is no place to go, talking and dialogue have a powerful force. The clients may litigate but the lawyers cannot. This deliberately creates a settlement environment. For lawyers there must be a shift from the role of warrior/gladiator to facilitator of the spouses to try to reach agreement.

The process involves:
- Clients who are willing and able
- Collaborative lawyers who can work together
- A participation agreement
- All party (four way) settlement meetings
- No correspondence
- Experts and preferably jointly appointed experts
- Signed agreement when matters are finalised
- Implementation of that agreement through the standard separation/divorce process.

Collaborative law contrasts with mediation which leaves out the lawyering input at the early stages. Lawyers bring analytical, reasoning and problem solving skills to the case at an early stage. This is an option that clients should have in addition to mediation, settlement by traditional means and litigation.

To develop a collaborative law process in Northern Ireland, a Steering Group has been formed. Further information can be obtained from any of the following persons:-

<table>
<thead>
<tr>
<th>Name</th>
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<th>Email</th>
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<tbody>
<tr>
<td>Caroline Boston</td>
<td>028 9048 0460</td>
<td><a href="mailto:caroline@john-boston.co.uk">caroline@john-boston.co.uk</a></td>
</tr>
<tr>
<td>Pauline Knight</td>
<td>028 9050 9666</td>
<td><a href="mailto:paulineknights@utvinternet.com">paulineknights@utvinternet.com</a></td>
</tr>
<tr>
<td>Judith Brown</td>
<td>028 9045 9687</td>
<td><a href="mailto:judithbrownlaw@iol.com">judithbrownlaw@iol.com</a></td>
</tr>
<tr>
<td>Eileen Ewing</td>
<td>028 9079 5997</td>
<td><a href="mailto:eileen@hotmail.co.uk">eileen@hotmail.co.uk</a></td>
</tr>
<tr>
<td>Simon Wills</td>
<td>028 918 1652</td>
<td><a href="mailto:sw@thompsons-solicitors.co.uk">sw@thompsons-solicitors.co.uk</a></td>
</tr>
<tr>
<td>Simon Crawford</td>
<td>028 9032 5617</td>
<td><a href="mailto:simoncrawford@pedenreid.co.uk">simoncrawford@pedenreid.co.uk</a></td>
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The Group has invited Pauline Tesler, the leading US Collaborative Law trainer to come to Belfast to give a 2 day training session on Monday 28th February and Tuesday 1st March. This course will attract 12 CPD hours and will be held in the Lecture Hall at Law Society House. Registration will be from 9 am on Monday 28th February with the course starting each day at 9.30 am sharp and finishing at 4.30 pm approx. The cost of the course is £300.00. As the local group has not yet opened its own separate bank account, kindly make cheques payable to John Boston and Company.

COLLABORATIVE LAW TRAINING

LAW SOCIETY HOUSE, BELFAST, 28 FEBRUARY 2005 AND 1 MARCH 2005

<table>
<thead>
<tr>
<th>Name</th>
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<th>Fax No.</th>
<th>Email</th>
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<tr>
<td>Caroline Boston</td>
<td>c/o John Boston</td>
<td>028 9048 0460</td>
<td></td>
<td><a href="mailto:caroline@john-boston.co.uk">caroline@john-boston.co.uk</a></td>
</tr>
<tr>
<td>Pauline Knight</td>
<td>c/o John Boston</td>
<td>028 9050 9666</td>
<td></td>
<td><a href="mailto:paulineknights@utvinternet.com">paulineknights@utvinternet.com</a></td>
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<td></td>
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NB Please return to Caroline Boston c/o John Boston and Company 565 Upper Newtownards Road Belfast BT4 3LP with the appropriate payment. This course will provide 12 CPD hours.
The Central Appointments Unit of The Office of the First Minister and Deputy First Minister has published the Eighth Annual Report on Public Appointments in Northern Ireland. The Report is in two volumes. Volume One provides information on the public appointments process and reports on progress during 2003/2004. Volume Two lists those individuals who held public appointments in Northern Ireland at 31 March 2004, and the bodies on which they served. Copies of both volumes are available on the Internet at www.ofmdfmni.gov.uk/publicappointments

COMPANY AND COMMERCIAL LAWYERS’ GROUP

The inaugural meeting of the Company and Commercial Lawyers’ Group was held at Law Society House on 26 November 2004. The meeting was attended by almost 40 solicitors from across Northern Ireland. The Group was established primarily to promote the interests of solicitors in Northern Ireland practicing in the field of company and commercial law. Any solicitor working in this sector will agree that this support is badly needed, particularly now that CPD applies to all solicitors. The Group hopes to organise two half day seminars per annum on relevant specialised topics along with a number of lunchtime seminars of a more general nature. We also plan to liaise with similar company law groups in Ireland, England & Wales and Scotland and to arrange joint seminars on relevant topics with other professionals such as accountants and tax experts. The Group would like to express its thanks to the Director of Company Law at DETI, Jim McKeeown and his colleague, Alan Bell who gave us a flavour at the inaugural meeting of the proposed new company legislation.

The members of the first committee are:
Neasa Quigley, Tughans Solicitors (Chair)
Peter Stafford, Arthur Cox (Treasurer)
Lorcan Dowd, PwC Legal (Secretary)
Andrew Taibott, Cleaver Fulton Rankin
Claire Seymour, L’Estrange & Brett
Mark Thompson, Arthur Cox
Nigel Hamilton, Morrow Wells
Richard McLaughlin, Joness & Co
Barbara B ump Check, Institute of Legal Studies
Olive O’Neill, Sole Practitioner

If you are interested in joining the Group please complete the form below.

MEMBERSHIP

The Company and Commercial Lawyers Group welcomes new members. Membership fees are now due for 2005. The membership fee for the year is £20. Discount on the costs of seminars will be offered to members. Please return the form below to our Secretary, Lorcan Dowd at PricewaterhouseCoopers at Waterfront Plaza, 8 Laganside Road, Belfast, BT1 3LR with cheques made payable to the Company and Commercial Lawyers Group.

MEMBERSHIP FORM

I enclose a cheque for £20 made payable to The Company and Commercial Lawyers Group.

NAME
FIRM
ADDRESS
E-MAIL ADDRESS
TEL (Work)

If you are interested in joining the Group please complete the form below.

Eighth Annual Report on Public Appointments

The Eighth Annual Report on Public Appointments in Northern Ireland has been published. It provides information on the public appointments process and reports on progress during 2003/2004. Volume One of the Report includes details of the public appointments process, progress made during 2003/2004, and a list of the individuals who held public appointments in Northern Ireland at 31 March 2004. Volume Two contains a list of the bodies on which these individuals served.

Copies of both volumes are available on the Internet at www.ofmdfmni.gov.uk/publicappointments

Closure of Ulster Savings

Legislation to wind up the operation of Ulster Savings and provide a legal framework for four other routine financial matters, has been laid at Westminster. In 1990, a policy review concluded that, primarily due to a lack of public interest in Ulster Savings certificates, the cost of their operation could no longer be justified. A phased winding up of their operation then began in 1991, which included a decision to stop the sale of new certificates. Reinvestment of existing certificate holdings ceased in 1997, with the consequent scaling down of the administrative infrastructure.

The Royal’s splendid record in the fight against heart disease is too well known to need advertisement, and by an immediate cash gift or a legacy or bequest to this charity in your will, you can help directly to reduce the grave toll of suffering and death from this disease in Northern Ireland. The grim fact is that the incidence of coronary artery disease in Northern Ireland is one of the highest in the world.

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

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

Registered Charity No. XNI52409
(Inland Revenue Gift Aid Scheme Code EA/7986E)
Changes to Arrangements for Electoral Register

In the Electoral Fraud (Northern Ireland) Act 2002, the Government introduced a range of reforms to electoral law in Northern Ireland. These measures were aimed at addressing widespread concern that the electoral process was vulnerable to fraud.

In respect of electoral registration, the Act introduced individual registration in place of the household based system, together with a new series of personal identifiers to enable checking of the register for inaccurate or fraudulent entries. In addition, the life of the register was limited to one year, with all individuals required to register during an annual canvass each autumn. The annual canvass had previously been supplemented by a system of rolling registration, allowing individuals to register at other points during the year, with updated registers published monthly and this continued.

Whilst the Government is satisfied that these measures have been extremely successful in substantially improving the accuracy of the electoral register in Northern Ireland, there are now concerns across the political spectrum that the requirement on voters to re-register and provide their personal identifiers each year is leading to a downward drift in the overall numbers registered. The register published on 1st February 2004 following the 2003 annual canvass showed that 1,069,160 people, or approximately 87% of the eligible population in Northern Ireland, were registered to vote.

The Government has recently announced that it is committed to moving away from the legal requirement for the register to be completely refreshed each year. This will reduce the burden on the individual citizen and it will allow resources to be redirected towards targeting those groups where rates of registration are low.

The new register was published on 1st December. All those who have not taken the opportunity to register during the annual canvass period have the opportunity to register through rolling registration.

However, in the light of the concern about falling numbers registered and the local elections due in Northern Ireland in May 2005, the Government has decided that, if Parliamentary time allows, it will legislate before then to allow the Chief Electoral Officer (CEO) to reinstate the carry forward as a temporary measure. This would permit the CEO to reissue the names of those individuals registered on 1st September 2004 who have not re-registered during this year’s canvass, so that they reappear on the first monthly register published after the legislation has been enacted.

New Agriculture (NI) Order Approved

The Agriculture (NI) Order 2004 has been passed by Parliament. The Order will enable the creation of a new body – the Agri-Food and Biosciences Institute (AFBI) - that will carry out science work for government including research and development, as well as undertaking science work on a commercial basis for a wide customer base. It is intended that the new body will become fully operational by April 2006. The Agricultural Research Institute of NI will be subsumed within AFBI.

The Order also clears the way for a phased withdrawal of the Department of Agriculture and Rural Development from teaching at the School of Agriculture and Food Science near Belfast and for the creation, by Queen’s University, of a new School of Agriculture, Food and Land Use. The first intake of students at the new school will be from September 2005.

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**INVITATION**

to all STEP Members and Prospective Members. No admission charge.

“Avoiding Negligence Claims with Wills and Trusts”

Friday 25 February 2005 at 1pm in the Council Chamber, Law Society of Northern Ireland, Belfast.

By Martyn Frost, Head of Fiduciary Standards, Barclays Bank Trust Company.

Martyn Frost has worked with Barclays Bank in the business area for over 36 years and has been a member of STEP since early 1993 where he has been actively involved in Education, Conferences and various Technical Committees as well as serving currently as Deputy Chairman. He has written extensively on estates and trust issues and lectured widely both in England and overseas. He is an editor of Wills and Trusts Law Reports and co-edits “With the Best Will in the World. Negligence in Will Preparation” with Penelope Reid.

Martyn will present a Seminar entitled as above and will offer practical advice not just on will drafting and execution but also offer some assistance where things go wrong. He will deal with the consequences of cases like Ross v Caunters and White v Jones, Cam-Glynn v Pearsons and also a Solicitor’s duty to ascertain details of the extent of the estate when preparing a will for a client (In re Good decd Re Good, Carapeto v Good).

Preceding Martyn’s talk there will be some light refreshments from 12.30pm. There will be a short discussion/question time afterwards finishing at 2.30pm sharp.

Further details about STEP are available from: www.step.ie or John Mills (09055 3300) or Alastair Rankin (09024 3141).

If calling from the Republic of Ireland, please prefix these numbers with “048”.

Places are strictly limited. To reserve your place, please e-mail Pamela Brown (pamela.brown@tughans.com) or Nadine Willis-McCooke (nadine.willis-mccooke@tughans.com) no later than Friday 18 February 2005.
Library Update

Recommended Reading -

FREEDOM OF INFORMATION ACT 2000

LEGISLATION
Freedom of Information Act 2000

ARTICLES
Companies not ready for public information law change
(Lawyers have warned that companies are unprepared to implement provisions of the Act which require information to be provided within 20 days of the request)
Sherwood: 2004 Financial Times 15 November 1, 3

Free information, business threat?
(outlines the provisions of the Freedom of Information Act 2000, in force on 1 January 2005)
Turle: 2004 NLJ 154 (7141) 1258-1259 *

A qualified privilege
(discusses the scope of the Act)
Matheson: 2004 Legal Week 6 (26) 18

Free for all - Part 1
(discusses the impact of the Act on public bodies and private businesses)
Turle: 2004 S J 148 (42) 1262, 1264

Free for all - Part 2
Turle: 2004 S J 148 (43) 1305-1306

Freedom of information - Part 1
Basu: 2004 NLJ 154 (7150) 1624-1625 *

* Due to the implementation of the Copyright Directive, this article must be ordered directly from the publisher

BOOKS

Lexcel: a guide for local authority and other public sector legal departments.

Lexcel: a practical guide to minimising risk.

Lexcel: a practical guide for sole practitioners.


Lexcel: helping practices to improve profitability.

Lexcel Assessment guide. 3rd edition.


LEXIS-NEXIS in the Law Society Library

Have you tried all the usual sources for caselaw and still cannot find that case? Or perhaps you are looking for European legislation? Then look no further than LEXIS-NEXIS.

This on-line database has access to full text of several thousand Northern Ireland judgments as well as full text to caselaw for England, Ireland, Scotland, the EU and the US. As part of the subscription the Law Society library and information service can also access newspapers, UK legal journals, UK legislation, EU legislation and biographies.

All the library staff have been formally trained and are more than happy to carry out the searches on your behalf. A copy of a case costs £10 and a subject search costs £3 per minute.

LIBERO TRAINING

The Library is now offering training on the Libero database. The training session lasts approximately 1 hour and can be done in your office or at the Law Society library.

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Please contact Derval McFetridge (dmcfetridge@lawsoc-ni.org) at the Law Society Library if you would like to sign up.

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A copy of the book is available for reference only in the library. It can be purchased from Marston Book Services

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RIGHTS ON ARREST
The Northern Ireland Human Rights Commission has published a review of the law in NI on the rights of people who have been arrested. A copy may be obtained from www.nihrc.org.

ROAD DEATHS
148 people were killed on Northern Ireland’s roads in 2004, according to provisional figures released by the DoE. This is slightly lower than the figure of 150 people who died in each of the past two years.

MENTAL HEALTH
The Law Centre has released a major new report on the advice and support available for people with mental health problems. The report is called ‘Unmet Need’ and is available from the Law Centre at a cost of £5.95 (to include p&p) Tel: 90244401.

EU CIVIL LEGAL AID
Legal aid and assistance for civil cases (subject to meeting financial eligibility criteria) is now available with effect from 30 November 2004 across all EU Member States (with the exception of Denmark). The provision of legal aid will be on a reciprocal basis, with minimum standards agreed under EU Directive 2002/8/EC. For further details see ‘Publications’ link at www.nilsc.org.uk

APPOINTMENT TO NILSC
The Lord Chancellor has appointed Mr Brian Fee QC to the Northern Ireland Legal Services Commission, following the resignation of Professor Sean Doran. His appointment to the Commission is with effect from 1 December 2004 and is for a period of 3 years.

EQUITY RELEASE SCHEMES
A factsheet entitled “Raising money from your home” is downloadable from www.fsa.gov.uk/pubs/public/raise_home.pdf. It will assist older clients who want to raise money from their own homes. It explains:-
- how they can benefit from the value of their home through an equity release scheme
- how equity release schemes work and the risks involved and
- where to get more help and information.

NI RENT INCREASE
The DSD has announced that Housing Executive rents are to be increased by 3.1 per cent from April 2005. This will add approx £1.46 to the rent of a typical Executive three-bedroom property, bringing the average weekly rent to £48.66. Almost 80per cent of Executive tenants are in receipt of Housing Benefit and will not be affected by the increase.

COURT SERVICE NOTICE
An amendment to the County Court Rules in May 2004 has meant that court staff are no longer aware if a lodgement has been made in the civil courts. All legal representatives are requested to ensure that they inform the court if there is a lodgement in a case when a judgement is made and to ensure accuracy, hand in a copy of the Notice of Lodgement. When lodging a Form 98 ‘Notice of acceptance of sum lodged into court’ with the court office, a copy of Form 97 ‘Notice of payment into court’ should be included for ease of payment of the lodgement amount.

ON THE MOVE
The Belfast Vehicle Licensing Office has moved from Royston House, Queen Street to new premises at 1 Cromac Avenue on the new gasworks site, Ormeau Road, Belfast. The telephone number remains the same: 90542042
Re: Brigild Christina Richardson
(deceased)
Late of: 8 Iris Street, Belfast, BT12 7AR
Date of death: 11th July 2004
Would anyone having knowledge of the whereabouts of a Will of the above
named deceased please contact:
Mr Alastair J Rankin
Chever Fulton Rankin Solicitors
50 Bedford Street
Belfast BT2 7FW
Tel: 028 9024 3141
Fax: 028 9024 9096.
Reference: AJR 21203/1

Re: Mary Frances McCracken
(deceased)
Formerly of: 39 Quoile Park,
Downpatrick, County Down
Late of: Lecale Lodge Nursing Home,
Downpatrick, County Down
Would anyone having knowledge of the whereabouts of any Will of the above
dated deceased please contact:
N Kirkpatrick
J Murland & Co
Solicitors
Tel: 028 4461 9980

Re: Cavan Weir
(deceased)
Formerly of: 22 Woodford Avenue,
Glangorm and SB Knockadarragh
Park, Lisburn
Late of: 25 Fort William Crescent, Belfast
Date of death: 3rd November 2004
Would anyone holding a Will of the above
named deceased or having any
knowledge of the whereabouts of any
Will please contact:
Elliot Duffy Garet Solicitors
Roydon House, 34 Upper Queen Street
Belfast BT1 6FD
Tel: 028 9024 5034
Ref: ZG/W177/1

Re: Re: Armour William J anes
McFarlane
(deceased)
Late of: 215 Lower Braid Road, Belfast
Date of death: 4th December 2004
Would anyone holding a Will of the above
named deceased or having any
knowledge of the whereabouts of any
Will please contact:
T D Gibbon & Company
Carleton, Akinson & Sloan Solicitors
107 Church Street, Portadown
County Armagh BT62 3DQ
Tel: 028 3833 2176
Fax: 028 3833 0834
Email: tdg@caslaw.freeserve.co.uk

Re: Margaret Maureen Bradbury
(deceased)
Late of: 34 Hesketh Park, Belfast
Date of Death: 3rd September 2004
Would anyone having knowledge of the whereabouts of a Will of the above
dated deceased, please contact:
Reavley & Company
Solicitors
625-627 Shore Road
Whitewebury
County Armagh BT37 0ST
Tel: 028 9085 3361
Fax: 028 9036 5031
Ref: MB/8069001

Re: Donnelly & Kinder Solicitors
require
a solicitor for their expanding residential
conveyancing department. At least two
years post-qualification experience
preferred. Salary commensurate with
experience. Applications with CV to:
Ann Kinder
Donnelly & Kinder
Solicitors
3-5 Union Street
Belfast BT1 4FR
Tel: 028 9023 1179
Fax: 028 9026 5660

Folio: AN 8013
County: Antrim
Registered Owner: Henry Gannon
and Maureen Gannon
Lands at: 4 Fineweave, Doagh Road,
Newtownabbey
Take notice that any person having custody of or information as to the
whereabouts of the Land Certificate relating to the above mentioned Folio
should forthwith produce said Certificate or communicate such information to the
undermentioned Solicitors. And further take notice that unless the said
Land Certificate is so produced or adequate information as to its
whereabouts is so communicated within three weeks of publication of this notice, a
duplicate Land Certificate may be applied for.
Thompsons McClure
Solicitors
171 Victoria Street
Belfast BT1 4HS

Folio: YT 15487
County: Tyrone
Registered Owner: Ronald Millar &
Audrey Millar
Registered Owner of a Charge:
Abbey National plc
Address of Premises: 1 Timarty Road,
Ormagh, County Tyrone, BT79 7TZ
Take notice that any person having custody of or information as to the
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Land Certificate is so produced or adequate information as to its
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duplicate Land Certificate may be applied for.
W B Thompson & Company
Solicitors
36 Catherine Street,
Limavady
County Londonderry BT49 9DB
Tel: 028 7772 2400

Folio: DN 3198 AND DN 2273
Registered Owner: Frank Watson
Take notice that any person having custody of or information as to the
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should forthwith produce said Certificates or communicate such information to the
undermentioned Solicitors. And further take notice that unless the said
Land Certificates are so produced or adequate information as to their
whereabouts is so communicated within three weeks of publication of this notice, a
duplicate Land Certificates may be applied for.
John F Gibbons & Co
Solicitors
40 Church Lane
Belfast BT1 4FR

Folio: DN 30579
Registered Owner: Patrick
Havermade & Belinda Hawthorne
Lands at: 69 Kilmore Road,
Crossgar, Downpatrick,
County Down
Take notice that any person having knowledge of the whereabouts of a Will of the above
dated deceased or having any knowledge of the whereabouts of any
Will please contact:
Mr Alastair J Rankin
Chever Fulton Rankin Solicitors
50 Bedford Street
Belfast BT2 7FW
Tel: 028 9024 3141
Fax: 028 9024 9096.
Reference: AJR 21203/1

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Solicitors
40 Church Lane
Belfast BT1 4FR

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The views expressed are not necessarily those of the Law Society of Northern Ireland.

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Any solicitor who has not yet completed and returned the yellow CPD card for the year 2004 should do so immediately. Cards should be sent to Kevin Delaney at Law Society House.
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