

New Ground Rents Act

The Ground Rents Act (NI) 2001, which makes provision for the redemption of certain ground rents of residential properties, received Royal Assent on 20th March 2001. It incorporates the provisions of the Ground Rents Bill, (subject to a few minor amendments) but there is not yet any indication as to when it will become operative.

The 2001 Act provides for the repeal of most of Part II and other associated Articles in the Property (NI) Order 1997 which related to the scheme previously proposed for ground rent redemption. Various problems with that scheme had become apparent.

- It was generally accepted that that scheme was too complex.
- It provided a cumbersome notice procedure which was unlikely to be effective.
- It imposed on the Vendor an obligation to redeem the ground rent pre-sale within a limited time scale which was likely to cause delays to the conveyancing process.
- It was generally considered that the multiplier (12) was too high.
- The Vendor would have been responsible for a disproportionate sum in respect of costs and expenses.
- The scheme risked offending against Article 1 of the European Convention on Human Rights by depriving the Vendor of the right to peaceful enjoyment of his possessions and offending against the concept of proportionality.

As a result of these concerns the legislation was re-drafted and a new scheme is set out in the Ground Rents Act (NI) 2001.

The most important changes in the new scheme are:

- The notice procedure will be abandoned.
- An obligation for post-sale compulsory redemption will be imposed on the Purchaser.
- All applications for redemption will proceed through the Land Registry.
- The potential costs and expenses of redemption will be reduced.
- The reference to a multiplier has been removed and will be fixed by subsidiary legislation (9 has been suggested).
- The obligation to redeem the ground rent will be imposed on the Purchaser instead of the Vendor.
- The risk of offending against the European Convention on Human Rights is thus reduced.
- By imposing an obligation on the purchaser to redeem the ground rent post-sale it is more likely that any risk of delays to the conveyancing process will be avoided.

The new scheme will apply generally to residential property which is not used wholly for business purposes. The properties excepted are similar to those described in the 1997 Order for which it is still possible to create long residential leases. These include flats, National Trust properties, equity sharing leases and leases where there is less than 50 years of unexpired residue to run.

The new scheme provides for both voluntary redemption by a rent payer who is the existing owner of a property and by a rent payer who is required to

compulsorily redeem on purchase. It is still the case, as it always has been, that the parties remain free to negotiate the redemption of rent themselves outside the procedure provided.

It is likely that the voluntary provisions to redeem will be the first to become operative. They will be followed by the introduction of compulsory redemption on a phased basis. Compulsory redemption may possibly be linked to compulsory first registration.

Briefly, in order to redeem a ground rent, the procedure will be the same as that confined in the 1997 Order to cases where the notice procedure failed. All applications for redemption will proceed through the Land Registry and the rent payer will apply to the Land Registry in a prescribed form. The rent payer must lodge the redemption money together with the last receipt for ground rent and any amount due on apportionment. In addition such evidence of title as may be prescribed and such amount as will be due for expenses must also be lodged. Having done this, the rent payer will serve notice of making the application on the rent owner. Then, where the rent payer has satisfactorily complied with all the requirements, the Land Registry will issue a certificate of redemption. This will operate as a full and final discharge of the land from the ground rent. All superior rents will be redeemed and the rent payer will become entitled to a freehold estate discharged from payment of any rent. However, the rent payer will still be under an obligation to perform and observe the covenants under which his title was previously held.

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Presidents

Addresses

It has been a busy Conference season. Following our own Conference in Belfast, I have attended the Law Society of Ireland and Law Society of Scotland Conferences both of which were enjoyable and stimulating.



A common theme running through the respective business sessions at all three Conferences has been the need for the profession to be more entrepreneurial and offer better, quicker and more relevant services to our clients. It is suggested that we, as a profession, regard ourselves as being wise and knowledgeable, trustworthy and reliable providers of services. While this may well be so, one speaker in particular suggested that, in the eyes of the public, we are considered, often something of a necessary evil, and in some cases, are suspected of overcharging, and being overly burdened by adherence to an outdated professional culture. The public is looking for commercial 'savvy', a fair (not cheap) deal and they want their professional advisors to go out and pull things together for them. We may well have our own views on, and even strongly disagree with, some of these perceptions, but it does no harm for us to be made aware, in this competitive age, of perceptions of our position.

Many of you will have noticed that the Society's website has been substantially updated. We hope that more of you will, as a matter of course, refer to our web site for all kinds of reasons. I suspect that once we become accustomed to referring to it we will wonder how we ever managed to get along without it.

I trust that most of you will have completed and returned the Questionnaire in support of the new comprehensive survey of the profession. We are confident that with

the benefit of a good response, the findings will be a great support in our ongoing negotiations regarding costs and overheads. Other beneficial by-products of the survey should include a much better picture of the overall health and wealth of the profession and answers to such questions as:- Is the profession seriously understaffed or not (taking into account the clear preference of most young solicitors to obtain employment in the greater Belfast area, despite good opportunities elsewhere in the province)? Why do so many recently qualified solicitors opt to set up in small practices of their own? Are there beneficial expectations of newly qualified solicitors too high, or are they not being paid well enough? Are there too many principals unwilling to admit younger associates into partnership? How do we compare in terms of income with our colleagues in other home jurisdictions? Are there great disparities of income in different parts of the Province? We may not be able to obtain answers to all of these questions but it is important in the interests of all of us that the Society is as well placed as possible to move forward on the basis of sound management information.

It has become noticeable in recent years, that a number of senior solicitors retire at an earlier age than hitherto, but does this reflect a degree of burn-out and a desire to escape from the fray, or does it suggest that our sixty-something colleagues are more wealthy than they used to be? Certainly it is good to know that there is a pool of experience and energy available to supply of panels and committees, and even to act as locums. Anyone interested in this kind of work is asked to contact the Society.

I recently attended a meeting of the Committee of the Solicitors' Benevolent Association in Dublin. I was very impressed by the work of the Committee and its officers, and it is reassuring for many of us to know how much care is devoted to the well being of our members and their families who have fallen on hard times. You may wish to consider making or advising provision in Wills for gifts to this worthy cause.

JOHN NEILL
President

Solicitors (NI) Order 1976

Please note that the Society has intervened in the practice of Marcus O'Neill and Co. Formerly at 295 Ormeau Road Belfast. The Premises are now closed and enquiries should be directed to the Deputy Secretary.

Kevin P Neary

1921-2001

Kevin Neary, who died suddenly at home on 19 April 2001, was known for his integrity, gentleness and learning. Kevin was born in Newry on 6 October 1921 to Ellen (nee O'Hare) and Patrick J Neary MRIA. His early life was marred by the untimely death of his father when he was just eight years of age. The family spent a brief period in Dublin before returning to Newry where Kevin had a brilliant school career at St Colman's College, being awarded an exhibition with special certificate by the NI Ministry of Education.



Kevin became apprenticed to his uncle, PJ O'Hare, in the firm of O'Hare and O'Hagan, gaining first place in the final examination of the Incorporated Law Society of Northern Ireland. He was admitted as a Solicitor in 1944. In tandem with his work with O'Hare and O'Hagan, Kevin held the office of Town Solicitor from the late fifties until the abolition of the post in the course of local government reforms. He continued to work in the family firm beyond its merger into what is now Donnelly Neary and Donnelly until his retirement in 1991 when his son succeeded to the partnership.

Kevin had a multiplicity of interests, most of which he retained throughout his life. He was a founder member of Newry Musical and Operatic Society, performing alongside his sister Nuala in the earliest productions, a founder member of the Cormorant Swimming Club and secretary of the Comhaltas Uladh. His involvement in the Newry Musical Feis stretches back to its first meeting when he attended same with his mother as a child. For more than 50 years he served as a Committee member, Treasurer and in recent years President a post he held at the time of his death.

In 1954, Kevin met Rhoda Grant (appropriately, at a NMOS performance of the operetta, *Rose Marie*) and they were married 3 years later. This relationship with Rhoda was the mainstay of his life. They were fortunate in sharing interests ranging from literature, art, and music to local history and the Irish language. Particularly in latter years, since Kevin's retirement, they were inseparable companions at cultural events, performances and summer schools all over Ireland.

Kevin was always a man for new ideas and new ways of looking at old ideas. He had an encyclopaedic memory much envied by his children but his outstanding quality was his gentleness and concern for others, his kindness and unfailing courtesy. As a lawyer, he didn't fall into the trap of treating his caseload as a series of abstract conundrums. He never forgot that his work was the very fabric of other people's lives. As a man, he was good and much loved.

He leaves his wife, Rhoda, sister, Nuala, three children, Annemarie, Kevin and Barbara and their respective spouses, Michael, Jenny and Garrett, and five grandchildren, Patrick, Daniel, Conor, Charlotte and Rory.

Ar dheis De go raibh a anam nasal

LAW REFORM ADVISORY COMMITTEE FOR NORTHERN IRELAND

PUBLICATION OF 11TH ANNUAL REPORT

The law Reform Advisory Committee for Northern Ireland has recently published its 11th Annual Report.

The Committee, which has as its remit to keep the civil law of Northern Ireland under review and to make recommendations for its reform, reported on several important areas during a very busy year.

Amongst such topics included the Committee's report on marriage law. This report followed a referral of the subject by the Secretary of State in 1998, who had considered that the law relating to the preliminaries to an formalities for marriage was anomalous, complex and outdated, and therefore in need of review. The Committee carried out an extensive consultation process prior to the publication of its final Report in December 2000. The report, currently under consideration by the Minister of Finance and Personnel, contains 32 recommendations advocating a wholesale reform of existing marriage law procedures. Copies are available from the Stationary Office, price, £15.

The Committee also reported during the year on the important matter of matrimonial property. This report is also available from the Stationary Office priced £10. Other reports published during the year included those on Aggravated, Exemplary and Restitutionary Damages, and Liability for Psychiatric Illness, which followed similar reports by the Law Commission,

The Committee is based at Lancashire House, 5 Linenhall Street, Belfast BT2 8AA

and further information is available from the Secretary, Mr M Foster (Tel: 028 9054 2900 or E-mail Michael.foster@dfpni.gov.uk)

View the Writ on-line @
www.lawsoc-ni.org

BELFAST SOLICITORS



ASSOCIATION

Belfast Solicitors Association and Northern Ireland Young Solicitors Association

Lunchtime Seminar

Friday 22nd June at Law Society House at 1.00 pm

"Solicitors Costs: Taxation and Maximising Remuneration"

by Paul Kerr (Costs Drawer)

Coffee and sandwiches will be available from

12.30pm

Fee:

10.00 per person

Cheques payable to BSA and forwarded to

William Cross
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Pierre Boitel
Gill Elliott Duffy Garrett
DX 400 NR Belfast



Date: Tuesday 5 June 2001 at 5.30 pm
Venue: Ulster Reform Club, 4 Royal Avenue, Belfast (beside Tesco Metro store)

'Ireland - On the road to ruin'

Frank McDonald

Frank McDonald is the Environment Editor of the Irish Times. He is the author of the recently published book 'Construction of Dublin'.

Frank has considerable experience of environment and planning matters in the Republic of Ireland and his talk will offer a very interesting and entertaining insight into what Northern Ireland can learn from their experiences.

Frank McDonald's talk will be preceded by a wine reception and the AGM of the Association which will start at 5.30 pm in the Old Library of the Ulster Reform Club.

There is no cost for this event but if you wish to attend please return the booking form or leave a message on telephone number 9027 1338



BOOKING FORM

Please reserve _____ place(s) at the above seminar:-

Delegate Name(s): _____

Please return completed Booking Form to Karen Blair, Chair, EPLANI, c/o Cleaver Fulton Rankin, Solicitors, 50 Bedford Street, Belfast, BT2 7FW, DX 421 NR Belfast or leave a message on telephone number 9027 1338

BSA On-Line

The BSA website can be found at
www.belfast-solicitors-association.org



Law Centre (NI)

COURT CASES

The Law Centre is currently involved in a number of interesting legal challenges which may be of interest to solicitors.

In Smyth, the Law Centre is challenging social security legislation under Article 6 (right to fair trial) of the European Convention of Human Rights. Income Support regulations provide that a person who fails the 'all work test' for incapacity benefit and appeals this decision loses £10.60 a week income support until the appeal is determined. Where the appeal is successful, the appellant is refunded the sum deducted from income support. An unsuccessful appeal means the sum deducted is lost and full income support is only restored at this point. The Law Centre is arguing that the deduction is a major inhibition to appealing a decision and contrary to the right to a fair trial. Leave to judicially review the Department for Social Development has been granted and a date has now to be fixed for a full hearing.

In Wright-Turner, the Law Centre is appealing a decision of the Social Security Commissioner to the Court of Appeal that a carer attending university was not entitled to Invalid Care Allowance as she was regarded as being in full time education. Regulations provide that a person attending a course for more than 21 hours a week is not entitled to the benefit. Time spent receiving instruction, tuition, undertaking supervised study, exams, practical work, or taking part in any experiment or project work is included as hours of study. The case will turn on whether time spent at home studying is supervised study for the purposes of the regulation and the question of the adequacy of the recording of facts by

the tribunal. The Commissioner is currently stating a case for the Court of Appeal.

In McDonnell, a judicial review has been lodged against the Housing Executive's policy of excluding from its right to buy scheme single-storey one or two-bedroom ground floor accommodation let to a tenant who was aged 60 or more when the tenancy commenced. The grounds for the challenge is that the policy is contrary to Article 14 of the European Convention on Human Rights (freedom from discrimination) when tied to Article 1 Protocol 1 (the right to personal property and Article 8 (right to family and private life). Leave to apply for judicial review has been granted and a date for hearing is to be set shortly. In the meantime, the Housing Executive has announced that it will be conducting an equality impact assessment (under Section 75 of the Northern Ireland Act 1998) and a human rights impact assessment on the house sales scheme in the near future.

In Weir, judicial review is being sought against the Department for Social Development to clarify appeal rights that arise when a supersession decision is taken following a change of circumstances affecting the level of entitlement to a social security benefit. The legal issue is technical and complex but of considerable importance. Social security decision-making was substantially reformed in 1999. As a result, social security decisions can now be challenged by either a request for a revision or supersession. The grounds for seeking a revision and supersession are different. Both allow scope for backdating of entitlement but this is considerably greater with a revised decision. A decision can be subject to supersession where there has been a change of circumstances or an error of law has occurred or the decision was made in ignorance of or based on a mistake about the facts. A problem has arisen where a social security decision maker decides that the change of circumstances is not relevant and does not affect entitlement and therefore refuses to consider a supersession. It has been argued that in these circumstances no decision has been given and therefore no right of appeal accrues. This leaves the claimant with no alternative but to appeal an earlier decision which may

be out of time. The Law Centre is arguing for an interpretation of the law which avoids this unsatisfactory outcome in a case concerning entitlement to an increase in industrial injuries benefit following a change of circumstances. Leave to apply for judicial review has been granted. In the meantime, the Law Centre is also seeking to persuade the Department of Social Security in Britain and the Department in Northern Ireland to amend regulations to safeguard beyond doubt a claimant's right of appeal if a supersession decision is not favourable.

If you want details of these or other cases the Law Centre is involved in please contact the Law Centre or consider taking out membership (details are available from Glynnis Calvert telephone 9024 4401).

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Law Centre (NI)

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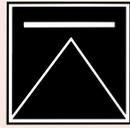
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NORTHERN IRELAND
YOUNG SOLICITORS ASSOCIATION

Belfast Solicitors Association and Northern Ireland Young Solicitors Association Lectures

"Charity Law and Practice - an Update"

Speaker: Brian Garrett, Consultant at Elliott Duffy Garrett
Friday 15th June 2001-05-01 Coffee/Sandwiches 12.30pm
Talk 1.00pm - 2.00pm

If you would like to attend, please complete and return the slip below to:
William Cross, Belfast Solicitors Association, c/o Cleaver Fulton Rankin Solicitors, 50 Bedford Street, Belfast, BT2 7FW or DX 421 NR BELFAST, fee £10.00 per person.

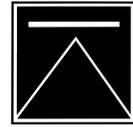


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I confirm I wish to attend the Lecture on "Charity Law and Practice - an Update" and enclosed cheque for £ _____ payable to the Belfast Solicitors Association.

Name _____

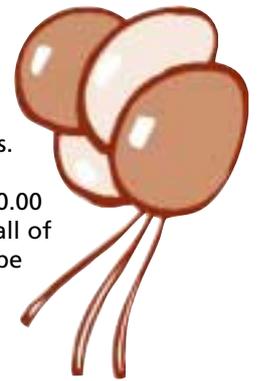
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NORTHERN IRELAND
YOUNG SOLICITORS ASSOCIATION

NIYSA EASTER DISCO

All those who attended our joint Easter Disco with the Young Bar will know what a successful and well attended night it was. A profit of almost £600.00 was made all of which will be donated to the Northern Ireland Children's Hospice.



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Charity masks will be available at door, prizes for most original!

Risk Management

ADVICE



From the Horse's mouth?

Be careful when accepting instructions from a third party. Although these instructions may be totally innocent, the fact they have been received from a third party may indicate more sinister motives.

Solicitors must always be alive to potential fraud, and receipt of instructions from a third party can be an indicator of fraudulent activity.

Where instructions are received from a third party, a solicitor should obtain written instructions from the client that he or she wishes the solicitor should see the client or take other appropriate steps to confirm instructions.

The third party may be a complete stranger to the 'client'. But it is more likely that there is some form of relationship - family, spouse or business associate. Typical scenarios where a solicitor could receive third party instructions include:

A member of the family purports to give instructions for a Will on behalf of an elderly relative. The solicitor must take care to ensure that the instructions received are actually what the client wants.

In a conveyancing transaction where the husband purports to represent his wife's interests in connection with the sale of the matrimonial home and disposal of the proceeds. Never treat husband and wife as one client. They are not. They are both

individuals with separate interests that need to be considered. Remember this irrespective of how well you may think you know the clients.

Partnerships: accepting instructions from one partner on behalf of the partnership. Are the instructions received the instructions of all the partners, or just the partner who is instructing you?

Corporate clients: Is the individual giving you instructions on behalf of the company authorised to do so? Be careful of making assumptions in the case of repeat instructions. Check if there is a resolution in place authorising the course of action proposed.

Remember in the case of third party instructions: If they are given on behalf of an

elderly client, or if there is any suggestion of fraud or dishonesty, see the client;

In other cases, take steps to confirm instructions;

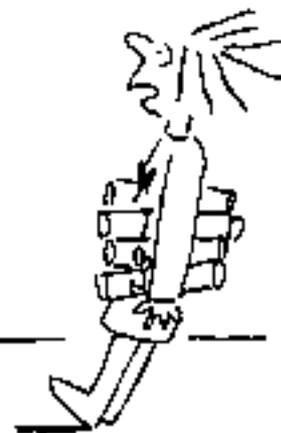
You must represent and protect the interests of your client, not the third party, and;

Make sure all staff are aware of the dangers of third party instructions.

No matter how well you may know the third party and the client, whether through business or even socially, you still need to address the points above. Only in this way can you be sure that you are meeting your professional obligations in conduct. And only in this way can your firm be sure that it is systematically monitoring its instructions to help reduce the risk of claims.



FRASER





ADVOCATE GENERAL GOES FOR CUT-PRICE LEVIS

Tescos are reported to be delighted with an opinion of the Advocate General which it claims backs the legitimacy of its cut price Levis jeans sales against the manufacturer's wishes.

Levis Strauss has been battling for several years to stop Tesco buying jeans cheaply outside the EU and reselling them at cut-prices in the EU.

EYRE SQUARE, GALWAY: ENVIRONMENTAL ISSUE

Protestors to proposed major renovation of Eyre Square have sought a full environmental impact assessment, and lodged a complaint with the European Commission regarding the proposal.

The European Court of Justice has already criticised Ireland for setting low threshold limits regarding projects requiring environmental assessments.

EU INTERNET DOMAIN

The adoption of a new EU domain for organisations of a European character is to be tendered for by an Irish consortium.

It is expected that the adoption will take place by summer and the appointment of the organisation to run it will take place shortly thereafter.

WILD BIRDS

The European Commission is sending a complaint to Ireland regarding inadequate implementation of the Wild Bird Directive.

ARSENAL FOOTBALL SHIRTS

A dispute regarding unofficial Arsenal football shirts was referred to

the European Court of Justice from the English High Court. The reference followed the rejection of a claim by Arsenal that a stall holder selling unofficial shirts and mementoes was guilty of passing off and trade marks not to indicate origin of goods, but as "badges of allegiance" so that fans could show there support for the team.

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WEB WATCH

On-line support

A frequent complaint by many users of IT, particularly time pressed lawyers, is that support services are poor and provide inadequate back up when things go wrong.

Those looking for immediate assistance find only further frustration when confronted by engaged support lines or piped music while they wait in a queue for help- often having dialled a premium rate number.

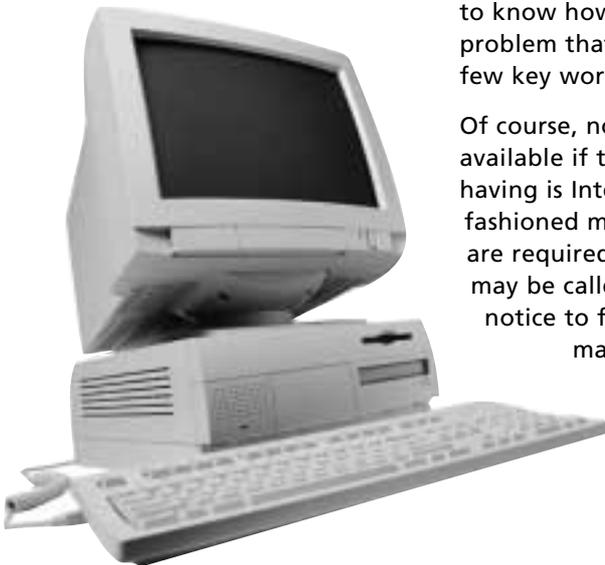
The good news is that the Internet now provides free technical assistance in a number of areas. The trick is how to find it.

Internet support usually comes in three varieties : forums, expert advice sites and knowledgebases. Forums consist of bulletin boards where people post questions and answers for each other. You can post a question at an expert site but only one person - "the expert" will

respond. At a knowledge database visitors search an online database to find answers to particular queries. Some sites combine the approaches described above. NoWonder.com, for example, offers both forums and expert advice while About.com uses all three methods.

Most techies prefer forums as a source of advice. This is because they often provide a variety of opinions and solutions from people who have experienced similar difficulties. Popular sites of this kind include 32bit.com, About.com, Computing.net, ePeople.com and VirtualDr.com. PCSupport.com and GoofyGuys.com provide free expert advice although both response times and the quality of advice varies considerably. Knowledge base sites such as MyHelpDesk.com and EHow.com provide huge amounts of information that can be searched on-line. However, the value of these sites is limited by the search facilities that index the information and the users ability to know how to define the problem that they have in just a few key words.

Of course, none of this support is available if the problem you are having is Internet access. Then, old fashioned methods of assistance are required. The IT wiz kid who may be called upon at short notice to fix an urgent problem may sometimes be an usual character but at times, a welcome friend.



barry-phillips@altavista.net

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LAND REGISTRY

ERRORS IN MEMORIALS REGISTERED IN REGISTRY OF DEEDS

The provisions of Article 39(3) of the Registration of Land & Deeds (Northern Ireland) Order 1992 amend Section 1(4) of the Deeds Act of 1970. Under this amendment the Registry of Deeds is no longer required to thoroughly check details of memorials lodged for registration in the Registry of Deeds and only a superficial check is now made before registration of the memorial takes place. Previously when errors were discovered by Registry of Deeds staff in memorials lodged the memorial was returned for amendment before registration.

Under the new legislation memorials are not required to be checked by Registry of Deeds staff and therefore errors in the memorials are unlikely to be detected prior to registration. Difficulties then arise with reference to amendment of any errors which are contained in registered memorials.

Initially Registry of Deeds staff attempted to co-operate with solicitors in amending registered memorials, by way of authentication of minor errors. However, this practice raised queries from law searchers who were unhappy with that system. In order to adopt a coherent policy it was decided that any amendments to memorials could only be effected by lodgment of a fresh memorial and payment of a further fee of £14. Solicitors should note that when the Registry of Deeds becomes computerised it is envisaged that no amendments may be made to memorials after they are registered in the Registry of Deeds. Therefore, it is essential before lodgment of memorials for registration, that the details be thoroughly checked.

LAND REGISTRY

CANCELLATION OF CHARGING ORDERS UNDER ARTICLE 47

Some confusion has arisen with reference to cancellation of Charging Orders which have expired under the provisions of Article 47 of the Enforcement of Judgements Order (NI) 1981 in the Land Registry and Registry of Deeds, since in cases of expiry under Article 47 the Enforcement of Judgements Office will not issue a certificate of Satisfaction.

As regards Land Registry, if a Certificate is received from solicitors requesting cancellation of the Charging Order registered as a Burden on the appropriate folio due to expiry under Article 47 of the Enforcement of Judgements Order (NI) 1981, together with the appropriate fee, this will be sufficient to have the Charge registered as a Burden cancelled and no other evidence will be necessary.

With reference to unregistered land, no registration can be effected at all in Registry of Deeds, as no Certificate of Satisfaction is issued. Instead, practitioners should be aware of the fact that the Order Charging Land has expired under the provisions of Article 47 and should note this fact accordingly on any requisitioned search in the margin or else provide a Statutory Declaration to be held with the Documents of Title, verifying the fact that the charge no longer affects the property due to expiry. This point would also apply to any charge affecting land which is statute barred under the Limitation Order (NI) 1989. Again, no registration can be made of Registry of Deeds and either a Statutory Declaration to be placed with the papers should be made or else the appropriate comment should be inserted on the Search.

REFURBISHMENT OF COURTROOM AT BANGOR COURTHOUSE

The Northern Ireland Court Service have confirmed that building work will be carried out in Bangor Courthouse during the period 23rd July to 24th August 2001.

As a result, Court business will be transferred to Newtownards. The Court office will however remain open in Bangor.

The schedule of Court days will operate as normal, but solicitors should ensure that any documents/summonses for hearing during the period specified above should state "North Down Magistrates' Court sitting at Newtownards"

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NEWS FROM THE BRUSSELS OFFICE

COPYRIGHT DIRECTIVE

After some three years of discussion, the Copyright Directive has formally been adopted by the Council of Ministers.

The Directive harmonises distribution and communication rights, reproduction, the legal protection of anti-copying devices and rights management systems. The Directive also aims to provide an environment in which copyright protected, goods can be traded securely on the internet and across borders.

Key points

Some of the key points of the Directive are as follows:

Parallel imports will be permitted throughout the EU, as the Directive applies Community (not international) exhaustion but protection against such imports from third countries is retained.

There is a compulsory exemption, under prescribed conditions, for reproductions which are regarded as technical copies on the internet.

Fair compensation for rightholders has been introduced for photocopying, private copying and broadcasts, however, it is for Member States to decide on the form of compensation and whether payment should be made at all in minor cases.

The addition of a 'grandfather clause' will permit Member States to continue to apply existing national exceptions to copyright. This only applies to minor cases for analogue use.

Outright control of anti-copying devices has been granted to rightholders and private copying is only allowed in limited cases where rightholders have made the means available. The Parliament added a provision that where consumers are required to pay tax on copying equipment or media, the Member States will have to ensure that consumers are actually able to, make copies.

Implementation

The Directive will come into force within the next few weeks. Implementation by Member States must take place within 18 months and no later than 2 years afterwards.

Compiled by the Law Society Library

ASSOCIATION OF FAMILY SOLICITORS

BELFAST FAMILY PROCEEDINGS COURT STANDING COMMITTEE

NOTICE TO PRACTITIONERS

In any case where an Order of Court is made directing the involvement of the Court Welfare Officer, all practitioners must ensure that a court form is completed detailing the following information:

1. Full address of client
2. Full address and telephone number of client
3. Special needs/requirements in relation to the children, the subject matter of the proceedings
4. Specific requests/directions issued by court in relation to the involvement by the Court Welfare Officer

All practitioners requests/directions issued by court in relation to the involvement by the Court Welfare Officer before leaving the Court. Failure to complete the court form may result in unnecessary delay in court proceedings.

Court forms are available from Belfast Family Proceedings Court and are also available from the Court Welfare Officer.

NORTHERN IRELAND COURT BUSINESS

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

Amendment

Schedule 2 to the Lord Chancellor's Directions dated 24 May 1990 and published in the issue of "Northern Ireland Court Business" No. 4/90 shall be amended with effect from 1 June 2001 as follows:-

Page 1:	Petty Sessions District of Ballymena
Column 2:	Place and Time
Delete:	All sittings commence at 10.00 am
Insert:	All sittings commence at 10.00 am except Saturday Court Which commences at 10.30 am
Column 4:	Day
Insert:	Saturday
Column 5:	Other Business
Insert:	Essential Business Only

SCHEDULE 2 Places and days for sittings of Petty Sessions

Petty Sessions District (1)	Place & Time (2)	Wards (3)	Nature of Business/Day of Month						Place of Hearing (10)
			Day (4)	Other Business (5)	Youth (6)	Family (7)	Domestic Domestic (8)	Youth & of appeals (9)	
Antrim	Antrim All sittings commence at 10.30am	All wards	Mon	2nd			4th		Ballymena
			Tues		2nd				
			Wed	Every					
			Thurs						
			Fri	1st, 2nd & 4th					
Ards	Newtownards All sittings commence at 10.30am	All wards	Mon	1st, 2nd 4th & 5th		2nd & 3rd			N'ards
			Tues	Every		1st			
			Wed			4th			
			Thurs		4th	2nd	1st & 3rd		
			Fri						
Armagh	Armagh All sittings commence at 10.30am	All wards	Mon					1st	Newry
			Tue	Every					
			Wed						
			Thurs						
			Fri	3rd					
Ballymena	Ballymena All sittings commence at 10.00am except Saturday Court which commences at 10.30 am	All wards	Mon			4th ^o	1st & 3rd		Ballymena
			Tues	2nd & 4th	1st	3rd & 4th			
			Wed			2nd			
			Thurs	Every		1st+ & 3rd*			
			Fri						

May 2001

^o Ballymena Family Proceedings Court sits at Coleraine on the 4th Monday.

⁺ Ballymena Family Proceedings Court sits at Antrim on the 1st Thursday.

^{*} Ballymena Family Proceedings Court sits at Larne on the 3rd Thursday.

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

Amendment

Schedule 2 to the Lord Chancellor's Directions dated 24 May 1990 and published in the issue of "Northern Ireland Court Business" No.4/90 shall be amended with effect from 23 July 2001 until 24 August 2001 inclusive as follows:

All sittings for Petty Sessions District of North Down shall sit at:

The Courthouse
Regent Street
NEWTOWNARDS
County Down
BT23 4PL

Date and times of sittings shall remain as scheduled

MAGISTRATES COURTS

Resident Magistrate, Justice of the Peace and Clerk of Petty Sessions (Costs) Regulations (Northern Ireland) 2001

The above named Regulations will come into operation on 1st June 2001.

These regulations apply in relation to Orders under Article 6A(3) of the Magistrates' Courts (Northern Ireland) Order 1981 ("The Order") that the Lord Chancellor make a payment in respect of the costs of a person in the proceedings. The regulations provide for -

- (a) when such an order cannot be made; [regulations 3]
- (b) when such an order is made, how the costs shall be determined [Regulations 4,5,6 and 7]

Article 6A(3) of the Order applies where a court is prevented by Article 6A(1) of the Order from ordering a resident magistrate, a justice of the peace or a clerk of petty sessions to pay costs in any proceedings in respect of any act or omission in the execution (or purported execution) of his duty as-

- (a) such a magistrate or justice: or
- (b) as a clerk exercising, by virtue of any statutory provision, any of the functions of a magistrates' court

Her Majesty's Crown Court in Northern Ireland

I, the Right Honourable SIR ROBERT DOUGLAS CARSWELL, Lord Chief Justice of Northern Ireland, HEREBY RESCIND my Direction of 23rd January, 2001, that no sittings of the Crown Court should be held on Wednesday, 16th May, 2001, and in its place DIRECT that no sittings of the Crown Court be held on Thursday, 7th June, 2001.

Lord Chancellor's Directions under Article 11(3) of the Magistrates' Court (Northern Ireland) Order 1981

Amendment

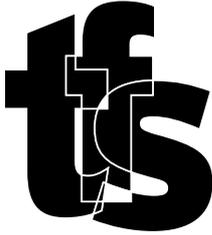
Schedule 2 to the Lord Chancellor's Directions dated 24 May 1990 and published in the issue of "Northern Ireland Court Business" No 4/90 shall be amended with effect from 1 June 2001 as follows:

- Page 6: Petty Sessions District of Londonderry
- Column 5: Other Business
- Delete: 5th where it appears opposite Friday
- Insert: 2nd and 5th to appear opposite Friday
- Column 6: Youth
- Delete: 1st where it appears opposite Friday
- Insert: 1st and 3rd to appear opposite Friday

SCHEDULE 2 (continued)

Petty Sessions District (1)	Place & Time (2)	Wards (3)	Nature of Business/Day of Month						Place of Hearing of appeals (10)
			Day (4)	Other Business (5)	Youth (6)	Family (7)	Domestic (8)	Youth & Domestic (9)	
L'derry	L'derry All sittings commence at 10.30am Domestic court 1st and 3rd Fridays, commences at 12.00 noon	All wards	Mon	1st,2nd,3rd&5th				4th	L'derry or Coleraine
			Tues			4th			
			Wed	1st,3rd 4th&5th		2nd			
			Thurs	Every					
			Fri	2nd & 5th	1st & 3rd	1st,2nd,3rd&4th	1st and 3rd		
Magherafelt	Magherafelt Other business and youth sittings commence at 10.30am Domestic court commences at 11.00am	All wards	Mon	1st				3rd	Magherafelt
			Tues	1st,2nd,3rd&4th					
			Wed						
			Thurs						
			Fri						
Newry & Mourne	Newry All sittings commence at 10.30am	All wards with exception of those shown for Killeel	Mon	5th					Newry
			Tues			1st,2nd,3rd&4th			
			Wed	Every					
			Thurs	5th					
			Fri	1st&5th	3rd		2nd&4th		
	Killeel Youth court commences at 10.00am Other business sittings commence at 10.30am	Annalong Binnian, Killeel Central, Killeel South, Lisnacree	Mon						Newry
			Tues	3rd&5th	3rd				
			Wed						
			Thurs						
			Fri						

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

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

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A key position within the Legal Services Branch, it will be the successful applicant's responsibility to provide comprehensive specialist Human Rights legal advice to the Royal Ulster Constabulary on all aspects of their activity including operations which raise Human Rights considerations. This will include producing draft policy guidelines and proposed training courses for officers.

In addition to holding a Degree in Law or a Law related discipline, it is essential that candidates applying for this post have a minimum of 6 years' experience in the Legal field to include elements of the following: academic research into International Human Rights Standards; knowledge of Civil and Criminal Justice Systems of the United Kingdom and/or Republic of Ireland; proven ability to provide practical advice on how Human Rights Legislation will impact on public sector organisations. The salary for this post will be negotiated with the successful applicant in line with current market trends.

A list of all the essential and desirable criteria will be set out in the Job Description.

A list of successful candidates will be held for similar vacancies occurring during the next two years.

If you are interested, please write for an application form and job description to:

The Royal Ulster Constabulary, Recruitment, 'B' Department, 42 Montgomery Road, Belfast BT6 9LD

Completed applications must be returned by 5.00pm on Friday 22 June 2001.

The Royal Ulster Constabulary is committed to equality of opportunity in employment. All applications for employment are considered strictly on the basis of merit, irrespective of religion, race, gender or disability. In accordance with our Equal Opportunities policies we would particularly welcome applications from the Roman Catholic community who are currently under represented in our workforce.



Admission Ceremony



On 24 April, newly admitted solicitors received their certificates at a ceremony at the High Court in the presence of the Lord Chief Justice, Sir Robert Carswell and the President of the Law Society Mr. John Neill.

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The Board reserves the right to invite for interview, only those applicants, who appear to be best able to satisfy the requirements of the post. Short-listed candidates will be interviewed week commencing 25 June 2001.

Completed application forms must be returned to the Equal Opportunities Unit at the above address not later than 4.00 P.M. ON 13 JUNE 2001.

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An Apology

Round Hall Sweet & Maxwell terminated the licensing agreement with Itelis Limited for the inclusion of cases from the Irish Law Times Reports and the Irish Law Reports Monthly on the LEXIS-NEXIS database with effect from June 2000.

Owing however to an unfortunate omission on the part of Itelis Limited, for which we have apologised to Round Hall Sweet & Maxwell, instructions were not issued for the material to be removed from LEXIS-NEXIS. We accept that, for the period 1 June 2000 to 30 April 2001, this material was not covered by the licence granted to Itelis Limited and was therefore included in the LEXIS-NEXIS service in breach of Round Hall Sweet & Maxwell's copyright. Itelis Limited have paid agreed damages to Round Hall Sweet & Maxwell by way of compensation for the breach of copyright.

We would like to thank Round Hall Sweet & Maxwell for their contribution and cooperation over the years and in particular for their forbearance in allowing us to complete this task.

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Messrs. Hewitt & Gilpin Solicitors Thomas House 14/16 James Street South BELFAST BT2 7GA

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Late of 30 Langfield Crescent, Drumquin, Co. Tyrone

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O'Rorke McDonald & Tweed, Solicitors 37-39 Church Street ANTRIM County Antrim BT41 4BD DX 3453 NR ANTRIM

Missing Wills

RE: Nuela Geraldine Fitchie Deceased Late of 54 Huntingdale Grange, Ballyclare, Co. Antrim

Would any person holding an ORIGINAL WILL for the above-named deceased please contact Madden & Finucane Solicitors, 88 Castle Street, Belfast, BT1 1HE

Tel: 02890 238007

Ref: MIS/47889/RMM

Missing Title Deeds

MARY HOLMES & ANDY HOLMES (DECEASED)

Premises - 13 Uniondale Street, Belfast

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Anyone seeking further details (i.e., full CV) in relation to either applicant should contact Mrs. Blackstock at Law Society Tel. No. 90231614.

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207 FALLS ROAD BELFAST BT12 6FB
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E-mail: michael@michael-flanigan.com

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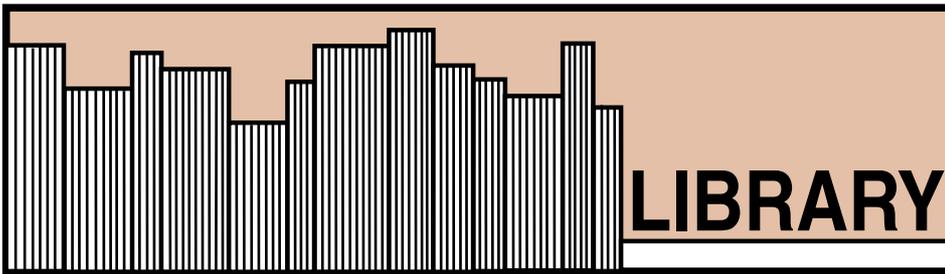
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EU PERSONAL INJURY LIMITATION

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France	10 years
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Italy	2 years (5 years if based on a criminal offence)
Portugal	3 years
Spain	1 year (not necessarily from the date of the accident but from a number of other events)
Greece	2 years (direct claims against insurers) 5 years (claims against others)
Germany	3 years

Books Butterworths Personal injury litigation service.
McIntosh: Personal injury awards in EC countries. Lloyd's of London Press
Martindale Hubbell International Law Digests. 2001

Articles Limitation periods in Europe for liability claims (table of European personal injury claims and circumstances in which period can be interrupted)
Thomas: 1997 P& MILL, 13(3), 23-24

New Books in the Library

- 1) Bond: E-licences and software contracts; law practice and precedents. Butterworths. 2000
- 2) Welfare benefits handbook. 3rd ed. Child Poverty Action Group. 2001
- 3) Twomey: Partnership law. Butterworths. 2000 [includes Northern Ireland case law]

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E-MAIL DIRECTORY – 3RD EDITION

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

The library hopes to use e-mail as a means of dissemination of material, so it would be to your benefit to be listed in the e-mail directory as we would then be able to offer a same day delivery service for some information..

We are now producing a new edition of the directory which costs £5 and would be grateful if you could let us know whether your e-mail address has changed.

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

NOTICE

If any Solicitors/Practitioners have a contact address or telephone number or can provide any details as to how contact can be established with the trustees of the James Mackie & Sons Limited Works Cash Benefit and Life Assurance Scheme please contact John Reavey Solicitors, 22 The Diamond, Rathcoole, Newtownabbey.

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**Copy deadline for June
Friday 8th June 2001**

**Published by the Law Society of
Northern Ireland
98 Victoria St. Belfast, BT1 3GN
Editor John Bailie**

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