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 I 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.
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.

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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 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 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 MRIAI. 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 it's 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 nasai
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
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).

Les Allamby
Law Centre (NI)
We are pleased to announce our
NIYSA/YOUNG BAR ASSOCIATION
Mid Summers Masquerade Ball

Friday 22 June 2001
Hilton Hotel, Belfast

Please contact Committee members for tickets (£30). If possible submit table plans of ten Charity masks will be available at door, prizes for most original!

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.

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.

15 Lr. Mount Street,
Dublin 2.
DDE Box 140
Tel. No. (353-1) 6761100
Fax. No. (353-1) 6761630
E-Mail: law@crowleymillar.com

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FINBARR J CROWLEY BCL
JOHN W CARROLL B.COMM BCL

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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.

Risk Management

From the Horse’s mouth?

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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.
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
High Net Worth Home Insurance

Who can you approach for Standard Home, Motor, Office insurance package Deals?
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The British Psychological Society Regulates
Chartered Psychologists (C. Psychol.)
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 CHANGING 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.
GMA Management Consultants wish to take the opportunity to congratulate our clients

BELFAST CITY COUNCIL’S LEGAL DEPARTMENT

HARRISON LEITCH AND LOGAN
DONAGHY CAREY

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Newtownards,
BT23 6LZ

Tel: 028 9752 8427
Mobile: 07831 530178
Fax: 028 9752 1256

SOCIETY FOR COMPUTERS & LAW

The Technology at the
THE SAVILLE INQUIRY

Tuesday 19th June 2001
11.30 am - 4.00 pm

An unmissable opportunity to see and learn about the award winning technology in use at the Saville Inquiry.

The visit will include

An introduction by Lord Saville.
Time in the gallery seeing the technology in action.
Talks by members of the technical team.

SCL Members: £25.00 +VAT
Non members: £40.00 +VAT

Places are limited.
Further details and booking
Phone: Caroline 01179 237393
e-mail: caroline.gould@scl.org

LAVELLE COLEMAN

Solicitors in Northern Ireland

Contact AnneMarie McCrystal LL.B.
(Also admitted N.I. 1991)

51/52 Fitzwillian Square,
Dublin 2, Ireland
Tel: (3531) 6619826
Fax: (3531) 6614581
DX 188.
E-Mail: info@lavelco.ie

Willing to undertake agency work on behalf of Solicitors in Northern Ireland
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.
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

<table>
<thead>
<tr>
<th>Petty Sessions District</th>
<th>Place &amp; Time</th>
<th>Wards</th>
<th>Nature of Business/Day of Month</th>
<th>Place of Hearing</th>
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<tbody>
<tr>
<td>Antrim</td>
<td>Antrim</td>
<td>All wards</td>
<td>Day (4)</td>
<td>Other Business (5)</td>
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<td>Ards</td>
<td>Newtownards</td>
<td>All wards</td>
<td>Mon</td>
<td>1st, 2nd 4th &amp; 5th</td>
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<td>Armagh</td>
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<tr>
<td>Ballymena</td>
<td>Ballymena</td>
<td>All wards</td>
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</tbody>
</table>

- 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' 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 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 an 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.
<table>
<thead>
<tr>
<th>Petty Sessions District</th>
<th>Place &amp; Time</th>
<th>Wards</th>
<th>Nature of Business/Day of Month</th>
<th>Place of Hearing of appeals</th>
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<tbody>
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<td>L'derry</td>
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<td>All wards</td>
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<td>4th</td>
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<td>All sittings commence at 10.30am</td>
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<td>Tues 4th</td>
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<td></td>
<td>Domestic court 1st and 3rd Fridays, commences at 12.00 noon</td>
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<td>Wed 1st,3rd 4th&amp;5th</td>
<td>2nd</td>
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<td>Fri 2nd &amp; 5th</td>
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<td>Magherafelt</td>
<td>Magherafelt</td>
<td>All wards</td>
<td>Mon 1st</td>
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<td></td>
<td>Other business and youth sittings commence at 10.30am</td>
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<td>Tues 1st,2nd,3rd&amp;4th</td>
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<td>Domestic court commences at 11.00am</td>
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<td>Newry &amp; Mourne</td>
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<td>All wards with exception of those shown for Kilkeel</td>
<td>Mon 5th</td>
<td>Newry</td>
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<td>All sittings commence at 10.30am</td>
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<td>Kilkeel</td>
<td>Annalong Binnian, Kilkeel Central, Kilkeel South, Lisnacree</td>
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<td>Youth court commences at 10.00am</td>
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The main object of this established and registered charity is the support and furtherance of the vitally important treatment, both medical and surgical, provided for patients in the Cardiology Centre in the Royal Victoria Hospital Belfast, and the equally important work of research into heart disease carried on there. The charity is authorised to use its fund to provide that support, or achieve that furtherance when, (but only when) public funds are not available, or are insufficient, for the purpose.

The Royal’s splendid record in the fight against heart disease is so 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 biggest 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. XN52409)
Are you serious about Human Rights? We are!

Senior Legal Advisor on Human Rights
- reporting to the Chief Constable via the Head of Legal Services
Salary up to £50K depending on experience

As a modern community focused policing service committed to the protection and vindication of the Human Rights of everyone in Northern Ireland, the Royal Ulster Constabulary is both actively and positively engaged in moving forward under the recommendations of the Patten Report to become the new Police Service of Northern Ireland.

Under the recommendations of the Report and the initiative of the Chief Constable, the Royal Ulster Constabulary currently wishes to invite applications from suitably qualified individuals for the post of Senior Legal Advisor on Human Rights.

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.
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. Copies of this photograph can be ordered from Geoff Lennon Photography, tel 028 90743133 or fax 028 90744934.
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.
On January 20th 2001 Opsis, Ireland's leading case management supplier and Asdon, one of the most reputed suppliers to the Legal market in Northern Ireland, combined forces to offer the complete office solution to legal practices in N.I. Opsis, one of the UK’s leading providers of case management software has offices in Dublin, Belfast & Stamford near Peterborough. Asdon, based in Lisburn, have been the supplier of Solace Millennium & systems solutions for over 15 years.

The integrated combination of Opsis Solicitor & Solace Millennium along with the highly trained support teams now in place allow the combination of Opsis & Asdon to deliver the complete office solution to all solicitors practices.

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- Have your telephone messages logged on screen
- Attach E-mails and incoming post to case files
- Automatic time recording system shows the accruing fees on every file

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- Solace Millennium is fully compliant with all Law Society rules and provides all you need for legal aid work.

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- Digital Copiers / Scanners.
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e-mail: opsiscom@talk21.com or rmanson@asdon.co.uk  
www.opsis-ni.com, www.asdon.co.uk
MISSING LAND CERTIFICATES LAND
REGISTRY

FOLIO NUMBER 14098 COUNTY
ANTRIM
REGISTERED OWNER: JAMES BROWN
TOWNLAND - KILLCROSS
FOLIO NUMBER 14087 COUNTY
ANTRIM
REGISTERED OWNER: JAMES BROWN
TOWNLAND - BALLYMATHER LOWER
FOLIO NUMBER 13989 COUNTY
ANTRIM
REGISTERED OWNER: JAMES BROWN
TOWNLAND - GRANGE OF CARMAVY
FOLIO NUMBER 14086 COUNTY
ANTRIM
REGISTERED OWNER: JAMES BROWN
TOWNLAND - BALLYMATHER LOWER

TAKE NOTICE that any person having custody of or information as to their whereabouts of the Land Certificates relating to the above mentioned Folios should forthwith produce the said Certificates or communicate such information to the undermentioned solicitors.

AND TAKE FURTHER 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, duplicate Land Certificates may be applied for.

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

FOLIO 13710
COUNTY TYRONE
REGISTERED OWNER: JOHN QUINN
Late of 30 Langfield Crescent,
Drumquin, Co. Tyrone

TAKE NOTICE that any person having custody of or information as to the whereabouts of the Land Certificate relating to the above mentioned Folio should forthwith produce said Certificate or communicate such information to the undermentioned Solicitors.

AND TAKE FURTHER NOTICE that unless the said Land Certificate is so produced or adequate information as to its whereabouts is received within three weeks of publication of this notice, a duplicate Land Certificate shall be applied for.

Logon & Corry
Solicitors
Bank Buildings
20 High Street
OMAGH
Co Tyrone
BT78 1BQ

WANTED: LEGAL PRACTICE
An ambitious new partnership wishes to acquire a legal practice in the Greater Belfast Area for Development and expansion. This may be in the form of acquiring goodwill, or taking over a firm as a going concern. Interested parties are asked to contact the telephone number below and are assured that any communication shall be treated in the strictest confidence.

07887 655072

MISSING WILL FOR NUELA GERALDINE FITCHIE

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

FOLIO 13710
COUNTY TYRONE
REGISTERED OWNER: JOHN QUINN
Late of 30 Langfield Crescent,
Drumquin, Co. Tyrone

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 the said Certificates or communicate such information to the undermentioned Solicitors.

AND TAKE FURTHER NOTICE that unless the said Land Certificate is so produced or adequate information as to its whereabouts is received within three weeks of publication of this Notice, a duplicate Land Certificate shall be applied for.

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

MARY HOLMES & ANDY HOLMES
(DECEASED)

Premises - 13 Uniondale Street, Belfast

Would any solicitor holding title deeds for the above property please contact Sean Robb at Agnew Andress Higginson, Solicitors, 92 High Street - telephone 028 9024 3040


SPANISH STUDENTS SEEK PLACEMENT IN NORTHERN IRELAND SOLICITOR’S OFFICE

Beatriz Blond and Tomas Sanchez are both presently at QUB Belfast and are seeking a period of work experience in a Northern Ireland Solicitor’s office. Beatriz has a Spanish law degree and Tomas is in the final year of his law degree. Both are fluent in English (written and spoken).

Anyone seeking further details (i.e., full CV) in relation to either applicant should contact Mrs. Blackstock at Law Society Tel. No. 90231614.
ASSISTANT SOLICITOR REQUIRED
Mainly for civil litigation and criminal work, including some PACE calls. Experience preferred but newly qualified solicitors will be considered.
Apply in writing enclosing CV to:
NORMAN SHANNON & CO Solicitors
3-5 Union Street, Belfast BT1 2JF
Tel: 028 9023 1179 Fax: 028 9023 4877

PART-TIME SOLICITOR REQUIRED
To cover Maternity leave from September 2001 until December 2001
Experience of matrimonial work required
Apply in writing with C.V. to
Shean Dickson Merrick Solicitors
14/16 High Street, Belfast

MCCONNELL KELLY & CO., SOLICITORS require a Conveyancing Solicitor for locum cover from July to November.
Please forward C.V. to
McConnell Kelly & Co.
217/219 Upper Newtownards Road
Belfast BT4 3JD

MICHAEL FLANIGAN SOLICITORS
207 FALLS ROAD BELFAST BT12 6FB
Tel : 9023 3309
E-mail: michael@michael-flanigan.com
We wish to recruit an assistant solicitor for our busy general practice. Experience would be preferred in civil litigation and/or matrimonial law but applications will be considered from those who have recently qualified or are about to do so, and from those who may prefer part time work.
Please apply in writing, enclosing your CV to Michael Flanigan at the above address. All applications will be treated in confidence.

ASSISTANT SOLICITOR REQUIRED
For busy rural general practice. Suit newly/recently qualified person - presents a great opportunity and potential for suitable candidate. Salary negotiable but will be competitive - apply with CV to:-
FG Patton LL. B., Solicitors,
14 Thompson Street, Dungannon County Tyrone, BT70 1HN

CARSON MORROW GRAHAM
SOLICITORS require an experienced solicitor to take over and expand an established client base at their Bangor office.
The successful applicant should, ideally, have at least 3 years post qualification experience of general practice and a sound knowledge of domestic and commercial conveyancing. Experience of building estates work would be helpful but not essential.
The position offers an extremely competitive salary and, to the right candidate, excellent prospects.
Please apply in writing, (by enclosing a comprehensive curriculum vitae) to:-
The Managing Partner
Carson Morrow Graham Solicitors
20 My Street, Belfast BT1 4NL

EMMET J KELLY & CO SOLICITORS
TEL/FAX: 028 4062 9397
We require an enthusiastic assistant solicitor for a busy expanding practice.
Please apply in writing with CV to:
Emmet J. Kelly & CO Solicitors
21 Rathfriland Street, BANBRIDGE
Co. Down BT32 3LA
Tel/Fax: 208 4062 9397
E-mail: kellyemmet@hotmail.com

MCCONNELL KELLY & CO., SOLICITORS require a Conveyancing Solicitor for locum cover from July to November.
Please forward C.V. to
McConnell Kelly & Co.
217/219 Upper Newtownards Road
Belfast BT4 3JD

EXPERIENCED CONVEYANCING SOLICITOR REQUIRED as locum for maternity leave. Mid June to mid September. Attractive terms for suitable applicant. Apply in writing immediately to:
SC Connolly & Co Solicitors,
Bank Buildings, Hill Street, Newry
BT34 1AG

SAVAGE & CO, SOLICITORS
Change of address
From Friday, 1 June 2001 will
Be 11 Arthur Street, Belfast BT1 4GA
Tel: 028 9024 9969 Fax: 028 9032 6432
EU PERSONAL INJURY LIMITATION

Limitation periods in the major West European countries:

<table>
<thead>
<tr>
<th>Country</th>
<th>Period</th>
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</thead>
<tbody>
<tr>
<td>France</td>
<td>10 years</td>
</tr>
<tr>
<td>Belgium</td>
<td>5 years (10 years if based on a criminal offence)</td>
</tr>
<tr>
<td>Italy</td>
<td>2 years (5 years if based on a criminal offence)</td>
</tr>
<tr>
<td>Portugal</td>
<td>3 years</td>
</tr>
<tr>
<td>Spain</td>
<td>1 year (not necessarily from the date of the accident but from a number of other events)</td>
</tr>
<tr>
<td>Greece</td>
<td>2 years (direct claims against insurers) 5 years (claims against others)</td>
</tr>
<tr>
<td>Germany</td>
<td>3 years</td>
</tr>
</tbody>
</table>

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)  

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.

Tel: 028 9086 0335

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