





signalled its recognition of the importance of our profession's ability to conduct advocacy in the recently published Decisions Paper on Legal Aid Reform.

For my own part the most satisfactory feature of the course was the extent to which all the various elements collaborated to make the experiment such a unique and memorable experience. I commend all the successful solicitor participants and congratulate them for attaining the high standard of advocacy skills so ably demonstrated at the moots and hopefully on a regular basis thereafter in our real Courts. I thank all visiting American Lawyers whose positive determination to make the course succeed and whose undoubted professionalism and experience soon won over any of the sceptics who previously believed advocacy could not be taught. Again all the tutors, actors, video operators, Law Society and Institute staff and, of course, the Judiciary were critical to its success.

The Working Party must now prepare to set up next years course. A vast amount of work is involved in the immediate future to secure its position but hopefully notices will appear in the forthcoming editions of the Writ notifying members of the appropriate dates, costs and other details for participation.

*Tony Caher*  
Chairman  
Advocacy Working Party

## Legal Aid Reform: D-Day

*On 19th September, in Belfast, the Parliamentary Secretary of the Lord Chancellor's Department, David Lock MP delivered the long awaited news about the outcome of the legal aid review process which has been underway since February 1998. So now we know - up to a point.*

The Decisions Paper outlines plans as follows:

(a) Responsibility for legal aid administration will pass from the Law Society to a new Northern Ireland Legal Services Commission.

(b) The Commission will comprise up to 11 members from a range of backgrounds including the finance, business and legal sectors. It will control all legal aid funding in Northern Ireland, administering both criminal and civil legal aid (including family cases.)

(c) Only lawyers who meet quality standards set out in a new code of practice will be paid public money for their work. The Legal Services Commission will maintain and audit a new register of authorised law firms and individuals who comply with the code of practice.

(d) The Lord Chancellor will approve the levels of the lawyers' fees under a new standard fee scheme.

(e) Lord Irvine will also approve a new code to replace the present merits test for legal aid.

(f) The criminal courts will continue to have the power to grant criminal legal aid, applying the current "interests of justice" test. But at the end of a criminal case, the Crown Court will have the power to recover a portion of the legal costs from those defendants who can afford to contribute.

(g) The new Commission will also have powers to employ salaried lawyers and to contract with legal services providers for new or specialist services in the future. But at this stage the model for legal aid reform in England and Wales - which involved block

contracting with franchised solicitors' firms - will not apply in Northern Ireland.

(h) Given that there was little significant support on consultation for Conditional Fee Agreements, the Government will set up a working group to look into legal insurance based schemes as alternatives to public money being spent on "money claims" cases.

The Government's next step will be to publish a proposed Order in Council to provide the primary legislation necessary for the reforms. The Northern Ireland Assembly will be able to comment on the Government plans before the Order in Council is laid before the Westminster Parliament.

The minister asserted that the Government had been and would continue to be sensitive to the need to provide a system tailored to "the distinctive legal services landscape." In an immediate response to the proposals the Law Society welcomed that commitment, the value of which would be tested and proved as the further process of consultation is taken forward. The Society stated that they would continue to stress the importance of preserving and improving access to justice through the provision of independent and adequately funded legal services. The president of the Law Society, John Meehan said, "On any analysis these proposals constitute a watershed in the development of legal aid. The challenges they present to all concerned, including the Government, over the next two years are immense. For the profession the concept of quality audit and standard fees in particular pose important challenges to which we need to be able to respond. We need to be ready also to hold the government to its decision against contracting or franchising and to its commitment to finding proportionate and practical arrangements suitable for Northern Ireland."

THE LAW SOCIETY OF NORTHERN IRELAND'S  
FAMILY LAW COMMITTEE AND THE  
FAMILY BAR ASSOCIATION  
INVITE YOU TO 2 SEMINARS

**Tuesday 17th October 2000**

4.00 p.m. - 6.00 p.m. in the  
Lecture Hall, Law Society House, Belfast.

Recent Developments in practice and procedure including case law updates on topics from pre-nuptial contracts to injunctions; and "Divorce, Insanity, Bankruptcy and Death" - The overlap Speakers including: Master McReynolds and Master Redpath.

**Friday 1st December 2000**

2.00 p.m. - 6.00 p.m. in the  
Lecture Hall, Law Society House, Belfast

The Welfare Reform and Pensions (NI) Order 1999  
Pension Splitting and Pension Sharing

Speaker: Margaret Craig, Standard Life.

To reserve a place please complete the attached form and return it to:

The Law Society House of Northern Ireland  
Law Society House  
98 Victoria Street  
BELFAST BT1 EJZ  
DX 422NR BELFAST 1

(early booking is advised as spaces are limited)  
COST: £25.00 FOR ONE SEMINAR OR £40.00 FOR TWO

## BOOKING FORM

*"Divorce, Insanity, Bankruptcy and Death" - Tuesday 17th October 2000 4.00 p.m. - 6.00 p.m.  
Lecture Hall, Law Society House, Belfast*

Solicitor/Barrister Name: .....

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I enclose a cheque for £ \_\_\_\_\_ Made payable to the Law Society of Northern Ireland.

*The Welfare Reform and Pensions (NI) Order 1999 - Friday 1st December 2000 2.00 p.m. - 5.00 p.m.  
Lecture Hall, Law Society House, Belfast*

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# Time to Tackle Time Bar

Back to the issue of time bar claims again. Why? Because there are various types of system and procedure that can help to minimise the risk of these claims occurring, yet time limits are still being missed. The explanation? There are various possible explanations including the following-

- The relevant time isn't known
- The date of expiry of the time isn't correctly identified/verified.
- The relevant date isn't diarised.
- There isn't a fail-safe to catch the cases which might otherwise slip through the firm's diary system.

Analysis of the claims experience shows most of the time bar claims dealt with by insurers arise through the failure to put a system of control in place or through the failure of the system that has been put in place.

## The relevant time isn't known

Very few time bar claims arise because of an error in relation to the relevant prescriptive period. While there have been one or two cases in the past involving special prescriptive periods - accidents at sea or on aircraft, for instance - practitioners are generally alert to these specialities.

## The date of expiry of the time limit isn't correctly identified

Even if the relevant period is properly understood, there is still the risk of a mistake being made from which time begins to run.

One of the risks here is that an incorrect assumption is made at an early stage of a claim and that the assumption is never verified/challenged thereafter.

Because so much rides on that piece of information being correct, it must be worthwhile incorporating in appropriate check lists a prompt to double check the information on which the calculation of the expiry date of the prescriptive period has been made.

If there is a colleague who could double check that for you so much the better.

## The relevant date isn't diarised

If the date isn't entered into an effective diary system, then there is an enormous risk that the time limit will be overlooked and the deadline missed. While concentrating on the merits of an even modest caseload, there is a quite enough to consider without relying on one's memory to ensure that deadlines aren't missed. Whether manual or computerised, it is essential for everyone to operate an effective diary system for managing dates and deadlines.

## There isn't a fail-safe

The insurers, in giving risk management feedback on their experience of handling claims, refer to instances of time bar claims where the solicitor has a diary system but the particular case slipped through the net. What can you do about this risk? Is it a risk that simply has to be lived with? No.

Experience in this area of risk shows that we cannot safely rely on a single line of defence but need to work on a 'belt and braces' basis by having a combination of various systems and procedures to operate as a reliable fail-safe.

What for instance? The following are examples of systems and procedures which practitioners have found practical and effective.

## File reviews

Practitioners have spoken of the benefits to be derived from conducting a regular review of all files for which they are responsible on a regular, rolling basis. That ensures that cases which may not have been actioned for a period of time or not diarised receive appropriate action before expiry of any time limit. This also helps to ensure that clients are kept advised of developments or the reason why there have been none.

## File Audits

The independent review by a colleague of

a random sample of files is seen by some firms as useful as a spot check. It is not suggested that the colleague undertaking this sort of spot check should be exhaustively reviewing matters in detail, simply that the file is up to date, that it appears that the client is being kept regularly advised and the critical dates have been properly identified, drawn to the client's attention and diarised. It is suggested that a check list approach might be used.

## Case review meetings

For any case approaching the prescriptive date, a case review meeting could usefully be held to ensure that there is a plan of action to ensure that appropriate steps are being taken to raise proceedings timeously or, if the problem is that the client is failing to provide information or instructions, that the client is being warned of the consequences and advised that the firm may have to withdraw from acting.

## Managing the client

The client needs to be made to understand at the earliest stage that failure to take particular action in advance of a specified date will have serious and irretrievable consequences for the client. The client needs to be told that he will require to provide information and instructions timeously. These warnings need to be confirmed in writing, perhaps in the client's engagement letter. Some firms adopt the practice of requiring clients to sign and return the firm's explanatory, warning letter by way of confirmation that the clients have been made aware of critical dates and the implications of failure to comply.

## Checklists

To ensure that the appropriate warnings are communicated to the client at the earliest stage, some find it beneficial to use a check list or aide memoir as a prompt. Checklists can also address the various other issues described above. If checklists are devised in a particular format, they can be used in the process of regular file reviews and independent file audits.

## Summary

- Consider whether your own systems

and procedures put you in control of timescales and time limits by ensuring that you -

- Identify the prescriptive date at the outset
- Double check the date ideally having it checked by a colleague
- Establish a mechanism (aides-memoir / checklists, for instance) for identifying and verifying special time limits i.e. for aviation, maritime or international claims
- Note the prescriptive date on the file and in a diary system and have count down dates diarised.
- Make diary entries for all court dates and appropriate number of days in advance thereof
- Keep in a central diary as back up for all court dates
- Hold case review meetings on a regular basis, particularly for those cases approaching the prescriptive date
- Set up file review and independent file audit systems and keep a log of reviews/audits conducted
- Keep in touch with your correspondent and never just assume that your correspondent is keeping the time limits in mind.
- Advise your client of the consequences of their own delay
- Consider withdrawing from acting if the client persistently fails to give instructions

There is a lot at stake. Although claims should be covered under the Master Policy, the firm will incur various uninsured losses. In addition to the management time involved in dealing with a claim, premium loading might result.

**Alistair Sim** is associate director in the Professional Liabilities Division at Marsh UK Ltd.

*The information on this page is (a) intended to provide guidance on matters of practical risk management and not on issues of law and (b) is necessarily of a generalised nature. It is not specific to any practice or to any individual and should not be relied on as stating the correct legal position.*



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**LORD CHANCELLOR'S DEPARTMENT**

JUDICATURE (NORTHERN IRELAND) ACT 1978

STATUTORY OFFICER APPOINTMENT – MASTER (HIGH COURT)

The Lord Chancellor invites applications from suitably qualified persons for consideration for appointment as Master (High Court) in the Supreme Court of Judicature of Northern Ireland.

**Qualifications**

Under the terms of Section 70 of and Schedule 3 to the Judicature (Northern Ireland) Act 1978, members of the Bar of Northern Ireland of not less than ten years' standing, solicitors of the Supreme Court of Judicature of Northern Ireland of not less than ten years' standing and persons holding any other statutory offices listed in Schedule 3 of the Act are eligible for appointment.

The Lord Chancellor will appoint the candidate who appears to him to be best qualified regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability (except where the disability prevents the fulfilment of the physical requirements of the post). It is not normally the Lord Chancellor's policy to appoint persons under the age of 40 or over the age of 60.

**Remuneration**

Salaries are determined in accordance with recommendations made by the Review Body on Senior Salaries. Masters of the Supreme Court fall into Group 7. The current salary is £76,921.

A non-contributory pension scheme is available in respect of this post.

Persons wishing to be considered for appointment may obtain an application form together with supplementary information about the post by writing to Mr George Richardson, Judicial Services Branch, Northern Ireland Court Service, Windsor House, 9-15 Bedford Street, Belfast, BT2 7LT. Only those candidates who appear from the information available to meet the published eligibility and selection criteria for appointment will be called for interview.

Completed forms **MUST** be returned to arrive at the above address not later than 12 noon on Friday 27 October 2000.

# Risk Management

ADVICE

## *I could never miss a time limit...*

As every trainee knows, one of the main causes of action in negligence claims against solicitors is a missed time limit in personal injury litigation.

Yet this remains one of the most frequent reasons for claims under the Society's Master Policy. See how this can happen.

## *Failure to check jurisdiction issues*

Ben was instructed by a client injured at an airport while on holiday. The accident was caused by an employee of an airline based in a country with a shorter limitation period than Northern Ireland. No consideration was given to this point - the shorter period expired. Counsel later advised that the client's damages might have been higher if proceedings had been commenced overseas.

## *Relying on the client's memory*

Candice was instructed by Graham, who had sustained serious head injuries in an accident at work. She took full details of the accident, but Graham supplied the wrong date. The defendant's accident book revealed the true date - and the defendant's solicitors referred to it in correspondence. The discrepancy was not noticed until too late. When the firm's automated diary system reminded Candice that she had just three months left to issue proceedings, the limitation period had already expired.

## *Lack of inter-departmental communication*

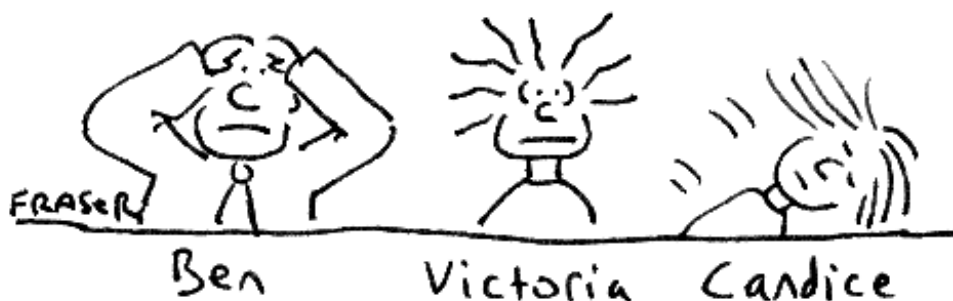
A conveyancing client mentioned to Victoria that she had had an accident 'a couple of years ago'. Victoria noted this for her file and, as she didn't

handle litigation, told the client that she would refer it to her colleague. The limitation period was about to expire at the time of interview; three weeks later, when the litigation colleague met the client, it was too late.

## *All at sea*

Many practitioners remain unaware that the limitation period for claims for damages for Personal Injury arising from accidents at sea is two years, not three. **Never make assumptions about limitation periods.** Research them every time you open a file on a new matter and every time a new fee-earner takes over the file. Conduct regular case reviews and look out for discrepancies or odd situations. Act promptly upon receipt of instructions.

... 3 solicitors who missed their time limits



**WOMEN AND LAW CONFERENCE - SATURDAY 11TH NOVEMBER 2000  
DUBLIN CASTLE CONFERENCE CENTRE**

*From Pioneers to Presidents and Beyond*

Women and Law from two islands in Europe  
(hosted by the Bar Council of Ireland and the Law Society of Ireland)

Speakers include: Baroness Helena Kennedy QC, Mrs Catherine Dixon, President Mary McAleese, Advocate General for Scotland  
Dr Lynda Clark QC MP, Mrs Moya Quinlan, Mrs Carol O'Kennedy, Cherie Booth QC

For further information and booking form please contact: Ivana Bacik BL, Law School, Trinity College, Dublin 2  
Tel: 003531 6082299 Fax: 003531 6770449 e-mail: icbacik@tcd.ie

*This day to remember Millennium Conference:*

- Celebrates the passing of the Sex Disqualification (Removal) Act 1919, which enabled the Women in Ireland, England, Scotland and Wales to hold Public Office and to enter the Legal Professions and the Civil Service.
- It is a tribute to our Pioneers such as Georgina Frost - the first women to hold Public office from Central Government as Clerk of the Petty Sessions Courts for Six-mile-bridge and New Market on-Fergus.
- It is in recognition of the women who are leading and joining us here today as we now enter the new Millennium together as Citizens of Europe - next step the World.
- The time is right for us to reflect and be inspired so that we can discuss the challenges facing us as Europeans and beyond.

The Conference is being held under the joint auspices of the Bar Council and the Law Society of Ireland and is supported by the Attorney General, the Minister for Justice, Equality and Law Reform, the Courts Service and the British Council

**Individual Registration Booking Form**

*Conference Details and Programme are at: [www.womenandlaw1919-2000.com](http://www.womenandlaw1919-2000.com)*

The Conference is open to men and women

The Price of the Conference (including Lunch and Refreshments) is IR£60.00 P.P. (and is exempt from VAT)

Cheques should be crossed and made payable to: "Women and Law Conference"

Payment must accompany signed completed Registration/ Booking form and be returned to: The Bar Council Accounts Office, Law Library, PO Box 2424, Four Courts, Dublin 7, Ireland.

Places are limited and are on a first come basis. Hence to give everyone a fair chance no completed Registration/Booking Forms with payment will be accepted before the 2nd day of October 2000.

Please register me for the above Conference

Last name: \_\_\_\_\_ First Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company/Organisation: \_\_\_\_\_

Badge Name: \_\_\_\_\_

Signature: \_\_\_\_\_

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Please specify dietary or special requirements, if any:- \_\_\_\_\_

\_\_\_\_\_

If you have any questions or queries please contact Ms. Jeanne McDonagh in the Bar Council Office:



## CONFERENCE PROGRAMME

### 09.00-10.05 Registration

~ Tea, coffee and hot-buttered scones will be served during Registration ~

### 10.15-10.30 Welcoming Address

*The Honourable Miss Justice Mella Carroll*

*Chair of morning session: The Honourable Mrs Justice Susan Denham of the Supreme Court*

### 10.30-11.00 Baroness Helena Kennedy QC

~ "The Illusion of Inclusion - An Analysis of Women and Law"

### 11.00- 11.15 Senior Vice-President of the Law Society of Northern Ireland Catherine Dixon

~ "After the Good Friday Agreement - Issues facing Women"

### 11.20-11.40 Coffee break with Shortbread biscuits &

*Arrival of President Mary McAleese*

### 11.45-12.00 Address by President Mary McAleese

### 12.00-12.15 Advocate General for Scotland Dr Lynda Clark Q.C. MP.

~ "Women, Law and Government in the U.K - a time of opportunity"

### 12.15 - 12.30 Mrs Moya Quinlan first woman past President of the Law Society

and Mrs Carol O'Kennedy B.L. the senior woman at the Irish Bar.

~ "Reflections - a Tribute to our Pioneers"~

### 12.30-12.45 Book Launch: Sex Discrimination Law by Marguerite Bolger and Cliona Kimber Introduction of Guest Speaker by Fionnuala Flanagan, Director General, Attorney General's Office

### 12.45-2.15 Celebratory Luncheon

*Toasts will be given on behalf of the Bar Council and the Law Society*

*Chair of afternoon session:*

*The Honourable Mrs Justice Catherine McGuinness of the Supreme Court*

### 2.30- 3.00 Cherie Booth Q.C.

*"The Future for Women in the Law"*

### 3.00-3.30 Panel consisting of: Mary Banotti MEP, Dr. Mary Redmond,

Mary Faherty B.L. President of the European Association of Labour Court

Judges for 2000, Helen Priestly, Information Officer for the Courts Service.

~ "European network - Advancing women"

### 3.30-4.00 Plenary Session Chaired by The Honourable Mrs Justice Fidelma Macken of the European Court of Justice, with questions and contributions from the floor.

### 4.00-4.25 Closing the Conference we will be linking up through Cyberspace to bring you our Surprise Guests!

4.30 p.m. Reception across the Courtyard in the State Rooms of Dublin Castle hosted by the Attorney General, Michael McDowell S. C~

## **SOCIETY FOR COMPUTERS & LAW**

*"Professional Use of the  
Internet and Basic Legal  
Issues"*

Speakers: Michael Kaye, Kaye  
Tesler & Co. Lee Cudmore,  
Osborne Clarke

Date: Wednesday October 25th

Time: 5.00 pm

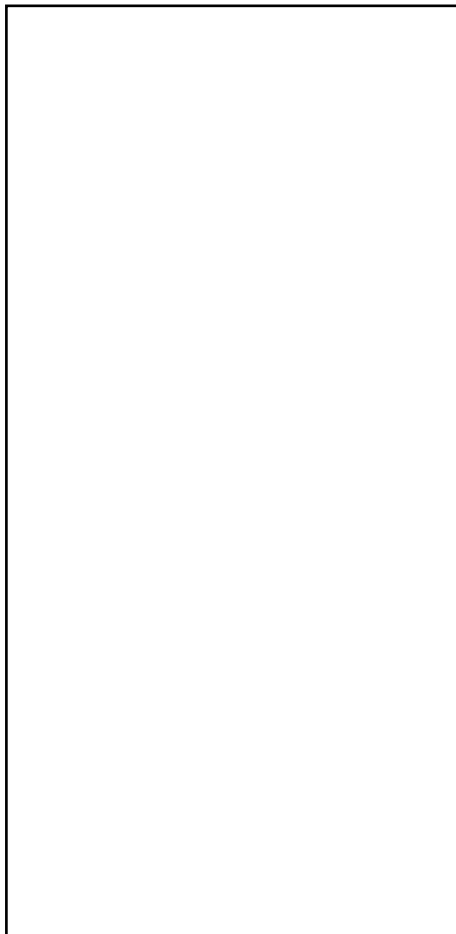
Venue: Law Society House

Booking: Caroline Gould  
01179 237393

Cost: 20.00 + VAT (£23.50) for  
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Michael Kaye is Senior Partner in  
Kaye Tesler & Co and is Managing  
Director of NKT (Computer  
Consultants) Ltd (Internet design  
company) and Video Conferencing  
for Lawyers Ltd.

Lee Cudmore is an Assistant Solicitor  
at Osborne Clarke working in the IT,  
Telecoms and Medial team, based in  
Bristol where he advises a range of  
clients on a host of Internet-related  
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## SOCIAL WELFARE LAW AND THE HUMAN RIGHTS ACT

**Imagination is more than knowledge**

The Law Centre and the Human Rights Commission jointly ran a conference on 14 September 2000 on the Human Rights Act and the Bill of Rights for Northern Ireland. The day was an opportunity to find fact and inspiration, as well as for solicitors to debate ideas on the potential of both measures with other lawyers and advice workers. The Conference considered the scope for innovative use of the incoming provisions in the areas of employment rights, immigration & asylum, housing, social security and social services law. A presentation on the general issues led into workshops on the Law Centre's five core areas, chaired by specialists in each field. Pointers were given as to the scope of the European Convention Articles, followed by time for discussing the potential in new approaches. The afternoon of the conference was devoted to consideration of the Bill of Rights for Northern Ireland.

Previous articles in the Writ and numerous papers elsewhere have set out the mechanisms and procedures under the Human Rights Act. None of those technical issues on enforcement and remedies will arise unless solicitors are alert to the application of the Convention to their clients' circumstances.

We may take our lead from the creativity of Scottish lawyers who have already successfully challenged temporary judicial appointments made by the authority which is ultimately responsible for prosecutions, as being contrary to the

right to a fair trial, under Article 6 of the ECHR. It was devolution in Scotland which gave access to ECHR standards prior to the implementation of the HRA on 2nd October 2000, just as the Northern Ireland Act brought in the requirement for public bodies to meet ECHR standards here since last December. Since this time there has been a noticeable absence of cases relying on the NI Act, illustrating the need for us all to wake up to the untapped potential in the Convention, which we could be using for the benefit of our clients.

The Law Centre has identified various issues on which the HRA may be an appropriate remedy and further possibilities are being suggested continuously. Among the current problems in social welfare law to which the Act may offer a solution are:

- The exclusion from access to public housing (or limited housing benefit) for parents with shared custody or staying access rights:
- Treatment of cohabiting partners under social security law:
- Reduced income for incapacity claimants during appeal delays:
- Delays in hearing of industrial tribunal discrimination cases:
- Limitations on family reunion rights under immigration law:
- Checks by Immigration Officers on grounds of race which lead to detention:
- Immigration detention without clear provision of reasons:
- The exclusion of benefit entitlement from students forced to suspend their studies due to pregnancy or disability:
- The restrictions applied to housing adaptations for disabled persons.

The scope for creative interpretation is illustrated by the fundamental provision on the right to life, which goes much further than might at first be thought: the European Court has interpreted article 2 to cover the right to health. Therefore, if a person's income is so low, heating system so inadequate or housing conditions so defective that there is a detrimental impact on their health, Article 2 may provide a remedy. Human Rights need not be a remote and exotic area of law: We can draw them

down to the needs of our clients as from October 2000.

While the new challenge is daunting, and the unknown is always alarming, especially for overloaded practitioners, we have no choice but to rise to the challenge. Once we immerse ourselves in the new medium, it may prove stimulating. It is hard to think of any previous occasion when legal scope has opened up on such a scale, since the passing of the Convention itself. At that time the practical drawbacks of the slowness of the remedy were a profound impairment to ECHR actions for most clients. The HRA changes this and we can look forward to achieving greater human rights for our clients, as a matter of domestic law. Albert Einstein was not talking about law when he said "Imagination is more than knowledge," but in this particular instance we may need both.

Ellen Weaver

August 2000

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*Hon. Treasurer* Orla Murray

**Website:** [www.legal-island.com/elg.htm](http://www.legal-island.com/elg.htm)

## ASSOCIATION OF FAMILY SOLICITORS FOR CHILDREN

Chair	Karen Fox Bogue & McNaulty, Solicitors 3 Carlisle Circus Belfast BT14 6AT	Treasurer	Eileen Ewing Holmes & Moffitt, Solicitors 289 Shankill Road Belfast BT13 1FT
Vice Chair	Judith Brown Alan M Brown, Solicitors 288 Newtownards Road Belfast BT4 1HF	Secretatry	Clare Doherty McCann & McCann, Solicitors 10 Royal Avenue Belfast BT1 1DB

### Lunchtime Seminar

#### Disability Discrimination Employment Law and Practice in Northern Ireland

**Speaker:** George Kilpatrick  
(of the Equality  
Commission)

**Date:** Fri 3 November 2000

**Time:** 1pm (coffee and  
sandwiches served  
from 12.30pm)

**Venue:** Law Society  
House, Victoria Street,  
Belfast

**Cost:** Members £3.00 per  
talk  
Non-Members £6.00  
per talk

Booking forms and cheques should  
be sent to:- Orla Murray -  
Departmental Solicitors Office,  
Victoria Hall, May Street, Belfast

### LUNCHTIME SEMINAR

The Association of the Family Solicitors for Children have arranged for the attendance of representatives from the Legal Aid Department at Law Society House on Wednesday 11th October, 2000 to address Family Law Practitioners on the following Areas:

- The completion of Legal Aid applications in Children Order proceedings;
- The preparation and completion of Legal Aid reports in Children Order Proceedings;
- Legal Aid assessment of costs.

The talk will commence at 12.30 and will take place in the Lecture Theatre at Law Society House. Tea/Coffee and sandwiches will be served from 12 noon in the Lecture Theatre.

Booking forms should be sent to:  
Claire Doherty  
c/o McCann & McCann, Solicitors  
10 Royal Avenue  
Belfast  
BT1 1DB

A fee of £10 per person is payable and a cheque should be enclosed with the completed Booking Form.

### Booking Form

Name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

I enclose remittance of £ \_\_\_\_\_

### Notice

Membership renewals for 2000-01 are now due. Please send your membership subscriptions (£10 per member per year) to the treasurer, Orla Murray, at the address above.

### BOOKING FORM

Meeting at Law Society House, Wednesday 11th October, 2000 at 12.30 pm

Please return the form below, duly completed, together with cheque made payable to Association of Family Solicitors for Children, to Clare Doherty, c/o McCann & McCann, Solicitors, 10 Royal Avenue, Belfast. BT1 1DB

I enclose a cheque for £10.00 made payable to Association of Family Solicitors for Children.

Name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Tel no (work) \_\_\_\_\_

# The Rules of the Supreme Court (Northern Ireland)(Amendment No.2) Rules 2000

The above named Rules come into operation on 2nd October 2000.

The Rules insert a new Order 121 into the Rules of the Supreme Court (Northern Ireland) 1980 ("the principal Rules") which prescribes the practice and procedure to be used in proceedings in the High Court or Court of Appeal under the Human Rights Act 1998("the Act"). In summary, Order 121:

- prescribes the procedure to be followed where the Court is considering making a declaration of incompatibility under section 4 of the Act (rules 2 and 3);

- provides that proceedings against a public authority under section 7(1)(a) of the Act may be brought in the High Court in accordance with normal procedures (rule 4(1));

- provides that proceedings under section 7(1)(a) in respect of a judicial act shall be brought in the High Court (rule 4(2));

- prescribes the information which a party is required to provide where he intends to raise a Convention point in any proceedings (rule 5);

- makes provision in relation to the giving of notice to the appropriate Minister or Government Department in respect of any proceedings relating to a judicial act and for the joinder of that person or Department (rules 6 and 7).

The Rules also make some consequential amendments to the principal Rules.

The full substantive text of the Rules is as follows:

Citation, commencement and interpretation

1.-(1) This Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 2) 2000 and shall come into operation on 2nd October 2000.

(2) In these Rules, "the principal rules" means the Rules of the Supreme Court (Northern Ireland) 1980 and an Order referred to by number means the Order so numbered in the principal rules.

Arrangement of Orders

2. The Arrangement of Orders at the beginning of the principal rules shall be amended by adding after the entry relating to Order 120 the following- "121. The Human Rights Act 1998".

Amendment of the principal rules

3. Order 15, rule 6 shall be amended by adding after paragraph (6), the following new paragraph-

"(7) This rule shall not apply to any joinder of parties to which Order 121 applies."

4. Order 32, rule 11 shall be amended by adding after sub-paragraph (n) of paragraph (1), the following new sub-paragraphs-

"(o) proceedings under section 7(1)(a) of the Human Rights Act 1998 in respect of a judicial act, as defined in section 9(5) of that Act;

(p) proceedings in which there is an issue which may lead to the Court considering whether to make a declaration of incompatibility under section 4 of the Human Rights Act 1998."

5. Order 42 shall be amended by inserting after rule 3 the following new rule-

"3A. Where on an application or appeal in respect of-

(a) an order of committal;

(b) a refusal to order release on an application for Writ of Habeas

Corpus;

(c) a refusal to grant bail;

(d) a secure accommodation order made under Article 44 of the

Children (Northern Ireland) Order 1995, the Court determines that a Convention right, as defined in section 1 of the Human Rights Act 1998, of the applicant or appellant have been infringed by the making of the order to which the application or appeal relates, the Court shall so specify in its judgement." . ~

-6. Order 78 shall be amended as follows-

(a) in rule 2,

(i) by deleting the word "and" at the end of sub-paragraph (g);

(ii) by adding the word "and" at the end of sub-paragraph (h); and

(iii) by adding after sub-paragraph (h), the following new sub-paragraph- "(r) whether the making of a declaration of incompatibility under section 4 of the

Human Rights Act 1998 has arisen or may arise in the proceedings.”; (b) in rule 3,

(i) by deleting the word “and” at the end of sub-paragraph (c);

(ii) by adding the word “and” at the end of sub-paragraph (d); and

(iii) by adding after sub-paragraph (d), the following new subparagraph- “(e) whether the making of a declaration of incompatibility has arisen or may arise in the proceedings,”.

7. After Order 120 there shall be added the Order set out in the Schedule to these Rules.

## SCHEDULE

### ORDER 121 THE HUMAN RIGHTS ACT 1998

#### Interpretation

1. In this Order- -

“the Act” means the Human Rights Act 1998;

“appropriate person” has the same meaning as in section 9(5) of the Act;

“Convention rights” has the same meaning as in section I of the Act

“the Court” means the High Court or the Court of Appeal as appropriate;

“declaration of incompatibility” means a declaration of incompatibility under section 4 of the Act;

“judicial act” has the same meaning as in section 9(5) of the Act;

“originating process” means a writ, originating summons, originating motion or any other method of bringing civil proceedings in the High Court;

“public authority” has the same meaning as in section 6(3) of the Act.

Declaration of incompatibility: Notice to the Crown

2.-(1) Where at any time in proceedings before the High Court or the Court of Appeal, the Court is considering whether

to make a declaration of incompatibility it shall give notice-

(a) to the Crown; and

(~) to each of the parties to the proceedings as soon as practicable thereafter.

(2) Notice to the Crown under paragraph

(1) shall be given by the Court having

had regard to the list of authorised

Northern Ireland Departments or

authorised Departments of the

Government of the United Kingdom

published in pursuance of section 17 of

the Crown Proceedings Act 1947(b).

(3) The notice referred to in paragraph (1)

shall contain such information and be in

such form as the Court considers

necessary.

Declaration of incompatibility: Notice of intention to be joined as a party

3.-( I ) In any case to which section 5(1) of the Act applies, a Minister, Northern

Ireland Department or other person

entitled under section 5(2) of the Act to

be joined as a party to the proceedings

shall be so joined on giving notice in

adherence with paragraph (2).

(2) The notice referred to in

paragraph (1)-

(a) shall be in writing and shall be filed in

the Central Office and a copy shall be

served as soon as practicable thereafter

on each of the parties to the proceedings;

(b) where a Minister has nominated a

person under section 5(2)(a) of the Act,

shall be accompanied by a copy of that

nomination in writing.

(3) Where a party has been joined to the

proceedings under paragraph (1), the

Court may give such directions as it

considers necessary for the further

conduct of the proceedings.

Commencement of proceedings

4.-(1) Subject to paragraph (2), proceedings under section 7(1)(a) of the Act may be brought in the High Court in accordance with such provisions of these rules as relate to the application or other type of proceeding which it is sought to bring.

(2) Proceedings under section 7(1)(a) of the Act in respect of a judicial act, other than proceedings referred to in section 9(1)(a) and (b) of the Act, shall be brought in the High Court and may be commenced by writ or originating summons.

Proceedings

5.-(1) A party who intends to rely on a Convention right or rights in proceedings before the High Court or the Court of

Appeal shall state that fact and shall specify such details as are referred to in

paragraph (2) -

(a) if he is a plaintiff or petitioner, in the originating process or in the case of an action begun by writ, the statement of claim;

(b) if he is a defendant or a respondent to a petition, in the defence, counterclaim or answer;

(c) if he is an applicant for leave to apply for judicial review, in the statement required under Order 53, rule 3(2)(a);

(d) subject to paragraph (3), if he is an appellant under Order 59 or an appellant from the Country Court, in the notice of appeal;

(e) subject to paragraph (3), if he is an appellant under Order 55 Part II or Order 60, in the notice of motion;

(19) in any other case, in a notice filed in the Central Office and served on each of the other parties to the proceedings.

(2) The following shall be specified in accordance with paragraph (1)-

- (a) details of the Convention right or rights which it is alleged have been (or would be) infringed and details of the alleged infringement;
- (b) the relief sought;
- (c) whether the relief sought includes-
  - (i) a declaration of incompatibility; or
  - ii) damages in respect of a judicial act to which section 9(3) of the Act applies;
- (d) where the relief sought includes a declaration of incompatibility, details of the legislative provision (or provisions) alleged to be incompatible and the grounds on which it is (or they are) alleged to be incompatible;
- (e) where the proceedings are brought following a finding by another court or tribunal that a public authority has acted in a way which is made unlawful by section 6(1) of the Act, details of that finding;
- (t) where the proceedings relate to a judicial act which is alleged to have infringed a Convention right or rights of a party as provided by section 9 of the Act, details of the judicial act complained of and of the court or tribunal which is alleged to have performed that act.

(3) Paragraph (1) shall not apply to an appellant in any appeal brought to the Court of Appeal or the High Court, except where such an appellant intends to rely on a Convention right or rights or grounds of incompatibility not relied upon by him before the court or tribunal from whose decision the appeal is brought.

Proceedings in respect of judicial act:  
Notice to appropriate person

6.-(1) Where proceedings under section 7(1)(a) of the Act in respect of a judicial act are brought in accordance with section 9(1)(a) or (b) of the Act or rule 4(2), the Court shall give notice to those

proceedings to the appropriate person.

(2) The notice referred to in paragraph (1) shall be given by the Court having had regard to the list of authorised Northern Ireland Departments or authorised Departments of the Government of United Kingdom published in pursuance of section 17 of the Crown Proceedings Act 1947.

(3) The notice referred to in paragraph (1) shall contain such information and be in such form as the Court considers necessary.

Proceedings in respect of judicial act:  
joinder of appropriate person

7.-(1) Subject to paragraph (3), where notice has been given under rule 6, the appropriate person shall be joined as a party on giving notice in accordance with paragraph (2).

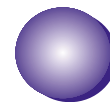
(2) The notice referred to in paragraph (1) shall be in writing and shall be filed-

(a) in the Central Office, not later than 21 days, or such other period as the Court may specify, after the date of service of notice under rule 6; and

(b) a copy shall be served on each of the parties to the proceedings as soon as practicable thereafter.

(3) Where the appropriate person does not give notice within the time allowed by paragraph (2), the Court may direct that the appropriate person be joined as a party to the proceedings.

(4) Where the appropriate person is joined as a party to the proceedings under paragraphs (2) or (3), the Court may give such directions as it considers necessary for the future conduct of the proceedings.



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## *Eplani Programme*

### *Autumn 2000*

Tuesday 10 October – Green Room, Belfast Waterfront Hall

Time: 5.30pm

David Bell – Reforms of the Water

#### Legislation

The Water (Northern Ireland) Order 1999 was enacted in March 1999 but the main provision has still to come into place. David Bell is the Deputy Principal in the Environmental Policy Division of the Department of the Environment. His talk will deal with the main changes that the 1990 Order will bring and will be of direct relevance to environmental consultants, solicitors and those working in local government.

Tuesday 14 November – Belfast Waterfront Hall

Time: 5.30pm

'Judicial review – the new method of development control?'

Michael Burroughs and William Orbinson  
The use of judicial review by third party objectors has increased considerably in the last number of years. Michael Burroughs, planning consultant and William Orbinson, barrister will examine how the risk of judicial review influences the development control process. This will be of interest to developers, interested parties and their legal and professional advisers.

## BOOKING FORM

Please reserve the following number of places at the above seminar(s).

10 October  
14 November

Members \_\_\_\_\_  
Non-Members \_\_\_\_\_  
Unwaged \_\_\_\_\_

£10.00      £15.00      £5.00

I enclose a cheque for £\_\_\_\_\_ as a non-refundable fee made out to the Environmental and Planning Law Association for Northern Ireland.

*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*

## Membership Form

I/we wish to join/re-join EPLANI and enclose a cheque made out to EPLANI for the appropriate fee/confirm that the attached standing order form have been forwarded to my bank (please delete as appropriate).

*Please tick the appropriate box.*

#### **Subscription rates**

Individual Membership	£20.00	<input type="checkbox"/>
Unwaged/student Membership	£10.00	<input type="checkbox"/>
Corporate Membership	£60.00	<input type="checkbox"/>

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\_\_\_\_\_  
\_\_\_\_\_

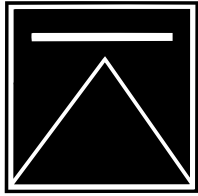
DX Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

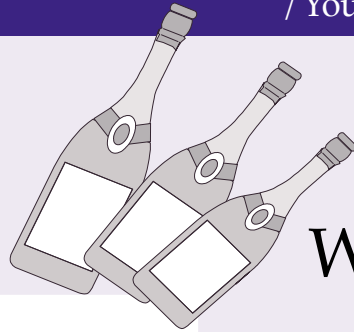
Email: \_\_\_\_\_

*Please complete and return Membership Form to Karen Blair, Chair, EPLANI, c/o Cleaver Fulton Rankin, 50 Bedford Street, Belfast, BT2 7FW, DX 421 NR Belfast*



NORTHERN IRELAND  
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Northern Ireland Young Solicitors' Association  
/ Young Bar Association



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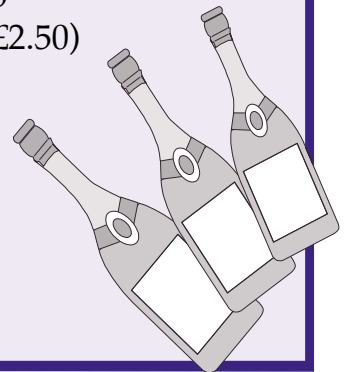
On

Tuesday 17th October 2000  
7.30pm

at Direct Wine Shipments, 5  
Corporation Square, Belfast

Tickets £5  
(Apprentices £2.50)

*Please contact  
Committee Members  
for tickets*



New NIYSA Committee 2000/2001

The new NIYSA Committee are as follows:-

Tracey Diamond – Chairman	Tel.: 028 7965 9111
Blaney & Diamond	
Maureen Bell – Vice Chairman	Tel.: 028 9032 5229
Bigger & Strahan	
Nessa Agnew – Secretary	Tel.: 028 9031 8477
NIHE Legal Department	
Andrew Small –Treasurer	Tel.: 028 9027 1433
Cleaver Fulton Rankin	
Nuala Sheeran- Membership Secretary	Tel: 028 9024 3878
Mills Selig	
John Bell	Tel.: 028 9127 0313
Bigger & Strahan	
Catherine Calvert	Tel: 028 9043 9389
Samuel D Crawford & Co	
Patrick Oliver	Tel: 028 90223333
White McMillan	
Jonathan Hewitt (Co-opted)	Tel.: 028 90230426
L'Estrange & Brett	
Declan Magee (Co-opted)	Tel: 028 9024 4951
Carson & McDowell	

**INFORMATION REQUIRED**

IN THE MATTER OF THE ESTATE OF WILLIAM MAGEE DECEASED  
LATE OF 24 MOUNTAINVIEW GARDENS, BELFAST

We are trying to locate the whereabouts of the aunts and uncles and first cousins of the late William Magee who died on 02 February 2000.

The late William Magee's father who was also called William Magee, Shopkeeper, late of 6 Danube Street, Belfast born 1898 and died at the Mater Hospital, Belfast on 03 April 1936 aged 38 years.

The late William Magee's mother was Dorothy Priscilla Magee (nee Hynes) born Belfast 02 January 1900 and died 06 December 1974.

Any person with information regarding the whereabouts of the above persons are asked to contact the undersigned Solicitors.

*John Reavey  
Solicitors  
22 The Diamond  
Rathcoole  
Newtownabbey  
BT37 9BJ*

Place Belfast  
Solicitors  
Association Logo  
here

After nearly two and a half years of the old Guide the BSA Committee have considered and arrived at a new High Court Guide.

This guide is intended to apply to personal injury actions settled after 1st July 2000. It is not intended to apply to the following categories.

- Negligence.
- Medical Negligence
- Commercial Litigation and Chancery.
- Actions against the Crown.
- Industrial Disease Actions.
- Defamation.

The BSA recommend to all practitioners that the above guide is fair and reasonable in the majority of personal injury actions.

Solicitors are advised that even in the majority of ordinary cases increases in the guide should be sought in the following situations:

1. If there are interlocutory proceedings an extra £150.00 should be added for each such application. This £150.00 reflects an additional 1 1/2 hour's work, which is the average time spent. If the interlocutory applications become complicated and lead to matters such as remittal appeals in the High Court the BSA recommends that time is recorded and that extra costs are added to the guide to reflect time spent.

2. Multiple Defendants.

If there is more than one Defendant at Defence stage and each Defendant is being separately represented we recommend that for the first Defendant an extra 20% be added to the guide and for every Defendant thereafter a further 10%. This is to reflect the payment for additional time.

3. If the case runs to trial we are informed that the Taxing Master will normally allow an average of £600.00 for each additional day of Trial for an ordinary case. Again this figure should be added to the attached guide.

4. It is important for Solicitors to be aware that the settlement figure does not

## BELFAST SOLICITORS ASSOCIATION GUIDE TO HIGH COURT COSTS AS REVISED

	AFTER WRIT	AFTER STATEMENT OF CLAIM	AFTER DEFENCE	AFTER WARNED LIST	WITHIN 21 DAYS OF TRIAL AND ON FIRST DAY OF TRIAL
£0-£19,999	£2,200	£2,700	£3,000	£3,500	£4,000
£20,000-£25,000	£2,600	£3,100	£3,400	£3,800	£4,300
£25,000-£30,000	£2,800	£3,300	£3,600	£4,100	£4,600
£30,000-£35,000	£3,000	£3,500	£3,900	£4,400	£4,900
£35,000-£40,000	£3,200	£3,700	£4,100	£4,700	£5,200
£40,000-£45,000	£3,400	£3,900	£4,400	£5,000	£5,500
£45,000-£50,000	£3,600	£4,100	£4,700	£5,300	£5,800

THIS GUIDE IS INTENDED TO APPLY TO ACTIONS SETTLED AFTER THE FIRST DAY OF JULY 2000

necessarily reflect the value at which the costs are to be fixed. The Committee is of the view that in cases settled involving a compromise, the fee should reflect the value of the case overall as in accordance with the decisions in *McMahon v. Donaldson and Carr v. Poots*. This necessitates the fee being marked at a higher band than the settlement or judgement figure. In cases where liability is admitted at or before the service of the Defence, a 10% reduction should be allowed.

Please note that we have introduced a new category to remunerate cases settled on or within 21 days of Trial whether or not they are commenced on the day of Trial. We recognise the extra work and time taken for the day of Trial as we are informed that the Taxing Master makes allowances for this. This is also to encourage insurers to put their best foot forward at an earlier stage and hence seize the opportunity to avoid costs. We would also encourage Solicitors to co-operate with the reasonable insurer.

Whilst the attached guideline has been arrived at after much consideration of various arguments, we believe that all practitioners need to educate themselves in relation to costs. The fact of the matter is that those Solicitors whose time is recorded are in a position to achieve higher costs. We would also point out that we have considered the increased costs of the Bar, and the removal of the lower scale is in line with the Bar's removal of the their lower scale.

A word of warning to all solicitors must be wherever possible to ALWAYS agree costs either prior to consultation or settlement

### UK & Ireland Corporate Games 2001 Limerick: 9 - 11 June 2001.

As a result of the interest already shown we have made a preliminary reservation of accommodation in a hotel near Limerick.

We now need to ascertain which other members of the profession would like to participate in the Games. Please do note that intending participants should be prepared to join in and/or organise fundraising activities and sponsorship.

There will be approximately 20 sports on offer including:-

Badminton, Soccer 6-a-side, Basketball 3-on-3, Squash, Golf, Triathlon, Dragonboat Racing, Tennis, Field Hockey, 7-a-side Touch Rugby, Road Running, Indoor Karting, Volleyball, Netball, Ten-pin Bowling, Table Tennis

Would anyone who is interested in competing in any of these sports please contact either Patrick White of Crawford & Lockhart, Solicitors. Telephone 9032 2204; or Oonagh McClure Thompson Solicitors. Telephone 9032 0148.

*Forward to either of the above.*

### UK and Ireland Corporate Games 2001 Limerick

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Tel no: \_\_\_\_\_

Sport: \_\_\_\_\_

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## NORTHERN IRELAND COURT BUSINESS

Lord Chancellor's Directions give after consultation with the Lord Chief Justice in accordance with Section 47(2) and (3) of the Judicature (Northern Ireland) Act 1978  
Crown Court - Division of Armagh and South Down

The schedule to the Lord Chancellor's Directions dated 1 May 2000 and published in the issue of "Northern Ireland Court Business" No 3/00 should be amended as follows:

Page 9: Southern Circuit, Division of Armagh and South Down

Crown Court sitting at Newry Courthouse

Commencement Date of Trials

Delete: Monday 18 September

Insert: Monday 4 September

Lord Chancellors Directions under Article 11(3) of the Magistrates' Courts (Northern Ireland) Order 1981  
Magistrates' Courts

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 Monday 2 October 2000 as follows:

Page 7: Petty Sessions District of North Down

Column 2: PLACE AND TIME

Delete: Other Business and Youth sittings commence at 10.30 am

Domestic sittings commence at 11.30 am

Insert: All sittings commence at 10.30 am

### SCHEDULE 2

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)	
North Antrim	Coleraine  All sittings commence at 10.00am	All wards	Mon	1st, 2nd, 3rd & 4th					Coleraine
			Tues				1st		
			Wed	1st, 4th & 5th	2nd		3rd		
			Thurs						
			Fri	1st, 2nd, 3rd & 4th					
North Down	Bangor  All sittings commence at 10.30am	All wards	Mon						N'Ards
			Tues			2nd			
			Wed	Every					
			Thurs						
			Fri	1st, 3rd & 5th			2nd & 4th		
Omagh	Omagh  All sittings commence at 10.30am	All wards	Mon						Omagh
			Tues	Every					
			Wed				3rd		
			Thurs				2nd & 4th	1st	
			Fri	2nd & 5th			4th		
Strabane	Strabane  Other business and domestic sittings commence at 10.30am  Youth court commences at 12.00 noon	All wards	Mon						Strabane
			Tues						
			Wed	5th					
			Thurs	Every					
			Fri	1st				3rd	

## Solicitors required

### Assistant Solicitor Required

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Anthony A. McCormick, Esq.  
Solicitor  
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Maghera  
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### Assistant Solicitor required

Solicitor required in Private Client/Banking Department, Conveyancing experience essential. High level of initiative and presentation skills required. Salary negotiable. Apply in writing enclosing full CV to:-

The Staff Partner  
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John F. McEvoy & Co.,  
Of 8 Church Place, Lurgan  
Tel: 028 3832 2228 or 3832 6977  
Fax: 028 3832 4716

### Litigation Solicitor

Mills Selig require a qualified Junior Litigation Solicitor to work in their busy litigation Department. The position is challenging and comes with an attractive salary.

CV's in confidence to Bill McCann marked "Litigation Solicitor" at Mills Selig, 21 Arthur Street, Belfast, BT1 4GA.

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  - A legal executive for litigation and mortgage work
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APPLY IN WRITING WITH C. V. TO

The Personnel Partner White McMillan Solicitors 50 Knockbreda Road Belfast BT6 OJB Tel: 028 90 223333

## INFORMATION REQUIRED

A Translink Service - returning to Belfast from Glasgow was invol-ved in a road traffic accident on 23 February 1999- Would any Solicitors acting on behalf of claimants arising from this accident please contact the firm of  
PAUL M GRAHAM & CO  
SOLICITORS of 70 Andersonstown Road, Belfast Telephone (02890 603223)

## Missing Wills

Re: Matthew McGivney Deceased late of 11 St James Street, Belfast 14  
Obit: 16th June 2000

Would any Solicitor who is aware of a Will made by the above named deceased please contact Francis Crilly Solicitors, 24 Antrim Road Belfast BT15 2AA, Telephone: 9075 5722 (ref: JC/4311)

## Missing Land Certificate

FOLIO 29078 COUNTY ANTRIM REGISTERED OWNER: MARY McCULLOCH FRASER LAND CONTAINING 28 ACRES AND 1 ROOD OR THEREABOUTS SITUATE IN THE CITY OF BELFAST

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 so communicated within three weeks of publication of this Notice a duplicate Land Certificate may be applied for.

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

FOLIO NO: 1879 and 4198 COUNTY LONDONDERRY REGISTERED OWNER: JOHN COWAN PERRY O'CONNOR

Lands of Drumsum Upper, Limavady, County Londonderry

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

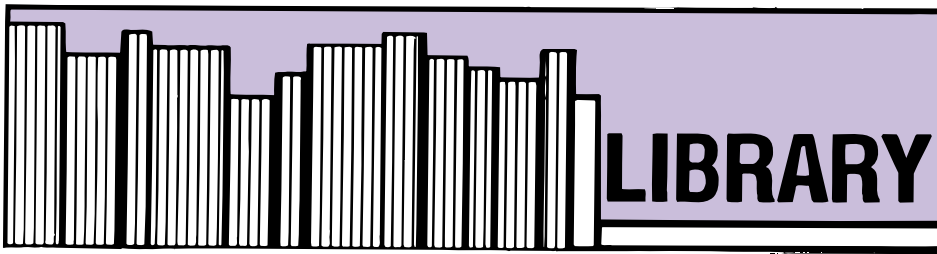
R.G. Connell & Son  
Solicitors  
13 Main Street  
Limavady  
Co. Londonderry

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Enquiries to BOX 86  
Citigate PLPR  
Citigate House  
157-159 High Street  
Holywood  
BT18 9HU





## Recommended reading

### SELF INCRIMINATION AND HUMAN RIGHTS

#### Cases

Brown (Margaret) v Stott  
drink driving  
2000 SLT 379 (HCJ Appeal)

R v Chauhan and Hollingsworth  
speeding  
Unreported, Birmingham Crown Court 13th July 2000

R v Hertfordshire CC Ex p. Green Environmental Industries Ltd  
waste disposal  
2000 2 WLR 373 (HL)

Saunders v United Kingdom  
financial crime  
1997 23 EHRR 313 (ECHR)

Condron v United Kingdom (no.2)  
criminal proceedings  
2000 TLR 9 May (ECHR)

#### Articles

In the dock (impact of ECHR on criminal justice system and defendants' rights, including rule against self incrimination and adverse influence, bail and rights under Art.5, obligation of disclosure and Art.6 and police surveillance and Art.8)  
O'May: 2000 LSG 97 (28), 24-27

Finding the right balance (between exercise of power of investigation and privilege against self-incrimination, in light of recent English and Scottish experiences)  
Fisher: 2000 NLJ, 150(6942), 988-989

Is speeding a human right? (whether admission of evidence of identity of driver obtained under s.172 in drink driving case would be in breach of privilege against self incrimination in Art. 6 ECHR and relevance of decision to speed camera cases)  
Kerrigan: 2000 JP, 164 (16), 298-301

### New Books in the Library

- 1) Irving: It's legal; making information technology work in practice. Bowerdean. 2000
- 2) Kruse: The law of seizure of goods; debtor's rights and remedies. Barry Rose. 2000
- 3) De Mello: Human Rights Act 1998; a practical guide. Jordans. 2000
- 4) Thurston: A practitioner's guide to powers of attorney. 3rd ed. Tolley. 2000
- 5) Nabarro Nathanson: Pensions law handbook. Tolley. 2000
- 6) Tolley's company acquisitions handbook. 5th ed. Tolley. 2000

#### NEW CD-ROMs IN THE LIBRARY

- 1) The 34th Civil Service year book. The Stationery Office. 2000

#### LIBRARY DEPOSIT FACILITY

The library has implemented a deposit facility whereby material and services provided will be automatically debited from solicitors' accounts.

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*For further details, please contact Heather Semple, librarian.*

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