

European Lawyer

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JOURNAL OF THE LAW SOCIETY OF NORTHERN IRELAND

ISSUE 153 FEBRUARY / MARCH 2004

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President's Message

In the last edition of the Writ I mentioned the fact that in this current year we were faced with a three-fold increase in our contributions to the Society's Compensation Fund. Sadly, by reference to our continuing adverse claims experience, I may have been both premature and over optimistic. We continue to uncover serious financial default and frankly in writing this message I am having the greatest difficulty in resisting the use of words that may cause offence to those of you of a more sensitive disposition.

The Compensation Fund, as you will know, was set up to provide a safety net for clients who suffer loss due to those of our colleagues who dishonestly resort to their client's money. I must stress at the very outset that the number of solicitors who do so is so small as to be almost insignificant – you could count them on the fingers of one hand. Unfortunately, however, the damage that they inflict is anything but insignificant. Most defalcations occur in conveyancing or estates administration because of the substantial sums of money which can pass through the books in connection with relatively small numbers of transactions. Further, the dramatic rise in the price of property over the past few years has led to a correspondingly dramatic increase in the effect of such defalcations.

The Society is, of course, mindful of the factors that are likely to give rise to financial default. Our methods of monitoring, inspection and regulation are directed, within our statutory framework of powers, to effective intervention and are always subject to review and refinement. Typically where there is evidence that clients' monies are at risk the Society can and does intervene. A resolution of Council is required (often passed at a special meeting convened at short notice) to apply the relevant Schedule to the Solicitors (NI) Order 1976. A firm's accounts are not necessarily frozen immediately

but it will depend on the circumstances. A range of powers are then available to the Society. Forensic accountants are generally appointed to ascertain the extent of any defalcation and the Society may apply to the High Court for injunctive relief and/or powers of attorney. If it is considered appropriate (and it usually is) a firm of solicitors will be appointed to assist the intervention and indepth investigation on behalf of the Society.

At the same time we attempt to forecast sensibly each year the amount we require to levy on each member to maintain the Fund at a level that will be adequate to cope with anticipated claims. In the past we have sought to minimise the financial burden by only levying the amount necessary to meet the anticipated requirement: thus in a year where the level of dishonesty is low, the contributions in the subsequent year were correspondingly low.

Unfortunately the forecasting of criminality within the profession is not an exact science. It is impossible to predict with certainty when the ordure will hit the fan, or just how much ordure will hit the fan or at what speed the fan will be rotating when the ordure hits it. But there are some discernible patterns, on two of which I would like to touch briefly.

First it would appear that there are all sorts of reasons why a solicitor might find himself looking wistfully at his/her clients money an over-inflated lifestyle, gambling, drink, pressures of some other kind - and then yielding to the temptation to use it to get himself out of a hole. It may commonly be seen as a quick-fix temporary measure but invariably becomes irreversible and the hole just gets deeper and deeper. It does not usually happen in practices where there is a good book-keeper and the postings are kept up-to-date and there is a proper paper trail.



Secondly it needs, of course, to be recognised that the vast majority of sole-practitioners run their practices well and their honesty is wholly unimpeachable. It is nonetheless primarily sole practitioners who tend to make that fatal move towards their client's money. One reason for this is that the vital internal check and discipline of a partner looking over your shoulder is missing. On the occasions where defalcations have occurred in firms with two or more partners, it commonly transpires that too much autonomy had been allowed to a particular partner and the remaining partners did not get sufficiently involved in each others affairs. I understand that keeping an eye on ones partners is not easy as it can imply distrust and suspicion. However, if it is made part of the firm's policy and is completely open and transparent then it can be done and it works for everyone's benefit.

These are the types of factors which both practitioners and the Society cannot afford to ignore as we go forward and consider what can and must be done to prevent defalcations and, however difficult or demanding, to shape and apply the most rigorous standards of regulation.

John W D Pinkerton March 2004 Thanks to a programme of the British Council, about thirty young lawyers from many parts of Europe were able to visit Belfast for a week. Some of them stayed even longer.

You may well wonder what connection the British Council has with law and young lawyers. The answer lies in the nature of the Council, which is one of those shy institutions which do much good in a quiet and unassuming way.

The British Council was established in 1934 when the government of the day recognised the need for an organisation to promote British culture, education, science and technology in other countries, along the lines of existing French, German and Italian cultural organisations. Over the ensuing decades the fortunes of the British Council waxed and waned but in the end it developed into the United Kingdom's premier international organisation for educational opportunities and

cultural relations.

Promoting links between Northern Ireland lawyers, the legal institutions within which they operate and their



Pictured I-r: Maureen Bell; Silvije Cipcic-Bragadin.

counterparts in Europe is therefore very much within the Council remit. The Law Society extends all possible assistance to the scheme. The objectives are to address current key reform agendas in the legal field by:

- building networks of lawyers across Europe committed to addressing issues of Law Reform.
- creating opportunities for European Young Lawyers to learn law and legal issues in the UK through academic and practical training.

This scheme operates annually with European lawyers based in Edinburgh and London where two six month programmes run in parallel. In addition, there is a one week study programme which focuses on legal issues distinctive to Northern Ireland. Options of a placement in Northern Ireland were introduced three years ago and a number of the visitors are taking up this invitation. In the past young lawyers from Estonia, France,



Pictured I-r: Jana Siebeck; Isabelle Laborde and Regine Guedj.



Pictured I-r: Catherine Calvert; Gerry Hawkins; Nuala Sheeran and David Edgar.



Pictured I-r: Francesco Totaro; Marta Gasper; Mark McEvoy; Juliette Huard and Mark Robinson.

Germany, Poland and Slovakia have undertaken placements with the Office of Law Reform, the Department of the Director of Public Prosecutions and three Northern Ireland solicitors firms.

This year, for example, Lidija Stopfer from Zagreb is spending two weeks with L'Estrange & Brett. "All that is possible in the short time is an overview," she said, taking time out from the dinner being hosted for the group by the Northern Ireland Young Solicitors Association (NIYSA) at Belfast Castle. "but it is a wonderful way to learn. The people here are so very welcoming. From an Croatian perspective, I am interested in how you are dealing with human rights."

The group's introduction this year (16th-26th February) immediately on arrival was a comprehensive coach tour

of Belfast during which they saw both the good and the bad.

"It is difficult to grasp a correct idea of what life is like Belfast until you come and see for yourself," said Kristin Buetecke from Germany. She was well aware that Berlin's wall had been pulled down while Belfast's peace wall remained very much in place. But she had gleaned a context. "The wall is only in part of the city and clearly normal life is continuing everywhere else. However, I believe that people here, who have been very good to us, continue to feel the division in their society, but keep those feelings as far below the surface as they can. I think people in Germany, where there are also many problems, are much more open about divisions."

Thomas Berg hails from just outside Helsinki. "I love it. The people are nice!" Thomas is interested in the legal structures in Northern Ireland, which are very different from

Finland. "We

have a great

those of

"while you have both statute and case law. That is more difficult for lawyers, I think. I also now know that the UK has three legal systems."

book of statute law," he observed,

A comprehensive programme of talks, lectures, discussions and social events occupied the week, with visits to Queen's University, the Law Courts and Bar library, the Law Society, Parliament Buildings at Stormont and nearby Castle Buildings. At Stormont, they learnt about the political and economic issues of the day. It was an eyeopener for Jose Saras of Madrid, who had known very little of the peace process until he arrived. "I had some knowledge of Belfast, of course," he said, "but I did not know about the Good Friday Agreement or about the suspension of the Assembly. We have divisions in Spain, but they are not the same as here. I am very pleased to be learning about all this. A lawyer should have as

this. A lawyer should have as wide a knowledge as possible."

That sentiment about new knowledge was a thread in the mind of practically everyone who commented on the visit. And they did sometimes speak about the weather – they thought it was very mild in Northern Ireland. It was a good week, in every sense.

Mr Justice Shiel with Vesselina Shaleva.

New Lay Observer Designate appointed



Mr Alasdair Maclaughlin has been appointed as the Lay Observer designate for Northern Ireland, with effect from 16 February 2004.

Mr Maclaughlin will officially succeed the present Lay Observer, Professor Vincent Mageean OBE, at the beginning of April 2004.

Professor Mageean has held the post for the past six years. Mr Maclaughlin's term of office will run until March 2006.

The role of the Lay Observer is to monitor complaints being made to the Law Society of Northern Ireland about the conduct of solicitors and the manner in which the complaints are dealt with by the Society. The Lay Observer also has responsibility to consider allegations made by individuals who are not satisfied with the Law Society's handling of complaints.

In addition, the Lay Observer is required to publish an Annual Report which is presented to the Lord Chief Justice, the Head of the Department of Finance and Personnel and to the Council of the Law Society of Northern Ireland.

Mr Maclaughlin has a wealth of experience of business management both in the public and private sector.

More recently he has become Chairman of the Council for Administration which is the custodian of the National Vocational Qualifications in Administration for the UK. He has held senior management positions in the Confederation of British Industry (Northern Ireland) and the Ulster Farmers' Union.

He has also held a number of significant public appointments and currently is a member of the Northern Ireland Probation Board and the European Union Monitoring Committee along with acting as a Complaints and Appeals Assessor for the Northern Ireland Council for Curriculum, Examinations and Assessment.

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Civil Recovery of Debt Services for Northern Ireland

HM Customs & Excise is responsible for the enforcement of import and export prohibitions and the collection and administration of revenues such as VAT, Excise duties, Custom Duties and Common Agricultural Policy charges.

The Department is now seeking expressions of interest for a forthcoming tender exercise for provision of a service to recover debts through the Civil Courts arising from the above and other taxes or duties.

Expressions of interest are invited from professional establishments who are familiar with the general principles of EU and Customs law and litigation procedures in both lower and higher Courts.

All expressions of interest must be received no later than 12 noon on 02/04/2004.

For a copy of the full advert & further information please contact Michelle Acton on 0161 827 0235 or by e-mail michelle.acton@hmce.qsi.qov.uk



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SOLICITORS' BENEVOLENT ASSOCIATION

Notice is hereby given that the one hundred and fortieth Annual General Meeting of the Solicitors' Benevolent Association will be held at the Law Society, Blackhall Place, Dublin 7 on Wednesday 21st April 2004 at 12.30pm.

- To consider the Annual Report and Accounts for the year ended 30th November 2003.
- To elect Directors. To deal with other matters appropriate to a General Meeting.

Would the next John Grisham please stand up?

Dear Colleague

Imagine yourself three years from now relaxing on a tropical beach, exotic cocktail in one hand, sultry maiden (or manservant) in the other. Well, it could happen if you respond promptly to this invitation. Trust me.

As mentioned by the President at the time of the recent re-launch of the magazine, we are keen to encourage contributions, and ideas for articles, from within the profession. We have received favourable feedback on the new-style Writ. This is encouraging. However the success of the Writ will depend ultimately on its substance. This will not happen without your help.

I have absolutely no doubt that within our ranks there are reserves of creative talent which remain untapped. As a profession we tend perhaps not to be associated with violets of the shrinking variety but it is often difficult to get started, and to find time in the midst of a hectic schedule. In order to help we have decided to create a Contributors Panel so as to identify those who would be willing on an occasional basis to provide something for the Writ. Contributions might be a serious article on a legal issue or new legislation, a book review, or something in a lighter or fanciful vein ("The Runaway Commission"?; "The Bisto Brief"?; "The Albatross Client"?) or even a piece of verse (!).

No commitment is involved on your part other than to think about contributing something as and when the muse strikes, and to accept an occasional commission from The Writ.

If you feel you may be able to help, please register your interest simply by sending your name and contact details (correspondence address, phone numbers, e-mail address) to me. All that is required at this stage is that you indicate a willingness to be available: no other commitment is required and you do not need to have any particular article or other contribution in mind or in hand. Contributions prepared and accepted for publication will be credited to the author and can be claimed for CPD purposes.

So please pick up your pen, or switch on your dictaphone/computer. And so as you sit in your office, harassed and overworked on a gloomy Northern Ireland winter day remember this: John Grisham had to

start somewhere.

Yours sincerely

JOHN BAILIE Editor

IPLS Trainees' Party

On Thursday, 4th December 2003, Belfast Solicitors' Association generously hosted a party for the Institute of Legal Studies trainees. A special prize was presented to the winning Client Counselling team of Michelle McVeigh and Anne Kerr.

This party, which has become an annual event, marked the end of Michaelmas term and the end of the solicitor trainees time at the Institute. Trainees can be seen getting into the festive mood and enjoying the hospitality of the Association.



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SOLICITORS' DISCIPLINARY TRIBUNAL

Retirement of Maurice Butler as President

The Solicitors' Disciplinary Tribunal has a new President. Maurice Butler of Johns Elliot, who has been a member of the Tribunal since 1990 and President for the last 6 years, has stepped down and been replaced by Michael Wilson of Elliott Duffy Garrett. He will, however, remain as a member of the Tribunal for another year.

At the recent annual meeting of the Tribunal, the members were unanimous in expressing to Maurice their thanks and appreciation of his considerable contribution to the work of the Tribunal, especially in the last few years, when with his guidance the Tribunal eliminated the considerable backlog of cases which had accumulated

Reflecting the views of the members, the incoming President paid tribute to Maurice for his leadership and guidance in dealing with the often difficult issues referred to the Tribunal. Particular thanks was due to Maurice for initiating the Tribunal's first Practice Direction which has greatly increased the efficiency of the work of the Tribunal, and the timely disposal of cases referred to it.

Maurice remains in practice with Johns Elliott and will also continue to sit as a Deputy County Court Judge. His experience and mature judgement will be greatly missed.

Fermanagh Bar Association Annual Dinner

Below: Pictured I-r are Eleanor Morris; Dara Montague; Nessa Murnaghan; John Pinkerton; John Meehan RM and John Bailie, Chief Executive of the Law Society.

Above: Pictured at the Fermanagh Bar Association dinner held on 27th February 2004 at the Manor House Hotel, Enniskillen are the Office Bearers, Association guests and other Association members.

Risk Management



What Does Supervision Really Mean?

Solicitors complain that if they supervised at the level expected by their insurers, or the LEXCEL quality standards, there would be no point in employing assistants.

Their believe that intensive supervision keeps senior lawyers away from their real work of earning fees from clients.

The popular view is that an unrealistic standard is being set by institutions that do not understand the realities of professional practice – in other words, that staff must learn to stand on their own feet, rather than have their hands held constantly.

This is based on a misconception about supervision. Unsupervised staff, and the mistakes that can then occur, are a common cause of negligence claims. Therefore, competent management of staff should be at the heart of a firm's risk management procedures. Firms too often neglect basic principles of supervision or only put in place procedures for junior staff.

Supervision is about having appropriate procedures for different competency levels of staff. Not all staff need day-to-day supervision, but all staff need support some of the time. Firms should consider a supervision policy based on the following principles:

 Know your staff. Know what experience they have, their skills and aptitudes and their training and development needs. When work is delegated, supervision can then be assessed and put in place.

- Supervision should be appropriate. Junior staff will need close supervision of their day-to-day work, but, as they gain experience and skill, supervision needs to be adjusted to their growing competence. The level of supervision should be set by the complexity of the work and the skill of the practitioner, never by the supervisor's timetable.
- Supervision must be proactive.
 Do not wait for staff to come to
 you. Make sure you have regular
 meetings with all staff to review
 case loads, and set aside time to
 discuss problem files.
- Communications is the key to good supervision. Too often partners think they have an open door policy but do not realise

- that staff may be unwilling to interrupt them.
- Train your supervisors. Most partners supervise in the manner in which they were supervised, so bad, as well as good, practices are perpetuated. Share good practices but change bad ones.

In the long run, supervision pays because it reduces the risk of claims, enables the firm to profit from well-trained and confident staff, and provides clients with the assurance that even when dealing with junior staff, they will have the benefit of back-up from more experienced personnel.

This column was prepared by Alexander Forbes Risk Services UK.



This article first appeared in 'The Gazette', the journal of the Law Society of England and Wales, 100/25 26 June 2003.

Four Jurisdictions Conference

The Four Jurisdictions Family Law Conference was recently held at the Hilton Hotel Belfast. A full report will appear in next month's edition.

The Conference was opened by the Lord Chief Justice Sir Brian Kerr and amongst the 280 delegates from England, Scotland, Northern Ireland and Republic of Ireland were Baroness Hale of Richmond, Dame Elizabeth Butler -Sloss, Mrs Justice Catherine McGuinness and Lord Bonomy.

Bank of Ireland was the main sponsor of the event. Speakers included Peter Duckworth, Professor Nigel Lowe, Dr Ursula Kilkelly, Nigel Williams, Commissioner for Children and Young People in Northern Ireland and Ciaran Hunter of BDO Stoy Hayward.



Pictured I-r are Lord Chief Justice Sir Brian Kerr; Jackie Pauley of the Organising Committee; Neil Cooke Head of Corporate Business Banking, Bank of Ireland and Ciaran Hunter, BDO Stoy Hayward.



Caroline Boston, Joint Chair of the Organising Committee, addressing the welcome reception.

Pictured I-r are Mrs Justice Catherine McGuiness, Supreme Court of Ireland; Baroness Hale of Richmond, House of Lords and Dame Elizabeth Butler-Sloss, President of the Family Division.



3 Hour CPD Courses

	8th April 2004	25th May 2004				
	Getting to Grips	Stress Claims by				
	with SDLT	Employees - The Essential Guide				
		The Essential Guide				
	26th May 2004	24th June 2004				
	Acquisition for	Employment Law				
	Development -	2004 Update				
	Avoiding Legal Snares					
	29th June 2004	8th July 2004				
	Insolvency Now!	Marketing Minus Mystery				
	msorvency row.	Planketing Pinius Plystery				
	17th August 2004	3rd November 2004				
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NOTICE

The Law Reform Advisory Committee for Northern Ireland has published Discussion Paper No 11 on Leasehold Convenants in Restraint of Alienation.

In this paper, the Committee has revisited the recommendations made by the Land Law Working Group in its final report in 1990 and has compared reforms in the area which have been brought forward in England and Wales and the Republic of Ireland. The Committee would be very grateful for comments on its provisional views by 30th April 2004.

Comments can be sent to the Secretary, Law Reform Advisory Committee for Northern Ireland, Lancashire House, 5 Linenhall Street, Belfast BT2 8AA or emailed to clare.irvine@dfpni.gov.uk

The European Lawyer

- The European Commission has ordered airline Ryanair to pay back substantial amounts of financial aid granted by the Walloon Region and Charleroi Airport's managing body BSCA (Belgium). The Commission has ordered that aid in the form of reduced airport charges should be recovered and the measures withdrawn. However, the Commission has held that some of the aid received by Ryanair is compatible with EU Transport Policy. Ryanair has announced that it will appeal this decision to the European Courts in Luxembourg.
- In March, the European Commission is expected to deliver a decision on the compatibility of Microsoft Corporation's business practices with European competition law. The Commission has already reached a preliminary conclusion that Microsoft has broken European competition law by refusing to give its rivals information which would allow their servers to work better with Windows-driven personal computers and by 'tying' its Media Player program to the rest of Windows.
- In February 2004, the European Union agreed upon a groundbreaking Environmental Liability Directive. This Directive is the first EU law specifically based on the 'polluter pays' principle. It will ensure that future environmental damage in the EU is prevented or remedied and that those who cause it are held responsible. Under this new legislation, it will be the role of public authorities to ensure that responsible operators undertake themselves or finance any necessary preventive or remedial measures. Interestingly, under the system, public interest groups will be allowed to require public authorities to act, if this is necessary, and challenge their decisions before the courts, if those decisions are illegal.
- On 12 February 2004, the European Commission adopted a proposal for a Council decision establishing the second European Refugee Fund for the period 2005-2010. The first European Refugee Fund launched EU financial solidarity in the sum of £ 200 million to support and encourage Member states' efforts to receive refugees and displaced persons.
- In the recent judgment of Kuhne & Heitz v Productshap voor Pluimvee en Eieren, the European Court of Justice held that an administrative body in any Member state may be required to reexamine decisions given by it which have become final where it becomes apparent from subsequent judgments of the Court of Justice that those decisions were based on a misinterpretation of European Community law.

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BSA On-Line

The BSA website can be found at:

www.belfast-solicitors-association.org

Annual Lecture Series 2004

Alan McQuillan

'POCA – Impact for Solicitors' Thursday 25th March 2004

Please note that this lecture begins at 12.30pm with coffee and sandwiches available from 12 noon. The price of this talk is £15 for members & £30 for nonmembers.

Dr P Bell

'PTSD – An Update' Friday 23rd April 2004

Judge Isobel Brownlee

'Pitfalls for Solicitors in Dealing with Interlocutory Applications' Friday 30th April 2004

Master Napier

'Taxation Pitfalls for Solicitors' Thursday 6th May 2004

Alastair Rankin

'Legal Problems of the Elderly' Thursday 27th May 2004

Ronald Bentley QC

'How to Maximise Fatal Accident Claims' Thursday 3rd June 2004

Sarah Witchell

'Conveyancing – the Future' Thursday 17th June 2004

Paul Kerr

'Taxation – an Update' Thursday 7th October 2004

Tony McGleenan

'Human Rights Law in Practice; Ana analysis of recent NI Jurisprudence – the up to date position' Thursday 4th November 2004

Joe Rice

'Presenting Cases in Magistrates Court' Thursday 2nd December 2004

All seminars will take place at Law Society House. Coffee and sandwiches will be available from 12.30pm and the talks will start at 1.00pm.

The cost of all lunchtime seminars is £10 for BSA members and £20 for others.

Cheques payable to the BSA, c/o The Administrator, BSA, Suite 7, Merrion Business Centre, 58 Howard Street, Belfast BT1 6JP.

Wine Tasting - 30th March 2004

Following from the success of last year's event the Association is hosting a wine tasting at Compendium Wines, Alanbrooke Road, Belfast BT6 9PR on Tuesday 30th March 2004 at 7.30 pm. Neil Groom of Compendium will present the tasting and the wine shop will be open on

the evening for those wishing to purchase.

The cost for the tasting is £5.00 per person, which should be

sent to BSA Administrator, 58 Howard Street, Belfast BT1 6PL to arrive by 26

March. Please make cheques payable to "Belfast Solicitors' Association" and include details of your e-mail address for confirmation to be sent to you. If you require further information please contact Gavin Patterson on 028 9031 2020.

SLS Legal Publications would like to recruit solicitors or barristers to the following posts:

Bulletin of Northern Ireland Law

A vacancy has arisen for a sub-editor on the Bulletin of Northern Ireland Law. The post involves writing summaries of Northern Ireland Supreme Court decisions. No specialist knowledge is required, but accuracy and adherence to the editor's deadlines is extremely important.

An honorarium is payable to sub-editors.

If you are interested or would like to find out more about the work involved, please contact the Editor at SLS

(9033 5224 or email d.mcbride@qub.ac.uk)

Child and Family Law Update

A vacancy has arisen for a contributor to Child and Family Law Update which is a journal published twice yearly by SLS Legal Publications. The post involves writing summaries of cases and legislation and would suit someone who specialises in this area.

An honorarium is payable to contributors.

If you are interested or would like to find out more about the work involved, please contact the Editor at SLS

(9033 5224 or email d.mcbride@qub.ac.uk)

Both posts will enable practitioners to be at the cutting edge of legal developments and would also qualify for CPD purposes.



NOTICE...

Messrs D M Kane & Co have moved to new premises at Abbey Chambers, 7 Farmley Road, Glengormley, Newtownabbey, County Antrim BT36 7TY

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PSNI NOTICE

For the attention of all solicitors corresponding with Police in North Down District Command Unit

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Child Supportassessments and capital allowances

In the recent GB case of CCS 2858 2002. Commissioner Howell held that the Child Support Agency (CSA) has been incorrectly deducting capital allowances when assessing the earnings of a non resident parent who is a selfemployed trader. The ruling in this case resulted in the non-resident parent's Child Support payment increasing from £11.28 to £343.73 and has wide reaching ramifications for approximately 50,000 other Child Support assessments concerning selfemployed traders in Britain and up to a thousand cases in Northern Ireland. The Law Centre understands that the non resident parent is appealing the decision to the Court of Appeal.

Background

Since the implementation of Paragraph 2A of the Child Support (Miscellaneous Amendments) Regulations 1999 (as inserted at Regulation 2(A) Child Support (Maintenance Assessments and Special Cases Regulations (NI)1992), the CSA has used the income declared to the Inland Revenue in self-employed traders' tax returns as the basis of Child Support calculations. The 1999 Regulations were introduced to ease an administrative burden as, prior to their implementation, the CSA had the cumbersome duty of completing separate assessments for self-employed traders.

In CCS 2858 2002, the non resident parent owned a car hire company. In the tax year ending March 2000, he had profits of £81,380 but when deductions were allowed for capital expenditure on his car hire business – such as buying new cars and depreciation of his stock – his taxable income for Inland Revenue purposes was only

£9,380. The mother appealed the assessment on the ground that the CSA had incorrectly applied the formula contained in the regulations.

The issue in dispute centred on the interpretation of Paragraph 2A of the 1999 Regulations. Paragraph 2A defines a selfemployed trader's income as the 'total taxable profits'.

Commissioner Howell commented that the 1999 Regulations were 'unforgivably ambiguous' as the term 'total taxable profits' was not defined. Accordingly, there could be two interpretations of the term, namely that it either covered the annual trading profit net of allowance revenue expenses, which is the profit chargeable to income tax under Schedule D or that it was the amount less the capital allowances the trader can claim against it for the tax year in question, which is the net figure carried to taxable income in working out the tax a person actually has to pay. The use of the latter led to a much lower figure for total taxable profits and a smaller payment of Child Support.

The CSA practice was to follow the latter interpretation of the Regulations, namely by using the net figure on the self-assessment returns. Commissioner Howell, however, held that this practice was incorrect and he decided in favour of the former interpretation of total taxable profits. Prior to the implementation of the Regulations on 4 October 1999, no deduction was applied for capital allowances. The Regulations did not introduce such a substantive change of law as to allow for a deduction of capital allowances.

Implications

Commissioner Howell's findings, although not binding, are strongly persuasive in Northern Ireland. Accordingly, parents with care who have current assessments involving non resident parents who are self-employed traders should consider requesting a reassessment of their maintenance calculations on the grounds that the original assessment was erroneous in law.

The decision (CCS 2858 2002) can be found at www.osscsc.gov.uk/decisions/do.

A guide to finding decisions on the internet can be found at www.lawcentreni.org/searching_f or_Commissioners_Decisions.htm.

The Law Centre has received funding from the Social Security Agency under its welfare reform modernisation programme to provide Child Support advice and representation at appeals and before the Social Security Commissioner.

The service is Northern Ireland wide. Contact Siobhan McCormack 028 7126 2433, 9.30am to 1pm, Monday, Tuesday and Wednesday.

Siobhan McCormack Child Support Adviser Law Centre (NI)

CONTINUAL PROFESSIONAL DEVELOPMENT

Law Centre courses attract CPD points for solicitors. Contact: Training Department, Law Centre (NI), 124 Donegall Street, Belfast BT1 2GY. Telephone: 028 9024 4401.

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Northern Ireland YOUNG SOLICITORS ASSOCIATION

FORTHCOMING EVENTS

The NIYSA would like to invite its members to attend the

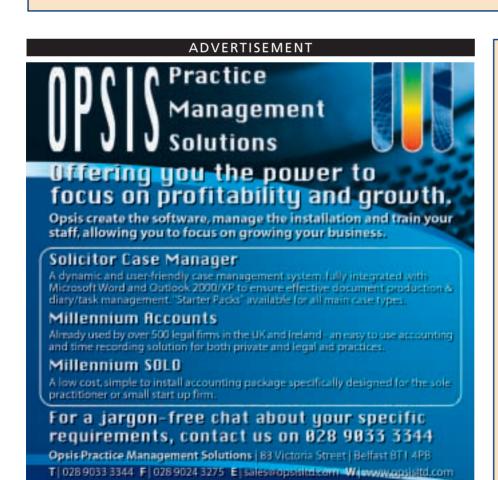
"SPRING FORWARD" FOUR NATIONS CONFERENCE FOR YOUNG SOLICITORS
FRIDAY 14TH MAY – SUNDAY 16TH MAY 2004
VENUE – THE HILTON NEWCASTLE-UPON-TYNE GATESHEAD

We will be hosting the conference jointly with the Scottish Young Lawyers Association, the Society of Young Solicitors of Ireland and the Trainee Solicitors Group of England and Wales.

There will be a full programme of CPD lectures on the Friday and Saturday. As always there will be a Gala Ball on Saturday night.



You are encouraged to contact any NIYSA committee member to register your name for a place at the conference. The registration cost will be confirmed shortly although we can advise that as in previous years, the first thirty places will be offered at a considerably subsidised rate.





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

PRACTICE MANAGEMENT STANDARDS

Speaker: Mary Norton, Client Manager SGS United

Kingdom Ltd

Date: Friday 2nd April 2004

Time: 1pm-2pm (tea, coffee and sandwiches from

12.30 pm)

Venue: Law Society House, Victoria Street, Belfast

Cost: £10 for members of the NIYSA* and £20 for

non-members.

Attendance at this Seminar will provide one hour's Practice Management CPD entitlement.

Cheques and Booking Forms to NIYSA c/o Catherine Calvert, Caldwell Warner Solicitors, Floral Buildings, 4 East Bridge Street, Belfast BT1 3NQ Fax to 028 9059 5301. E- mail to catherine@caldwellwarner.co.uk

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

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

JUDICIAL REVIEW & THE HUMAN RIGHTS ACT

Speaker: Gordon Anthony

Date: Thursday 6th May 2004

Time: 1pm-2pm (tea, coffee and sandwiches from

12.30 pm)

Venue: Law Society House, Victoria Street, Belfast

Cost: £10 for members of the NIYSA* and £20 for

non- members.

Attendance at this Seminar will provide one hour's Practice Management CPD entitlement.

Cheques and Booking Forms to NIYSA c/o Catherine Calvert, Caldwell Warner Solicitors, Floral Buildings, 4 East Bridge Street, Belfast BT1 3NQ Fax to 028 9059 5301. E- mail to catherine@caldwellwarner.co.uk

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NIYSA MEMBERS' DATABASE

The NIYSA is presently compiling a database of its members' e mail addresses. We propose to e mail members about upcoming NIYSA CPD lectures/seminars and events. If you wish to be notified of these, please contact Catherine Calvert at Caldwell Warner Solicitors, Floral Buildings, 4

East Bridge Street, Belfast BT1 3NQ E mail address catherine@caldwellwarner.co.uk Tel: 028 9059 5300



E-mail:

EMPLOYMENT LAWYERS' GROUP

(NI)

Sec. John O'Neill, Thompsons McClure Solicitors,171 Victoria Street, Belfast

Chairperson Adam Brett
Hon. Treasurer Orlagh O'Neill

JohnO'Neill@thompsons.Law.co.uk

Website: www.legal-island.com/elg.htm

Lunchtime Seminar

The LRA Unfair Dismissal Arbitration Scheme: The Story So Far. A View from both sides of the fence.

Speakers: Scott Alexander, Arbitration Secretary, Labour Relations Agency

Noel Kelly, Solicitor, Arbitrator

Date: Friday 19 March 2004

Time: 1pm (tea coffee and sandwiches from 12.30pm)

Venue: Law Society House, Victoria Street, Belfast

Cost: Members £5, Non-members £10.

Attendance at this seminar will provide one hour's CPD entitlement

Booking forms and cheques, payable to The Employment Lawyers' Group (NI), should be sent to our Treasurer, Ms Orlagh O'Neill, Napier & Sons, Solicitors, 1-9 Castle Arcade, High Street, Belfast BT1 5DE.

Booking Form

Name______

Firm ______

Address ______

I enclose remittance of f

Membership

The Employment Lawyers' Group welcomes new members. Membership fees are now due for 2003-04. Membership Fee for the year is £20. Please return the form below to our Treasurer, Ms Orlagh O'Neill, at the address cited above, with cheques made payable to Employment Lawyers' Group (NI).

Membership Form

I enclose cheque for £20.00 made payable to ELG (NI)

Name _____

Firm_____

Address _____

Tel (work)______ E-mail_____

Registry of Companies, Credit Unions & Industrial Provident & Friendly Societies



Companies Registry is moving!

From Tuesday 23 March 2004 Companies Registry will operate from new premises on the 1st Floor, Waterfront Plaza, 8 Laganbank Road, Belfast BT1 3LX. Our last day of business in Chichester Street will be Friday 19 March 2004.

Accessing Company Information

As well as our physical relocation to new offices, the move will mark some changes to the way in which company information can be accessed.

The hard copy files currently held at our Chichester Street office will not be transferred to the Waterfront Plaza, instead they will be held at an off-site storage facility in Mallusk. As a result, hard copy files will no longer be accessible on immediate demand from our office.

Electronic-Access

We are confident that the impact of hard copy files not being readily available will be offset by the expansion of our e-access facilities. We have scanned and stored electronic images of company information most frequently requested over the last 4 years and from December 2003 have been scanning all new information received. As a result we are now able to offer a greatly enhanced e-access service.

Telephone Contact Centre

The most convenient way for customers to access company information will be to telephone the Companies Registry Contact Centre. Simply telephone -

- 028 9023 4488, up to and including Friday 19 March
- 0845 6048888, from Tuesday 23 March

and you will be connected to one of our dedicated Contact Centre team. You may then request and pay for the information required (by credit/debit card or on account) and the documents will be emailed to you. This facility represents a significant enhancement of our access service, saving you time and resources by removing the need to visit the Public Office.

E-Accessibility At Our Public Office

In addition to our telephone Contact Centre customers visiting Waterfront Plaza will be able to access our database of information electronically through Public Accessibility screens located in the Public Office – this information can be printed/paid for and retained by the customer.

Requesting Hard Copy Files

We fully expect to be able to accommodate the vast majority of customer requests through our electronic records database. However, in the event that the information required is not available electronically it will be possible to: -

- Request that the required information be sought from the stored file and emailed to you. The cost of this service will be £2.00 search fee + copy fees additional.
- Request that the hard copy file be retrieved from storage for perusal in the Public Office. If such a request is made in the morning the file should be available that afternoon; for afternoon requests the file should be available the following morning. The cost of this service will be £2.00 search fee + copy fees additional.
- In exceptional circumstances or in extremely urgent cases, request that the hard copy file be retrieved from storage and brought to the Public Office for perusal within one hour. The cost of this service will be £5.00 + copy fees additional.

We are very much looking forward to the move and believe that the new premises, combined with the new access facilities will greatly enhance our service to our customers.

In the meantime, if you require any further information on the relocation of Companies Registry or have any questions or queries regarding the changes to our access facilities please do not hesitate to call the Contact Centre or visit our website (www.companiesregistry.detini.gov.uk).

Yours faithfully

Rosaleen McMullan, FOR COMPANIES REGISTRY

2004 Northern Ireland Law Society Conference

Peebles Hotel Hydro Scotland Friday 26th March – Sunday 28th March 2004

Conference Theme - "Money Laundering"

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Please find booking form opposite and further details on conference on website www.lawsoc-ni.org

www.nichsa.com



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John Whitcroft

LL.B. Hons (QUB)

Solicitor

(Admitted NI 1978)

Tel. No: 0117 922 77 40 Fax. No: 0117 925 02 02 Email: johnwhitcroft @onetel.net.uk

59 Queen Charlotte Street Bristol, BS1 4HL

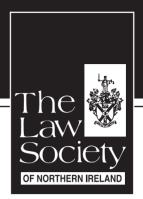
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Conference Booking Form

Friday 26 and Saturday 27 March 2004 Peebles Hotel Hydro, Peebles, Scotland £220 per person sharing, £280 single

- 2 nights bed and breakfast
- Friday drinks reception and dinner
- Evening entertainment
- Saturday Conference Business Session
- Light lunch

- Edinburgh Shopping Trip
- Conference Golf Competition
- Champagne reception
- Gala Dinner and Ceilidh
- Special children's programme



Names:
Firm:(if applicable)
Contact address:
Tel: email Type of room:
Double Twin Family Single
Special Dietary Requirements:
If children attending please specify names and ages:
Children's rates for weekend when sharing adults room: up to 2yrs £15.00, 3-6yrs £45.00, 7-12yrs £52, 13-16yrs £70. Children's rate includes high tea, breakfast and lunch. Please indicate if Baby sitting required – Friday evening Special activities will be arranged to entertain children of all ages – Kidz Korner (under 12's).
Golf Competition
Names and handicap:
Contact: Rory McShane Tel 30266611 email rmcs@mcshaneandco.com
Pre bookable activities - Trip to Edinburgh, Saturday 2.00pm - 6.30pm
Names including children taking this trip
Other Leisure activities to be booked and paid for direct with the hotel – contact number 01721 720602 Website: www.peebleshydro.com
 Fishing Badminton (free) Horse riding Mountain Biking (Tel: 01721 721736) Tennis (free)

Missing Wills

Re: Albert Hill Deceased

Late of 127 Church Road,
Glengormley, Newtownabbey, Co
Antrim.
Would any person having
knowledge of the whereabouts of
any Will of the above named
deceased dated after the 21st day
of September 1987 please contact:D M Kane & Co
Solicitors
Abbey Chambers
7 Farmley Road
Glengormley
Newtownabbey
Co Antrim BT36 7TY

Tel: 028 9083 7586 Fax: 028 9084 1460

Re: Annie Sarah McConnell

(Deceased)
Late of 27 Tycur Road, Dunbreen,
Omagh, County Tyrone
Date of Death: 8th October 2003
Would anyone having knowledge
of the whereabouts of a Will for
the above-named Deceased, please
contact:
Bronwen Loughran-Lowe
Oliver M Loughran & Company

Oliver M Loughran & Solicitors
9 Holmview Terrace Campsie Road
Omagh
Co Tyrone
BT79 0AH
Tel: 028 8224 1530

Tel: 028 8224 1530 Fax: 028 8224 9865

Re: Ellen McGuinness

Fax: 028 9043 9482

Late of Our Lady's Nursing Home, Beechmount, Belfast and formerly of 23 St James's Park, Belfast Date of death: 21st February 2000 Would any person having knowledge of the whereabouts of a Will for the above named deceased please contact: James Doran & Co Solicitors 19-21 Cornmarket BELFAST BT1 4DB Tel: 028 9024 0440

Re: Elizabeth Fowlie (nee McCaughley)

Late of 7 Manor Park, Lurgan, County Armagh

Date of Death: 1st October 2003 Would any person having knowledge of the whereabouts of any Will of the above named please contact:-Harry McPartland & Sons Solicitors

11 Market Street

Lurgan BT66 6AR

Tel: 028 3832 2452 Fax: 028 3834 9561 Ref: OM/SM

Ref: MG/RB/Dodds

Re: Aaron Dodds Deceased

Late of 48 Hillhead Road, Ballyrussell, Dundonald, BT16 1XD
Would any person having knowledge of the whereabouts of any Will of the above named deceased please contact:James Murland & Company Solicitors
15 English Street
Downpatrick
Co Down BT30 6AP
Tel: 028 4461 9980

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Missing

Land Certificates

Folio: LY17328L County: Londonderry Lands at: 261 Kylemore Park,

Londonderry

Take notice that any person having custody of or information as to the whereabouts of the Land Certificate relating to the above mentioned Folio shall forthwith produce said Certificate or communicate such information to the undermentioned solicitors.

And further take notice that unless the said Land Certificate is so produced or adequate information as to its whereabouts is so communicated within three weeks of publication of this notice, a duplicate Land Certificate may be applied for. Barr & Company Solicitors
57 Clarendon Street Derry
BT48 7ER

Folio: 23186 County Armagh

Registered owner: *Noel Francis Morgan*

Lands of Kennedies, 2 Anns Terrace, Milford, County Armagh
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 under mentioned 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 shall be applied for.
Gordon Wallace & Co Solicitors
17 College Street
Armagh
Co Armagh
BT61 9BT
Tel: 028 3752 3676

Fax: 028 3752 5577

Folio: 31364

County: Antrim

Registered Owner: Riverside Textiles

Limited

Lands at: Belmont Road, Antrim Take notice that any person having custody of or information as to the whereabouts of the Land Certificate relating to the above mentioned Folio shall forthwith produce said Certificate or communicate such information to the undermentioned solicitors.

And further take notice that unless the said Land Certificate is so produced or adequate information as to its whereabouts is so communicated within three weeks of publication of this notice, a duplicate Land Certificate may be applied for. John Elliot Solicitors 40 Linenhall Street **BELFAST BT2 8BA**

Folio: 34206

County: Down

Registered Owner: Brice Wilson

Smyth

Lands at: Tullintanvally Annaclone Take notice that any person having custody of or information as to the whereabouts of the Land Certificate relating to the above mentioned Folio should forthwith produce said Certificate or communicate such information to the undermentioned solicitors.

And further take notice that unless the said Land Certificate is so produced or adequate information as to its whereabouts is so communicated within three weeks of publication of this notice, a duplicate Land Certificate may be applied for. Cleaver Fulton Rankin **Solicitors** 50 Bedford Street **BELFAST** BT2 7FW

Tel: 028 9024 3141 Fax: 028 9024 9096 Ref: GCR/EVB/17996/3

Folio: 1342 County Antrim

Registered owner: William

McMullan

Lands of Lisnagaver

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 Certificate or communicate such information to the under mentioned Solicitors

And further take notice that unless the said Land Certificate is so produced or adequate information as to its whereabouts is so communicated within three weeks of publication of this Notice, a duplicate Land Certificate may be applied for. Bernadette Mulholland Solicitors 37 King Street Magherafelt **BT45 6AR**

Folio: 6491L

County: Down

Registered Owner: Heather Lynne

Buchanan

Lands at: 14 Gray's Park Drive, Shaw's Bridge, Belfast, County Down

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Folio: AN 39754

County: Antrim

Lands at: 39 Tullynewbank Road, Glenavy, County Antrim

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And further take notice that unless the said Land Certificate is so produced or adequate information as to its whereabouts is so communicated within three weeks of publication of this notice, a duplicate Land Certificate may be applied for. Messrs Conway, Todd & Co **Solicitors** 22 Market Square Antrim **BT41 4DT**

Folio: 41131

County: Down

Registered Owner: Desmond

McGivern

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And further take notice that unless the said Land Certificate is so produced or adequate information as to its whereabouts is so communicated within three weeks of publication of this notice, a duplicate Land Certificate may be applied for. Paul J Kennedy LLM Solicitor 9 Church Street Banbridge **BT32 4AA**

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County Londonderry
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Email: wbt@wbtthompson.co.uk

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Applicants should forward CV by post or email to the address below. Closing date is Friday 2/4/2004. Gary Matthews Solicitors Limited, 12 John Mitchel Place, Newry, County Down, BT34 2BP

Email: info@gary-matthews.com

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Please contact:
PO Box 127
c/o Citigate Northern Ireland Public
Affairs Ltd
128a High Street
Holywood
Co Down
BT18 9HU

Solicitor seeking position. Newly qualified in England and Wales. Trained in commercial, residential and civil litigation. Worked for a year as a paralegal in a high street practice in Northern Ireland. Please contact PO Box 126, c/o Citigate Northern Ireland Public Affairs, 128a High Street, Holywood, Co Down BT18 9HW

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The closing date for receipt of applications is the 26th March 2004.



High Court,

Court of Appeal and Tribunal Decisions

The full list of abstracted decisions is now included with the current awareness list of recent journal articles which accompanies The Writ as an insert

IN THE MATTER OF AN APPLICATION BY RONALD BOWDEN AND OTHERS FOR LEAVE TO APPLY FOR JUDICIAL **REVIEW**

Application for leave to apply for judicial review of decision of Department of Social Development to make a vesting order in respect of properties at Victoria Square Belfast. whether Court has jurisdiction to entertain challenge to validity of Order. - whether application had been made in accordance with rules of court. -HELD that application should be amended and Interim Order made suspending operation of Vesting Order until further order made QUEENS BENCH DIVISION 17 DECEMBER 2003 WEATHERUP J

IN THE MATTER OF AN APPLICATION BY KIERAN JAMES CUNNINGHAM FOR **JUDICIAL REVIEW**

Application for judicial review of PSNI and Resident Magistrate's decision to remand applicant in police custody under art 47 (4A) and (4B) of the Magistrates' Court (NI) Order 1981. whether compatible with art 5 ECHR. detention under PACE Order 1989. decision of RM quashed and held that art. 47(4B) is not incompatible with art. 5 ECHR

OUEENS BENCH DIVISION 5 FEBRUARY 2004 WEATHERUP J

IN THE MATTER OF AN APPLICATION BY RONALD FOSTER FOR JUDICIAL

Application to challenge grant of planning permission. - whether site too small to accommodate proposed residential development. - whether in keeping with area. - whether adverse impact on value of surrounding properties. - whether privacy of residents compromised. - during construction it was clear that the site could not accommodate houses and

garages. - amended application subsequently submitted and planning permission granted. - whether this was in breach of art. 6 ECHR. - whether biased or irrational decision under Wednesbury principles. - application dismissed **OUEENS BENCH DIVISION** 9 JANUARY 2004 KERR J

IN THE MATTER OF THE LOCAL **GOVERNMENT ACT (NI) ACT 1972 IN** THE MATTER OF AN APPLICATION BY **JGS SERVICES LTD, SIMON NC JONES** AND NIGEL TJ BROWN

Application under Local Government Act (NI) 1972 for an order challenging the validity of vesting order made by Department for Social Development purporting to vest in fee simple the applicant's premises and requiring vacant possession. - application by respondents for order striking out application on ground it was not made within specified time. - HELD that it was fair to applicants to have to adhere to time limit and that the Court does not have the power to extend the time limit. - originating motion struck

QUEENS BENCH DIVISION 13 JANUARY 2004 WEATHERUP J

SCALENE INVESTMENTS LIMITED and DEPARTMENT OF SOCIAL DEVELOPMENT

Date of expiration of one month period of publication of Vesting Order notice. - date on which vesting order becomes operative. - HELD that originating motion was within the statutory time limit and that Court had jurisdiction to hear the applicant's challenge **CHANCERY DIVISION** 19 JANUARY 2004 WEATHERUP J

IN THE MATTER OF A SOLICITOR

Solicitor - Solicitors (Northern Ireland) Order 1976 - claims for possession of house - Convention right to home interference with property rights whether making order proportionate -ECHR Article 8 and Article 1 Protocol 1

CHANCERY DIVISION 23 JANUARY 2004 GIRVAN J

R V MCCANDLESS, TREVOR, JOHNSTON, STEPHEN ANTHONY, JOHNSTON, PAUL JAMES, ANDERSON, SAMUEL, SCOTT, KENNETH JOHN

Appeals against sentence and applications for leave to appeal against sentence. - cases heard together in order to review levels of sentencing in life sentence cases. - determination of principles upon which sentencers should act when fixing minimum terms. - Life Sentences (NI) Order 2001 tariffs **COURT OF APPEAL 9 JANUARY 2004** CARSWELL, LCJ NICHOLSON LJ, KERR J

TRIBUNAL DECISIONS

ANDERSON, PAULINE V MINISTRY OF **DEFENCE INDUSTRIAL TRIBUNAL, 28 MAY 2003,** 405/02IT

Applicant member of Armed forces. jurisdiction of tribunal to hear unfair dismissal and redundancy selection application. - whether breach of art.6 right to fair trial under ECHR. - tribunal decided that Human Rights Act 1998 precluded the bringing under domestic law of an effective claim by a member of the Crown armed forces. - tribunal had no jurisdiction to hear application

CREE, STEPHEN V CHALLENGE INDUSTRIAL TRIBUNAL, 3 APRIL 2003,

Disability discrimination. - whether the tribunal had jurisdiction to hear complaint in view of time limits set out in Disability Discrimination Act 1995. tribunal did not consider delay inordinate. - applicant profoundly deaf and at no stage had services of interpreter and therefore did not fully understand nature of procedure. tribunal accepted the applicant's delay was because of lack of understanding, and it was just and equitable to extend time for presentation of applicant's

GARVEY, EILEEN V RAYMOND CASSIDY, JIM O'HARE BOARD OF GOVERNORS

OF RATHFRILAND HILL SCHOOL AND SOUTHERN EDUCATION AND LIBRARY BOARD INDUSTRIAL TRIBUNAL, 3 JULY 2003, 228/02IT

Disability discrimination. decision on a preliminary hearing.- whether originating application was presented within specific time limit.- date when complaint crystallized. The unanimous decision of the tribunal is that the applicant's originating application was presented within the specified time limit.

HENRY, KEVIN V MONTUPET INDUSTRIAL TRIBUNAL, 2 JULY 2003, OO325/00IT

Unfair dismissal. - misconduct. - applicant subject to disciplinary action and dismissed for leaving workplace early without permission. - whether employer's reaction was reasonable or fair. - whether appeal was fairly conducted. - tribunal decided that applicant was not unfairly dismissed and applicant's claim dismissed

MCCLELLAND, FLORENCE V CONSIGNIA, MICAHEL KENNEDY AND STEWART MORTON INDUSTRIAL TRIBUNAL, 26 MARCH 2003, 461/02IT

Unfair dismissal. - whether breach of applicant's contract of employment entitling her to resign. - application dismissed

MCPARLAND, PATRICK V BELFAST CITY COUNCIL FAIR EMPLOYMENT TRIBUNAL, 30 APRIL 2003, 014/01FET

Claim of unlawful discrimination by way of victimisation. - applicant not shortlisted for post even though he fulfilled criteria. - tribunal decided that applicant was unlawfully discriminated against and adjourned hearing for date to be fixed to determine remedy

All decisions listed here and in the accompanying insert are available in full text from the Libero database which can be accessed free of charge.

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Library *Update*

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Data Protection and the Durant v FSA case

Durant v Financial Services Authority

Discusses whether the FSA was required to disclose information held in manual files. It also considers the definition of a relevant filing system for the purposes of the Data Protection Act 1998
[2003] EWCA Civ 573 (CA)
Times, January 2, 2004 (CA)

P v Wozencroft [2002] EWHC 1724

These cases are available from the Law Society Library or BAILII - http://www.bailii.org/

Legislation

Data Protection Act 1998 http://www.legislation.hmso.gov. uk/acts/acts1998/19980029.htm

Articles

Courts show reluctance to order data protection compliance: *P v Wozencroft and Durant v Financial Services Authority*Turle: 2003 CLSR 19(3) 232-235

Court rules on access to manual data

Taylor: 2003 P.L. & B.U.K.N. 10(Mar), 5

Case law: relevant filing system and rights of access 2002 D.P. & P.P. 8, 32-36

Employment law brief (discusses the Durant case) Smith: 2004 NLJ 154 (7114) 171-173

Media law (whether the mention of an individual's name in a document meant that it could be classified as "personal data" under the Data Protection Act 1998 Melville-Brown: 2004 L.S.G. 101(03), 31

New Books in the Library

- Waterworth: A practitioner's guide to drafting trusts. 2nd ed. Butterworths. 2003.
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- 3. Davis: Tolley's taxation in corporate insolvency and rescue. 5th ed. 2003.
- 4. Vindis and Ritchie: MIB claims practice and procedure under the 1999 Agreement (Special Bulletin). 2nd ed. Jordans. 2003.

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