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THE LAW SOCIETY
OF NORTHERN IRELAND



THE JOURNAL OF THE LAW SOCIETY
OF NORTHERN IRELAND

ISSUE 230 Winter 2018

THIS ISSUE

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its new President,
Suzanne Rice

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Launch of Legal Aid
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A victory for thousands of
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THE **LAW SOCIETY**
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PUBLISHERS

The Law Society of Northern Ireland
Law Society House
96 Victoria Street
BELFAST
BT1 3GN
Tel: 028 9023 1614
Fax: 028 9023 2606
E-mail: writ@lawsoc-ni.org
Website: www.lawsoc-ni.org

EDITOR

Alan Hunter
alan.hunter@lawsoc-ni.org

BUSINESS EDITOR

Peter O'Brien
peter.obrien@lawsoc-ni.org

DEPUTY EDITORS

Heather Semple
heather.semple@lawsoc-ni.org
Paul O'Connor
paul.oconnor@lawsoc-ni.org

ADVERTISING MANAGER

Karen Irwin
karen@dcpr.co.uk

DESIGN

SHO Communications Consultants

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**Copy deadline
for Spring 2019 Edition:
Friday 5 April 2019**

Writ readers can access back issues of the magazine as far back as October / December 2000 at www.lawsoc-ni.org - follow Publications link

You can also find details on the website about:

- Libero database
- Latest CPD courses
- Employment opportunities
- Forthcoming events



Law Society welcomes new President, Suzanne Rice

The Law Society of Northern Ireland welcomes Suzanne Rice as its new President for 2019.

The new President takes up her post with a promise to continue to represent the interests of solicitors and their clients and to meet the challenges of the coming year.

Speaking of the challenges and opportunities ahead in her Presidential year, she said: "It is indeed a great honour and privilege to become President of the Law Society of Northern Ireland for 2019. Under my Presidency it is my intention to support our members and to promote the excellence of the profession at home and abroad.

"As President I will continue to highlight the invaluable contribution that solicitors make to the economy as employers and businesses in the local community.

"Most importantly I will continue to underscore the importance of the network of solicitor firms across Northern Ireland which provides the community with advice and access to a solicitor of their choice and therefore access to justice.

"Meeting the challenges of the year ahead are important but so are realising the opportunities which exist to showcase the legal services provided by Northern Ireland legal firms to wider audiences and to develop new revenue streams for our members."

New Presidential and Chief Executive Team



Alan Hunter, Chief Executive, Eileen Ewing, Senior Vice President, Suzanne Rice, President and Rowan White, Junior Vice President.

Suzanne Rice read Law and French at Queen's University Belfast before attending the Institute of Professional Legal Studies in Belfast where she completed her apprenticeship with Con O'Hagan Solicitors in Lurgan, County Armagh. After qualifying as a solicitor in 2003, Suzanne continued her practice in Belfast where she now specialises in all aspects of Family Law and most notably Divorce and Children's Law.

Suzanne currently works for McKeown and Company Solicitors in Belfast which is a young and dynamic law firm specialising in Criminal Law, Family Law and Plaintiff Litigation based in the City Centre.

She is an Advanced Advocate Solicitor and is on the Northern Ireland Guardian Ad Litem

Panel as well as the Law Society of Northern Ireland's Family Law Committee.

In 2009 Suzanne qualified as a Collaborative Divorce Solicitor. She became a Council Member of the Law Society of Northern Ireland in November 2013 and has sat on the following Committees: Access to Justice, Family Law, Financial Services and Client Complaints.

She currently represents the profession in ongoing Government initiatives towards improving children's law services. Her expertise and knowledge in this area have been instrumental in assisting change and development to the practice of children's law and she continues to advise on consultations and Steering Groups in this field.

As well as representing both parents and children, Suzanne also acts on behalf of international Governments in child abduction cases and she has recently acted on behalf of the American, Australian, Dutch, Irish, Turkish and Moroccan authorities before the High Court of Justice in Northern Ireland. In 2010 she became legal advisor to the Family Care Society in Adoption Matters and she is currently a board member of the Children's Law Centre Management Board.

Her chosen charity of the year is Flourish NI which is dedicated to the support of people whose lives have been impacted by human trafficking. The charity, which was founded in 2014, offers support through community based casework, group based activities and peer support networks.

Who are Flourish NI?

Flourish NI was created in 2014 to support survivors of human trafficking in communities across Northern Ireland.

Our mission is to empower survivors towards "a brighter future".

How do you offer support?

We are dedicated to the support of people whose lives have been impacted by human trafficking.

By offering long term one to one tailored support to survivors of trafficking and exploitation, our aim is to empower survivors to move forward and build safe, independent, resilient lives.

Support is offered through community based casework, group based activities and peer support networks.

Depending on the specific needs of each person we will provide services such as:

- Casework support
- Be-friending
- Help with housing issues
- Training and educational opportunities
- Advocacy
- Help to find employment
- Financial support and advice
- Building life skills



**A brighter future
for men and women
affected by trafficking**

- Sewing classes
- English conversational classes
- Peer support groups

More than that, we offer compassion and friendship.

For further information or to request a presentation from Flourish NI, please get in touch.

The Foundry, City East Business Centre,
68-72 Newtownards Road, Belfast, BT4 1GW,
Northern Ireland.
info@flourishni.org

Flourish 

NEWS IN BRIEF

PPS PUBLISHES STATISTICS ON HATE CRIME

The Public Prosecution Service (PPS) has published its annual statistical bulletin: 'Cases Involving Hate Crime 2017/18'.

The bulletin relates to the full 2017/18 financial year with comparisons to the equivalent period of the 2016/17. It is set out in two parts, reflecting the two distinct definitions applied in cases involving hate crime, as recorded by the Police Service of Northern Ireland and the PPS.

Among the key findings is a notable decrease in the number of cases submitted to the PPS by police in the last year, marking the second year in a row that case numbers have declined. A total of 335 files were received in 2017/18, compared to 386 the previous year and 573 the year before that.

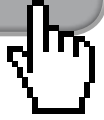
Report on Cyber Security & the Legal Sector

A report has been published by the National Cyber Security Centre focussing on the cyber threat to the legal sector in the United Kingdom.

The purpose of the report is to help law firms understand current cyber security threats and the extent to which the legal sector is being targeted. It also offers practical guidance on how they can protect their practice. It highlights that the cyber threat applies to law firms of all sizes and area of business, from sole practitioners, high street and mid-size firms, in-house legal departments up to international corporate firms.

The report can be accessed from
<https://www.ncsc.gov.uk/legalthreat>

AccessNI first to offer digital certificates



The Department of Justice has announced that AccessNI is the first criminal history service in the UK to offer criminal check certificates digitally. AccessNI also remains the only UK service offering on-line applications for all types of checks. In 2017/18 it processed over 140,000 applications for criminal record checks.

The new digital system allows applicants to receive criminal check certificates faster than awaiting paper certificates. Customers can then forward the certificate by e-mail to an employer instantly.

Digital certificates are available to customers who have no information to be disclosed on their certificate. This equates to 95% of AccessNI applications. Certificates which contain disclosed information will continue to be sent out in paper format. Applicants who do not wish to receive a digital certificate will continue to have the option to receive a paper certificate through the application process.

More information on AccessNI and the application process can be found at
<https://www.nidirect.gov.uk/campaigns/accessni-criminal-record-checks>

House prices fall by 1% since start of 2018



House prices in Northern Ireland have fallen by 1% since the start of the year, according to figures released by the Department of Finance. The figures published in the NI Residential Property Price Index (which analyses almost all sales, including cash deals) reveal that the typical residential property now costs £132,795.

The Newry, Mourne and Down area has seen the biggest drop, having fallen by almost 5% in the quarter April - June with Lisburn and Castlereagh experiencing the smallest dip in price at -0.1%. Only 3 of the 11 district council areas showed an increase over the last quarter. Causeway Coast and Glens saw the biggest rise (2.1%), followed by Derry and Strabane (1.8%) and Fermanagh and Omagh (0.2%).

Despite these recent figures Northern Ireland has seen an overall rise (4.4%) in house prices over the last 12 months.

In terms of sales volumes, 5,308 sales were transacted which is about 800 below the figure for the same time last year.



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Belfast's first Supreme Court case - a victory for thousands of bereaved children

In the matter of an application by Siobhan McLaughlin for Judicial Review (Northern Ireland) [2018] UKSC 48, the UK's Supreme Court, which sat for the first time in Northern Ireland to hear the appeal, has ruled against the Government and declared that a law preventing unmarried people from claiming Widowed Parent's Allowance (WPA) is incompatible with their fundamental rights protected by the Human Rights Act 1998 (HRA) and the European Convention on Human Rights (ECHR).

The landmark decision puts pressure on the government to change the current law, with the potential to benefit thousands of children UK wide.

Previously, unmarried couples were precluded from receiving bereavement benefits and WPA under section 39A(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

- The Supreme Court has now ruled that WPA “exists because of the responsibilities of the deceased and the survivor towards their children. Those responsibilities are the same whether or not they are married or in a civil partnership with one another”.
- The Supreme Court added that “the purpose of the allowance is to diminish the financial loss caused to families with children by the death of a parent. That loss is the same whether or not the parents are married or in a civil partnership”.
- The Court has made a declaration that section 39 (A) of the Social Security

Contributions and Benefits (Northern Ireland) Act 1992 is incompatible with Article 14 of the ECHR, read with Article 8, insofar as it precludes any entitlement to WPA by a surviving unmarried partner of the deceased.

Background

Siobhan McLaughlin from Co Antrim, and her partner, John Adams lived together for 23 years, until John died in January 2014. They did not marry because John had promised his first wife, before she died, that he would not remarry. They had four children, who were aged 19, 17, 13 and 11 when their father died.

John had made sufficient National Insurance Contributions for Siobhan to qualify for bereavement benefits and WPA. However, she was precluded from receiving these

benefits due to the fact that the couple had not been married. Under section 39A(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the benefits are restricted to those who are married or civil partnered to the deceased and cohabitants are excluded.

WPA, which could be up to £118 per week paid until the last child leaves school, was an extremely significant loss to Siobhan's family.

Legal challenge chronology

Siobhan felt strongly that she ought to challenge this on behalf of her children whom she felt deserved to be supported just as much as any bereaved child whose parents had been married.

Supported by Citizens Advice, MacMillan Cancer Support and her lawyers Laura Banks and Laura McMahon BL, she mounted a challenge to the High Court in Belfast on the ground that the law was incompatible with the ECHR.

Her claim succeeded and the High Court made a declaration of incompatibility under section 4(2) of the Human Rights Act 1998, that the provision was incompatible with Article 8 of ECHR in conjunction with Article 14. The High Court held that, given that the purpose is to benefit children, the restriction was unjustifiable discrimination against children on grounds of their birth status.

The Government appealed the decision to the Court of Appeal and was successful. The Court of Appeal held that the legislation was not incompatible and did not represent discrimination against children as the parent claimed the benefit.

Supreme Court decision

Undeterred, and with the additional support of Francis Hanna Solicitors and Frank O'Donoghue QC, Siobhan then brought her case to the Supreme Court of the United Kingdom. In April 2018 Lady Hale, Lady Black, Lord Kerr, Lord Mance and Lord Hodge sat in Belfast for the first time in its history to hear the case.

The Justices upheld Siobhan's appeal by a majority of 4-1.

The Child Poverty Action Group and Childhood Bereavement Network intervened in the case,

highlighting that the restriction is out of step with societal changes and fails to comply with international human rights law including the United Nations Convention on the Rights of the Child.

In her lead judgment, Lady Hale agreed with the High Court that the situation for children whose parents were not married, is the same as that for children whose parents are married. She found that Siobhan's children would have been treated very differently if their parents had been married - their household would have had significantly more to live on. She considered whether that different treatment could be justified, and concluded it could not.

The Government argued that different treatment for married and unmarried couples under this legislation could be justified as it was designed to promote marriage; however, the Court rejected this argument. Lady Hale acknowledged that the State accepts unmarried couples for the purposes of other benefits.

Lady Hale added: "This is not a difficult decision to reach on the facts of this case, where the couple lived together for many years, were recognised in doing so for other purposes by the Department for Communities and were parents of all the children involved. Their children should not be disadvantaged... This is unjustifiable discrimination in the enjoyment of a Convention Right which is enough to ground a declaration of incompatibility under section 4(2) of the Human Rights Act."

Lady Hale, in concluding, allowed the appeal and made a declaration that section 39 (A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 is incompatible with Article 14 of the ECHR, read with Article 8, insofar as it precludes any entitlement to WPA by a surviving unmarried partner of the deceased.

Allowing the appeal of Ms McLaughlin, who was in a long term unmarried relationship with her children's father before his death, the UK's highest court decided that since WPA 'exists because of the responsibilities of the deceased and the survivor towards their children' [para 39], which exist regardless of the adults' marital status, it is unjustified to deprive children of unmarried parents of the advantages of being in a household receiving WPA.

Implications

It is likely that Parliament will now legislate to create new rights to family bereavement benefits giving greater protection to unmarried survivors with children.

The case has already been debated at the House of Commons and the House of Lords with cross party support for a reform of the law.

Legally, the judgement is of interest and significance because:

- The Court declined to follow an earlier decision of the European Court of Human Rights, which had rejected the argument that WPA was unlawfully discriminatory [para 49];
- WPA is found to be in the ambit of both Article 1 of the First Protocol and Article 8 of the ECHR [para 23], and the Court criticises the tendency of domestic courts to quibble with claims that those Articles are applicable in discrimination cases.
- The judgment makes innovative use of a range of international human rights instruments to inform its conclusions. In particular, it notes the commitment to bereavement benefits for adults and children in ILO Social Security (Minimum Standards) Convention 1952 [para 5], and the right of 'every child... to benefit from social security' in Article 26 UNCRC [para 40].

The Judgement is available to read in full online: <https://www.supremecourt.uk/cases/uksc-2017-0035.html>

We are grateful to Laura Banks, Solicitor, Francis Hanna & Co for this article. who says:

"This is an extremely significant victory, not only for Siobhan and her children, but for thousands of families throughout the UK. An estimated 2,000 families each year are turned away from bereavement benefits because of this legislation which the Supreme Court clearly stated is unjustifiably discriminatory. The basis of this case has always been that grieving children deserve support whether their parents were married are not. We are absolutely delighted that the Supreme Court has agreed with us. We hope the Government take steps to rectify this unfairness as soon as possible."

Legal Aid is Going Digital

The Legal Services Agency Northern Ireland has made a significant investment to develop a new digital platform, which means that from April 2019 all business will be conducted electronically on a new case management system called Legal Aid Management System (LAMS).

Through this new 'digital first' service, the Agency aims to reduce processing times and provide solicitors with the ability to submit online applications, correspondence and claims for payment. It will also give solicitors real-time visibility of the status of their cases and real-time secure messaging to the Agency. It will speed up processing times, improve data accuracy, reduce form-filling, postage and use of paper, eliminate provision of duplicate information, and allow direct uploading of supporting documents.

To continue to access legal aid after April, solicitors need to create an online nidirect account (**we recommend that you do this now**), and this will allow them, **from January**, to create a digital account on LAMS, which will mean you are ready to start using LAMS from April.

An nidirect account is a Northern Ireland Government requirement for all online services and its purpose is to protect your identity, ensure that your data is secure, and provide assurance to Government that you are who you say you are. To create one you need to visit www.nidirect.gov.uk/articles/legal-aid and 'create an account'. An authentication code will be generated, which you then bring to one of fifteen authentication centres across Northern Ireland along with three items of identification. You need to do this within five days of creating your account. Detailed instructions are appended below, including a list of the venues and all the accepted forms of identification.

Note that an appointment is required for the verification centre in Belfast.

The Agency has consulted and engaged with the Law Society throughout the design and development stages of the new system. Members of the profession have helped to test the elements of the system that will be used by solicitors. The feedback from testing has been positive and some of the comments reflect that it was 'very easy to use' and 'does everything we need'.

More recently, the Agency has established a Stakeholder Engagement Forum with representatives from the Law Society and Bar Council. The Forum serves as a reference group for the Agency, a means of discussing issues relating to the development of LAMS, and is developing a communication plan and overseeing its implementation.

What do you need to do?

To continue to access legal aid you will need to do the following

Step 1	Create an nidirect account You must create an nidirect account for identity assurance and then visit one of a number of locations to present identification. This is a NI Government requirement to ensure that your privacy is protected and your data secure.	You should do this now! Information on how to do this is below.
Step 2	Create a digital account on LAMS You must then create a digital account on LAMS. You will be able to do this from January 2019 .	January 2019
Step 3	Begin using LAMS You will then be ready to start using LAMS from April 2019.	April 2019

More information about LAMS and what you need to do to get ready is available on our web site at www.justice-ni.gov.uk/topics/legal-aid.

1. **Go to www.nidirect.gov.uk/nidirect-legal-aid, and 'create an account'.** Enter the requested personal information, create a memorable word, and an authentication code will be generated.
2. Within five calendar days, **bring your authentication code and three items of ID to one of 15 verification centres across Northern Ireland.** At least one item of ID must be photographic. For most people, a passport or driving licence, a bank statement and a utility bill will be sufficient. These should match the address used to create your account. Remember to keep safe the email address used to create the account, your password and memorable word. **You will need this in January.**

In the period before go-live of LAMS the Agency intends to host a number of events across Northern Ireland, where solicitors can see the new system, ask questions and meet the staff involved in its design and implementation. Training manuals and videos will also be made available.

If you want to find out more you can:

- visit the DOJ web site at www.justice-ni.gov.uk/topics/legal-aid, where you will find a list of frequently asked questions
- Contact the Law Society.

Identity assurance

About your nidirect account

When you're using digital services, you need to be sure that your privacy is being protected and your data is secure. Northern Ireland government departments that offer services online need to know it's you (not someone pretending to be you), in order to ensure your information is safe.

When you register with nidirect you will create an account for online services.

To reduce the risk of fraud and to protect your personal information, some services will also need you to verify your identity by showing documentary evidence that connects you as a person to the online account you create.

To do this you need to take some documents including photo ID to one of the approved offices listed below that can check your details.

Verification will only take a few minutes and will make sure that you have secure access to your government services.

Getting verified

Step One

Go to www.nidirect.gov.uk/nidirect-legal-aid. You will be asked either to 'Create an account' or to 'Log in' if you already have an account.

To create an account you need to provide:

- Your **first name and surname** (this must match the photographic ID used at the authentication meeting)
- An **individual email** (cannot be a generic email account)
- Your **date of birth**
- Your **address** (must be evidenced by documentation at the authentication meeting)

You will also create a password and a memorable word.

Step Two

Nidirect will issue an email to the email address provided, there will be a link in the email to activate the account. The link must be activated within 24hrs of receiving the

email. If the link is not activated within the required time the account expires and the nidirect account registration process will have to be completed again.

Step Three

On activating the account a further email will issue from nidirect providing an authentication code. This code must be used within 5 days – if the code is not used within the timeframe the individual can request another code, using the 'Manage my account' link on the login page, giving them a further 5 days.

Step Four

Attend an identity assurance office with your code and appropriate documentation. Once verified the account is activated.

Find your nearest identity assurance office

You can bring your ID documents to any of the following places for verification.

Except where otherwise stated, you do not need to make an appointment and offices are open to the public between 10.00am to 4.00pm each working day (closed for lunch from 12.30 pm to 1.30 pm).

Belfast

*Goodwood House, 44–58 May Street, BT1 4NN

* By appointment only: contact account@nidirect.co.uk or 0300 200 7868.

County Antrim

Ballymena DAERA Direct Office, Academy House, 121a Broughshane Street, BT43 6HY
Mallusk DAERA Direct Office, Castleton House, 15 Trench Road, BT36 4TY

County Armagh

Armagh DAERA Direct Office, A:tek Building, Edenaveys Industrial Estate, Newry Road, BT60 1NF

County Down

Downpatrick DAERA Direct Office, Rathkeltair House, Market Street, BT30 6LZ
Newry DAERA Direct Office, Glenree House, Unit 2, Springhill Road, Carnbane Industrial Estate, BT35 6EF
Newtownards DAERA Direct Office, Sketrick House, 16 Jubilee Road, BT23 4YH

County Fermanagh

Enniskillen DAERA Direct Office, Inishkeen House, Killyhevlin Industrial Estate, BT74 4EJ

County Londonderry

Coleraine DAERA Direct Office, Crown Buildings, Artillery Road, BT52 2AJ
Magherafelt DAERA Direct Office, Units 36–38, Meadowlane Shopping Centre, Moneymore Road, BT45 6PR

County Tyrone

Dungannon DAERA Direct Office, Crown Buildings, Thomas Street, BT70 1HR
Omagh DAERA Direct Office, Sperrin House, Sedan Avenue, BT79 7AQ
Strabane DAERA Direct Office, Government Offices, 18 Urney Road, BT82 9BX

Acceptable forms of ID

You will have to bring at least three documents in your name, one document from Group One and two from Group Two (see below). These must include:

- a photo ID
- a document with your address on it (which must be the same address used to set up the account)

Any other documents you bring which include an address must have the same address.

For example, you can bring a current passport (any nationality) or a current driving licence from Group One, and a marriage certificate and current TV licence from Group Two.

If this is not possible, then you must bring four documents from Group Two, one of which must be a photo ID.

You can find a list of documents below.

Group One

- current passport - any nationality
- biometric residence permit (UK)
- current driving licence (UK, NI, ROI, Isle of Man, Channel Islands or any EU country)
- original birth certificate (UK, Isle of Man or Channel Islands) - issued at time of birth
- original long form Irish birth certificate - issued at time of registration of birth
- original adoption certificate (UK, Isle of Man or Channel Islands)

Group Two

- work permit or visa (UK) (UK residence permit)
- current UK driving licence
- certified copy of a birth or adoption certificate (UK, ROI, Isle of Man or Channel Islands) - full or short certificate acceptable

- marriage or civil partnership certificate (UK, Isle of Man or Channel Islands)
- current UK firearms licence
- HM Forces ID card (UK Only)
- current TV licence
- Electoral ID card (NI only)
- EU national ID card
- cards carrying PASS accreditation logo (UK and Channel Islands)
- Senior SmartPass issued by Translink (NI only)
- examination certificates (16 to 18 year olds only)
- YLink card issued by Translink (NI only)
- letter from head teacher or Further Education college principal
- letter of sponsorship from future employer or voluntary organisation

The following Group Two documents must be dated within the last three months:

- bank or building society statement (UK or EEA)
- credit card statement
- utility bill (UK or EEA) – not mobile phone
- benefit statement (UK only)
- addressed payslip

The following Group Two documents must be dated within the last 12 months:

- mortgage statement (UK or EEA)
- financial statement - that is, savings account (UK)
- P45 or P60 statement (UK and Channel Islands)
- Land & Property Services rates demand (NI only)

Contact details

If you have any queries about an nidirect account you can submit them by:

- email: account@nidirect.gov.uk
- telephone: 0300 200 7868



Publication of New Domestic and Sexual Violence and Abuse Action Plan

The Department of Health and Department of Justice have jointly published a 2018/2019 Action Plan under the Stopping Domestic and Sexual Violence and Abuse Strategy.

The Action Plan is the third to be issued under the Strategy and is based on partnership working with the Department of Education, Department for Communities and other statutory, voluntary and community sector colleagues. It continues to progress a number of initiatives supported by previous Ministers.

The Plan also identifies new initiatives to ensure a continued focus on sexual violence and abuse. A key area of work for the Department of Justice is the implementation of a Domestic Homicide Review process to capture learning, share good practice and

improve the response to domestic violence and abuse.

Actions for other partners include the development of policy proposals for a 'Sanctuary Scheme' for victims of domestic abuse. This is a proposed multi-agency victim centred scheme aimed at enabling victims to remain safe in their own homes where possible.

The Plan also considers how relationships and sexuality education curriculum resources can support teachers in addressing domestic and sexual violence and abuse. Another key action will be the commencement of a Crown Court Observers' study to gather information on victims' and witnesses' experience of the court system in sexual offence cases.

The Action Plan directly contributes to the delivery of the 2016 Stopping Domestic and Sexual Violence and Abuse Strategy's vision, to have a society in Northern Ireland in which domestic and sexual violence is not tolerated in any form, effective tailored preventative and responsive services are provided, all victims are supported, and perpetrators are held to account.

Implementation of actions will be the responsibility of relevant Government Departments, their agencies and voluntary and community sector organisations.

The year one, two and three Action Plans are available on the DoJ's website at <https://www.justice-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-seven-year-strategy-march-2016>

Study shows benefit of Peace Process to victims of domestic violence

Researchers at Ulster University have published new findings on how experiences of and responses to domestic violence were impacted by the Northern Ireland conflict and the changes that have taken place since the Good Friday Agreement.

The study was funded by the UK's Department of International Development as part of the Political Settlements Research Programme, based at the University of Edinburgh, and is the first study of its kind comparing findings on domestic violence during conflict to what happens afterwards.

With support from Women's Aid Federation Northern Ireland, around 120 women victim/survivors of domestic violence were interviewed: 56 women in 1992, and 63 in 2016. Representatives from the Society's Family Law Committee also contributed to the study.

The full Report (which is accessible from https://blogs.sps.ed.ac.uk/politicalsettlements/files/2018/07/2018_PSRP-Violence-Report-NI.pdf) makes a number of recommendations including that the benefits of police reform, the removal

of illegal firearms and the regulation of legal firearms should be applied to other societies emerging from conflict given their positive impact on domestic violence.

The links between domestic violence, suicide and other mental health problems means that health care professionals need additional training and resources to identify and follow up on cases of domestic violence.

The study also recommends that legislation incorporating coercive control and psychological abuse should not be delayed any further in Northern Ireland.

Emeritus Professor Monica McWilliams said: "The Peace Process has made a huge difference but there is still much work to do. The research shows that while much progress has been made over the last 25 years, a more consistent approach is needed in preventing and providing support for domestic violence."

Research associate Dr Jessica Doyle added: "Domestic violence remains a key problem in our society and one that must be addressed with greater protection for victims through legislative and policy change. It is clear

from the research that preventing it has benefits not only for women but for future generations."

Noelle Collins, Team leader Belfast and Lisburn Women's Aid stated:

Society Council Member Kelly Breen, who had been one of the members of the Society's Family Law Committee who had contributed to the study, said: "The Society welcomes the report which provides a unique insight into the impact of domestic violence. 72% of women who participated reported asking for help from a solicitor.

"We would commend this important piece of work to all those who represent victims of Intimate Partner Violence. As often the first point of contact for victims, it is vital that solicitors equip themselves with the tools and knowledge to assist, support and signpost victims to other agencies. Much has been achieved in the period from 1992 to 2016. However, it is essential that all agencies strive to improve their responses in order to provide the best possible outcome for victims, their children and the wider community."

LinkedIn for lawyers



In this article Louise Brogan who is the owner of Social Bee NI - a consulting and training company helping businesses, entrepreneurs and professionals to raise their profile through online marketing - focuses on the role of LinkedIn as a marketing tool.

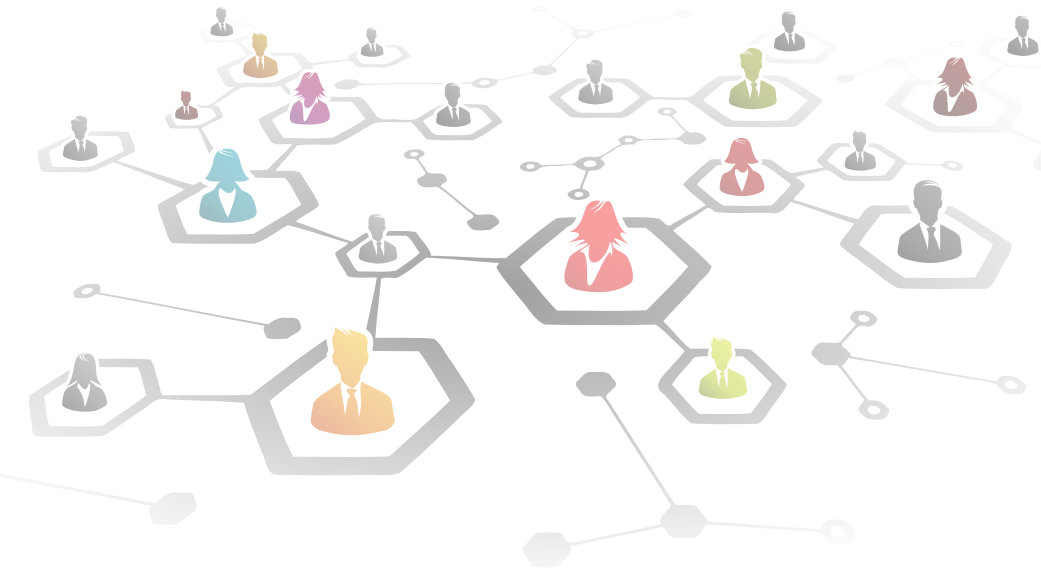
In 2017, Louise was listed in the Small Business Saturday Top 100 Small Businesses in the UK, and in March 2018, she was listed as one of the Top 50 Small Business Advisors in the UK by Enterprise Nation. Louise is also Northern Ireland's only accredited Facebook and Instagram trainer.

Do you have a profile on LinkedIn? Did you know that LinkedIn has over 500 million global users? What is LinkedIn and why should you start thinking about it?

As a growing social media network, LinkedIn is the platform of choice for those who want to engage with corporate clients. LinkedIn is the most popular network for members of the legal profession, in part because of its professional and more serious tone.

Think of LinkedIn as an online version of your local professional network. When you join LinkedIn, you create a personal profile with your education and career history. You can use it to connect with your colleagues, potential clients, previous employers and other professionals. Used properly, it can really help your career and raise your professional profile.

This might sound familiar - you created a profile once upon a time, but don't really know what it's for or why you should be using it. Maybe you think it's just for people who are in the market for a new job. Lots of people you have never met are trying to connect with you. So you abandoned LinkedIn and haven't updated your photograph (if you uploaded one) or profile in three or four years.



Well now is the time to start thinking about having an up to date LinkedIn profile.

So how do you actually use LinkedIn to raise your profile and grow your business? Here are five ways to get the most out the platform:

1. **Have a complete professional profile.**

This means including a professional photograph, a headline, summary and your experience to date. LinkedIn profiles which have the 'All-Star rating' are 40 times more likely so show up in searches. Use specific keywords in your headline to attract your ideal client. For example, instead of "Solicitor Belfast", use "Solicitor specialising in commercial law at John Smiths Solicitors, Belfast". Include your specialisms in your summary, and provide information on your education and qualifications. You want your profile to appear in search results, and the best way for this to happen is by using the keywords that your ideal client is searching for.

2. **Start posting updates on LinkedIn.**

This is not Facebook and we don't want to hear about your weekend wine escapades. However, LinkedIn has progressed from its early days, and the most engaging status updates are those which show a little bit of personality behind the profile pic. You can share articles from your own business website, or news articles, and make a comment on them. Remember to be engaging - ask your audience what they think of the topic you are sharing.

3. **Start to publish your own articles on LinkedIn.**

The best way to raise your profile and show your expert knowledge, is to write articles on LinkedIn Pulse. When you are writing an update for LinkedIn, write it for your

audience. What does your ideal client most want to know about your work? This is not a 'look what I know' piece, this is a chance to answer your frequently asked questions and engage with your potential clients.

4. **Connect with your network.**

When you send a connection request to someone on LinkedIn, always add a note in the request to say why you want to connect with the other person. Maybe you met them at a local business event and you want to extend the business relationship. Maybe you have a mutual connection and you are expanding your network. You do not have to accept connection requests from everyone who sends you a request on LinkedIn. Have a look at their personal profile and make a judgement call if the person who sends the request is not someone already in your professional network offline. Be aware that, unless you know how to change your settings, that every time you view someone else's profile, they will be notified.

5. **Spend time on the network commenting and sharing other people's content.**

By adding value to a discussion, you are raising your profile, and you will get connection requests in return. Showing up consistently on LinkedIn will pay off. Spending 10 minutes a day checking in on your network, posting one article a week (or once a fortnight if you can't manage weekly) will start to pay off. Your network will grow, and your business will increase as a result.

If you would like to connect with me on LinkedIn to find out more about leveraging this platform for raising your profile, growing your business and lead generation, connect with me on www.linkedin.com/in/louisebrogan



Manage your legal matters on the go



Home



Police Station



Train



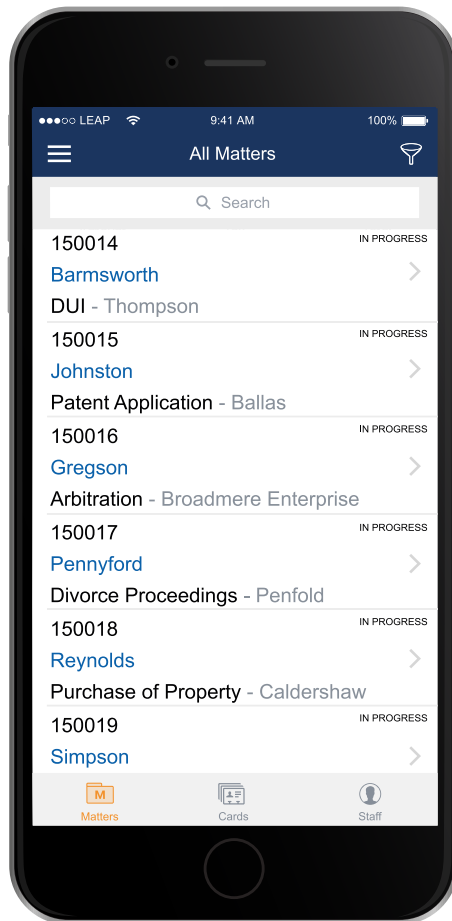
Court



Visiting clients



Coffee shop



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leap.co.uk/features

THE PILOT SUBSTANCE MISUSE COURT

The Substance Misuse Court which is currently being trialled in Laganside Courts is one of five problem-solving justice initiatives being piloted by the Department of Justice.

What is the objective of the pilot Substance Misuse Court?

The objective of the pilot is to establish a Substance Misuse Court (SMC) for adult offenders aimed at *“reducing recidivism and substance abuse/dependency among participants and to facilitate their rehabilitation.”* The requirement for a SMC pilot is one of a number of initiatives designed to achieve progress against the draft Programme for Government (PfG) Indicator 39 – *Reduce Reoffending*. This indicator, together with Indicators 1 (*Crime Prevalence Rate*) and 38 (*Increase the Effectiveness of the Justice System*) combine to help deliver Outcome 7 – *We have a safer community, where we respect the law, and each other.*

The SMC adopts a holistic approach with a view to balancing accountability and help, with the overall aim of promoting individual and social change and facilitating the participants’ rehabilitation. Addiction courts have been

operating successfully for a number of years in other jurisdictions such as Scotland, England & Wales, New Zealand and the USA. A review published in August 2016 by the Centre for Justice Innovation reported that “adult drug courts...are effective at reducing substance misuse and reoffending” and “They are particularly effective with offenders who present a higher risk of reoffending”.

When, where and who?

Referrals from the adult Magistrates’ Court to the pilot court started in April 2018, initially solely from Custody Court 10 but this is now extended to include Summons Court 9.

Belfast was identified as the most appropriate location for the pilot court based on evidence gathered on the impact of substance misuse across Northern Ireland. Presiding District Judge (Magistrates’ Court) Bagnall hears all the SMC cases and participants at all times remain under the supervision of the Court. The pilot is open to adult offenders only and a total of 50 defendants will participate in the programme. The pilot will operate for approximately 12 months, including a period for evaluation.

What are the selection criteria for participants?

Potential participants will be selected by the judge using the following criteria.

It must be a defendant who:

- has committed a crime relating to substance misuse, such as theft offences like shoplifting, possession of drugs, possession of paraphernalia, intoxication with substances or sale of small amounts of drugs to support their personal drug use;
- has no history of violent crimes such as serious assault, spousal abuse, or child abuse;
- has no history of sex offences;
- was not in possession of an offensive weapon;
- is not a large-scale drug dealer;
- must have pleaded guilty or been found guilty in court;
- does not have a pre-existing serious mental health condition;
- must be willing to co-operate with supervision, stop offending, avail of



appropriate substance misuse treatment, participate generally on the programme in place; and

- consents to the sharing of personal information between participating agencies/bodies.

What does the Assessment and Treatment model look like?

The case is initially adjourned for two weeks to allow for an intensive risk and suitability assessment to be undertaken by PBNI.

If assessed as unsuitable the defendant will be sentenced as normal. Defendants assessed as suitable will be admitted to the programme and will begin receiving treatment and regular testing under an agreed Individual Care Plan.

Clinical and therapeutic services are delivered by an Assessment & Intervention Team (AIT) comprising PBNI officials and Addiction NI staff.

The treatment programme will span a maximum period of 7-8 months for each defendant. This includes the initial two week

assessment followed by 18 weeks of clinical / therapeutic intervention and finishing with a further transitional phase of 12 weeks of social support and signposting. Participants will attend SMC review hearings at least once per month. Substance testing will be integral to the programme as per court expectations.

For each review hearing the AIT will prepare a report, reviewing compliance/progress across all court requirements. In the morning there will be a case conference at which the judge will meet with the AIT to review reports. There is no requirement for the prosecution or defence to attend the Case Conference as they will have received the progress report.

Hearings subsequently take place immediately after the Case Conference. Although the defendants are legally represented these proceedings rely largely on the interaction and relationship between the participants and the judge.

What about evaluation?

The programme will be evaluated in line with PfG requirements. Initial reports are expected around June 2019.

Finally, are the Legal Aid payments different from other Magistrates' courts?

Given the anticipated number of additional hearings at which the offender may need to be represented it is accepted that the standard fees under The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 do not provide adequate remuneration. A fixed fee of £75 is therefore payable for each SMC review in addition to the standard fee. This mirrors the legal aid provision in the Domestic Violence Perpetrator Programme. For further details please see DoJ Direction No.2 of 2018 and LSA Circular 04-18 both of which are downloadable from the DoJ's website - www.justice-ni.gov.uk.

Solicitors are asked to note that when representing a defendant they should take care to inform the court clerk of their name, firm and title so that appearances are correctly noted on the court records and to ensure that legal aid is correctly paid. It should not be assumed that court staff will automatically do this and failure to do this could affect payment of legal aid.

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For advice on leaving a legacy to NICHS and more information on our life-saving work, please contact us on 028 9032 0184.

To see how our Medical Research Programme has already supported groundbreaking projects, please visit our website www.nichs.org.uk



Advertorial

Putting Customers at the Heart of the Next Generation of Legal Software

The Legal sector is rapidly evolving and increasingly time-poor Solicitors are now tasked with finding new ways to manage their practice and legal accounts efficiently. This has led to the inevitable rise in the number of law firms shifting these processes online, with many investing in digital solutions designed to relieve the pain points of the traditional, paper-based approach to case and practice management.

However, as with any new technology there are bound to be a few teething issues when it comes to reaping the full efficiency and time-saving benefits of an automated Legal Software. Not only do modern law firms increasingly require systems which enable fast and simple practice management, they also need more flexibility from these computer systems to tackle all areas of their job simultaneously. It can therefore be challenging for companies to ensure their legal software is not just working, but driving maximum value for their business.

With the workloads of lawyers, solicitors and accountants increasing on a daily basis, it is vital that software providers not only stay ahead of the curve to provide them with the solutions needed to manage their ever-growing caseloads quickly and effectively. Now, they must team this technology with a strong commitment to providing every customer with the support they need throughout both the initial onboarding stage and beyond.

As we enter the next phase of the evolution of Legal Software, the need for this instant support is stronger than ever and providers must be prepared to put customers at the heart of their business and take the necessary steps to offer expert advice when issues arise. Whether this be hiring in-house industry experts or devising a sophisticated customer support process, legal IT firms must now embrace this challenge if they are to become a trusted and long-term partner in an increasingly competitive legal IT sector.

Insight Legal has been at the very heart of this industry transformation and has continually developed with the changing tides of the industry. Over the last eight years, the company's team of industry specialists have

been dedicated to providing businesses with the tools they need to make the management of their finances and legal accounts just that little bit easier.

By placing customer needs at the forefront of its business, the company has been able to build both a product and support system which meets these needs and as a result, celebrate continued success along the way. With 600 law firms now using its software, the company is growing fast and committed to continuously pushing the envelope, to ensure they have the tools in place to support the future needs of its customers today.

Insight Legal recently unveiled the next generation of its business, welcoming a refreshed brand and affirmed Company Values of honesty, expertise and a friendly approach to Legal Software.

Brian Welsh, Managing Director at Insight Legal Software Ltd

To discuss this topic further or the services we can offer, please give us a call on 028 9433 9977, email us at info@insightlegal.co.uk or visit our website; www.insightlegal.co.uk

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Irish Rule of Law International

In this article Norville Connolly, Director of Irish Rule of Law International, Past President of the Law Society of Northern Ireland and a Member of AEA-EAL (European Association of Lawyers) reflects on the work of Irish Rule of Law International – particularly in Malawi.

Irish Rule of Law International (IRLI) is a joint initiative of the Law Society of Ireland and the Bar of Ireland as well as the Law Society of Northern Ireland and the Bar of Northern Ireland, dedicated to promoting the rule of law in developing countries on a project-oriented, non-profit basis. IRLI seeks to harness the skills of Irish and Northern Irish lawyers in using the law as a means of tackling global injustice and empowering all people to live in a society free from inequality, corruption and conflict.

Originally founded in 2007 by the Law Society of Ireland and the Bar of Ireland, the organisation has collaborated with academics, judges, legal practitioners, policy-makers and civil society around the world to advance collective knowledge of the relationship between the rule of law, democracy, sustained economic development and human rights. The Law Society of Northern Ireland and the Bar of Northern Ireland joined IRLI in 2015.

IRLI originated in the recognition of the importance of the rule of law for sustainable development. We believe that members of the Irish legal profession have a significant role to play in strengthening the rule of law and shaping the progress of fragile societies.

IRLI has worked and is working in a number of countries to include Malawi. It has been working there since 2011, to address capacity challenges within the criminal justice sector, with the overall aim of improving access to justice for unrepresented vulnerable persons. As part of this programme, Irish volunteer lawyers are seconded to or positioned strategically alongside the principal institutional actors in the criminal justice system - the Legal Aid Bureau, Ministry of Justice, Office of the Director of Public Prosecutions and the Malawi Police Service. Their work is also supplemented by volunteer lawyers based on the island of Ireland, who provide short term intensive training for partner organisations.

The Malawi team is currently made up of Programme Manager Fran Flood, Programme



Some of the IRLI volunteers/ directors outside the office in Lilongwe Malawi August 2018. Left to right Macdara O'Driscóil, Maya Linstrum Newman, Tyler Holmes, Jolene Quinn, Eithne Lynch and Norville Connolly.

Lawyers Macdara O Drisceoil, Tyler Holmes, Maya Linstrum Newman and Programme Officer Jolene Quinn. Two further volunteers are currently being recruited to support the team there.

In Malawi there is excessive use of pre-trial detention and the lack of a comprehensive legal aid system, amongst other factors, have resulted in overcrowding in Malawi's prisons as well as considerably long detention times for prisoners being held on remand. Overcrowding in prisons is a prevailing problem across many nations in Africa, with the practice of holding prisoners on remand compounding the issue. As a result, in some countries a good majority of the prison population is made up of those awaiting trial. By reducing overcrowding, conditions for prisoners improve thus enhancing Malawi's observance of the human rights of prisoners and remandees.

The poor of Malawi also face physical, financial and language barriers to legal aid. Most live in remote rural areas, live on an income of \$1 per day, and do not speak English – the language of the court. With no representation vulnerable Malawians are often held in custody for months, or years, until a trial court acquits or sentences him/her.

In tackling access to justice for the poor, IRLI has sought to implement mechanisms in partnership with local actors to remove

obstacles to free legal aid in the short-term (such as capacity constraints and shortage of lawyers) in order to bring about direct change at beneficiary level, while developing systemic, sustainable interventions aimed at providing long-term benefits to the wider criminal justice sector.

IRLI works to build capacity in the criminal justice sector and provide access to justice in the following ways:

- Working closely with advocates and officials in the Legal Aid Bureau to progress cases of remandees and juveniles, with a focus on children, women, the sick, and the elderly;
- Training of magistrates, police officers, social workers, advocates and paralegals in human rights and due process, restorative justice and diversion, case management and client care, as well as the protection of children and young offenders who come in conflict with the law;
- Supporting the Office of the Director of Public Prosecutions to improve case management systems, processing of homicide cases and writing of legal opinions;
- Working with the Malawi Police Service to strengthen diversion programmes in police stations in Lilongwe so that juveniles and first-time offenders of minor crimes are diverted from the already over-burdened prison system;
- Facilitating a Child Diversion Programme in partnership with Chisomo's Children Club and the Ministry of Gender, Children, Disability and Social Welfare with a focus on reducing recidivism through correctional education;
- Engaging with local Traditional leaders, with the support of the Malawi Police Service and Legal Aid Bureau, to facilitate community legal education workshops to sensitise the broader community about bail rights, diversion, child protection and human rights.

The Malawi Programme is funded by Irish Aid and the European Union.

Anyone seeking further information of the work of IRLI can contact Norville at norvilleconnolly@gmail.com or see its website at www.irishruleoflaw.ie.

CARING FOR CALAIS



Maria McCloskey is a solicitor, Chair of the Immigration Practitioners' Group NI and Vice Chair of the Centre for Global Education's Management Board.

In July 2018, Maria volunteered with Care4Calais. Here, she talks about her experiences and some of the people she met.

Within my first few days in Calais, I met Jamail. He is 23 and from Eritrea, where he worked as a carpenter. He is now (what can only be described as) surviving on the streets of Calais, in the hope of one day achieving his dream: to live in the UK. Jamail left Eritrea for many very valid reasons, including army-conscription, lack of education and having little or no choice about how he lived his life. He talked openly and honestly about his experiences, including the attempts by him and his friends to cross the English Channel by hiding in or clinging to the bottom of lorries.

His story highlights the desperation that asylum-seekers experience as they take that life-changing decision: to leave their home country, knowing that might never see their family and loved ones again.

Few people will have heard of Care4Calais, an organisation working 'on the ground' to try and



alleviate the conditions in which many refugees are living. They do so through their ongoing support to those who are trying to make their way to the UK. Each day, vans are driven to different parts of Calais, and to Dunkirk, Paris and Brussels with distributions of food, clothes and toiletries, which have mostly been received in donations from the UK.

As a volunteer, it was great to be able to give out much-needed items, but it was difficult to know how to respond to refugees who needed everything on offer, and had difficulty choosing, or those who needed something else entirely. Many asked for shoes, which are in desperately short supply.

In a couple of the locations I visited with Care4Calais, it was clear that strong bonds had formed between the refugees. It was heartening to think that they might, for at least some of this awful experience, not be completely on their own.

In a few of the semi-permanent campsites, on the outskirts of Calais, however, the residents were somewhat more hardened to the reality and unfairness of the system. In these places I sensed a definite air of desperation and exacerbation.

One encounter with the French border police during my trip will stay with me. As we sat drinking tea and chatting with refugees, a police van pulled in and officers proceeded to patrol the area, one with a baton in his hand;

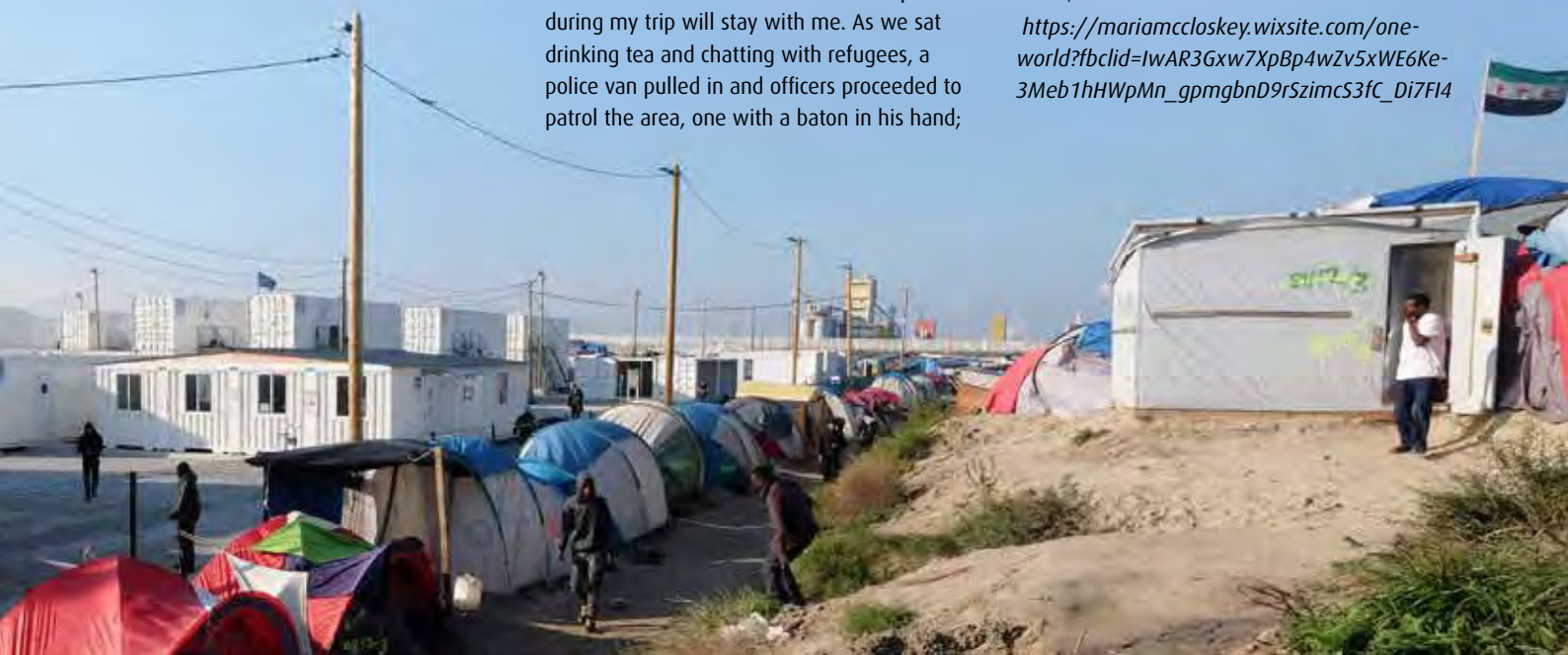


another with a canister of tear gas 'at the ready'. I had read reports about the French border police – who are funded by the UK government – during my studies at Queen's, which include accounts of physical violence, use of tear gas, slashing tents, smashing mobile phones, and preventing distributions of food and water (beyond strict hourly time limits, imposed by local councils/district authorities).

Towards the end of my week in Calais, I started to feel slightly overwhelmed by the apparent hopelessness of the situation facing the men, women and children seeking asylum in the UK. I chose to focus instead on the inspirational work of so many people and organisations who continue to fight for the rights of refugees and against the injustices of the system. For example, one former volunteer has set up a phone credit charity: a world-wide organisation that provides free 'top-ups' to refugees and displaced people. Other organisations are distributing cooked meals, delivering informal English lessons, and providing first aid. And without exception, every single volunteer I met had one thing in common: a desire to offer support and assistance in whatever way they could.

You can read my blog, from the time I spent in Calais, here

https://mariamccloskey.wixsite.com/one-world?fbclid=IwAR3Gxw7XpBp4wZv5xWE6Ke-3Meb1hHWpMn_gpmgbd9rSzimcS3fC_Di7F14





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New Court Fees for Collection & Enforcement of Fines and other Penalties

Further to the commencement in June 2018 of new provisions in relation to the collection and enforcement of fines and other penalties under the Justice Act (NI) 2016 (see Edition 229 of The Writ for further information), the Department of Justice has advised the Society of a number of new application fees as follows:

- Application to vary a court imposed attachment of earnings order - £118.
- Application to discharge a court imposed attachment of earnings order - £118.
- Application for determination of earnings - £118. There is no fee chargeable for this application by the employer as per Magistrates' Courts Fees (Amendment) Order (NI) 2018
- Application to release a vehicle wrongly seized - £118

In the Magistrates' Courts Fees Order these fees fall under the application fee in Section G – Miscellaneous – Fee 55 – A notice of application to a Magistrates' Court.

The current NICTS Exemption and Remission Policy also applies to these fees.

There are no fees for applications to the Collection Officer. This includes the Application for a hardship payment order or an Application to vary/discharge an attachment of earnings order made by the Collection Officer.

SITTINGS AND VACATIONS OF THE COURT OF APPEAL AND THE HIGH COURT: 2019 - 2020 ORDER 64 OF THE RULES OF THE NORTHERN IRELAND COURT OF JUDICATURE 1980



Michaelmas Term

Thursday 5 September 2019 to
Friday 20 December 2019

Halloween Recess

Monday 28 October 2019 to
Friday 1 November 2019 inclusive

Christmas Recess

Monday 23 December 2019 to
Friday 3 January 2020 inclusive

Hilary Term

Monday 6 January 2020 to
Friday 3 April 2020

Easter Recess

Monday 6 April 2020 to
Friday 17 April 2020 inclusive

Trinity Term

Monday 20 April 2020 to
Tuesday 30 June 2020

Long Vacation

Wednesday 1 July 2020 to
Friday 4 September 2020 inclusive

History in the making

In 2018, for the first time ever the Presidents of the Law Societies of Northern Ireland, Scotland and England and Wales were all women.

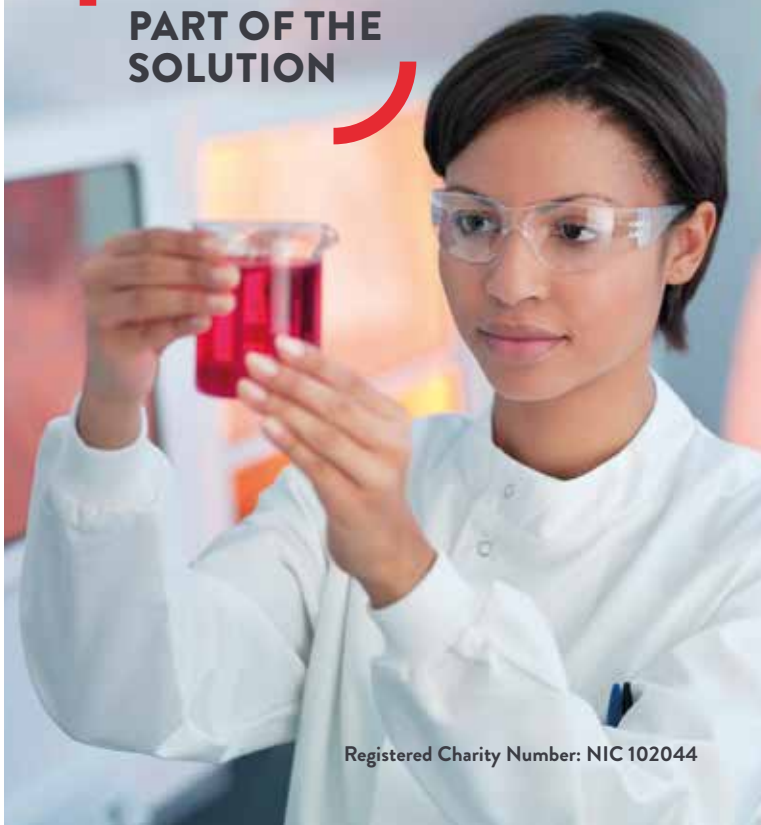
The then President of the Law Society of Northern Ireland, Eileen Ewing joined the President of the Law Society of England & Wales, Christina Blacklaws and the President of the Law Society of Scotland, Alison Attack, to mark the occasion at a reception in Chicago, USA where they were attending the Annual Meeting of the American Bar Association.

The three Presidents were joined by the leaders of Law Societies and Bar Associations from North America and New Zealand.



From left: Alison Attack, President of The Law Society of Scotland; Eileen Ewing, then President of The Law Society of Northern Ireland; Kerrie Simmons, President of The Canadian Bar Association; Christina Blacklaws, President of The Law Society of England And Wales; Hilarie Bass, President of The American Bar Association; Kathryn Beck, President of The New Zealand Law Society; Sheila M Macpherson, President of The Federation of Canadian Law Societies.

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Under scrutiny “at all times”?

by Tom Campbell

After the recent local government reforms here, extensive new powers over economic development and planning were devolved to local councils. At the same time a mandatory ethical framework was established whereby a councillor can be punished if he or she transgresses a mandatory Councillors’ Code of Conduct (“the Code”). The Code refers to issues such as abuse of position, improper lobbying, conflicts of interests and the registration of gifts and hospitality. In its preamble the Code states:

“The Northern Ireland public has the right to expect high standards of behaviour from councillors and the manner in which they should conduct themselves in undertaking their official duties and in maintaining working relationships with fellow councillors and council employees...The Code details the principles and rules of conduct which you are required to observe when acting as a councillor and in conducting council business.”

The Code states that it is applicable when a councillor conducts council business, or when he or she acts or claims to act in his or her role as a councillor or as a representative of his or her council.

The Code is policed by the Local Government Commissioner for Standards. The Commissioner’s powers derive from section 55 (1) of the Local Government (NI) Act 2014. Before an investigation can take place, the Commissioner requires a written allegation “by any person that a councillor (or former councillor) has failed, or may have failed, to comply with the code of conduct”. She has currently no powers to initiate her own investigation in the absence of a formal complaint.

In terms of this new regulatory scheme, obeying the law is said to be one requirement of the Code, which is to be observed by councillors “at all times”. If an elected official is found guilty of breaching the Code, sanctions include censure, suspension or disqualification from office.

The first case to have been considered by the Commissioner related to a complaint that Councillor Patrick Clarke had been found guilty of a number of criminal offences rendering him unfit for office. These included sexual assault, criminal damage and fraud.

In this case there was no dispute that he had breached the Code. The Acting Commissioner concluded that given the seriousness of the offences and a lack of reflection or insight on the part of the councillor, a suspension from office would not be appropriate and that he would be disqualified from office and from seeking election for a period of three years. As such, Mr Clarke is ineligible to stand in the local government elections next year.

The extent to which conduct which occurs in an elected councillor’s private time can be the subject of serious disciplinary sanction, even if unrelated to his council duties, has been the subject of a recent hearing in the High Court.



After his conviction on a drink driving offence in July 2017, Councillor Patrick Brown “self referred” his case to the Commissioner and sought a ruling on whether he had breached the Code. The incident occurred in his private time and he claimed he was not “acting as a councillor” or “conducting Council business”. After an investigation, the Commissioner determined that Mr Brown would be suspended as a councillor for a period of 6 months. This carried with it a loss of council salary of around £7,000. He appealed the decision to the High Court.

An appeal can be based on an error of law, procedural impropriety, unreasonable exercise of discretion, where a decision was not supported by facts found or where the sanction imposed was excessive. An appellant must firstly seek leave from a Judge, which was granted.

On behalf of the appellant, reliance was placed on *Livingstone v Adjudication Panel for England* 2006 EWHC 2533 (Admin). This was a case where a controversial former Mayor of London made offensive remarks of an anti Semitic nature to a Jewish journalist. In that case Collins J allowed an appeal against determination and sanction and, although based on differences in legislation, he took the view that

“unlawful conduct is not necessarily covered; thus where a councillor who shoplifts, or is guilty of drunken driving, will not, if my construction is followed, be caught by the Code if the offending had nothing to do with his position as a councillor”.

The appellant contended that the offending had nothing to do with his “position as a councillor”, that he had been punished by the District Judge and that, even if the Code was engaged, the sanction was excessive. It was contended on his behalf that a form of censure would have sufficed, particularly in view of the dangers of double jeopardy. The appellant’s counsel argued that the Commissioner had fallen into error in placing over reliance on an issue concerning a pillion passenger on the appellant’s motor cycle and that she had strayed into making findings which were matters for the District Judge.

At hearing it was submitted on behalf of the Commissioner that the Court’s function was a judicial review supervisory role, an argument rejected by the Judge, who held that the jurisdiction of the court was broader allowing due deference to the decision maker.

Dismissing the appeal, the Judge distinguished the *Livingstone* case which had predated the new legislative code at a time “when the issue of public private divide was live”. Keegan J concluded that it was important to recognise that:

“...the Code was enacted in this jurisdiction for a reason. It reflects the fact that additional authority was given to local councils and the consequent high standards of public office required. It is quite clear in my view that the Code applies. The scope of it is explained in paragraph 4.2 which states that “at all times” a councillor must maintain high standards of office”.

As to the sanction itself, the Judge pointed to the exercise of a discretion by the Commissioner who had reached a view on the evidence and cautioned against the Court substituting its view. The Court rejected the double jeopardy argument, concluding that criminal law and the Code had different objectives:

“The guidance specifically refers to censure being preserved for minor cases. This was a case of drink driving. Thankfully no one was injured on this occasion but this type of behaviour can have devastating consequences and is frowned on by society. This is not a minor matter. As such it is in my view that the Commissioner was entirely correct to rule out censure. This case should make clear that immediate suspension is appropriate if an offence of this nature is committed.”

Although the Court is given the power to consider appeals from decisions of the Commissioner, it would appear that in practice the Commissioner is being allowed a wide discretion on the exercise of her powers. No order for costs was made in the *Brown* appeal.

In another case heard immediately before the *Brown* appeal, an independent councillor, Padraig McShane, fell at the leave stage. He had unsuccessfully appealed a decision by the Commissioner who had found that he had breached the Code. As a consequence, he was suspended from office for three months. The allegation concerning this councillor was that he had been pictured with the Irish tricolour and a Palestinian flag at the Council Chamber. The adjudication referred to the use of his position to confer and secure personal advantage, and the use of Council resources “for political purposes”. Mr McShane had argued unsuccessfully that he was entitled

to freedom of expression in relation to his political views in this context.

An appeal is apparently pending to the High Court from an interim suspension from office of Councillor Jolene Bunting for a period of four months. The Acting Commissioner in that case received a number of complaints inter alia about allegedly racist statements. It was alleged that she had made negative comments in a public forum about Islam and the Quran in the context of “problematic sections” of society. There was also a claim from the Council’s Chief Executive that her conduct had the potential to cause “reputational damage”. The interim decision noted that complaints against the councillor were “unprecedented” and that there had been considerable publicity, much of which had been generated by the councillor herself “regardless of the reaction to her actions and comments”, which was likely to have “a negative impact on public confidence”. A debate on Article 10 (freedom of expression) is beyond the scope of this article.

There will be some who may argue that the incursion into an individual’s private life when that person is not acting as a councillor or engaged in council business is unfair and too wide ranging. An independent Review Panel appointed by the Stormont Executive has recommended that the Code’s provisions should relate to the discharge of local government duties, “aspirational” and not in themselves directly enforceable. Its recommendation was that the “Public Duty” in the Councillors Code be changed to the following:

“You shall uphold the criminal law. You fail to uphold the law only if you are convicted of, or admit formally, an offence committed when acting in your capacity as a Councillor”.^[1]

These recommendations have been submitted to Stormont for Ministerial approval which, given the current lack of a functioning Executive, means that the existing Code is likely to be applicable in its current form. In the interim pending reform, our local councillors will be held accountable for their conduct “at all times”.

[1] Recommendation 3, The Local Government Code of Conduct Review Working Group Report (2016).

Tom Campbell is a partner in Campbell Stafford Solicitors and an elected local councillor.

An interview with Lizzie Colvin

The Writ recently caught up with Lizzie Colvin, employment solicitor at DWF Belfast who was a member of the Irish silver medal winning team at the Vitality Hockey Women's World Cup held in London during the summer.

1. How long have you been playing hockey?

I started when I was seven at my local hockey club in Armagh with my friends from school. It has always been a strong hockey community and the support and encouragement that I received in the club and from my friends and family at such a young age was a strong influence in my development as a player. I play mid-field. I got on to the senior team when I was a teenager and went on to help Armagh gain six successive promotions. After accepting a place to study law at Trinity College Dublin, I then moved to play for Dublin side Loreto for nearly 10 years and after returning to Northern Ireland, I am now playing my second season with Belfast Harlequins.

I earned my first cap for Ireland in June 2008 in the Celtic Cup in Cork playing against France. The World Cup Final against The Netherlands was my 161st.

2. Why did you decide to become a lawyer?

I have always enjoyed reading and writing and watching the occasional legal drama so when I chose to study law at university it seemed like the right fit for me.

I have been working as an employment



lawyer in DWF's commercial team since May 2017.

3. How difficult has it been to balance your work life as an employment lawyer with your interest in hockey?

It can be very difficult to balance at times and requires huge sacrifices both professionally and personal but it's a lifestyle that all the workers on our team have chosen purely for our love of the sport. Prior to the World Cup we were training five times a week.

Thankfully, I have a wonderful support network of great friends and family and a patient fiancé who been there for me during the highs and many lows of my hockey career.

I am also very fortunate to have a very understanding boss and colleagues at DWF who have been incredibly supportive over the last 18 months and have made the balancing act so much easier! It has undoubtedly helped that my boss Ken Rutherford played hockey for Ulster and Ireland.

4. What was the highlight of your World Cup experience?

Being awarded a silver medal is something very special which I will never forget but

the overwhelming memory of the World Cup for me was running out of the tunnel into the stadium before our first game against the USA to massive cheers from hundreds of Irish fans. It was truly an electrifying experience and put huge grins on all our faces during the anthems.

5. What's next for you as a hockey player and solicitor?

Honestly, I'm not sure! The qualifiers for the Tokyo Olympics in 2020 are less than 12 months away so I would love to keep playing but for the meantime I have a few hours to make up for in work before considering requesting any more time off!

6. How do you relax

Playing hockey is definitely a stress reliever for me. Since starting work, I now appreciate the time away from work and the freedom that comes with playing hockey. When you are out on the pitch you forget all about the things piled on your desk.

I also enjoy hiking, cooking and travelling. I met my fiancé Matthew on a ski field in the North Island of New Zealand during a four month trip I took after Ireland missed qualification for the 2012 London Olympics. We got engaged in Salzburg in January of this year.

7. You are getting married in 2019. Do you think organising a wedding will be more stressful than competing in a World Cup Final?

Yes - I think so. The decision-making takes a lot more time when you're not on a hockey pitch! The size of the wedding party has also increased. I would hope the other seventeen members of the team will be able to make it.



Attention All Conveyancers - Solicitors' Practice (Amendment) Regulations 2018

Members are advised that the Solicitors' Practice (Amendment) Regulations 2018 are now in place having been approved by the Council of the Law Society of Northern Ireland and received the concurrence of the Lord Chief Justice. The full text of the Regulations is set out below.

The new Regulations will come in force on **1 January 2019**.

By way summary, the Solicitors' Practice (Amendment) Regulations 2018 substitute the relevant portions of Regulations 19 and 20 of the Solicitors' Practice Regulations 1987. The main changes made by the Regulations (using the numbering in the 2018 Regulations):

1. 19(2)(d) The consideration permitted has been increased on an RPI basis to £10,000 from £3,000 when introduced in 1987.
2. 20(1)(c) This is a new provision reflecting the outcome of the separate representation debate. If a solicitor is to act for both borrower and lender then the agreed Certificate of Title must be used. The Certificate of Title has been agreed with UK Finance (formerly CML). It has been agreed with UK Finance that the new Certificate will come into use for all mortgage instructions dated from 1 January 2019. It is intended that there will be two Certificates in use. One Certificate for those lenders who instruct in accordance with the UK Finance Handbook and one Certificate for those who do not. Both Certificates will be the same in substance. Regulation 20 relates to loans from lending institutions (as defined).
3. 20(A) Regulation 20(A) relates to loans which are not from lending institutions (typically loans between family members) and is drafted on a similar basis to the conflict of interest provisions contained in Regulation 19(3). This issue had not previously been addressed in the Regulations and it was therefore considered opportune to do so at this point given the increasing prevalence of such arrangements.

Solicitors' Practice (Amendment) Regulations 2018

The Council of the Law Society of Northern Ireland, in exercise of the powers conferred on them by Articles 26(1) and 75(1) of the Solicitors (Northern Ireland) Order 1976 and all other powers enabling them on that behalf, and with the concurrence of the Lord Chief Justice of Northern Ireland hereby make the following regulations for the purposes mentioned in Article 26(1) of the said Order.

- 1.(a) These Regulations may be cited as the Solicitors' Practice (Amendment) Regulations 2018.
- (b) These Regulations shall come into force on 1st January 2019.
2. In these Regulations "the Principal Regulations" means the Solicitors' Practice Regulations 1987 and any reference to a Regulation by number is to the Regulation so numbered therein.
3. For Regulation 19 of the Principal Regulations there shall be substituted the following Regulation:-
 - "19 (1) Subject to Regulations 19(2), 19(3) and 19(4) below, a solicitor shall not act for both vendor and purchaser on a transfer of land for value at arm's length or for both lessor and lessee on the grant of a lease for value at arm's length.
 - (2) Provided no conflict of interest appears and the vendor and/or lessor is not a builder or developer selling or leasing as such this regulation shall not apply if:
 - (a) the parties are associated companies; or
 - (b) the parties are related by blood, adoption, marriage or civil partnership; or
 - (c) both parties are established clients; or
 - (d) on a transfer of land the consideration is less than £10,000; or
 - (e) one of the parties is the Northern Ireland Co-Ownership Housing Association;
 - (3) Where a solicitor is acting in circumstances to which Regulations 19(2)(a) – (d) apply then both parties must be informed in writing that:-
 - (a) the solicitor is acting for both parties; and
 - (b) no conflict of interest appears to the solicitor at the time of receipt of instructions; and
 - (c) in the event of such a conflict of interest arising the solicitor will be unable to continue acting for either party in the transaction and shall not continue to so act.

- (4) Where the vendor and/or lessor is a builder or developer this Regulation shall not apply if:
- (a) no conflict of interest appears; and
 - (b) the purchaser or lessee is :-
 - (i) an associated company of the vendor/lessor; or
 - (ii) a director or partner of the vendor/lessor; or
 - (iii) a person related by blood, adoption, marriage or civil partnership to such director or partner; or
 - (iv) the solicitor himself; or
 - (v) an employee or partner of the solicitor or his firm and
 - (c) both parties have been informed in writing that:-
 - (i) the solicitor is acting for both parties; and
 - (ii) no conflict of interest appears to the solicitor at the time of receipt of instructions; and
 - (iii) in the event of such a conflict of interest arising the solicitor will be unable to continue acting for either party in the transaction.
- (5) Notwithstanding the provisions of Regulations 19(2), 19(3) and 19(4) a solicitor shall not in any circumstances act for the purchaser on the transfer of land for value at arm's length or for the lessee on a grant of lease for value at arm's length where he or a solicitor practising with him is instructed as an estate agent to negotiate the sale of the property concerned."

4. For Regulation 20 of the Principal Regulations there shall be substituted the following Regulations:-

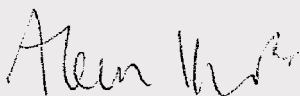
- "20 (1) A solicitor shall not act for both a lending institution and borrower in the preparation and execution of a mortgage, charge or other security except that, provided no conflict of interest arises, it shall be permissible for a solicitor to act for a purchaser/borrower and a lending institution (or the Northern Ireland Housing Executive acting as a lending institution) in a transaction where:
- (a) the solicitor is retained by the purchaser/borrower before he receives instructions from the lending institution; and
 - (b) where the terms of the security documents are standard and not subject to alteration by negotiation; and
 - (c) the Certificate of Title provided by the solicitor to the lending institution is the most recent version of the Certificate of Title approved by the Council of the Society from time to time and appropriate for that lending institution.
- (2) It shall also be permissible for a solicitor to act for both a lender and borrower in relation to a further charge.
- (3) For the purposes of this Regulation 20 and 20(A), a "lending institution" shall be defined as any lending institution regulated by a statutory authority.
- 20(A) (1) Subject to Regulation 20(A)(2), a solicitor shall not act for both mortgagor / chargor and mortgagee / chargee in the preparation and execution of a mortgage, charge or other security provided always that this Regulation 20(A) shall not apply to any mortgage, charge or other security given to a lending institution on the terms set out and as defined in Regulation 20.
- (2) Provided no conflict of interest appears this Regulation shall not apply if:
- (a) the parties are associated companies; or
 - (b) the parties are related by blood, adoption, marriage or civil partnership; or
 - (c) both parties are established clients

Where a solicitor is acting pursuant to Regulations 20(A)(2)(a) – (c) above then both parties must be informed in writing that:-

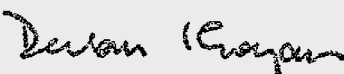
- (i) the solicitor is acting for both parties; and
- (ii) no conflict of interest appears to the solicitor at the time of receipt of instructions; and
- (iii) in the event of such a conflict of interest arising the solicitor will be unable to continue acting for either party in the transaction."

Approved by resolution of the Council on 16th May 2018.

I certify that this is a true copy of the Solicitors' Practice (Amendment) Regulations 2018 approved by the Council of the Law Society of Northern Ireland by resolution on 16th May 2018.



Alan Hunter,
Chief Executive

I concur 

The Right Honourable Sir Declan Morgan
Lord Chief Justice of Northern Ireland

Reminder for the return of 2018 CPD Record Cards

As we are now in December this is a reminder for all solicitors who have a 2018 CPD requirement to submit your Record Card to the Society as soon as your CPD requirement for the year has been met. This must be received by the Society **NO LATER** than 5th January 2019.

It is compulsory for every solicitor who currently holds a Practising Certificate to complete CPD (the breakdown of which is detailed in the 2018 Record Card) and to send the completed Record Card to the Society.

There are some exceptions to this, such as those solicitors who will have worked less than 200 hours during 2018, or those who are retiring before the end of 2018. Other exemptions are given on page 3 of the 2018 CPD Record Card. Anyone who is exempt or partially exempt from the requirements must nevertheless complete a card detailing the relevant exemption so that records can be kept up to date.

The completed Record Cards should be sent to the Society before **5th January 2019** with all relevant sections filled in. However completed CPD Record Cards can be forwarded to the Society at any time as soon as all of the CPD requirements have been met. We would ask that you do not include certificates of attendance at events or other event paperwork, however each solicitor should retain these records on file until the end of 2019 as you may be asked to provide these as evidence. Solicitors are also asked to keep a photocopy of the 2018 Record Card they submit to the Society for their own records. Many thanks to all of you who have already sent in your 2018 Record Card - receiving these means that we can begin processing the cards much earlier.

If you have any queries about CPD, please contact the CPD Co-ordinator at susan.duffy@lawsoc-ni.org.

Thank you for your continued support of Law Society CPD events during 2018 and we look forward to seeing you at the Society's CPD events in 2019.

Practising Certificate Reminder – 2019

By the time you read this you should have received the Application Form (PCR1) to facilitate the renewal of your Practising Certificate for the Year Ending 5th January 2020. The covering letter which accompanied the PCR1 emphasised the importance of correct completion and timely return of the form to the Society. You are reminded again that all forms must be returned not later than **5th January 2019**.

As regards correct completion, please bear in mind:

- (a) The responsibility for proper completion and return of the form lies with the individual applicant solicitor (i.e. not the firm or employer);
- (b) The application must bear the personal signature of the applicant, and be both signed and dated;
- (c) The application must be accompanied by the correct remittance. By way of reminder, the Practising Certificate Fee for Practising Year Ending 5th January 2020 is £1275.00. The prescribed Compensation Fund contribution applicable to the applicant is also calculated and shown on the PCR1. For the Practising Year Ending 5th January 2020 the relevant full-contribution is £175 (payable by solicitors

with more than six Practising Certificates since admission); the half-contribution is £87.50 (payable by solicitors receiving their fourth, fifth or sixth Practising Certificate), and a Nil contribution is levied in accordance with the relevant statutory provisions on solicitors receiving their first, second or third Practising Certificate following admission.

- (d) For solicitors in private practice the Practising Certificate Application Form **must be accompanied by the correct and original Professional Indemnity Insurance Certificate**. It is common for the Form to arrive with the Society with no Insurance Certificate, with a photocopy of an Insurance Certificate, or with the wrong Insurance Certificate. In respect of each solicitor a Schedule will have been provided by the Society broker (Willis Towers Watson) which clearly identifies itself in these terms: "(NB: This schedule should be forwarded to the Law Society as evidence of insurance)".
- (e) The Society is particularly keen to optimise communication with members by e-mail. You can fill in details of your e-mail address at Part A (iii) of the application form. Please update as required or if you have not previously done so, please actively consider providing these details.
- (f) Please note that applications received after 5th January 2019 deadline and

any application received incomplete or insufficiently supported will not be accepted, which shall result in a delay. In these circumstances these applications will be liable to the imposition of a late application penalty fee, pursuant to the Practising Certificate (Amendment) Regulations 1994. Under the Regulations this enhanced fee is calculated by increasing the Practising Certificate Fee by 10% for each calendar month or part thereof that the application is outstanding.

- (g) The Society also requests that members who apply for a Practising Certificate make a small voluntary contribution of £40.00 to the Solicitors' Benevolent Fund to assist in the Fund's aim of helping Solicitors and their families who are suffering from financial hardship. The Fund, which is a separate body from the Society, operates on an all-island basis through both Law Societies in Ireland. By making a contribution, you will become a member of the Fund. If you would prefer not to make a contribution to the Solicitors' Benevolent Fund, please indicate by ticking the appropriate box on the Application Form.

The Society is appreciative of your co-operation and attention in all these respects.

ALAN HUNTER
Registrar



From their commencement at the Institute of Professional Legal Studies (“IPLS”), the Trainee Solicitors and Pupil Barristers have endeavoured to regularly organise fundraising events for their 2018 nominated charity, Public Initiative for Prevention of Suicide (“PIPS”).

One of their recent fundraising initiatives was a Masquerade Ball held in the Great Hall at Stormont, Parliament Buildings, on 12 October.

The format of the night allowed guests to access the Assembly Chambers with tour guides on hand to provide a unique insight into the history of Parliament Buildings. Following the charity presentation, guests proceeded to the Long Gallery for their buffet after which everyone returned to the Great Hall for the remainder of the night’s entertainment.

Naturally, the main focus of the event was to raise awareness and funds for the IPLS’ nominated charity. PIPS is based in Belfast and was initially set up following a tragic period when 14 young people took their own lives within a short period of time after which the local community came together to form PIPS. The Charity delivers Suicide Prevention and Bereavement Support Services, Counselling and Therapies across Belfast and throughout Northern Ireland

Ciara Boyes, Organisational Director at PIPS kindly addressed the guests about the history of the charity and the work which PIPS is involved in before poignantly adding that the Masquerade theme was very relevant as, in reality, many people wear a mask when around others to hide the true state of their mental health.

It is hoped that the Masquerade Ball will make those present aware of the very live issue of mental health, particularly within the legal profession. To this end the IPLS student body are collaborating with PIPS to arrange suicide prevention training for IPLS students later this year.

The Masquerade Ball was a fantastic success and has added over £500 to a growing fundraising total for the year.

The event would not have experienced this success without the assistance of Claire Sugden MLA, former Justice Minister for Northern Ireland, who kindly sponsored the event, the Events, Catering & Security Departments at Stormont, Jess Walker and ‘The Braces’ who provided the entertainment and of course all the Trainee Solicitors & Pupil Barristers and IPLS staff who supported the event in great numbers.

Lawyers at Belfast Pride 2018

For the third year running, Northern Ireland lawyers were among those who took part in the annual Belfast Pride parade.

Lawyers with Pride was established in 2016 to “ensure that the LGBT community know that they can access justice without fear or bias”.

As well as taking part in this year’s parade, the group organised a lecture by transgender judge Master Victoria McCloud.



PRACTICE DIRECTION



Home Charter Practice Direction Flooding Issues

The Society has issued a new Practice Direction 2018/1 in relation to flooding issues.

A copy of Practice Direction 2018/1 can be accessed by clicking on the link https://www.lawsoc-ni.org/DatabaseDocs/med_6308275__practice_direction_2018-1.pdf

New Society Guidance on Access and Disclosure of an Incapacitated Person's Will

The Society's Non Contentious Business Committee has produced a Guidance Note on Access and Disclosure of an Incapacitated Person's Will.

The Master (Care and Protection) was involved in discussions leading to the creation of the Guidance Note and the Master has approved this version.

The Guidance Note can be accessed at:- https://www.lawsoc-ni.org/DatabaseDocs/med_5167870__guidance_note_on_access_and_disclosure_of_an_incapacitated_persons_will.pdf

Members can provide feedback through Andrew Kirkpatrick, Head of Non Contentious Business, at andrew.kirkpatrick@lawsoc-ni.org

New leaflet published on dealing with cold callers/texts

The Society has produced a new leaflet providing information on what to do if a client receives cold calls or texts. The leaflet contains valuable information on how to register a phone number for the opt-out service, as well as different routes to make a complaint to the Information Commissioner's Office. The new leaflet can be accessed by clicking on the link below. https://www.lawsoc-ni.org/DatabaseDocs/new_2794643__unsolicited_calls_flyer_revised_and_final.pdf

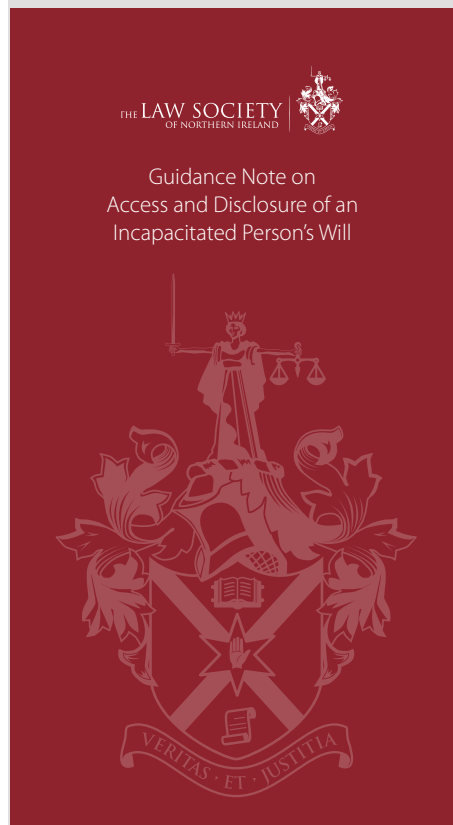


Clinical Negligence Recent Developments, Case Law and Practice

Thank you to Mr Robert Wheeler, Consultant Neonatal and Paediatric Surgeon, Mr Phillip O'Connor, Consultant in Accident & Emergency and Intensive Care Medicine; Paddy Mullarkey, Partner, O'Reilly Stewart for delivering "**Clinical Negligence Recent Developments, Case Law and Practice**".



From left: Mr Robert Wheeler, Mr Phillip O'Connor and Paddy Mullarkey.



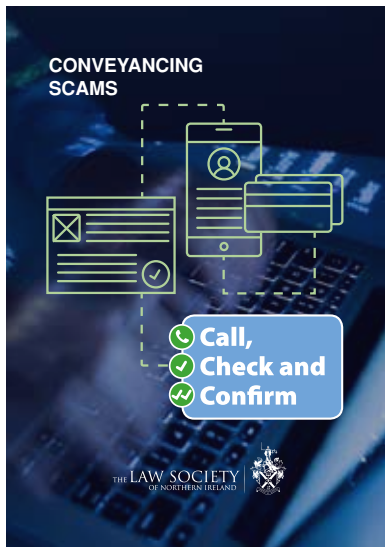
New writeable 'Call Check and Confirm Leaflet' launched

A new awareness campaign has been launched aimed at reducing the threat posed by cyber-criminals targeting home-buyers, sellers, lenders and solicitors in Northern Ireland.

The 'Call, Check and confirm', campaign has been launched by the Law Society and provides guidance, information and recommended actions to all parties involved in a house sale or purchase.

Why has the campaign been launched?

The Society has launched the new campaign following an increase in the number of reports of those involved in the conveyancing process



Alan Reid, Law Society Council member and Detective Chief Inspector Michael Harvey from PSNI Cyber Crime Centre launch the new Call Check and Confirm leaflet.

being targeted and scammed out of significant sums of money by cyber-criminals.

Unfortunately, the reports to the Society also indicate that criminals are now actively targeting home buyers with transfer scams.

Transfer Scams are when the borrower transfers the deposit or other payments in connection with their house purchase to their solicitor but the money is intercepted and stolen by a fraudster.

What is the aim of the campaign?

The new *Call Check and Confirm* campaign aims to prevent the fraudsters being successful by providing information and simple instruction to home-buyers.

The Society believes that it is important that solicitor firms and clients should be aware of the increased threat from cyber criminals and that they take practical steps to ensure that funds remain safe and that the conveyancing transaction progresses smoothly and successfully.

The *Call Check and Confirm* campaign is the latest in a series of initiatives from the Law Society to support local solicitor firms and their clients and to ensure that their data and money is protected.

How can I download and obtain the leaflets?

The Call Check and Confirm Leaflet is available for download from: <https://www.lawsoc-ni.org/call-check-and-confirm-leaflet-launched>

LEXCEL International (V5) Update

The Society's Council has resolved to withdraw from the marketing and administration of the LEXCEL International (V5) Standard for firms in Northern Ireland.

The Society is working with the Law Society of England and Wales to put in place transitional arrangements for firms, which will in due course be required to apply for accreditation and re-accreditation through the Law Society of England and Wales.

Firms who have been awarded the LEXCEL International (V5) Standard will remain accredited for three years, with annual re-

accreditation and monitoring visits to ensure continued compliance.

Work has commenced on the transitional arrangements. In the meantime, the Law Society of Northern Ireland will continue to administer and market the Standard and will continue to receive applications for accreditation and re-accreditation.

Head of Accreditations at the Law Society of England and Wales, Rachel Hawkins, said: "Achieving the Lexcel accreditation demonstrates commitment to delivering quality legal services and meeting client expectations.



"We are pleased to be working closely and collaboratively with the Law Society of Northern Ireland to ensure a smooth transition for accredited firms in Northern Ireland. Both Law Societies will be providing information to support members with the arrangements in due course."



Society hosts CCBE meeting on Brexit

Law Society House was the venue for an important meeting of the Council of Bars and Law Societies of Europe (CCBE) on the issue of the implications of Brexit for the legal profession.

Former Society President and Council member, Michael Robinson, the current Head of UK Delegation to the Council of the Bars and Law Societies of Europe, chaired the meeting which was attended by the then Law Society President, Eileen Ewing and Chief Executive, Alan Hunter. Delegates from across Europe joined the meeting by teleconference.

ADVOCACY COURSE FOR SOLICITORS GOES FROM STRENGTH TO STRENGTH



ADVANCED ADVOCACY for Solicitors

More than 30 solicitors participated in the annual Advanced Advocacy course which is now in its 19th year and continues to grow in popularity and attendance.

Organised by the Society in conjunction with the Advocacy Working Party and the National Institute for Trial Advocacy (NITA), solicitors are trained to improve and develop their advocacy skills to assist in making them a more competent advocate.

The intensive course, combining training in advocacy and evidence, culminated in a mock trial in the High Court presided over by members of the Judiciary from Northern Ireland including Mr Justice McCloskey, His Honour Judge Kinney, Sir Paul Girvan (Retired) and Her Honour Judge Loughran (Retired). The course also involves some of Northern Ireland's most senior A&E doctors taking on the role of key witnesses.

Eileen Ewing, then President of the Law Society, said: "I congratulate those who have successfully completed the Advanced Advocacy Course 2018. The Law Society of Northern Ireland recognises the importance of this course, not least in the advocacy skills and techniques which it teaches, but also in the sense of empowerment that it provides to the solicitors who undertake it. As a former graduate and an advocate I know only too

well how completing this course has benefited my career and most importantly has assisted me in helping my clients. Its value resonates with you throughout your career and that perhaps explains why after 19 years the course continues to grow from strength to strength and why there remains a demand amongst solicitors to undertake the course.

"More than 500 solicitors have undertaken this course since it started. Its popularity and its success is explainable – it is well

organised, well delivered and well worth it. Solicitors in Northern Ireland have unrestricted rights of audience to represent clients in the Magistrates Court, County Court and Crown Court by virtue of legislation. They also have limited rights in the High Court by virtue of the Judicature (NI) Act 1978.

"The Advanced Advocacy Course delivers additional professional training which enhances solicitors' advocacy skills and techniques."



His Honour Judge Kinney; Eileen Ewing, then President of the Law Society; Fiona Donnelly, Advocacy Chair; Her Honour Judge Smyth; Maria McCloskey and Stephen Scott.

Flag It Up campaign

The Legal Sector Affinity Group urges lawyers to 'Flag It Up' to tackle the threat from 'dirty money'.

The Legal Sector Affinity Group (LSAG) is urging lawyers to support Flag It Up, the UK Government's anti-money laundering campaign, and 'flag up' suspicions about potential 'dirty' or laundered money.

LSAG has partnered with the UK Government as part of its new-look Flag It Up campaign, to highlight the threat posed to the sector by money laundering.

Flag It Up supports lawyers to spot the 'red flags' or warning signs of money laundering and encourages them to flag up any suspicions by submitting a Suspicious Activity Report (SAR) to the National Crime Agency (NCA).

Some key red flags for lawyers to look out for include:

- whether clients are overly secretive or evasive
- if the activity is inconsistent with the client's known legitimate income



- if a lawyer is being asked to act outside their usual speciality or have been offered an unusually high fee
- if activities involve complex or illogical business structures that make it unclear who is conducting a transaction or purchase.

Knowing the 'red flags' or signs can help protect lawyers and their firms from being caught up in criminality and from the resulting reputational risk, fines and prosecution.

The Flag It Up campaign has been devised to reach lawyers with a particular focus on solicitors as the HM Treasury/Home Office National Risk Assessment 2017 identified that solicitors are the group within the legal sector which is at the greatest risk from being

targeted by criminals due to the work they do.

While the NCA's National Strategic Assessment 2018 highlights that the scale of money laundering impacting the UK annually could potentially be in the hundreds of billions of pounds, lawyers remain a clear target for criminals looking to exploit their professional skills and services to facilitate money laundering. Lawyers have a legal obligation under the Money Laundering Regulations 2017 to file a SAR when they spot something suspicious, and SARs are invaluable to law enforcement in helping tackle money laundering and other crimes.

For additional information about the 'Flag It Up' campaign, or more advice on how to tackle money laundering, please visit FlagItUp.campaign.gov.uk

Why Lawyers Matter? - Defending the defenders of the Rule of Law



From left; John Guerin; His Honour Judge McFarland and Conor McCormick.

The role of lawyers in defending the rule of law in a democracy was highlighted at a special conference in Belfast to mark European Lawyers Day.

Now in its fourth year, the conference, which was hosted by the Society, provided an opportunity to mark European Lawyers Day by highlighting the legal profession's significant contribution to the rule of law and justice system throughout Europe.

The Society has been working in conjunction with other members of the Council of Bars and Law Societies of Europe (CCBE) to actively promote the overarching theme of European Lawyers Day of: **Why Lawyers Matter: Defending the defenders of the Rule of Law.**

Those attending the conference had an opportunity to hear from a number of keynote speakers including His Honour Judge McFarland, Recorder of Belfast and Conor McCormick, Lecturer in Law at Queen's University Belfast.

The then President of the Society, Eileen Ewing, said: "The Law Society is delighted to have hosted this conference which is both timely in the context of the changing nature of politics within Europe and important in highlighting the invaluable work which lawyers provide in defending the rule of law and human rights often at considerable risk to themselves."

Mentoring is key to business growth

'Mentoring is key to business growth and personnel development in Northern Ireland' was just one of the headlines at a unique conference which took place in Belfast to mark National Mentoring Day 2018.

The conference at Belfast City Hall, entitled **'The Magic of Mentoring'**, had been organised in response to a growing demand from local businesses and organisations for training and information on mentoring in Northern Ireland.

This the first time that Belfast has hosted such a conference which has been supported by the Law Society of Northern Ireland, Women in Business, Advance Coaching, O'Reilly Stewart

Solicitors and Reed recruitment who kindly sponsored the conference.

Those attending had the opportunity to hear from a number of key note speakers including renowned international mentor and coaching expert Julie Starr, a widely-respected authority on coaching, mentoring and business development.

Other speakers from the public, private and charitable community sector shared their insight and experiences of the successes of mentoring in their respective organisations.

The conference also provided a platform to allow attendees to share best practice and to further commit to growing the use of mentoring schemes by local businesses and organisations.

Commenting after the conference Julie Starr, Mentoring expert said: "I am delighted to have had the opportunity to come speak at this important conference in Belfast and to showcase the value of mentoring to local

businesses and organisations."

Eileen Ewing, then President of the Society, said: "The Law Society has over the last number of years been committed to growing its mentoring scheme within the legal profession and we fully recognise its value in supporting professional development."

Niamh Shiells from Advance Coaching said: "Mentoring is important, not only because of the knowledge and skills mentees can learn from mentors, but also because mentoring provides professional socialisation and personal support which has proven to facilitate personal, business and organisational success."

Claire Harvey, Managing Director of Reed Recruitment who sponsored the conference said: "We are delighted to have sponsored this important conference on mentoring. As one of Northern Ireland's leading recruitment companies we have been fully committed to promoting mentoring to our clients and staff through our own mentoring programme which has proven very successful."



Julie Starr, mentoring expert; Eileen Ewing, then President of the Law Society; Imelda McMillan, Chair of Women in Business and Claire Harvey, Managing Director of Reed Recruitment.

Northern Ireland Manager speaks at 7th Annual Sports Law Conference

More than 130 members of the legal, sporting, and voluntary and community sectors were in attendance for the 7th Annual Sports Law Conference which took place at in Belfast in November.

Now in its seventh year, the Sports Law Conference has become an anticipated feature of the legal and sports calendar and is organised by the NI Sports Forum and the Law Society of Northern Ireland.

In keeping with previous years, conference delegates had the opportunity to hear from a number of keynote speakers including Mr Justice O'Hara, Michael O'Neill, the current Northern Ireland manager, Professor Jack Anderson and Colin Murdock, former Northern Ireland international footballer and now solicitor FA registered lawyer.

Originally the idea of Lisburn Solicitor and former rugby player Keith McGarry, Judge Ken Nixon and Omagh solicitor and a former leading Tyrone GAA player and u-21 manager, Feargal Logan, the Sports Law Conference has been the natural reaction to an increasing synergy between sport and law between the legal, medical and sporting professions.

Over the years the conference has examined important sports law-related themes including business and sport, disciplinary processes featuring mediation and arbitration, sporting injury risks, equality and good governance



From left: Ciaran Kearney; Keith McGarry; Michael O'Neill, NI Manager; Eileen Ewing, then President of the Law Society; former District Judge Ken Nixon and Mark Sidebottom.

as well as issues in the news including the impact of concussion injuries in sport.

The popularity of the conference has been reflected not only in the increasing number of attendees drawn from the legal profession, governing bodies of sport and their clubs but the calibre of speakers.

Commenting, the then President of the Law Society, Eileen Ewing, said:

"The Law Society of Northern Ireland is delighted to support the 7th Sports Law Conference. It remains the definitive Sports Law Conference in both the North and South of Ireland, offering discussion and insight on issues of importance to legal and sporting professionals. It is an excellent legal and sporting platform which continues to showcase the thought leaders of tomorrow."

District Judge Nixon, who is also the Honorary Secretary of the Northern Ireland Sports Forum said:

"This year's conference was our biggest yet and we were delighted to have a great range of speakers including our special guest and Northern Ireland Manager Michael O'Neill. Like Colin Murdock before him, Michael provided the attendees with an overview of his contract experiences as a player through the initial stages of the *Bosman* ruling to how managers and clubs work alongside players and their representatives.

"Player and athlete responsibilities in the world of Anti-Doping was well covered by Wendy Henderson and additional inputs from Orlagh Kelly from Briefed GDPR specialists, Jonny Madill and Andrew Nixon of Sheridans and Jack Anderson made this a very successful Conference."



Society publishes new book on Divorce and Ancillary Relief

Law Society House was the venue for the recent launch of a new Society publication entitled 'Divorce and Ancillary Relief in Northern Ireland. The Annotated Legislation'.

The launch of the new book, which has been written by Michael Long QC and Linda Robinson BL, was attended by solicitors, barristers and senior members of the Judiciary including the Lord Chief Justice, Sir Declan Morgan and Mr Justice O'Hara.

The new book provides family law practitioners with the primary and subordinate legislation commonly encountered in cases relating to divorce and ancillary relief annotated with the reported and unreported Northern Ireland decisions (including Masters' decisions on ancillary relief) conveniently collected in one volume.

The book also includes relevant parts of the Rules of the Court of Judicature and Family Proceedings Rules, the Pensions Regulations, domestic and international enforcement provisions and statutes relating to property division between spouses such as s.17 of the Married Women's Property Act, the Partition Acts and the Family Homes and Domestic Violence (NI) Order 1998. The Schedule to the Forced Marriage (Civil Protection) Act 2007 relating to Northern Ireland, EU Council Regulation 4/2009 and Parts IV and V of the Matrimonial and Family Proceedings (NI) Order 1989 relating to financial relief after an overseas divorce and declaration of status respectively are also included. The book also contains various annotated Practice Directions and Guidance Notes.

Commenting on the publication of the new book then Society President, Eileen Ewing said: "I believe that this new book is a must have for all Family Law practitioners in Northern Ireland.

The information and the detail contained within the book reflects the expertise of its authors and is written with the practitioner very much in mind. I would encourage all

colleagues to purchase this book as soon as they can.

I would also like to take this opportunity to thank the authors for their very considerable work in writing this book and to Heather Semple, Head of Library and Information

Services at the Society and Deborah McBride who were instrumental in its publication."

The new book costs £70.00 and is available by contacting the Library Team at Law Society House or by completing and returning the Booking Form below.



From left: Heather Semple, Secretary to the Editorial Board; Mr Justice O'Hara; Linda Robinson BL; Michael Long QC; Eileen Ewing, then President of the Law Society and Deborah McBride, Editor.

Divorce and Ancillary Relief in Northern Ireland: The Annotated Legislation

By Michael Long QC and Linda Robinson BL

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Human Rights and Children event held at Law Society House

Over 60 members of the legal, community, voluntary and public sectors were in attendance at Law Society House in Belfast for a special event on the theme of *'Human Rights and Children in the Justice System in Northern Ireland: Where we are'*.

Those attending had an opportunity to hear from Jago Russell, Chief Executive of Fair Trials, District Judge Peter King and Eileen Ewing, then Society President on human rights issues both local and international for children in the justice system.

Commenting, then Society President Eileen Ewing said:

"The Law Society is delighted to host this important event exploring current issues in relation to children in the justice system in Northern Ireland, drawing together a range of experienced and knowledgeable speakers. We are grateful to Mr Jago Russell, Chief Executive of Fair Trials and to District Judge Peter King for providing their views on this important area of law".



From left: Jago Russell, Chief Executive of Fair Trials; District Judge Peter King and Eileen Ewing, then President of the Law Society.

New book published on Road Traffic Offences of Northern Ireland

More than 60 members of the legal profession including members of the Judiciary were in attendance at the launch of a new book entitled: *"Road Traffic Offences of Northern Ireland"* by Stephen Fitzpatrick.

The new book outlines the main Road Traffic Offences in Northern Ireland and examines each offence, setting out the elements the prosecution must prove, possible defences both specific to the offence and in general and the range of sentences available to the court. Helping to launch of the book was Mr Justice Colton, who joined the book's author, Stephen Fitzpatrick, at the book launch at Law Society House in Belfast. The text sets out the relevant legislation and includes references to both reported and unreported Northern Ireland cases.



From left: Rowan White, Law Society Council Member; Mr Justice Colton; Stephen Fitzpatrick, author and Alan Hunter, Chief Executive of the Law Society.

The comprehensive gathering and analysis of the applicable law makes this book an indispensable tool for practitioners.

An order form for the *Road Traffic Offences of Northern Ireland* book accompanies this issue of *The Writ* as a loose insert.

The Solicitors' Benevolent Association - A Worthy Cause

SBA

Solicitors' Benevolent Association

*Who does the Association assist?
Who decides who should benefit?
What assistance is given?*

- Brian had his own practice and had sufficient income until the recession hit. His practice was no longer viable and he had to close. He was unable to support his family.
- Maria was widowed at the age of 45 when her husband who was a solicitor died suddenly. She was unable to support her children who were in college and required financial assistance until they were in employment.
- Joan was working for a large firm until she was diagnosed with a serious illness and had to resign from her employment. She returned to live with her parents who were not in a position to support her.
- Vincent was a partner in a practice and was forced to retire when he was diagnosed with a long-term illness.
- Anne was in treatment for an illness which made her unable to work and sought assistance until her treatment was finished and she could return to work.

Note: Names have been changed to protect the identity of individuals.

In the last 12 months the Solicitors' Benevolent Association has distributed over £700,000 in grants to 84 people throughout Ireland. Beneficiaries ranged in age from 20 to 98 years. In addition to those directly in receipt of grants, 28 of those had children under 18 years of age or in full-time

education. The total number of children indirectly assisted was 51.

There are currently 19 Directors of the Association from all over Ireland, North and South, as it is a 32-county organisation founded in 1863. The Directors provide their services on a voluntary basis. Cases are reviewed monthly and individual directors frequently meet the individual applicants. Directors' advice at meetings is invaluable as they often provide local information. A review may result in a decision to continue, discontinue, increase or decrease a grant.

Applicants are asked for a statement of their monthly income and expenditure together with a statement of their assets and liabilities. Entitlement to social security payments are considered when determining applications.

The level of grant is decided on individual circumstances. Grants may be in the form of a regular monthly payment or a single payment. Since 2000 the Association has paid grants on a loan basis where there are assets which may be realised at a later date. Since 2002 the Association has been repaid over £200,000.

Beneficiaries often state when making an application that they never envisaged having to apply for assistance. Under the Rules of the Association assistance may be given to those in need who are Members of the Association or former members of the solicitors' profession in Ireland and their immediate dependants. Members are defined as those who pay the subscription.

Until this year the annual subscription has been £40 per annum (less than £1 per week). Each year the Northern jurisdiction is subsidised by our Southern counterparts by almost £50,000 per annum so that the requirements of the 30 beneficiaries in the North can be met.

It is proposed that for next year the subscription be raised to £100 per annum. It is tax deductible as it is regarded as a professional expense. In most cases the practice firm pays the subscription on renewal of individual Practising Certificates.

There has been a deficiency in the annual accounts for the last two years which would have exceeded £200,000 but for the repayment of grant loans and unexpected legacies.

Less than 55% of practising solicitors in Northern Ireland make a contribution to the Benevolent Association yet applications have doubled in the last 5 years.

Solicitors, whether practising or retired, are encouraged to pay the annual voluntary subscription in the knowledge that they are helping their colleagues and their dependants who have fallen on hard times for whatever reason, and in the unforeseen event that they themselves may need to call on the Association in the future either on their own behalf or that of their family.

**John G Gordon
Colin G Haddick
Caroline Boston**

Northern Directors, Solicitors' Benevolent Association



Immigration Law Conference provides platform for discussion



The impact of Brexit on migrants living and seeking residence in Northern Ireland was one of the themes of a recent major conference.

More than 90 delegates from Government, community, voluntary organisations and the legal profession attended the **'Immigration Law Conference - Borders and Blurred Lines'** at Law Society House in Belfast.

This is the first time that such a conference has been held providing a platform to examine the legal, social and human rights issues around immigration.

Those attending the conference, which was organised by the Society's Immigration Practitioners' Group, had an opportunity to hear from a number of high profile speakers including one of the United Kingdom's leading Human Rights and immigration advocates, the renown Labour peer, Lord Dubs.

Other speakers at the conference included Mr Justice McCloskey, Professor Colin Harvey from Queen's University Belfast, Maria McCloskey, Chair of the Immigration Practitioners' Group and Professor Sue Clayton, Director of the Award winning film, **Calais Children: A Case to Answer**.

Commenting the then President of the Society, Eileen Ewing, said: "The importance of this immigration conference is underscored by Brexit and what will happen next.

"Unfortunately in the scrum of political negotiations, sound bites and comments the real story of the impact of Brexit on the most vulnerable and in need has been forgotten and lost. Part of that story is what impact Brexit will have on those migrants already



From left: Maria McCloskey, Chair of IPG; Lord Dubs; Eileen Ewing, then President of the Law Society; Alan Hunter, Chief Executive of the Law Society and Mr Justice McCloskey.

living in Northern Ireland as well as those seeking residence. What are their concerns and issues and who is fighting to ensure that they are heard?

"This conference provides a platform for them and the many members of the voluntary, community and legal sectors who continue to fight to ensure that they receive representation and support at every level."

Speaking about the conference, Professor Colin Harvey from Queen's University said: "This is a timely, welcome and significant event. It is vital that we continue to engage in debate on the human rights and equality

implications of immigration law and policy, especially in light of Brexit. There is reason to be deeply concerned about the current and long-term consequences."

Commenting, Maria McCloskey, Chair of the Immigration Practitioners' Group which helped organise the conference, said: "The immigration law conference is the first in a series of initiatives undertaken by the Immigration Practitioners Group to provide a forum for discussion and information sharing amongst those at the very epicentre of immigration issues in Northern Ireland. We hope that this will assist in a joined-up approach to tackling immigration issues."



Newly admitted Solicitors welcomed at Annual Dinner 2018

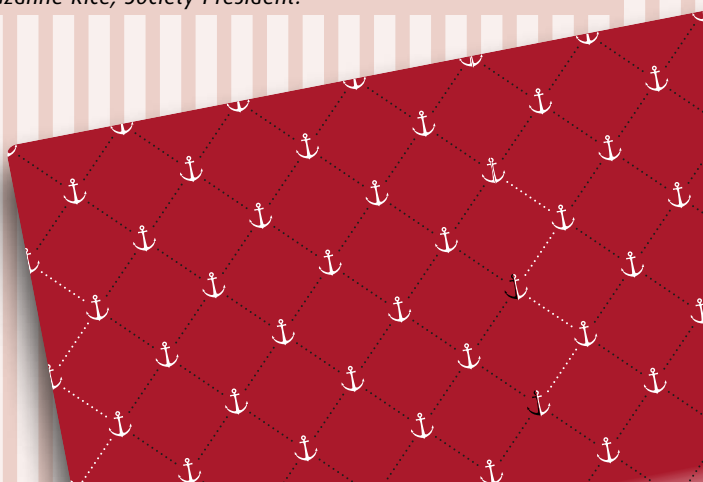


Guests on HMS Caroline.



Suzanne Rice, Society President.

More than 130 solicitors attended the Society's Annual Dinner which was held on HMS Caroline in Belfast at the end of November. Speeches were delivered by the Society's new President, Suzanne Rice, guest speaker, District Judge Harry McKibbin and Samuel Monteith speaking on behalf of the newly admitted solicitors. During her keynote address the new President, Suzanne Rice, welcomed the newly admitted solicitors to the Society, outlined her Presidential programme for the year ahead and her support for her chosen charity of the year, Flourish NI. The Society wishes to thank Elizabeth Birrell and Stewart Title for their sponsorship and support of the Annual Dinner 2018.





Pauline Walker, Caoimhe McDaid, Orla Kennedy and Rebecca Conwell.



Suzanne Rice, Society President, Ciaran Maguire and Enda Lavery, Chair of the Belfast Solicitors' Association.



Sam Francey and James Dowling.



Claire Rea and Charlene McNabb.



John Comerton, Martin McCallion and Alistair Rankin.



President presents Presidential Medal to Eileen Ewing, the Senior Vice President.



David Heatley, Charles Gilmore and Adam McGahan.



Bernadette McCloskey, Owen Williamson and Emma Falloon.



Jill Robinson, Co-Founder of Flourish NI (the President's Charity of the Year), Suzanne Rice, Law Society President and Elizabeth Birrell, Business Development Executive at Stewart Title which sponsored the Drinks Reception.



William Nugent, Matthew Howse, Suzanne Rice, Society President, John O'Prey and Declan Green.



District Judge McKibbin.



Samuel Monteith.



Lynne MounStephen, Brian Roulston and Lynn Treanor.



District Judge Nixon, Kevin Downey, Mary Murnaghan and Judith Brown.



Neil Faris, Jennifer Ferguson and Rowan White, Society Junior Vice President.



Declan Friers, Bethany Telford and Jessica Todd.



Joanne McGurk, Michael Flanigan and Pauline O'Hare.



Robyn-Dee Herdman and Uisneach McCollum.

TITLE INSURANCE- MAKE SURE YOUR CLIENT REMAINS PROTECTED

All Title Indemnity Policies contain conditions that the insured must obey throughout the lifetime of the policy. Robert Kelly of Stewart Title Limited shows how you can ensure your client remains protected.

Title Indemnity policies offer peace of mind to homebuyers (and their conveyancers) against losses arising from many types of risks. For the insured to rely on the cover provided, it's important that he or she observes and obeys the Conditions included in the policy. Failure to observe these conditions can result in an insurer limiting the cover provided by the policy or potentially making the policy voidable.

All insurance policies include conditions which conveyancers should bring to the attention of their clients when recommending a title policy. Whilst there is no industry standard as to how much detail must be given to a client, a well prepared conveyancer will need to consider how to report to a client on the policy. This should include noting the most common conditions, such as: -

- (a) failure to disclose all relevant information to the insurer;
- (b) the need to not disclose the existence of the policy to any party who may reasonably be believed to be able to make a claim; and
- (c) discussing the defect covered by the policy with any party who may be able to make a claim.

(a) Failure to disclose

It is the duty of the insured to disclose all relevant and accurate information in their possession to the insurer before the policy is issued. Conveyancers need to always bear in mind that since they are the ones in correspondence and contact with the insurer, the answers and information they provide are deemed to be those of the client or lender. A cautious conveyancer might feel it necessary to ask the client to confirm their approval to all answers given, as they are deemed to be given on their behalf.

(b) Unauthorised disclosure to third parties

Whilst most conveyancers will typically advise their clients to not disclose the existence of a policy to any potentially interested third party; they should remember that disclosure can also be caused by a related third party such as an agent instructed in a sale or an employee of the insured. The requirement not to disclose can create problems for an insured when disclosing title information before a formal offer to purchase has been accepted, such as in an auction. It is best to contact the insurer for consent prior to including a copy of, or reference to, a policy in an auction pack.

(c) Unauthorised discussion

Insureds also need to be reminded that nearly all policies will contain a restriction on their right to discuss the defect covered by the policy with any neighbour who might be able to make a claim. Whilst it is

only human nature to want to respond to a neighbour who raises queries about the situation which is covered by the policy; such conversations can easily become a breach of the policy conditions. This is even more obvious where a disgruntled neighbour may raise the dispute on a more formal basis directly or by instructing lawyers to contact the insured. Conveyancers need to be certain that their clients have been warned about the consequences of such disclosure when they obtain the policy.

How these points are made clear to a client will vary from conveyancer to conveyancer, but some have sought to cover issues such as unauthorised disclosure by including a "warning notice" in their client care letter while others include a short report on any insurance in their report on title. However it is done, conveyancers need always remember that their clients need to be advised of the conditions within a title insurance policy as much as the benefits.

For more details, please contact Stewart Title on london@stewartuk.com or Elizabeth Birrell, our Business Development Executive for Northern Ireland on 07940 513681 or elizabeth.birrell@stewart.com.

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Litigants in Person in Northern Ireland: barriers to legal participation

Anecdotes about dealing with personal litigants are rife throughout the profession. Yet, until recently, there was no empirical evidence of what happens in practice when litigants appear in court. The gap has been filled by *Litigants in Person in Northern Ireland: barriers to legal participation* by Gráinne McKeever, Lucy Royal-Dawson, Eleanor Kirk and John McCord. The research is a partnership between Ulster University School of Law and the Northern Ireland Human Rights Commission (NIHRC) funded by the Nuffield Foundation.

The research

The research focused on family court issues particularly divorce, ancillary relief, family homes and domestic violence, family proceedings plus bankruptcy and civil bill matters. The study covered 179 personal litigants in the courts who were observed between September 2016 and September 2017. Each person was interviewed and completed a questionnaire covering their level of participation in the proceedings and general health. In addition, a further 59 interviews were conducted with judges, solicitors, barristers and court staff. Running alongside this work, personal litigants in family and matrimonial proceeding were offered procedural advice at a legal clinic run by the NIHRC and additional data was obtained through interviews and a further questionnaire from 25 people who took up the offer of the clinic. Finally a legal analysis of the human right to legal representation under Article 6 of the European Convention on Human Rights (the right to a fair trial) was undertaken.

The overall purpose of the study was to evaluate the impact of personal litigants on the court system and to understand how personal litigants participate in practice in their own cases. This analysis is important as excluding small claims court proceedings there are around five thousand people a

year involved in defending or taking their own cases. This is around 5.5 per cent of all litigants in the civil courts.

Findings

There were a variety of reasons why individuals ended up representing themselves. The most common was not qualifying for legal aid and not being able to afford a lawyer. In some cases, personal litigants had legal assistance but, weighed up the cost and benefit of representation and decided that other financial demands were more important. In other instances, individuals were dissatisfied with being kept at arm's length about their own cases and decided to represent themselves. The lawyers interpreted dissatisfaction as a product of a client not getting the advice or outcome they wanted. In practice, personal litigants had surfed in and out of legal representation rather than always representing themselves. Moreover, a number of those interviewed would have liked some legal assistance at certain stages of their proceedings.

The research found that court procedures and arrangements are predicated on all parties being legally represented – the presence of personal litigants challenges this norm with the court system struggling to adapt.

Applying the concept of effective participation as a human rights standard, it was clear personal litigants faced practical, intellectual and emotional barriers to participating effectively in court proceedings. There was a lack of information and advice on what was expected with limited access to guidance on the practical and procedural issues involved in taking or defending a case. Court staff regularly sought to assist individuals but felt compromised by their role and other pressures on their time. Personal litigants assumed that an approach from the other side's legal representative to agree facts or negotiate settlement was inappropriate and such overtures were rejected. In effect, many personal litigants were left to sink or swim, often sinking.

A communication gap emerged where legal representatives saw personal litigants as a source of irritation based on insufficient accommodation of their lack of expertise, prolonging proceedings and on some occasions due to their unreasonable behaviour. Personal litigants on the other hand frequently felt frustrated by a system including lawyers which was not meeting their needs while pursuing an issue of great personal importance. In

practice, the observations provided little evidence of vexatious individuals - instead there was a lack of fit within the system which in turn created significant stress.

Personal litigants generally took steps to prepare their cases yet struggled and sought help from a McKenzie Friend. This assistance was appreciated though there was a variation in the ability and role of McKenzie Friends with no means of assessing their value or quality. There was also no consistency in the procedure to allow McKenzie Friends access to the court.

The procedural advice clinic was perceived as being positive leaving personal litigants feeling better equipped and appreciative of being taken seriously, though some users reported this service was 'too little' or 'too late'.

Conclusions

The findings show the difficulties and disadvantages faced by personal litigants. Individuals who self represent are not accepted as legitimate court users, with little access to support or information on court procedures and the law affecting their cases. One response might be to simply suggest personal litigants have 'made their own bed and must lie in it' or extend legal aid to cover everyone appearing before the courts. This overlooks the fact that access to justice is about ensuring effective participation. Effective participation entails the ability to influence proceedings, requires an understanding of what is expected and the opportunity to be heard and emotionally supported.

For many participants in the research, the sense of a fair process was as important as the substantive outcome. There remain circumstances where on human rights grounds a person must be granted legal representation. Unfortunately, case law demonstrates this is not an absolute right with instead a number of factors needing to be considered including the complexity of the case, the magnitude of what is at stake and the ability of the person to manage his or her own case. The reality is that thousands of personal litigants will be in the courts each year and the courts will need to adapt to ensure effective participation in practice.

The recommendations embrace all the key players from personal litigants to lawyers and judges and will need to be implemented holistically if the current unsatisfactory situation is to improve markedly. The recommendations cover cultural change,

administrative reforms, better access to legal services, improved information and advice, in-court and judicial support, legal training and policy development. There are 34 recommendations with some of the main ones set out in Box 1.

Where to next?

The research was launched at a conference before a wide-ranging audience of personal litigants, the legal profession including the Law Society's President, judiciary, community

organisations, Court Service and DOJ officials. The key note speakers included the Lord Chief Justice, and Mr Justice Robin Knowles the High Court judge who leads the Civil Justice Council's work on personal litigants in England and Wales.

One suggestion being pursued is to set up a reference group for personal litigants with an independent chair which could act as a conduit into the Civil Justice Council and Family Justice Board when they emerge from shadow mode. The contribution from Mr Justice Knowles illustrated the breadth and depth of initiatives

being adopted to significant effect in England and Wales albeit in circumstances where greater reductions in scope of legal aid has thrown the issue into even sharper relief than in Northern Ireland. It is in everyone's interest that current unsatisfactory arrangements for personal litigants engagement with the courts is tackled. Access to justice entails effective participation of all those involved in proceedings whether represented or not. The research findings illustrate the extent of the challenge facing us all in ensuring access to justice is real and not theoretical.

Recommendations

Cultural Change

- Explore and secure funding to develop initiatives to support personal litigants including new models of advice provision
- Ensuring the Civil Justice Council and Family Justice Board is widely representative of users and consumers as in England and Wales
- Establish a task force to create a Charter of Rights and Responsibilities for all litigants and court actors
- Produce operational guidance on dealing with unacceptable behaviour and prolific applications from personal litigants

Administrative changes

- Identify where personal litigants are in their court proceedings in order to provide more accurate data on the numbers and to facilitate contact
- Make online provision for the submission of some court documents
- Explore how online approaches can be developed to support personal litigants drawing on international examples of good practice

Access to legal services

- Identify how personal litigants can be better supported through expanding legal aid eligibility on an exceptional basis, the Official Solicitor Scheme or judicial recommendations based on the considerations highlighted in the Equal Treatment Book
- Examine the full potential of unbundled legal services drawing on experience elsewhere

Information

- Develop a basic orientation course of the court system for personal litigants
- Introduce litigant-friendly information and web resources
- Provide access to procedural guidance and key case law and Northern Ireland legislation in one place
- Conduct an audit of language in court documents to make them more reader friendly
- Produce standard templates for court forms, bundles, affidavits and skeleton arguments that personal litigants can access

Advice

- Create an advice and information hub that can provide face-to-face support staffed by a qualified lawyer

In-court support

- Develop a mechanism to assess how well McKenzie Friends serve personal litigants including developing codified rules and/or regulation for McKenzie Friends and guidance on when and the extent of in-court support that can be provided

Engaging the legal profession

- Train solicitors and barristers on how to represent clients against personal litigants, the needs of personal litigants and the value of procedural justice from a personal litigants perspective within professional legal education including continuing personal development
- Provide training in lawyer self-care and professional support services to deal with abuse and trauma experienced by lawyers

Policy development

- Develop a strategic plan for health-justice partnerships co-locating legal support services with social and health services

Integrating changes

- Ensure that future Practice Directions take into consideration what should happen when one or more parties is a personal litigant
- Identify and share good practice within the Tribunal Service and elsewhere and from other jurisdictions



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Library Update – Sharia Law

“Sharia or Islamic law presents a legal system that is based on the religion of Islam. Sharia in Arabic means the clear path to water, in the legal context it can be suggested that it prescribes the right path for individuals in order to live their lives in a fulfilling and beneficial manner” LNB platform

Command Paper - Cm.9560

The independent review into the application of Sharia law in England and Wales – February 2018

A Home Office report sets out the findings of the review chaired by Professor Mona Siddiqui on whether, and to what extent, the application of Sharia law by Sharia councils may be incompatible with the law in England and Wales. It: notes the relationship between state and religion; outlines the role and practices of Sharia councils; and makes recommendations with respect to legislative changes, building understanding and the regulation of Sharia councils.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/678478/6.4152_HO_CPGF_Report_into_Sharia_Law_in_the_UK_WEB.pdf

Publications

- **Encyclopaedia of Forms and Precedents**
- **Halsbury's Laws**

Both have relevant information on Islamic Law under different subject fields.

- **Butterworths Family Law Service**

Contains a section with a glossary of Islamic legal terms.

Alternative Dispute Resolution/6A Narrative/Chapter 3 Islamic alternative dispute resolution/L Glossary of Islamic legal terms (in Arabic) para 1009-1200.

All available electronically from the library.

Caselaw

Akhter v Khan

Whether the parties' marriage was valid under English law. – couple had undergone an Islamic marriage in Pakistan. – wife had requested on numerous occasions for a civil marriage but husband refused.

– couple emigrated to Dubai and had four children. – husband expressed a wish to take a second wife. – wife returned to England with the children – husband visited and cohabited. – Decided that the Islamic ceremony bore all the hallmarks of a marriage and fell within the scope of s.11 of Matrimonial Causes Act 1973. – wife was entitled to a decree of nullity and to claim financial relief
[2018] EWFC 54

Harley and others v Smith and another
Conflict of laws – Tort – Proper law of tort – Act committed abroad – Personal injury claim subject to Kingdom of Saudi Arabia law – Saudi Sharia law not providing for limitation period – Saudi labour law providing one year limitation period – Defendants arguing for limitation defence to claim – Judge finding that claim not limitation barred – Whether judge erring
[2010] EWCA Civ 78

Full transcripts available electronically from the library

Articles

Analysing the Sharia Standard on Loan (Qard)

Why the Sharia Standard on Loan (Qard) is 'full of contradictions'. Offers an analytical assessment of the Accounting and Auditing Organisation for Islamic Financial Institution's Sharia Standard on Loan (Qard). Islamic law permits only one type of loan, the charitable loan. Therefore, it is argued that the standard contains contradictions, given that the business of banking is commercial
(2017) 38 *The Company Lawyer* 343-348

Islamic Law Issues for International Estate Planning

Negotiating the conflicts between common, civil and Sharia law. Looks at how conflicts between common, civil and Sharia law can arise and discusses ways in which this issue is overcome. In 2014 the Law Society in England and Wales provided guidance on the intricacies of Sharia law succession rules (which was later retracted).
[2017] JTCP 53-63

Comparison of the Waqf and the Trust

Compares the origins, development and current nature of the common law trust and the Islamic law waqf.
[2014] JTCP 103-115

Islamic Law in English Courts: Recognition of Foreign Marriages

Looks at the recognition of foreign marriages. English law recognises foreign marriages if they satisfy two basic rules of conflict of laws. Firstly, that the ceremony complies with the law of the place in which the marriage takes place; and secondly, that each party has the capacity to enter into the marriage according to their pre-marital domiciliary law.
[2016] Fam Law 102-104

Considering Sharia in will drafting

How should lawyers approach drafting a Sharia-compliant will?
Azmi: LNB News 10/09/2013 63 (available from the library)

Islamic Finance – an overview

Presents an overview of Islamic finance. Explores the key Sharia principles that underpin Islamic finance, the role of Sharia boards and committees in Islamic banking, and the principal Islamic finance structures and techniques. Comments on practical and legal issues facing the Islamic finance industry, including the inconsistent interpretation and application of Sharia, the shortage of suitably qualified Sharia scholars, the relationship between Sharia and secular law, ownership and tax liabilities, and insurance.
Hanif: 2008 I.E.L.R., 1, 9-15

Mosque or mammon?

Outlines the strict provisions for distribution of estates under Sharia-compliant wills and warns of conflicts with UK intestacy rules. Notes the implications for inheritance tax and that Sharia-compliant wills are not usually tax efficient. Outlines what can be specified and considers lifetime planning and equalisations, passing the estate into trust, business and agricultural property, charitable giving and domicile and deeds of variation.
Khalid: 2016 Tax, 177(4547), 10-12.

From the High Court and Court of Appeal – abstracts of some recent case law

The full text of these decisions is available on the Libero Database in the member's section of the Law Society Website at www.lawsoc-ni.org

ADMINISTRATION OF JUSTICE

PENNY PICKERING V ABBEY TAXIS AND SAMUEL BARRON; RODNEY MCALISTER V ABBEY TAXIS AND SAMUEL BARRON

Appeals arising from civil bill proceedings involving claims for personal injuries, loss and damage as a result of a road traffic accident in which both of the appellants were passengers in a taxi which was in collision with another taxi. - liability admitted. - failure by the solicitors for the appellants to serve a Certificate of Readiness within the time set by the court's order. - appellant's application dismissed. - circumstances in which an "unless order" should be used. - whether the use of an unless order in this case was disproportionate to the default in question. - delay in making an application for reinstatement of the case. - HELD that the court does not view the order made as an "unless order" and should be classified as a default order. - proceedings re-instated
HIGH COURT
11 SEPTEMBER 2018
MAGUIRE J

CONSTITUTIONAL LAW

IN THE MATTER OF AN APPLICATION BY COLIN BUICK AS CHAIRPERSON OF NOARC 21 FOR JUDICIAL REVIEW

Appeal of successful challenge of the power of the Department of Infrastructure to grant planning permission for a major waste treatment centre at Hightown Quarry. - established constitutional principles and governance arrangements in Northern Ireland. - HELD that the decision made by the Department was crosscutting, significant and controversial and could only be taken by the Executive Committee. - appeal dismissed
COURT OF APPEAL
6 JULY 2018
MORGAN LCJ, STEPHENS LJ, TREACY LJ

ATTORNEY GENERAL FOR NORTHERN IRELAND V MICHAEL SHERRIE

Application for an order pursuant to s.32 Judicature (NI) Act 1978 that no legal proceedings shall, without leave of the High Court, be instituted by the respondent in any court or tribunal, an order that any legal proceedings instituted by the respondent in any court of tribunal before the making of the order shall not be continued by him without such leave. - respondent had initiated 9 judicial reviews against diverse individuals and public bodies which were all dismissed. - application under s.32 Judicature (NI) Act 1978 on restriction on institution of vexatious actions. - whether the conduct of the applicant in bringing the 9 judicial reviews, all of which were appealed, met the statutory test. - HELD that order made without limitation of time
HIGH COURT
31 MAY 2018
COLTON J

CRIMINAL LAW

R V RH

Appeal by way of reference from the Criminal Cases Review Commission pursuant to the powers contained in Part II of the Criminal Appeal Act 1995 in respect of the appellant's convictions following a trial on indictment. - appellant was convicted of rape and indecent assault of a female who was then a child. - whether the requirements of a.24 Criminal Justice (Evidence) (NI) Order were followed in relation to complaint evidence. - whether the trial judge failed to properly direct the jury on the approach to be taken on the evidence. - whether the judge failed to adequately direct the jury in relation to the appellant's good character. - whether these failures render the conviction unsafe. - HELD that the court concludes that it has a significant sense of unease about the safety of the verdicts and both convictions quashed
COURT OF APPEAL
6 JULY 2018
MORGAN LCJ, DEENY LJ, MAGUIRE J

FAMILY LAW

EJ V DJ

Application made by a wife for a variation of a Mareva Injunction which had been varied once by consent. - whether a further variation should be permitted because (i) her husband had stopped paying her maintenance, (ii) she needs money to discharge debts and obligations which have accrued over the years, including legal fees and (iii) the husband has enjoyed the benefit of money to which he is not entitled because, contrary to the injunction, he has had access to money or accounts improperly. - husband resists application and denies allegations. - HELD that the injunction be further

varied to order that maintenance payments and arrears, legal fees paid, and a lump sum in respect of breaches of the injunction be paid
HIGH COURT
11 NOVEMBER 2014
O'HARA J

RM V KM

Child Abduction and Custody Act 1985. - Hague Convention on the Civil Aspects of International Child Abduction. - proceedings involve the removal of 2 children from Australia where they were living to the United Kingdom and engage the provisions of the Hague Convention on the Civil Aspects of International Child Abduction. - children's father (plaintiff) was born in Northern Ireland and is now an Australian national. - children's mother (defendant) was born in Northern Ireland and is a UK national. - family resided in Australia, the parents separated and the mother returned to Northern Ireland with the children whilst the father was recovering from emergency surgery and without his permission. - habitual residence. - best interests of the children. wrongful retention. - whether grave risk of harm or intolerable situation. - HELD that a return order be made in respect of the 2 youngest children
HIGH COURT
30 AUGUST 2018
MAGUIRE J

ZS V A HEALTH AND SOCIAL SERVICES TRUST

Adoption. - genetic identity. - application for declaratory relief brought by a mother of a child who is in foster care and in respect of whom an application for adoption is pending. - what information should be shared with the child as part of the adoption procedure. - mother is opposed to any of her family and the child's half siblings being notified of his existence. - current law requires information about the child's identity to be shared

with the child at a relevant juncture in the child's life with no provision enabling the birth mother to override the interests of the child at that time. - balancing exercise between the privacy rights asserted by the mother and the right to know one's origin. - a.8 ECHR. - HELD that application dismissed
HIGH COURT
5 JUNE 2018
KEEGAN J

HEALTH AND PERSONAL SOCIAL SERVICES

WESTERN HEALTH AND SOCIAL CARE TRUST FOR JUDICIAL REVIEW V SECRETARY OF STATE FOR HEALTH AND LONDON BOROUGH OF ENFIELD

Appeal of determination of the Secretary of State for Health for England and Wales ("SOS") affirming that a lady, whose identity is anonymised, is ordinarily resident in Northern Ireland with the result that care management and funding responsibilities for her fall to the Trust and not Enfield where her parents reside. - lady had been moved to a care facility in Co. Tyrone in 2009. - Care and Support Statutory Guidance and cross-border issues. - whether the SOS misdirected himself in relation to the temporal application of the ordinary residence test. - HELD that application for judicial review dismissed

HIGH COURT
3 AUGUST 2018
MCCLOSKEY J

IMMIGRATION

IN THE MATTER OF AN APPLICATION BY TL FOR LEAVE TO APPLY FOR JUDICIAL REVIEW V SECRETARY OF STATE FOR THE HOME DEPARTMENT

Applicant challenges the decision of the Secretary of State for the Home Department (SSHD) to dismiss the applicant's human rights claim under a.8 ECHR and further decision that the threshold for a fresh claim had not been overcome. - whether the SSHD fulfilled its duty under s 55 (3) of the Borders, Citizenship and Immigration Act 2009 to enhance and inform the best interests assessment which must be carried out. - out of country appeals. - threshold in medical appeals. - HELD that an order quashing the impugned decision be made and case remitted to SSHD to reconsider in light of the judgment
HIGH COURT
12 DECEMBER 2017
MCCLOSKEY J

JUDICIAL REVIEW

IN THE MATTER OF AN APPLICATION BY MARGARET BRADY FOR JUDICIAL REVIEW

Application for leave to challenge a decision by the DPP not to prosecute a soldier for killing the applicant's brother. - applicant seeks an order of certiorari to quash the impugned decision, an order of mandamus requiring the respondent to reconsider the decision and a range of other declarations. - delay in promulgating the decision not to prosecute. - alleged irrationality and perversity of the decision that the evidential test for prosecution is not met. - role and duties of the PPS. - human rights guidance and Directive 2012/29 EU on minimum standards on the rights, support and protection of victims of crime. - test for prosecution. - HELD that the delay between the referral to the PPS and promulgation of decision not to prosecute was manifestly excessive, inexplicable, unjustified and unlawful, that there are good grounds for considering that the DPP misapplied the test for prosecution and the decision not to prosecute is flawed. - judicial review allowed
COURT OF APPEAL
28 FEBRUARY 2018
TREACY LJ, COLTON J

REAL PROPERTY

THE OFFICIAL SOLICITOR AS CONTROLLER AD INTERIM FOR NS (A PATIENT) V MS

Consideration of whether and in what circumstances a right of residence granted in a will can be terminated when the will has made no express provision for termination. - whether, on its proper construction the right of residence conferred upon the patient (NS) by the will of the deceased has terminated on the basis either that the patient has ceased to reside in the said dwelling house or that the patient is mentally or physically incapable of exercising the said right for any other reason. - whether the patient has terminated her right of residence in the said dwelling house and that all duties, responsibilities and obligations and other burdens of the patient in respect of the dwelling house have ceased. - whether there are any findings in relation to any period during which the patient did exercise the right of residence and the date of termination. - expert evidence stated that the totality of NS's needs could not be provided outside the hospital or nursing unit. - capacity. - HELD the right of residence conferred upon NS by the will has terminated on the basis that NS is mentally and physically incapable of exercising the right. - importance of drafting noted
HIGH COURT
4 OCTOBER 2018
MCBRIDE J



CLASSIFIEDS

Missing Wills

Property at: 538 Crumlin Road, Belfast BT14 7GJ

Owner: Paul Cyril O'Connor (deceased)

Date of Death: 20 November 2017

Would any person having any knowledge of the whereabouts of a Will made by the above named deceased please contact the undersigned as soon as possible:

P J McGrory & Co

Solicitors

52 Andersonstown Road

Belfast BT11 9AN

DX2925 NR Andersonstown

Re: Patricia Ann Abraham

Late of: 78 Derrycrow Road, Derrytrasna, Lurgan, Craigavon Co Armagh BT66 6PT

Date of Death: 5 April 2018

Would any person having any knowledge of the whereabouts of a Will made by the above named please contact the undersigned as soon as possible:

Richard Monteith LLB

Solicitors

32/34 Portmore Street

Portadown BT62 3NG

Tel: 028 3833 0780

Fax: 028 3835 0271

Email: r.monteithll.b@btconnect.com

Reference:MS/15399

Re: Mrs Mary Dawson (deceased)

Late of: Glenmahan Tower House Private Nursing Home, 13 Glenmahan Road, Belfast Formerly of: 6 Orby Gardens, Belfast BT5 5HS

Mrs Dawson has passed away and we wish to ascertain whether any Solicitor holds a Will pertaining to her Estate.

If you retain a Will or know of a homemade Will, or any other

documentation that may be pertinent to the Estate, please contact:

Shauna Thompson/Mildred Breakey
Mildred Breakey
Solicitors

Email: breakeysolicitors@gmail.com, or alternatively

Tel: 028 9266 9566

Re: Patrick Henry Thompson (otherwise Ray)

Late of: 5 Kingsland Drive, Belfast BT5 7EY

Date of Death: 2 March 2018

Would any person having knowledge of the whereabouts of a Will made by the above-named, please contact the undersigned as soon as possible:

Ian McMurray

Solicitor

O'Rorke, McDonald & Tweed

37/39 Church Street, Antrim

County Antrim BT41 4BD

Re: William Samuel Annett (known as "Sammy")

Late of: 230A Kilkeel Road, Annalong, County Down BT34 4TW

Date of Death: 21 February 2018

Would any person having knowledge of the whereabouts of a Will made by the above named Deceased, please contact the undersigned as soon as possible:

M Diane M Coulter

Solicitors

125 Harbour Road, Kilkeel

County Down BT34 4AT

Email: diane@dianecoultersols.co.uk

Re: Martin Henry

Late of: 8 Lissadell Drive, Magherafelt, County Derry BT45 5AR

Date of Death: 26 April 2018

Would any person having knowledge of the whereabouts of

a Will made by the above-named, please contact the undersigned as soon as possible:

Bernadette Mulholland

Solicitors

37 King Street

Magherafelt

County Derry BT45 6AR

DX 3305 NR Magherafelt

Re: Margaret Elizabeth Lindsay (deceased)

Last address: Copperfields Private Nursing Home, Moore Street, Aghnacloy BT69 6AX

Previously of: 6 Mill Street, Caledon BT68 4TT

Date of Death: 7 August 2018

Would any person having knowledge of the whereabouts of a Will made by the above-named, please contact the undersigned as soon as possible:

Sharon Keeley

Solicitor

5 College Street

Armagh BT61 9BT

Tel: 028 3751 1622

Re: Bridget Teresa McPeake

Last address: 2 Camlin Gardens, Crumlin, County Antrim Formerly of: 503 Ormeau Road, Belfast

Date of Death: 29 June 2018

Would any person having any knowledge of the whereabouts of a Will made by the above-named, please contact the undersigned as soon as possible:

Maria Gillen

Gillen & Co

Solicitors

218/220 Kingsway

Dunmurry

Belfast BT17 9AE

Tel: 028 9061 2144

Fax: 028 9061 8351

Email: maria@michaeltgillen.co.uk

Re: Patrick Malachy McHugh (deceased) (known as Malachy McHugh)

Late of: 30 Derrygavad Road, Portadown, Armagh BT62 1ND

Date of Death: 31 July 2018

Would any person having knowledge of the whereabouts of a Will made by the above named, please contact the undersigned as soon as possible:

Diarmuid McKeown

McKeowns Solicitors

Law Society House

90 Victoria Street

Belfast BT1 3GN

Tel: 028 9026 9989

Fax: 028 9023 0596

Email: Diarmuid.mckeown@mckeowns.com

Re: Robert Hamilton McCoy or Robert McCoy

Late of: 40 Wheatfield Crescent, Belfast

Would anyone holding a Will by the above named please contact the undersigned, Controller of the said patient, as soon as possible:

Noel Phoenix

Trevor Smith & Co

Solicitors

Chester House

13 Chichester Street

Belfast BT1 4JB

Re: Robert Arthur Shaw (deceased)

Late of: Rosevale Lodge Nursing Home, 173 Moira Road, Lisburn, Country Antrim BT28 1RW

Formerly of: Hostel at Ballymacash, Lisburn and/or Mourneview Park, Longstone, Lisburn, Country Antrim

Date of Death: 2 July 2018

Would anyone having any knowledge of a Will by the above named deceased please contact the undersigned as soon as possible:

Mark McAdam

CMG Cunningham Dickey

Solicitors

18 May Street

Belfast BT1 4NL

DX: 404 NR Belfast

Tel: 028 9023 4606

Email mark.mcadam@ccdsolicitors.co.uk

Re: Thomas Rafferty (deceased)

Late of: 4 Linen Grove, Belfast

BT14 8PP

Date of Death: 1 October 2017

Would anyone having any knowledge of a Will by the above named deceased please contact the undersigned as soon as possible:

Emma Lyons

Emma Lyons Solicitors

175 Falls Road

Belfast BT12 6AF

Tel: 028 9043 4166

Email: info@emmal Lyons Solicitors.com

Re: Annie Josephine McGarry (deceased)

Late of: 17 Dart Hill, Belfast BT11 8HB

Date of Death: 17 January 2003

Would any person having knowledge of the whereabouts of a Will made by the above named, please contact the undersigned as soon as possible:

Monica McCrory

Cousins Gilmore Solicitors

206 Andersonstown Road

Belfast BT11 9EB

Tel: 028 9030 1360

Email: mail@cousinsgilmore.com

Re: Conor Eamon Napier (deceased)

Late of: 3 Portmore Hall, Ballydonaghy Road, Crumlin, County Antrim BT29 4WT

Date of Birth: 11 April 1980

Date of Death: 26 August 2018

Would any person having knowledge of the whereabouts of a Will made by the above named, please contact the undersigned within 28 days of this notice:

Eamonn Doherty

Johns Elliot

40 Linenhall Street

Belfast BT2 8BA

Tel: 028 9032 6881

Email: eamonn.doherty@johnselliot.com

Missing Title Deeds

Property at: 4 Victoria Road, Hollywood BT19 9BA

Previously known as: Site 2, The Warren, Victoria Road, Hollywood Land owned by: The Hamiltons Purchased by: Alfred Stanley Emerson in 1972

If any persons have knowledge of the

whereabouts of Title Deeds re the above property, would they kindly contact:

Bernard Campbell and Company

17 High Street

Carrickfergus

County Antrim BT38 7AN

Tel: 028 9336 9033

Fax: 028 9336 7777

Re: Robert Cochrane (deceased) Formerly of: 76 Rathfriland Road, Banbridge, County Down BT32 4JX

Date of Death: 9 July 2017

Would any person having any knowledge of the Title Deeds for the above property please contact the undersigned as soon as possible:

Naomi Lamont

Elliott Duffy Garrett

Solicitors

40 Linenhall Street

Belfast BT2 8BA

Tel: 028 9024 5034

Fax: 028 9024 1337

Email: naomi.lamont@edglegal.com

Property at: 64 Ballymurphy Road, Belfast BT12 7JN

Would any solicitor having any knowledge of the Title Deeds for the above property please contact the undersigned as soon as possible:

Ben Wall

Solicitor

Boyd Rice Solicitors

6 Mill Street

Newtownards BT23 4LU

Tel: 028 9181 7715

Property at: 1 Brooklands Road, Newtownards, County Down BT23 4TL

Would any solicitor having any knowledge of the Title Deeds for the above property please contact the undersigned as soon as possible:

Ben Wall

Solicitor

Boyd Rice Solicitors

6 Mill Street

Newtownards BT23 4LU

Tel: 028 9181 7715

Property at: 41 Castlerobin Road, Belfast BT8 7DX

Would any solicitor having any knowledge of the Title Deeds for the above property please contact the undersigned as soon as possible:

Peter Brennan

Solicitor

Brian Kelly Solicitors

301 Ormeau Road

Belfast BT7 3GG

Tel: 028 9059 3030

Practice for Sale

Small general practice located in South Down seeks merger/ linkage arrangement. Large stock of Wills and Deeds and extensive premises which could easily accommodate expansion.

All proposals considered.

Please reply in strictest confidence by email to:

solicitor112@gmail.com



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HEART TRUST FUND

(ROYAL VICTORIA HOSPITAL)

The main object of this established and registered charity is the support and furtherance of the vitally important treatment, both medical and surgical, provided primarily for patients in the Cardiology Centre in the Royal Victoria Hospital Belfast, and the equally important work of research into heart disease carried on there. The charity is authorised to use its fund to provide that support, or achieve that furtherance when (but only when) public funds are not available, or are insufficient, for the purpose.

The Royal's splendid record in the fight against heart disease is too well known to need advertisement, and by an immediate cash gift or a legacy or bequest to this charity in your will, you can help directly to reduce the grave toll of suffering and death from this disease in Northern Ireland. The grim fact is that the incidence of coronary artery disease in Northern Ireland is one of the highest in the world. The administration of the charity is small and compact and the Trustees are careful to ensure that its cost is minimal. As a result donors and testators can be assured that the substantial benefit of their gifts and bequests will go directly to advance the causes of the charity.

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

(Registered Charity No: XN52409).

(Inland Revenue Gift Aid Scheme Code: EAP76NG).

(Registered with The Charity Commission for Northern Ireland: NIC100399)

Web: www.hearttrustfund.org.uk

Email: hearttrustfund@btconnect.com



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THE WRIT THE LAW SOCIETY OF NORTHERN IRELAND

THE JOURNAL OF THE LAW SOCIETY OF NORTHERN IRELAND
ISSUE 228 Autumn 2017/Winter 2018

THIS ISSUE
Society welcomes its new President, Suzanne Rice

Appointment
Iain Henderson, new High Court Judge.

Belfast's first Supreme Court Case
A victory for thousands of bereaved children.

Domestic Violence
Publication of new action plan.



THE WRIT THE LAW SOCIETY OF NORTHERN IRELAND

THE JOURNAL OF THE LAW SOCIETY OF NORTHERN IRELAND
ISSUE 229 Spring/Summer 2018

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The Law Society welcomes its new President

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Goes live on 25 May. An overview.

Mediation
How will it develop as part of our Civil Justice System?

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Everything you need to know about the OISC



THE WRIT THE LAW SOCIETY OF NORTHERN IRELAND

THE JOURNAL OF THE LAW SOCIETY OF NORTHERN IRELAND
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Supreme Court sits in Belfast

Domestic violence & abuse
New safeguards for potential victims.

Primary victims
Degree of clarity concerning the definition.

Admissions Ceremony
Society welcomes newly admitted solicitors.

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Title	Location	Experience	Salary	Description
Banking Solicitor	Belfast	NQ-5 PQE	Negotiable	Chambers 500 team with a market leading partner.
Head of Property	Belfast	8+ PQE – E/W Qualified	£85k	Top international firm running UK, US and EMEA.
Head of Residential Conveyancing	Belfast	7+ PQE	Negotiable	Creating a property team and path to partnership.
In-House Counsel	Belfast	7+ PQE	£90k	International firm looking for senior counsel.
Senior Commercial Litigation	Belfast	5+ PQE	Negotiable	Ability to handle all types of commercial litigation.
Senior Level - Corporate	Belfast	6+ PQE – M&A and DD	55k-65k	Leading international firm – managing the team.
AML Analyst	Belfast	Law or finance degree, +1-2 yrs	£18-23k	Leading law firm, great package and benefits.
ISDA Negotiator	Belfast	Law degree, +1-2 yrs	£20-23k	Top professional services firm. Great development.
Legal Admin	Belfast	1-3 yrs	£16-20k	National law firm. Good opportunity.
Legal Analyst	Belfast	UK Law degree	£19k	International top tier firm. Great training/packages.
Legal PA	Belfast	1-5 years' experience	£20-25k	Top Tier global law firm. Excellent opportunity.
Legal Professional	Belfast	UK law degree, 1-2 yrs	£20-22k	International law firm. Great training/development.
Legal Secretary	Belfast	1-3 yrs	£19-22k	International law firm. Excellent development.
Office Assistant/Team Admin	Belfast	Entry Level Role	£15-18k	Leading national law firm. Excellent opportunity.
Paralegal	Belfast	UK Law degree	£15-18k	Leading national law firm. Graduate opportunity.
Banking Solicitor	Dublin	NQ-6 PQE	€55-120k	Mid-tier firm.
Corporate Solicitor	Dublin	1-5 PQE	€60-90k	Mid-tier firm.
Employment Partner	Dublin	Partner Level	€150k+	Mid-tier firm.
Environmental & Planning Solicitor	Dublin	1-3 PQE	€70-90k	Boutique firm.
Funds Associate	Dublin	NQ+	€65k+	Top tier firm.
Tax Solicitor	Dublin	NQ – 5 PQE	€55-100k	In House.
Legal PA	Dublin	1-5+ yrs	€38-45k	Top tier national firm. Great career development.
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