

# THE WRIT

THE LAW SOCIETY  
OF NORTHERN IRELAND



THE JOURNAL OF THE LAW SOCIETY  
OF NORTHERN IRELAND

ISSUE 227 April-July 2017

## THIS ISSUE

### Money Laundering, Terrorist Financing & Transfer of Funds (Information on the Payer) Regulations 2017

Potential impact on the profession

**Legal Complaints &  
Regulation Act (NI) 2016**  
A new beginning

**Find a Lawyer**  
New search engine launched

**Residence Nil Rate Band**  
A basic guide



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OF NORTHERN IRELAND



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**Are you contact details correct?**

Members are reminded that under the Solicitors' Practice Regulations 1987 (Regulation 23 (c) - (e)) you are obliged to inform the Society if there are any changes in your employment status or contact details.

If your employment status or contact details have changed please email: [tom.speers@lawsoc-ni.org](mailto:tom.speers@lawsoc-ni.org) providing the required information as soon as possible

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## View from the President

Having completed the halfway point of my Presidency it is appropriate that I take this opportunity in The Writ magazine to provide members with an overview of some of the work which the Society has undertaken to date and is planning for the future.

In doing so it is my intention to provide a short snapshot of our ongoing work so that members feel informed of the Society's commitment to its role as both a regulatory and a representative body promoting the work of the solicitor profession both within Northern Ireland and further afield.

I provide this update against the backdrop of uncertainty surrounding our local political institutions, a recent General Election and the outworkings of Brexit with its very direct implications for Northern Ireland.

The Society has always maintained its position of neutrality in respect of political commentary but we remain supportive of the need for a return of the Stormont Executive and the Northern Ireland Assembly as soon as possible so that it might address the ongoing issues facing the community including, in particular, those regarding the administration of justice in Northern Ireland together with those that face the business sector upon which so much rests.

In respect of Brexit the Law Society of

Northern Ireland remains responsive to the Government's Brexit strategy and has at a policy level put in place an engagement strategy with key stakeholders including the leaders of the main political parties, Government Ministers in Westminster, representatives from The Department for Exiting the European Union (DExEU) and more directly in Brussels to ensure that the Society, on behalf of its membership and the clients whom they represent, is best placed to articulate concerns and to address issues of importance with decision makers at Westminster, Stormont and indeed with the EU bodies directly. The Society will of course update members of developments when it is either necessary or appropriate to do so.

In 2016 the Council approved a Governance Review of the Law Society under the direction of the Society's Chief Executive, Alan Hunter. Work has begun on reviewing the Society's operational capabilities, its regulatory functions and how it seeks to engage and represent its membership in an ever changing political, legal and economic landscape but also to make the Society more streamlined and responsive. As with any Governance Review this work will be detailed and will take time but in so doing it is a reflection of the Society's commitment to ensure the Law Society of Northern Ireland is more nimble and better able to meet the challenges and capitalise on the opportunities ahead.

The Society's ongoing commitment to Corporate Social Responsibility continues with our support for the Presidential charity of the year - Marie Curie. As part of our ongoing support for the charity the Society held a 'Legal Walk/Run' event on 12 May 2017 which was an outstanding success and has raised in excess of £10,000.

Cybercrime remains a clear and present danger to the legal profession and clients. The Society continues to be proactive in



issuing scam alerts and providing training to members on the threat levels posed. It is an initiative which has been positively embraced by our members. I can assure you that we work in partnership with law enforcement agencies and Government to ensure our members are aware of the risks posed to their businesses and how to guard against them. I would encourage all members to be vigilant and to report cybercrimes to the Society so that we can inform and update all colleagues moving forward.

Over the coming months the Society will be launching a social media campaign to support the services offered by our members. The campaign will mirror the previous advertising campaigns undertaken by the Society and will build on the success of these campaigns with new animated adverts in accessible formats. The design has been made deliberately portable so the Society can make the new adverts available to members so that they can promote them through their social media platforms and websites reaching the widest possible audience.

Statistics for the Society's own website demonstrate that increasing numbers of members are now accessing the new Members' Section and making use of the information contained there, such as the new online CPD booking section through which members can now pay for courses using their credit card. The Society is currently developing a system whereby members can record their CPD attendance online.

Keeping with that theme, I am also pleased to report that over the coming months the Society will make accessible to members its first webinar for the Compulsory Risk Management series. We see this development as an important new way to engage with members on important issues. It is anticipated that

the Risk Management Series will build on members' awareness of the current risks the profession now faces and empower members in the actions they take to support their practices and their clients. The Society's hope is that this development will, in due course, assist in the negotiations with the Society's insurance brokers in terms of the pricing of insurance renewals.

Also on the technology front, the Society has received European funding to build into its website a FAL (Find a Lawyer) section.

FAL is a European initiative to enable all European citizens access to a central portal through which they can search for individual lawyers specialising in specific areas of law in any jurisdiction. In short, this will provide an excellent way for local solicitors to showcase themselves to a European audience.

The Society continues to actively promote its Dispute Resolution Service (DRS) which has now been accredited by Government for consumer related disputes - the first in Northern Ireland to gain that recognition. The service is there to support members and their clients and as such I would encourage all members to consider using the professionally trained mediators who make up the service. For those of you who have not read the Review of Civil and Family Justice it is very clear that mediation will continue to be a growth area - one which solicitors are superbly qualified to service.

Following on from the successful 'Connecting with the Community' initiative the Society has, over the course of the last number of months, developed a number of new solicitor groups including Legally Able, an Elder Law Group and an Immigration Solicitors Group, all of which are reflective of emerging and important areas of law. These solicitor groups are of immense value to the Society in helping to shape and raise issues of importance within the community and in turn ensure that those areas receive

appropriate focus both at a policy level and through the CPD which we offer.

The Society continues to work hard to fully implement the Legal Complaints and Regulation Act (NI) 2016. This edition of the magazine contains an article which sets out some of the key changes to be introduced. We will update members further on developments in coming months. This change to the way in which complaints are dealt with is important for the profession and one which we are working hard on.

Equally important is the publication of the Gillen Report on the Review of Civil & Family Justice. There is much that remains subject to discussion but we continue to input into the process and will seek to update members as matters develop.

Finally, I am delighted that the IBA mid-year conference was held in Belfast. This was a great accolade for Northern Ireland. We did much to welcome more than 400 lawyers from around the world and to showcase the strength and qualities that lawyers in this jurisdiction have and can offer to that wider legal community. The expressions of thanks and accolades from all quarters clearly demonstrates how successful it was in raising the solicitor profession's profile both locally and internationally.

As I hope you will see from this report much work is underway and much work is still to be done. I am mindful of the ongoing issues and challenges which our members and their practices face on a day to day basis.

I remain confident that with the support of members the Law Society will continue to be work to regulate, represent and promote the solicitor profession in Northern Ireland to engage with those who impact upon it or help foster it in a wider sphere.

**Ian Huddleston**  
President



## Anti-Money Laundering/Counter Terrorist Financing and the 4th Money Laundering Directive

As you are aware, the new **Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017** came into effect on **26 June 2017**.

These may be found on <http://www.legislation.gov.uk/uksi/2017/692/made>

The effect of the Money Laundering Regulations 2017 is the incorporation of the EU Fourth Money Laundering Directive (Directive (EU) 2015/849) into United Kingdom legislation.

While the Society is considering carefully the Money Laundering Regulations 2017, which were laid before Parliament as recently as 22 June 2017 with amendments to the previously issued draft, this Article looks at some of their key requirements and their potential impact for you the solicitor and independent legal professional – a ‘relevant person’.

There is no substitute however for careful reading of the 2017 Regulations. The new Regulations take a deep dive into ‘effectiveness’ and the ‘risk based’ approach to compliance. A risk based and proportionate approach means you focus your resources on the areas of greatest risk for your practice.

In short, effectiveness is the key.

In May, at the second of the Society’s 2017 series of three AML/CTF education sessions across Northern Ireland our guest presenter, Sue Mawdsley of Legal Risk LLP considered the then just published draft Money Laundering Regulations 2017.

Our third session is incorporated into part of this year’s Best Practice Management Conference in October 2017, details of which may be found in the Continuing Professional Development Seminar Programme 2017. This promises to be another valuable session, to

build on AML/CTF awareness and the new compliance regime, looking at issues such as Data Protection through the AML/CTF lens.

We hope by that stage, if not sooner, HM Treasury will have approved the revised single legal sector specific AML/CTF Guidance on the Money Laundering Regulations 2017 on which the Society, as the professional body AML/CTF supervisory authority of its members under the Money Laundering Regulations, has been working with the other legal sector professional bodies and supervisors in the UK. The revised Guidance has already been submitted to HM Treasury for approval.

As a ‘**relevant person**’ (the definition of which includes the independent legal professionals and trust or company service providers to whom the Regulations apply) the 2017 Regulations require you to take appropriate, proportionate steps to identify and assess the risk of money laundering and terrorist financing to which your own practice is subject (your ‘risk based’ approach).

The Society as one of twenty seven AML/CTF professional bodies and supervisory authorities is required to do likewise. The supervisors are a diverse group including large global professional bodies, smaller professional bodies and a number of public sector organisations. The Regulations impose clear obligations and duties on the professional bodies/supervisory authorities, about which we are already working at high level with HM Treasury.

### **THE LAW SOCIETY OF NORTHERN IRELAND’S SUPERVISORY ROLE**

Under the Regulations the Society must adopt a risk based, proportionate approach to the exercise of its supervisory functions, informed by our Risk Assessment:

**‘A risk based approach means considering the likelihood of unwanted outcomes when targeting resources and applying preventive measures, in order to focus efforts in a way that is effective and commensurate to the nature of risks’.**

(The National Risk Assessment of Money Laundering and Terrorist Financing October 2015: ‘the National Risk Assessment 2015’)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/468210/UK\\_NRA\\_October\\_2015\\_final\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/468210/UK_NRA_October_2015_final_web.pdf)

Part of the Society’s role under the Money Laundering Regulations 2017 is to identify and assess the international and domestic risks of ML/TF to which its supervised population is subject.

And, just as you are required to demonstrate your effectiveness under the 2017 Regulations, so too must the Society as the AML/CTF supervisor of its own sector – ‘relevant persons’ - in Northern Ireland.

### **Regulation 46 provides:**

**‘A supervisory authority must effectively monitor the relevant persons for which it is the supervisory authority (‘its own sector’) and take necessary measures for the purpose of securing compliance by such persons with the requirements of these Regulations.’**

The National Risk Assessment 2015 identified a risk of inconsistency of approach by reason of the number of professional bodies and supervisory authorities in the United Kingdom’s AML/CTF regime, which in turn was deemed to carry the risk of undermining its effectiveness.

Thus, to ameliorate this risk, a new body, the Office of Professional Body AML Supervision (OPBAS) has been created, the purpose of which is to set supervisory standards and monitor supervisors for compliance. In effect, OPBAS will be the supervisor of the supervisors.

OPBAS will be housed in but operate independently from the Financial Conduct Authority and is anticipated to become operational in January 2018. The Society is corresponding and has already met with the Financial Conduct Authority about OPBAS, the costs of which will likely be spread among the supervisory authorities and cascade to their membership. We await further details.

The National Risk Assessment 2015 is being updated, and it is likely that the National Risk Assessment 2017 will be published in the autumn:



## SOLICITORS' RESPONSIBILITIES – THREE SUGGESTED STEPS

### STEP 1 - YOUR WRITTEN RISK ASSESSMENT:

When carrying out your Risk Assessment you must inter alia take into account risk factors relating to your

- **Customers,**
- **The countries or geographic areas in which you operate;**
- **Products or services;**
- **Transactions; and**
- **Delivery channel.**

**Regulation 33(6)** sets out a non-exhaustive list of risk factors relating to potentially higher risk situations – for example, whether the business relationship is conducted in unusual circumstances, the client is resident in a geographical area considered to be an area of high risk, the corporate structure of the client

is unusual or excessively complex given the nature of the client's business; payments will be received from unknown or un-associated third parties; the situation involves non-face-to-face business relationships or transactions.

In preparing your Risk Assessment, you will find of help the Financial Action Task Force (FATF) Report 'Money Laundering and Terrorist Financing Vulnerabilities of Legal Professionals'.

<http://www.fatf-gafi.org/media/fatf/documents/reports/ML%20and%20TF%20vulnerabilities%20legal%20professionals.pdf>.

This sets out forty two red flag indicators – about the client, the source of funds, nature of the retainer, which while not exhaustive, at least provide a useful aide when considering your Risk Assessment. You may wish to consider appending the forty two red flag indicators to your written Risk Assessment. You know your firm, your clients, and the type of legal services you provide.

**Regulation 28(13)** provides:

***'In assessing the level of risk in a particular case, the relevant person must take account of factors including among other things -***

- (a) The purpose of an account, transaction or business relationship;***
- (b) The level of assets to be deposited by a customer or the size of transactions undertaken by the customer;***
- (c) The regularity and duration of the business relationship'.***

Your Risk Assessment must be written and documented. You are required to update your written Risk Assessment regularly, so that you take into account changes in the market, your client base, and the legal services you provide, so that you identify and address emerging risk.

Under the new Regulations, you must produce your written Risk Assessment to the Society upon request together with the grounding information on which your Risk Assessment was based with an up to date record of the appropriate steps or methodology you have taken to identify and assess the risk of ML/TF to which your business is subject.

The importance of your documented, written Risk Assessment cannot be underestimated. It is your starting point for compliance under the new Regulations, and your key to effectiveness.

Once you have identified the risks particular to your practice, you need then to show what you do, and how you do it, to address, manage and mitigate those risks you have identified in your written Risk Assessment.

This is done through your Policies, Controls and Procedures.

## **STEP 2 – YOUR POLICIES, CONTROLS AND PROCEDURES:**

The Money Laundering Regulations 2007 already require relevant persons to establish and maintain appropriate and risk sensitive policies and procedures.

The 2017 Regulations go further.

Under the new Regulations, you will be required to put in place (internal) Controls to ensure your Policies and Procedures are working, by which you will measure their effectiveness, benchmarked against your written Risk Assessment.

Documentation is critical: practitioners must ensure they document their understanding of the key AML/CTF risks they face, and keep a record of the source they use in completing their Risk Assessments, and the reasons behind and underpinning what may be critical decisions, or decisions subsequently challenged or scrutinised, whether from a criminal, regulatory or disciplinary perspective.

Regulation 19 et seq provide for your Policies, Controls and Procedures which must be proportionate with regard to the size and nature of your practice. They must include your

- **Customer due diligence;**
- **Records and record keeping;**
- **Monitoring and management of compliance with and the internal communication of such policies, controls and procedures;**

- **Identification and scrutiny of matters where a transaction is complex and unusual and has no apparent economic or legal purpose or there is an unusual pattern of transaction which have no apparent economic or legal purpose.**

This is **not** exhaustive.

Relevant persons, where appropriate with regard to the nature and size of your business, must appoint an individual (of the (equivalent) management body) as the officer responsible for the relevant persons' compliance with the Regulations – the Compliance Officer. Do not confuse the Compliance Officer with the Money Laundering Reporting Officer (the MLRO) who exercises a different statutory function – although in practice there is nothing to prevent the same person from carrying out both functions.

'Senior management' means an officer or employee of the relevant person with sufficient knowledge of the relevant person's money laundering and terrorist financing risk exposure, and of sufficient authority, to take decisions affecting its risk exposure.

This demonstrates the emphasis on seniority, influence and experience demanded of those who discharge these roles, who must be able to make decisions which can impact on your firm's business relations with clients; they should be able to access client files and business information to enable them to make decisions. These roles carry significant personal responsibility.

Remember to ensure that, just as your written Risk Assessment is reviewed regularly, so too you review your Policies, Controls and Procedures to ensure their continuing effectiveness.

## **STEP 3 – SCREENING, TRAINING & COMMUNICATION:**

Where appropriate with regard to the size and nature of your business, you must carry out screening of both the competency (i.e. skills, knowledge and expertise of the individual to carry out their functions effectively) and conduct and integrity of relevant employees both before their appointment and at regular intervals during the course of their appointment (Regulation 24).

The draft Regulations had previously sought to require the training of relevant agents:

this requirement has been removed from the Money Laundering Regulations 2017.

**Regulations 24** et seq require relevant persons to take 'appropriate measures' to ensure its relevant employees are made aware of the law relating to money laundering and terrorist financing, and to the requirements of data protection, which are relevant to the implementation of the Regulations. They must be given training regularly in how to recognise and deal with transactions and other activities or situations which may be related to money laundering or terrorist financing.

As part of your internal Controls, you must have in place a training policy appropriate for your firm. In addition, you should not only provide but also hold centrally, readily accessible, relevant AML/CFT training material, which is kept up to date.

Keep accurate, contemporaneous, written records of all relevant, reputable training – whether it is internal or external training. Ensure your staff is aware of your written Risk Assessment, your Policies, Controls and Procedures. Ensure you deliver regular, appropriate and timely training, to the appropriate people.

Consider the 'training defence' under the Suspicious Activity Reporting regime.

## **TO CONCLUDE:**

As with the Money Laundering Regulations 2007, the Money Laundering Regulations 2017 designates the Society, the professional body, as the supervisor of the solicitors' branch of the legal profession in Northern Ireland:

**'This approach benefits from the professional bodies' knowledge of their sector and the broader incentive their members have to meet high professional standards'.**

*(The National Risk Assessment 2015).*

The Society as part of the Legal Sector Affinity Group awaits HM Treasury's approval of the draft Guidance (which may require some further edition in light of the amendments under the Money Laundering Regulations 2017).

We will continue to keep members apprised.

**Catherine McKay**  
**Deputy Registrar/Deputy Secretary, Head of Professional Conduct**

## Legal Complaints and Regulation Act (Northern Ireland) 2016 - a new beginning for complaints

In 2007 the Department of Finance and Personnel (as it then was) published the concluding recommendations of Professor Sir George Bain's Legal Services Review Group. This Group had, in early 2004, been tasked with reviewing the regulation of the provision of legal services in Northern Ireland.

The main recommendations in the Bain Review included proposals to reform the complaints handling systems of the Law Society and Bar Council along with a proposal to establish the post of Legal Services Oversight Commissioner to oversee complaints against both solicitors and barristers in Northern Ireland.

A draft Bill that sought to implement the recommendations of Bain was prepared. The draft Bill was subject to a public consultation which completed in February 2014. The Society through our Chief Executive, Alan Hunter, along with James Cooper, on behalf of the Society's Council, engaged constructively with the Department to ensure that any proposed legislation would be clear and well defined with an overall objective that would enhance complaint handling procedures for solicitors and complainants alike.

The engagement and preparatory work of the Chief Executive and Mr Cooper prior to and during this crucial consultation stage helped to identify and highlight enhancements that were required in the legislation. The process

has been long standing and the timeline of significant work undertaken demonstrates the commitment of the Society in ensuring that any final published Bill appropriately enhanced complaints management within legal services.

The consultation process led to the introduction of the Legal Complaints and Regulation Act (Northern Ireland) 2016. The Act amends the way in which legal complaints are overseen and introduces a number of new statutory measures including:

- the introduction of a Legal Services Oversight Commissioner (LSOC)<sup>1</sup>;
- the establishment of a Solicitors Complaints Committee (SCC) with a Lay Chairperson and with a majority lay membership<sup>2</sup>;
- enhanced powers of the SCC to direct a solicitor to make an apology where a complaint is upheld<sup>3</sup>;
- authority for the SCC to award costs against the complainant in favour of the solicitor if the SCC deem that the complainant has acted so unreasonably that it is appropriate to make such an award<sup>4</sup>;
- new powers of the SCC to direct that compensation is paid to a complainant in respect of any loss suffered as a result of negligence up to a maximum amount of £5000<sup>5</sup>;
- a power of the SCC to direct compensation be paid for loss (occurring other than through negligence), inconvenience or distress caused to the complainant up to a maximum amount of £5000<sup>6</sup>;
- providing the beneficiaries of an estate with the standing to make a complaint about the service provided by a solicitor<sup>7</sup>;
- authority for the SCC to publish a report on the investigation, consideration and determination of a complaint made to it<sup>8</sup>.

The Act, whilst not yet fully operational, has commenced in part with the recent appointment of the Legal Services Oversight Commissioner, Marian Cree, who took up her post on 3 April 2017.

The Act also directs that the Department of Finance must make Regulations providing for the imposition of a levy on the Law Society and Bar Council for the purpose of raising an amount corresponding to the expenditure of the LSOC incurred under or for the purposes of the Act<sup>9</sup>.

Over the last 18 months in preparation for the upcoming commencement of the Act, the Society has been planning through a Working Group established for the purpose of considering the operational and strategic service amendments which are required to ensure that our complaint-handling processes are adapted to meet the incoming statutory changes. The work of the Legal Complaints and Regulation Committee is active and ongoing and preparations for the new complaints procedures are at an advanced stage.

The Society recognises that the level of complaints made against solicitors in Northern Ireland remains very low<sup>10</sup>. The Society is committed to ensuring that on those rare occasions where complaints are made that the mechanisms for the investigation, determination and conclusion of such matters are fair and reasonable for all parties involved. The Society will seek to work constructively with the LSOC and through ongoing CPD events and membership engagements to highlight the benefits of sound complaint handling procedures for solicitors within their firms, to encourage resolution of complaints and good in-house management.

The Legal Complaints and Regulation Act (NI) 2016 introduces a number of measures to enhance complaint management within legal services. It is a new beginning for the investigation and determination of legal complaints.

**We are grateful to John Mackell, the Society's new Director of Client (Solicitor) Complaints for this article.**

<sup>1</sup> s.1(1) *Legal Complaints and Regulation Act (NI) 2016*

<sup>2</sup> Sch 3 s.4 *Legal Complaints and Regulation Act (NI) 2016*

<sup>3</sup> s.38(2)(a) *Legal Complaints and Regulation Act (NI) 2016*

<sup>4</sup> s.36(4)(h) *Legal Complaint and Regulation Act (NI) 2016*

<sup>5</sup> s.38(2)(c) *Legal Complaints and Regulation Act (NI) 2016*

<sup>6</sup> s.38(2)(d) *Legal Complaints and Regulation Act (NI) 2016*

<sup>7</sup> s.33(3)(b) *Legal Complaints and Regulation Act (NI) 2016*

<sup>8</sup> s.44 *Legal Complaints and Regulation Act (NI) 2016*

<sup>9</sup> s.5(1) *Legal Complaints and Regulation Act (NI) 2016*

<sup>10</sup> *Annual Report of the Lay Observer for Northern Ireland 2015*

## Find a Lawyer search engine launched

The Law Society is delighted to announce the roll out of the **Find a Lawyer search engine**. The Society has secured European Commission funding to build the new search interface into its Members' Section allowing local solicitors to showcase their services on the **European e-Justice portal**.

[https://e-justice.europa.eu/content\\_find\\_a\\_lawyer-334-en.do](https://e-justice.europa.eu/content_find_a_lawyer-334-en.do)

### What is the 'Find a Lawyer' search engine?

The 'Find a Lawyer' search interface was launched several years ago and is administered by the European Commission. It is part of the European e-Justice portal which is a resource for lawyers and the public offering legal information at both national and European levels. It links up national electronic lawyer directories allowing businesses, the public and lawyers to search in one place for a local lawyer. The 'Find a Lawyer' project has

been operating successfully for some years, covering nearly all of the EU, and available in all EU languages.

### Why is this of interest and importance to you and your firm?

It is a powerful marketing tool allowing local solicitors and their firms to showcase the range of services they offer to a European audience. It is free and approved by the European Commission. Anyone using the portal can search for local solicitors using a search category listing provided by the e-Justice portal team. The category listing has been predefined by the e-Justice portal team and cannot be changed. Members can showcase their individual legal specialisms online for the first time. You can access the e-justice portal by clicking on the following link [https://e-justice.europa.eu/content\\_find\\_a\\_lawyer-334-en.do](https://e-justice.europa.eu/content_find_a_lawyer-334-en.do)

### What do you need to do to update your profile on the 'Find a Lawyer' search engine?

The Society, in conjunction with its web development company, has produced a simple 'How to' guide which can be accessed through [https://www.lawsoc-ni.org/DatabaseDocs/med\\_5351126\\_\\_category\\_management\\_for\\_fal.pdf](https://www.lawsoc-ni.org/DatabaseDocs/med_5351126__category_management_for_fal.pdf)

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## Roll-out of Registered Intermediaries Schemes to the Magistrates' Courts

The scope of the Registered Intermediaries (RI) Schemes has been extended to include all cases being heard in the Magistrates' Courts (adult and youth cases) with effect from Monday 3 April 2017. This follows a second positive evaluation of the RI Schemes in July 2016 and the recent recruitment of an additional eight RIs.

Members will already know that RIs are specialists who facilitate communication with vulnerable people who have significant communication difficulties, be they victims, witnesses, suspects or defendants, when they are giving evidence during a police interview and at trial. This could involve working with those with autism spectrum disorders, dementia, learning disabilities, mental health issues, mutism, voice disorders, brain injuries, etc.

The feedback from police officers and others who request an RI has been very positive, with good working relations established between the RIs and criminal justice practitioners. There were, in particular, many examples of full disclosure being obtained from a victim where this previously may not have been possible due, for example, to their very young age or a severe learning disability. RIs are also enabling suspects and defendants to give evidence, with questions being set to take account of their communication difficulty.

The Judiciary has shown an active interest in the RI schemes. The Lord Chief Justice, during a keynote speech at a Vulnerable Witness Conference, stated that he fully supported the use of RIs in Northern Ireland and envisaged that they would form part of the justice system for the foreseeable future.

The Hon Mr Justice Séamus Treacy in his speech to the Belfast Human Rights Festival – *'Trial and Securing Rights for Victims and Defendants'* stated that "In some cases, a Registered Intermediary will be the difference between a victim or witness being able to testify or not". He also noted a recent example of this in a case where initial attempts by the police to obtain information from the victim in police interview were unsuccessful. The police sought assistance from the Registered Intermediary Schemes. When the intermediary became involved it was possible to elicit from the victim information about the conditions in which she had been kept and the sexual crimes to which she had been subjected.

Between May 2013, when the schemes were first piloted, and the end of December 2016 there have been just over 1200 requests for an RI. Around 80% relate to victims and witnesses, and 20% relate to suspects and defendants. The split by gender and

age is respectively around 60:40 for males and females and around 30:70 for adults and young people. The most common vulnerabilities are young age, learning difficulties and autism spectrum disorder (around 30%, 30% and 13% respectively). The most common offence types are sexual offences, assault and cruelty (around 50%, 30% and 10% respectively).

The use of RIs by solicitors at court stage has continued to grow since the introduction of the schemes. There were 14 requests from May 2013 up to March 2015, 17 requests in the 2015/16 year and the number of requests has more than doubled in the period April 2016 to December 2016 with 40 requests received. It is anticipated that this will continue to increase with the extension of the schemes to the Magistrates' Courts. There will also be requests from the police for suspects at police stage.

For further information on the RI Schemes or to request an RI, please contact the Intermediaries Schemes Secretariat on 028 9052 0550 or by email at [intermediaries@dojni.x.gsi.gov.uk](mailto:intermediaries@dojni.x.gsi.gov.uk). Information on RIs, as well as the two evaluations undertaken, can also be found at [www.justice-ni.gov.uk/publications/registered-intermediary-schemes](http://www.justice-ni.gov.uk/publications/registered-intermediary-schemes).



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## Rollout of Indictable Cases Process (ICP) - speeding up indictable cases



Criminal law practitioners may recall and be aware of the 'Ards Indictable Cases Pilot', an initiative which operated in Ards County Court (CC) Division during 2015.

The pilot was the outcome of a report instigated by the Lord Chief Justice who tasked Criminal Justice Inspection Northern Ireland (CJINI) with examining a group of Crown Court cases to identify the reasons for delay. The report found that while there were issues at each stage in criminal proceedings, the majority of delay occurred during the investigation and case preparation stages. Senior leaders across the criminal justice system commissioned key participants in the criminal justice process – the Department of Justice, PSNI, Public Prosecution Service and the Northern Ireland Courts and Tribunals Service to develop what was termed a 'Radical Pilot' to tackle avoidable delay. The ICP operated during 2015 and significant positive outcomes were achieved, notably approximately a 30% reduction in time from report of crime to the court result.

Senior leaders believe it is time to proceed with substantive rollout of the ICP to a selected range of offence types – namely attempted murder, section 18 and 20 assaults, conveying a list A article into/out of prison and indictable drugs cases. Members of a Project Board, comprising representatives from across the criminal justice system have been working together to develop and agree procedures for rollout which commenced on 2 May 2017 and operates in all regions.

The five key principles underpinning the Indictable Cases Process are:

1. early engagement between PPS and PSNI;
2. early engagement between PPS and defence;
3. the concept of proportionate evidence required to meet the Test for Prosecution;
4. supporting effective judicial case management; and
5. supporting the delivery of effective sentencing.

The benefits expected include: more proportionate case preparation; focused investigations; earlier provision of targeted and proportionate forensic evidence; greater number of earlier admissions of guilt/earlier guilty pleas; fewer remand hearings; and fewer withdrawals/reduction in the rate of cracked trials; and shorter proceedings overall. The list of offences to which ICP principles are applied may be further increased as the five key principles become embedded into normal working practice.

A series of Information and Awareness sessions with key stakeholders commenced in January in preparation for rollout on 2 May 2017. These included events for defence practitioners, the judiciary and criminal justice agencies,

Any enquiries about the project can be directed to Iris Lovell at the Department of Justice, who can be contacted by telephone on 028 9052 8565 or by email at [Iris.Lovell@justice-ni.x.gsi.gov.uk](mailto:Iris.Lovell@justice-ni.x.gsi.gov.uk)

## The work of the Appeal Tribunals

A CPD event on "The work of the Appeal Tribunals" recently took place in Law Society House, Belfast.

The session was delivered by John Duffy, President of the Appeal Tribunals and Edell Fitzpatrick, full time legally qualified member of the Tribunal.

The Appeal Tribunal considers upwards of 20,000 appeals annually. These appeals are in respect of Social Security Benefits, Tax Credits, Child Maintenance, Compensation Recovery and various aspects of Housing Benefit. Attendance at an appeal tribunal hearing can often be the first experience for many people of the Courts and Tribunal system.

The advent of Welfare Reform in Northern Ireland during the past year means that its jurisdiction is developing. It is important that all representatives, including those legally qualified, are familiar with recent

developments and are competent to provide representation accordingly.

The session:

- gave an outline of the work of the Tribunal;
- discussed the jurisdictions covered by the Tribunal;
- provided an overview of the Personal Independence Payment;
- discussed the Code of Practice for Representatives introduced by the President of the Appeal Tribunals in October 2015 and what the Tribunal expects from representatives;
- provided an overview of relevant case-law.

The event was very well received with delegates stating that it was "a very interesting area", the session was a "very useful dissemination and interpretation of case law" and that the speakers provided "excellent

detail". If there are particular issues in this field which members would like covered in future CPD events, please do not hesitate to contact [susan.duffy@lawsoc-ni.org](mailto:susan.duffy@lawsoc-ni.org)



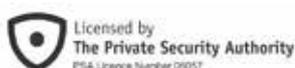


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# Cybersecurity: considerations for law firms

According to Legal Week, cyberattacks on law firms in the UK climbed by nearly 20% between 2014 and 2016. The prevalence of cyberattacks is growing and there is no doubt law firms are prime targets for hackers. The Society therefore highlights data protection and confidentiality as a top priority for all firms of solicitors.

## What is the cost of a cyberattack?

Research from the UK National Cyber Security Centre indicates the average cost of a security breach is between £600K and £1.15m. Cybercrime is a real threat to business, resulting in business downtime, data loss, dented pockets and a tarnished reputation. Surprisingly, many firms still do not have preventative measures in place to deal with this. With the frequency and severity of cyber incidents on the rise, it's a risk you simply can't afford to take.

Richard Kennedy, Director at Xperience IT Solutions comments: "Cyber criminals are employing increasingly sophisticated means of stealing data, so there is no option but for firms to do more to protect themselves. We urge all organisations to understand the risks, educate staff, introduce policies and develop

a strategic action plan to address any security concerns."

## How bulletproof is your security?

Cyber security preparedness starts with having a complete understanding of the internal and external vulnerabilities that can affect your practice. It's essential to be vigilant, form a strategic plan of action and ensure your firm is protected. As a company, you must ensure positive steps are taken to manage cyber threats, minimise risk and become cyber resilient.

## Six Steps to cybersecurity

As a starting point, Xperience IT Solutions recommend using the following steps as a foundation to your security strategy:

1. Review your internal skills and knowledge to determine if external help is needed.
2. Once a skillset has been sourced, create a strategic action plan which includes measures to prevent, detect and respond to potential security threats.
3. Education is key. Ensure all staff are aware of any preventative security plans and trained where necessary. It is a good idea

to include such information within your HR policies and procedures.

4. Take extra precautions when handling emails with attachments or URLs. Before opening ensure it is from a trusted source.
5. Ensure that important business data is being backed-up and that back-ups are functioning correctly.
6. Create a knowledge-sharing hub, so that when new strains of ransomware come into circulation all members of the firm know what to look out for.

The harsh reality is - the longer the recovery time, the higher the cost is to your business. Ultimately, the prevention methods in place will determine the impact of the attack, and reduce the risk of mass data loss. At this stage, the question is not "if" a cyberattack will take place, it's "when".

*We are grateful to Xperience IT Solutions for this article.*

*They can be contacted at:  
Xperience Group  
Knockmore Hill Industrial Park  
11 Ferguson Drive  
Lisburn BT28 2EX  
Telephone: 028 9267 7533*





## IBA comes to Belfast

More than 400 lawyers visited Belfast at the end of May 2017 to participate in the International Bar Association's **'Bar Leaders Conference and Mid-Year meetings'**.

The conference was attended by the leaders of the majority of the world's Law Societies & Bar Associations and prominent international lawyers.

The International Bar Association (IBA) is the world's leading organisation of international legal practitioners, Bar Associations and Law Societies and hosted its 12th Annual Bar Leaders' Conference in Belfast as a result of extensive lobbying by the Law Society of Northern Ireland, the Bar of Northern Ireland and Invest NI.

All three organisations took a proactive joint approach to raise the profile of the services and support that the legal profession in



Northern Ireland can offer businesses, legal firms and the international legal market generally.

In what is regarded as one of the most prestigious events in the international legal calendar, representatives from Invest NI showcased the region's legal technology and innovation expertise, while representatives from the Law Society of Northern Ireland and

the Bar of Northern Ireland contributed to a number of sessions.

Those attending discussed a number of timely issues including the opportunities and challenges of Brexit and those of artificial intelligence and use of 'robot lawyers'.

Commenting, the President of the Society, Ian Huddleston, said:

"It was an honour to welcome the delegates of the International Bar Association (IBA) Bar Leaders' Conference and Mid-Year Meetings 2017 to Belfast. The Law Society's support for the event is a reflection of our ongoing commitment to international engagement and to establishing global links. We were therefore delighted to welcome so many of our international colleagues to Belfast at an important point in the timeline of global business, politics and law."



From left: Claudio Visco, Chair of IBA; Anne Beggs, Invest NI; Mark Ellis, IBA; Martin Solc, President of IBA; Liam McCollum QC, Chair of Bar of Northern Ireland; Ian Huddleston, Law Society President; Norville Connolly, IBA Representative for Northern Ireland and LSNI Council member; David Mulholland, CEO of the Bar Council of Northern Ireland and Alan Hunter, Society Chief Executive.

## IBA welcomed to Belfast



Attendees at the welcome reception in the Great Hall of Belfast City Hall.

More than 400 members of the International Bar Association (IBA) were in attendance at Belfast City Hall on Friday 26 May 2017 for a welcome reception hosted by the Law Society of Northern Ireland, the Bar Council of Northern Ireland and Invest NI.

The event, which was sponsored by A&L Goodbody (principal sponsor), Tughans, Carson McDowell, Cleaver Fulton Rankin, Mills Selig and Thompsons NI, included speeches from the President of the Law Society of Northern Ireland, Ian Huddleston, and Chair of the Bar of Northern Ireland, Liam McCollum QC and Mark Ennis, Chairman of Invest NI.

The event had been organised as part of a number of social events to showcase Northern Ireland and the legal profession to those delegates attending the IBA Mid-Year Meetings in Belfast from Wednesday 24 - Saturday 27 May 2017.

A fantastic evening was had by all.



Ian Huddleston, Society President, speaking to attendees



Liam McCollum QC, Chair of the Bar Council.



Norville Connolly, IBA representative for Northern Ireland.



Martin Solc, President of the IBA, speaking to delegates.

From left: David Mulholland, CEO of the Bar Council of Northern Ireland; Anne Beggs, Invest NI; Liam McCollum QC, Chair of the Bar Council of Northern Ireland; Peter Stafford, A&L Goodbody; Norville Connolly, IBA Representative for Northern Ireland and LSNI Council member; Brian Dolaghan, Invest NI; Ian Huddleston, President of the Law Society of Northern Ireland; Barbara Creed, A&L Goodbody and Alan Hunter, CEO of the Law Society of Northern Ireland.





*The President and Norville Connolly welcome IBAHRI Council Members.*

## IBA Human Rights Institute at Law Society House

The Law Society of Northern Ireland was delighted to welcome Council Members of the International Bar Association's Human Rights Institute (IBAHRI) to Law Society House for its meeting.

IBAHRI works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.



## Law Society hosts Bar Executives' meeting

In May 2017, the Chief Executive of the Society, Alan Hunter, welcomed the 'Bar Executives' including CEOs, Bar Association executives, international liaison officers and others who are responsible for the day-to-day running of their Association, to Law Society House as part of the IBA Conference 2017.

## An insight into the role of Coroner in Northern Ireland



In the first of a new series of 'QA' interviews The Writ asked Patrick McGurgan about his role as Coroner.

### When did you become Coroner?

I was sworn into the office of Coroner for Northern Ireland on 4 April 2016.

### Why did you apply for the position of Coroner?

I had worked as a solicitor in private practice for 22 years in various firms in different locations. I wasn't looking for a new career but I saw the advert and it was something I was interested in and I liked the idea of a new challenge.

### How many deaths are there each year in Northern Ireland?

There are approximately 15,000 deaths per year in Northern Ireland.

Of these deaths, some 25% to 30% are referred to Coroners and of those some 35% become the subject of a post mortem examination and then about 10% result in an inquest being held.

If a post mortem is ordered and the deceased has requested organ donation then it is for the Coroner to decide what organs, if any, can be donated.

This involves a fine balancing act between trying to potentially save a life and not rendering a post mortem ineffective.

### How many Coroners are there in Northern Ireland?

There are currently three full-time Coroners responsible for all of Northern Ireland. In addition, Mr Justice Colton is the Presiding Coroner.

A number of County Court Judges have also been appointed as Coroners in addition to their County Court roles.

Currently there are three Coroners' Liaison Officers within the office and they are appointed to liaise with families and with others.

We also have the benefit of a full-time medical advisor in-house and the entire service is now located in one central office which is located on the fifth floor at Laganside House in Oxford Street, Belfast.

### What does a Coroner actually do?

A Coroner is a judicial officer whose role is to confirm and certify the death of an individual within a jurisdiction.

A Coroner may also conduct or order an inquest into the manner or cause of death, and investigate or confirm the identity of an unknown person who has been found dead within the Coroner's jurisdiction.

Few people know that a Coroner is on call 24 hours a day, seven days a week, 365 days a year.

### Where do Coroners derive their powers from?

Coroners currently derive their powers from the Coroners Act (Northern Ireland) 1959 and the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963.

Under section 7 of the Coroners Act, there is a duty to report to Coroners any death which occurs as a result of the following:

- as result of violence or misadventure or by unfair means;
- as a result of negligence, misconduct or malpractice on the part of others;
- from natural illness or disease for which the deceased had not been seen and treated within 28 days prior to death;
- in such circumstances as may require investigation including deaths from the administration of an anaesthetic.

The Act places a duty on the following category of persons to report a death to the Coroner, namely:

- medical practitioners, registrar of deaths, funeral undertakers, occupiers of a house or mobile dwelling, persons in charge of any institution or premises in which the deceased was residing.
- under section 8 of the Act there is a duty on the police to report to the Coroner the finding of the dead body, any unexpected or unexplained death, or a death attended by suspicious circumstances.

In other words, sections 7 and 8 of the Coroners Act "are framed so as to secure as far as humanly possible, that all questionable deaths are brought to the Coroner's notice."

### What are the possible outcomes following a death report?

Following the report of a death to the Coroners' Service, there are four possible outcomes, namely the following:

- the issue of a Death Certificate;
- the issue of a Form 14 – this is an administrative procedure which follows whenever a Coroner is satisfied of the cause of death and that a post mortem is not required;
- the issue of a Form 17 - this is an administrative procedure which follows upon receipt of a post mortem if a Coroner is satisfied that an inquest is not required;
- an inquest.

### What is the purpose of an inquest?

The purpose of an inquest is to establish the answers to four questions, namely;

- who the deceased was?
- where the deceased died?
- when the deceased died?
- how the deceased died?

It is this last question which gives rise to the most difficulties encountered in the inquest process.

With Article 2 of the ECHR now being invoked in more and more inquests the scope of the above questions, where the Convention is engaged, is widened to not only how but in what circumstances the deceased died.

It must be remembered however, that not all inquests engage Article 2, nor do they require a jury. In Northern Ireland an inquest is entirely at the discretion of the Coroner except in prison deaths where an inquest sitting with a jury is mandatory.

It should also be borne in mind that the inquest process is inquisitorial and NOT adversarial. It is also for the Coroner to direct which witnesses attend the inquest and it is the Coroner who leads the questioning of the witness.

An inquest is neither a civil action nor a criminal trial but a way by which society gains a full and transparent understanding of an unexpected or troubling death.

### A year on since your appointment do you have any regrets about leaving private practice?

There are occasions when you do miss private practice but the role of Coroner is an exciting and challenging position, one which is totally different from anything I have done before and so far one which I have thoroughly enjoyed.

I have learnt a lot in a year not least in terms of the responsibilities the Coroner and the members of the legal profession who present before the Court have to the deceased and their families.

## Notification under the Data Protection Act 1998

The Society receives enquiries from time to time from solicitors about whether or not solicitors' firms are subject to notification requirements under the Data Protection Act 1998. Businesses which process personal information are liable to notify (i.e. register) under the Data Protection Act 1998.

Failure to notify is a criminal offence. The legal definition of "processing" personal information is in section 1(1) of the Act and extends to hard copy files so that information not held on electronic devices but only in hard copy systems falls within the 1998 Act (see the reference to the *Durant* case below on this point).

Firms which have notified are recorded on the public register maintained by the Information Commissioner's Office and the register can be inspected free of charge at [www.ico.org.uk](http://www.ico.org.uk) by any member of the public. The 1998 Act uses the term "notification" (at sections 16-26) to refer to registration but the ICO web page now uses the more sensible word "register" to refer to this - click on "Register or renew" from the Home Page of the ICO website for all the

information you need on registering and making payment.

Payment can be made by direct debit, credit or debit card, or by cheque. Payment by BACS is no longer accepted by ICO due to the cost.

The fee is £35 for most firms. VAT is not payable. Larger firms with staff of over 249 members and/or turnover exceeding £25.9 million will pay £500. Public authorities also pay the higher fee. Solicitors should be aware of the higher rates for bigger organisations if they are advising their clients about this.

You should not use any agency or third party to process your application or to make payment as many such firms are bogus. They charge higher fees and do not actually complete your notification. The process for first time notifications is not difficult to complete and renewal each year will require little change in most cases.

In the past, some firms attempted to argue that they did not have to notify because they did not use their computers to

process personal information, which they said was kept only in traditional hard copy files. However, personal information kept in an organised manual filing system structured in such a way as to allow retrieval in relation to specific individuals comes within the Act and accordingly the duty to notify applies equally in these circumstances. This is clear from Section 1 of the Act which defines a relevant filing system and from the leading case of *Durant v Financial Services Authority* (2003) EWCA Civ 1746 Court of Appeal.

The duty to notify extends to "data controllers" who are defined in section 1 of the Act as the person who alone or with others "determines the purposes for which and the manner in which" any personal information is processed. Therefore, it applies to partners and sole practitioners but not to assistant solicitors and others in the firm. When notifying, partner details are not required as the firm name suffices but for sole practitioners, the name of the solicitor is submitted.

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## Residence Nil Rate Band – a basic guide

In this article Andrew Kirkpatrick, Assistant Secretary at the Law Society, gives a brief introduction to the new Residence Nil Rate Band.

Members will be aware of the recent introduction of the new Residence Nil Rate Band (“RNRB”) for Inheritance Tax. This is a particularly complex piece of legislation and the purpose of this article is to provide a basic guide for practitioners as you begin to advise clients.

### The thresholds

The RNRB provides that from 6 April 2017 there are now two distinct nil rate bands, namely:

- (1) The General Nil Rate Band – this remains frozen at £325,000 until the end of the 2020/21 tax year.
- (2) The RNRB – this will be:
  - £100,000 in 2017/18.
  - £125,000 in 2018/19.
  - £150,000 in 2019/20.
  - £175,000 in 2020/21.
  - after 2021/22 it will rise in line with the Consumer Price Index.

The RNRB only applies to those who died on or after 6 April 2017.

Any unused RNRB can be transferred to the deceased’s spouse or civil partner’s estate and this can be done even if the first of the couple died before 6 April 2017.

### The home

The RNRB only applies to one residence where that residence is included within the deceased’s estate and was lived in by the deceased at some stage before their death. Deciding whether the residence qualifies is not the same as for the principal private residence election under Capital Gains Tax. The RNRB rules are wider as there is no limitation on the size of the property or its garden and there is no requirement that the property was occupied as a residence by the deceased throughout their period of ownership. There is also a downsizing provision which is dealt with below.

### Direct descendants

The RNRB applies only where the deceased’s direct descendants inherit the house (or a share of it). Direct descendants are a widely defined category including:

- a child, grandchild or other lineal descendant;
- a spouse or civil partner of a lineal descendant (including their widow, widower or surviving civil partner);
- a child who is or was the deceased’s step-child;
- an adopted child of the deceased;
- a child who was fostered by the deceased;
- a child where the deceased was appointed as a guardian when they are under 18.

Direct descendants do not include nephews, nieces, siblings and any other relatives who are not specifically listed in the legislation. The RNRB is also not available to couples who are not married, not in a civil partnership or who have divorced.

If a home is left to beneficiaries who are a mixture of direct descendants and others, the value of the home is to be apportioned according to the share of the property that the direct descendants inherit.

### The value of the estate

The RNRB only applies to the value of the estate at the date of death. The value of any potentially exempt transfer, chargeable lifetime gift or chargeable transfer in to a trust is not included. The value of the estate for RNRB purposes can therefore be decreased even by a deathbed gift.

### Tapering

The RNRB available will be tapered for estates over £2million even if the residence has been left to direct descendants. The RNRB will reduce by £1 for every £2 that the value of the estate is over the £2million threshold. When calculating the value of the estate for taper purposes, you do not include any spouse exemption, agricultural property relief or business property relief.

### Inheriting

For RNRB purposes, the residence can be left by will, intestacy or by other legal means such as a deed of variation. The residence does not have to be specifically mentioned in the will to be eligible for the RNRB.

One point to note is that the RNRB will only apply if the direct descendants inherit the residence on death. If the will has a provision that the deceased’s grandchildren inherit at a certain age subject to a trust in the interim period, the RNRB will not apply because the grandchildren would not then inherit the residence upon the death of their grandparent.

### Downsizing

The estate may be able to claim a downsizing addition if:

- the deceased downsized to a less valuable residence or ceased to own a residence on or after 8 July 2015; and
- the former residence would have qualified for RNRB if it had been owned at death; and
- at least some of the estate is inherited by direct descendants.

There is a two year time limit after death for the personal representatives to claim the downsizing addition.

### Trusts

The position in relation to trusts is not straightforward. However, generally whether the RNRB is available will depend upon the type of trust and whether the residence was within the deceased’s estate by virtue of having an interest in possession. Generally, if the residence was in a discretionary trust before death then the RNRB will not apply. There are some exceptions to this such as trusts for disabled beneficiaries, orphaned children under 18 or any children under 25.

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[EDITOR’S NOTE: At the time of going to print, the only textbook which has been updated to include the RNRB is the English book by James Kessler QC and Charlotte Ford “*Drafting Trusts and Will Trusts – A Modern Approach*”. This book is available in the Society’s Library.]

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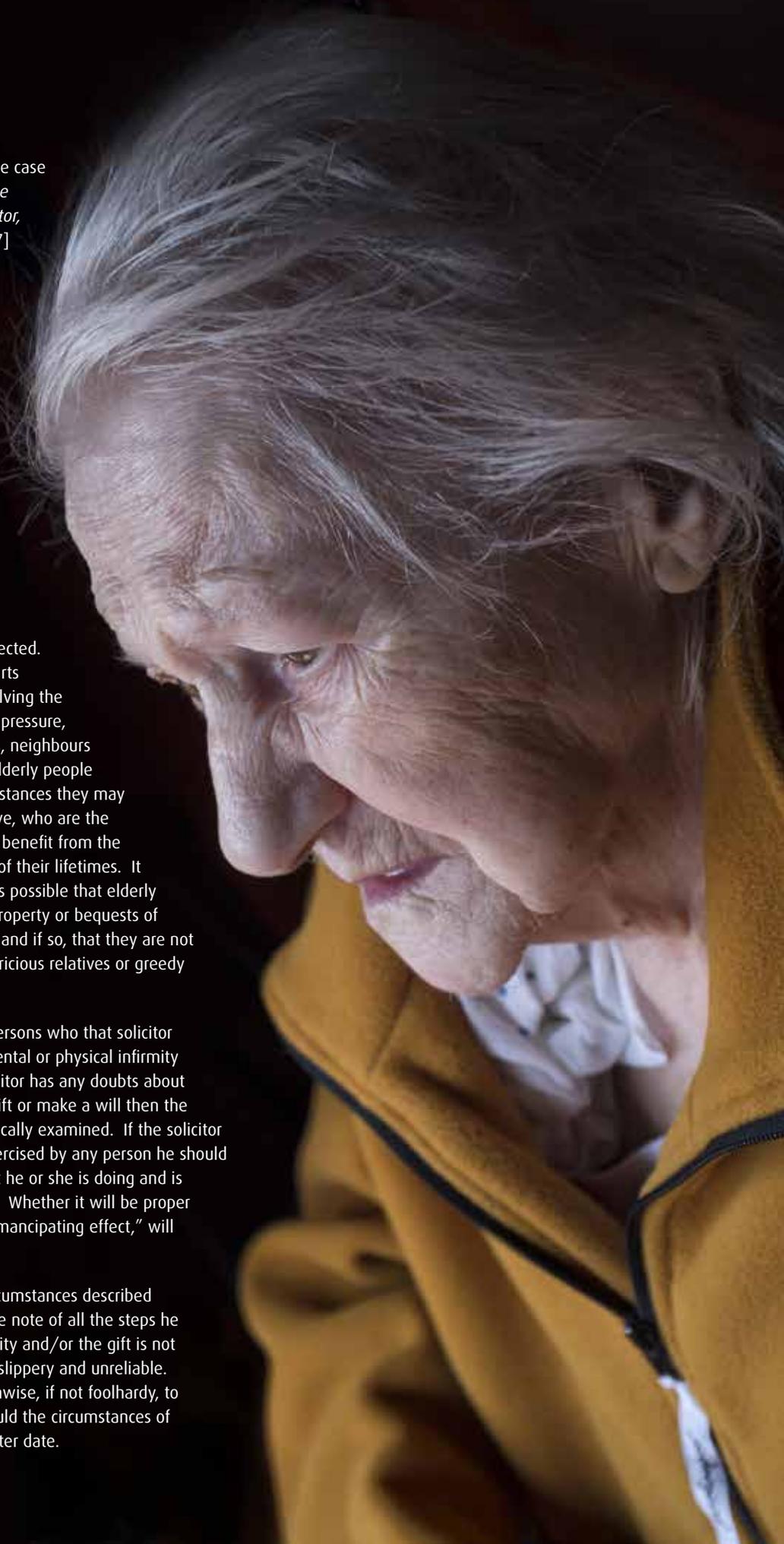
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Email: [james@hnhgroup.co.uk](mailto:james@hnhgroup.co.uk)

## Acting for elderly persons

At the end of his recently reported judgement in the case of *Maura Connolly as personal representative of the estate of John Joseph Connolly by the Official Solicitor, her next friend v Patrick Connolly and Others* [2017] NICH 8, Mr Justice Horner concluded at paragraphs 41- 43 with some 'Further Thoughts' which are of general application to all solicitors acting for elderly persons.

- [41] The Court of Chancery has in the past been said to be a court of conscience when exercising its equitable jurisdiction to set aside a gift procured by undue influence: see *National Westminster Bank v Morgan* [1985] AC 686 at 709. The old fashioned distinction between the common law and equity had long since disappeared. This court however still exists to ensure that the law is upheld and most importantly that the rights of the weak, the vulnerable, and the infirm, both mentally and physically, are protected. As the age profile of society changes, the courts increasingly will have to deal with cases involving the elderly who can be particularly vulnerable to pressure, particularly emotional pressure from relatives, neighbours and carers. The minds of these vulnerable, elderly people can become easily confused. In those circumstances they may struggle to comprehend what assets they have, who are the members of their family and who deserve to benefit from the property they have acquired over the course of their lifetimes. It is the task of this court to ensure so far as it is possible that elderly people making transfers of lands or gifts of property or bequests of money have the necessary capacity to do so, and if so, that they are not the victims of undue pressure exerted by avaricious relatives or greedy "friends" or dishonest "carers".
- [42] I consider that a solicitor acting for elderly persons who that solicitor may perceive to be vulnerable because of mental or physical infirmity should always proceed cautiously. If the solicitor has any doubts about the capacity of the elderly person to give a gift or make a will then the solicitor should ensure that the donor is medically examined. If the solicitor has any doubts about the influence being exercised by any person he should ensure that the donor fully understands what he or she is doing and is not operating under the influence of another. Whether it will be proper to infer that this advice has the necessary "emancipating effect," will depend on all the circumstances.
- [43] Further, the prudent solicitor acting in the circumstances described above will keep a detailed written attendance note of all the steps he has taken to ensure that the donor has capacity and/or the gift is not tainted by undue influence. Memory can be slippery and unreliable. A prudent solicitor will appreciate that it is unwise, if not foolhardy, to have to rely on his or her memory alone should the circumstances of any transaction be challenged in court at a later date.



# The NICTS Modernisation Programme – some frequently asked questions



The Interim Reports of Lord Justice Gillen’s Civil and Family Justice Review recommended that *‘to serve the needs of the 21st century society the justice system must be digital by default and design’*. The Reports outline developments that the Northern Ireland Courts and Tribunals Service (NICTS) has made under its Modernisation Programme.

The overall aim of the Programme is *“to ensure NICTS is structured and resourced to provide efficient and effective service delivery to users; and to have a workforce that is equipped to work in a new and increasingly challenging environment.”*

## Q1

### What is the Modernisation Programme looking at?

The Modernisation Programme consisted of five projects. The projects are as follows:

#### 1. The NICTS Estate

This project is responsible for maximising the potential of the NICTS estate, in order to deliver efficiencies in the running costs and to ensure the estate is able to support the future vision for NICTS which will be determined in the Courts 2020 Review commissioned by the Minister of Justice.

#### 2. NICTS Service Delivery

This project examines the current operating model of the NICTS, including processes, practices and resources and will design an enhanced, integrated and affordable service delivery model that meets legislative and ministerial requirements.

NICTS has invested in web-based services and already delivers a number of online solutions.



These include:

- **Online public search facilities for High Court records (Bankruptcy & Companies, Queen’s Bench & Chancery, Probate, Decree Absolutes);**
- **The register of the Enforcement of Judgments Office (EJO);**
- **Online copy order production;**
- **Online small claims;**
- **Online juror management;**
- **Public Court Lists Online;**
- **Payment of fines and fixed penalties registered as fines; and**
- **ICOS Case Tracking Online (ICTO) which is explained in more detail below.**

All of these online services, with the exception of the Public Court Lists Online service require you to log in before you can access the service.

The Agency is currently developing a Digital Strategy, which will build on existing good practice, with a view to further modernising service delivery and embedding key recommendations from Lord Justice Gillen’s Civil and Family Justice Review.

#### 3. Income Generation – Funding Model

This project examined the funding models for each business area with a view to establishing

models to ensure full cost recovery where applicable and a fundamental review of civil fees. The new fees were introduced on 1 April 2017.

#### 4. Court Funds Office Reform

This project modernised the Court Funds Office in terms of its IT system, legislation, scrutiny and governance of investment policies and strategies; service standards, information to customers and charging model.

#### 5. Workforce Planning

This project focused on the workforce of the NICTS to ensure it is equipped to work in the new and increasingly challenging environment. Following the NI Civil Service Voluntary Exit Scheme a large number of new staff have joined the NICTS and as a priority action to address a skills gap and facilitate their learning, court offices will close one afternoon each month in 2017/18 for staff structured training and staff development.

## Q2

### Why is the Modernisation Programme necessary?

The Modernisation Programme is necessary because the way in which public services in Northern Ireland are delivered is changing. Financial pressures facing the NI Executive have resulted in very significant budget reductions across the public sector and it is clear that further reductions are inevitable over the coming years. The Executive adopted a comprehensive programme of Public Sector Reform and Restructuring, an element of which has led to a reduction in the size of the NICS and the wider public sector. The next phase of the NICTS Modernisation Programme will be delivered by way of the Courts 2020 Review.

## Q3

### Are there any changes to ICOS Case Tracking Online (ICTO)?

A year has passed since the NICTS stopped routinely issuing hard copy Family court orders and notices to practitioners,

encouraging better use of the ICOS Case Tracking Online (ICTO) services.

From 10 April 2017, with some exceptions (listed below), NICTS staff ceased to answer routine queries from practitioners in respect of Family court business and instead encourage court users to access the information on ICTO. Solicitors have been issued with a username and password to log in to ICTO which can be located at [https://www.courtsni.gov.uk/en-GB/Services/Online\\_Services/Pages/default.aspx](https://www.courtsni.gov.uk/en-GB/Services/Online_Services/Pages/default.aspx).

#### Q4

##### What information is available on ICTO?

On entering the ICOS case number on ICTO, practitioners can access the following information:

- Case participants
- Orders sought
- Applications
- Application participants

- Appeals
- Appeal participants
- Events
- Court listings
- Results
- Appearances
- Fees
- Service details \*

**NB: It is also possible for practitioners to view this information in respect of any criminal court and civil court business.**

#### Q5

##### What are the exceptions?

There are exceptions to what can be extracted from ICTO and practitioners should continue to contact NICTS for this type of information. These exceptional queries relate to the following:

- An emergency ex-parte order;
- An adoption;
- A personal litigant; or

- The service of a summons\*

*\*Occasionally there is some delay in recording the service details and in these instances the practitioner will have to contact the court office to enquire about service.*

#### Q6

##### How secure and confidential are the online services?

NICTS understands how important the security and confidentiality of your information is to you. This is why all content exchanged using our online services is conducted over a secure connection to our servers and **why we automatically log you out of our website after one hour of inactivity or one hour between page changes.**

You should ensure that your password and PIN (if applicable) are not divulged to other parties. If you have any concerns about the security of your password or PIN please call us on **0300 200 7812**.

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## Walkin' on sunshine!

Members of the legal profession in Northern Ireland took time out of their offices to join colleagues for a *walk in the sun* through Belfast City Centre to raise money for Marie Curie Northern Ireland, a cancer support charity.

Organised by the Law Society of Northern Ireland, more than 300 participants dressed in bright yellow t-shirts and set off from outside the High Court in Belfast for their 5k walk/run to the Titanic Centre and back again.

Amongst those participating were senior members of the Judiciary in Northern Ireland including the Lord Chief Justice, Sir Declan Morgan.

Commenting after the event, the President of the Law Society, Ian Huddleston, said:

"I would like to take this opportunity to thank everyone who participated, offered support, ran or walked and for making the inaugural Legal Walk/Run such a resounding success.

"To the solicitor firms, members of the Bar and our judiciary who offered their support and participated, my sincere thanks. Particular thanks also go to McCartan Turkington Breen who allowed their car park to be used as a registration station.

"We don't have a final total amount raised as yet but it will be in excess of £10000."

Photographs taken at the Legal Walk are available from <https://www.lawsoc-ni.org/legal-walk-helps-raise-funds-for-local-cancer-charity>



From left: Alan Hunter, Chief Executive of the Law Society; Ian Huddleston, President of the Law Society and the Lord Chief Justice, Sir Declan Morgan.



Participants on the Legal Walk/Run.



And they're off!



## Society in Brussels as part of joint Brexit strategy

Society President, Ian Huddleston and Chief Executive, Alan Hunter, travelled to Brussels in June to meet with officials and representatives from a number of key organisations on issues surrounding Brexit.

They were joined by the Presidents and Chief Executives of the Law Society of England and Wales and the Law Society of Scotland as part of a joint Brexit engagement strategy.

During their visit they met with:

- George Baur, the Assistant Secretary-General Secretaries-General and EEA Co-ordination Division, the European Free Trade Association. EFTA is an inter-governmental organisation set up promote the free trade and economic integration of Iceland, Liechtenstein, Norway and Switzerland.
- Robert Strauss, the Head of Services Policy Unit, Internal Market, Industry,



From left: Alan Hunter, Chief Executive and Ian Huddleston, President, of the Law Society.

Entrepreneurship and SMEs. This European Commission Department is responsible for EU policy on the single market, industry, entrepreneurship and small businesses.

- Officials and representatives from the Northern Ireland Office and the Joint Law Societies Brussels Office.

- UK Members of the European Parliament (MEPs) to raise with them issues around Brexit.

The joint Brexit engagement strategy reflects the commitment of each Law Society to meet with key decision makers, Government officials and organisations regarding issues surrounding Brexit.

## Schools' engagement

Law Society House was the venue for the Lawyers in Schools Information Evening. One of the key note speakers at the event was the Society's Chief Executive, Alan Hunter. The information event provided an opportunity for members of the profession to learn about the Citizenship Foundation's Lawyers in Schools programme

*Alan Hunter, Chief Executive of the Law Society, joined by keynote speakers and contributors at the Lawyers in Schools event.*





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## Children's needs take centre stage

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Putting the needs of children at the centre of the Justice system was one of the key themes discussed at a conference organised and hosted by the Law Society of Northern Ireland.

More than 110 solicitors attended the Children Order Conference which took place at the Crowne Hotel, Belfast.

The conference has become an annual event in the legal calendar and it continues to provide an opportunity for legal practitioners who specialise in family and criminal law to come together to discuss issues and developments in relation to children and the justice system.

Those attending had an opportunity to hear from key note speakers including:

**The Right Honourable Lord Justice Gillen** who provided attendees with an update in respect of the family law aspects of his Civil and Family Justice Review;

**The Honourable Mr Justice O'Hara** who spoke on current issues within the family courts in Northern Ireland.

**His Honour Judge Nicholas Crichton** (retired) on the benefits of Family Drug and Alcohol Courts.

**Mike Shaw** who spoke on the role of a psychiatrist in Children Order cases.

Attendees also heard from John Sheldon, Patricia Devine, Karen Woodall, Clare Burke, Suzanne Rice, and Laura Lee Jenkins.

Commenting on the conference, Fiona Donnelly, Chair of the Children Order Panel, said: "It is important that we provide a platform in which to share knowledge, best practice and to hear from the experts in the field of children's law. I am delighted that yet again the Children Order Conference has been a resounding success and I wish to thank our key note speakers and attendees."



*Key note speakers at the Conference.*

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## Introduction of two hours' Compulsory Risk Management CPD requirement

Further to the Guidance Notes issued with the 2017 CPD Record Card, from 1 January 2017 all Principals, Consultants and Assistants in private practice (PPC, PPP and PPAs) will be required to complete two hours' Compulsory Risk Management CPD training.

In 2005 the Society introduced the Continuing Professional Development Scheme. Initially the Scheme applied to those solicitors in their first ten years of practice. Shortly afterwards the Scheme was extended to cover the entire profession.

The aim of the Scheme was, and still is, to ensure that members keep up to date with current developments so that the profession continues to operate to the highest possible standards and ensures that clients are given the best possible service.

Members are currently required to complete a minimum of 15 hours' CPD, consisting of a maximum of five hours' Private Study and a minimum of ten hours' General Group Study, of which three hours must be Client Care and Practice Management and, if applicable, three hours Conveyancing.

Members are aware of the Council's commitment to sound and robust risk management both across and within the profession.

With the appointment of the Society's new brokers in 2016 and reduction in the renewal premium for 2016-2017, the Council must ensure that we engage with members to demonstrate to the insurers our collective commitment together to enhanced risk management in 2017.

This is essential if we are to maintain a reduction in the overall renewal premium for 2017-2018, for which the Society is already preparing.

As part of the Council's and the profession's commitment to enhanced risk management, the Council has resolved that Principal, Assistant and Consultant solicitors in private practice must attend two hours' compulsory CPD in Risk Management in 2017.

Our insurers have identified three areas which must be addressed in these two Risk Management CPD hours, namely File Management, Cyber risks and Undertakings. In a pilot project for 2017, the Society has designed a bespoke Law Society of Northern Ireland two hour module on Risk Management for which there is a reduced charge of £30.

This module covers all of these three key areas and is not only being rolled out across Northern Ireland but is also available as a webinar, also at a cost of £30. The remaining events in the current CPD year will take place as follows:

- **Mon 25 September 2017/Glenavon Hotel, Cookstown/10am - 12noon**
- **Monday 25 September 2017/Hilton Hotel, Belfast/3pm - 5pm**
- **Wednesday 4 October 2017/Lodge Hotel, Coleraine/1pm - 3pm**
- **Tuesday 17 October 2017/Hilton Hotel, Belfast/1pm - 3pm**

It is anticipated that details of the webinar will be available during August and will be advised by E-nformer.

Members who attend other risk management courses which cover each of these three topics must provide evidence of their attendance at such other courses, in accordance with our normal procedure.

Members are reminded that CPD compliance is a regulatory requirement and that the Society will take into account CPD compliance when exercising its wider regulatory functions.

### Guidance notes for compliance with the requirement to complete two hours' Compulsory Risk Management CPD covering three specified topics:

- 1) File Management
  - 2) Cyber risks
  - 3) Undertakings
- \* Principals, Consultants and Assistant Solicitors in private practice (PPP, PPC, PPAs) are required to complete two hours' Risk Management CPD covering the following topics: File Management, Cyber risks and Undertakings. The requirement for 2017 is only for those practitioners in private practice.
  - \* The requirement to complete the two hours' Risk Management CPD is in addition to the requirement to complete three hours of Client Care and Practice Management.
  - \* There is no increase in the overall total hours of required hours of CPD per year.
  - \* The required topics which have to be covered are 1) File Management, 2) Cyber risks and 3) Undertakings.
  - \* The bespoke two hour Law Society module costing £30 covers the required topics. It is being delivered in a number of venues and is also available online.
  - \* Members may fulfil this requirement by attending other risk management courses which cover each of these three topics and must provide evidence of their attendance at such other courses, to satisfy the Society of their compliance, in accordance with the Society's normal procedure.
  - \* If members access the online two hour Risk Management Course, it will count as part of the Private Study Requirement.
  - \* If members attend in person it will count as two hours of General Group Study.
  - \* The Exemptions numbered 1-7 in the CPD Record Card do not apply to those required to complete Compulsory Risk Management CPD namely, Principals, Consultants and Assistant Solicitors in private practice.

**If you have any queries please do not hesitate to contact the CPD Department on 028 9023 1614 or [susan.duffy@lawsoc-ni.org](mailto:susan.duffy@lawsoc-ni.org).**

## President welcomes newly qualified solicitors

The Society's President, Ian Huddleston, welcomed newly admitted solicitors to the profession during the Society's Admission Ceremony held at the Whitla Hall at Queen's University Belfast.

As part of the ceremony, the Chief Executive and Registrar of Solicitors, Alan Hunter, presented the newly admitted solicitors to the Society's President and to the Lord Chief Justice for Northern Ireland, Sir Declan Morgan.

In his key note address the President took the occasion to offer some advice and guidance and reminded all of the words of John Davies, a former United States Solicitor General who said of solicitors:

"True, we build no bridges. We raise no towers. We construct no engines. We paint no pictures. There is little of what we do which the eye... can see. But we smooth out difficulties; we relieve stress; we correct mistakes; we take up other men and women's burdens and by our efforts we make possible a peaceful life."

Special prizes were awarded to a number of the newly admitted solicitors in recognition of excellence in their studies. These awards were presented to:

**Lindsey Agnew** for First Prize in the Solicitors' Accounts Course.

**Laura Allen** for Highest Mark in all skills based coursework and assessments.

**Rachel Elizabeth Lewis** for First Prize in the Thomasena McKinney prize for the Solicitors' Apprentice Course.

**Helen Monica Smyth** for First Prize in the Professional Conduct Course.

For free download of Admissions Ceremony photographs: go to [www.presseye.com](http://www.presseye.com) go to 'Event Key' use passcode: 080317LAW. Click the arrow below the thumbnail to download.



Rachel Elizabeth Lewis was awarded the Thomasena McKinney prize for the Solicitors' Apprentice Course.



Laura Allen was awarded the prize for achieving the Highest Mark in all skills based coursework and assessments.



Lindsey Agnew was awarded First Prize in the Solicitors' Accounts Course.



Helen Monica Smyth was awarded First Prize in the Professional Conduct Course.



## Law Society Annual Conference 2017



Inspired by the news that Portugal is the new epicentre of global cool, our President Ian Huddleston led more than 130 delegates and guests to the Law Society Conference in Lisbon between 9-12 March 2017.

I admit I knew precious little about Lisbon except that their soccer clubs of Benfica and Sporting Lisbon, had a rich history of success and that it was built on several steep hills and surrounded by river and sea.

I need not have been concerned. A magnificent choice was made by our

esteemed President. All the preparatory work had been done for us by the conference organisers. As for the Lisbonetas, during our visit we were in the company of the most joyful and generous people. Everyone was most welcoming, as befits those who reside in Europe's sunniest capital. In the Spring sunshine the city and its surroundings were magnificent.

Our guests this year included the President of the Law Society of England and Wales, the Presidents of the Law Societies of Ireland and Scotland and The Right Honourable Lord Justice Weatherup and Lady Weatherup. We were spoilt with the luxury of the Four Seasons Hotel Ritz, Lisbon which provided a bird's-eye view of the city's stunning historic sites and our Business Sessions Programme was 'Understanding the Risks, Preparing for the

Challenges and realising the Opportunities for the Future'.

The President's own emphasis on the importance of collegiality was appreciated and not a cross word was exchanged during the Conference with colleagues from Coleraine, Derry, Downpatrick, Newry, Enniskillen and Ballymoney all joining in.

We arrived safely on Thursday afternoon and after a Welcome Drinks Reception, we dined that first evening in Restaurant Kais, located in a refurbished warehouse on the Lisbon Docks, with close views of the Tagus Bridge and Christ the King. It was delightful to watch solicitors of the calibre of Karen McNally, Frank McManus, John Guerin, Donal Fee, Fintan Canavan, Darren Tombs, Susan Brennan, Cormac Fitzpatrick, Peggy Mercer,



Conference attendees.



*Ian Huddleston, President; Lady Weatherup; The Right Honourable Lord Justice Weatherup and Alan Hunter, Chief Executive.*



*Business Sessions underway.*



*From left: Robert Bournes, President of the Law Society of England and Wales; Ian Huddleston, President of the Law Society of Northern Ireland and Eilidh Wiseman, President of the Law Society of Scotland.*



*From left: Lauren Jones, Leonora Rice, Lorraine Keown, Sarah Wilson, Charlene Dempsey, Rachael Gamble, Kirsten McKeivitt, Julie-Ann McCaffrey and David Cairns.*



*From left: Gavin Johnson and John Baxter, Law Society Financial Advice; Ian Huddleston, President; Tony Nicholl and Gabriel Greene, GMcG Chartered Accountants.*



*From left: Lester Doake, McKinty & Wright; Michael Silcock, Willis Towers Watson; Rory McShane, Conference Chair; Ian Huddleston, President; Harry Weir, Willis Towers Watson; Andrew Fryer, Willis Towers Watson; Hugh McGrattan, Carson McDowell LLP and Gareth Jones, DWF (NI) LLP.*



Restaurant Kais.



Tuk tuk tour.



Sintra.

(to name but a few), mingling and sharing ideas with grandees of the law such as Margaret Elliott, Catherine Dixon, Alistair Rankin, and Arleen Elliott - all of who have given so much to our legal system and to civic life in Northern Ireland. One felt our future was in safe hands. Restaurant Kais with its unique interior, water features and of course its fine cuisine started the conference on the right note.

Lisbon has been described as a city of tolerance where everyone co-exists peacefully and where freedom of speech is truly valued and its buzz words are respect, style and ethics - a bit like our own Law Society. This was certainly the case on our first evening together and by the end of the night any thoughts of our own political and social uncertainties were slowly fading.

The first day of Conference on the Friday commenced with a lively business session in the morning which included an introduction from Rory McShane, the Conference Chairman and worthy contributions from Harry Weir of Willis Towers Watson and Reema Mannah of Titlesolv.

There followed a lively discussion on Personal Injury Litigation involving our President Huddleston, and Robert Bourns, Stuart Gilhooly, and Eilidh Wiseman, the respective Presidents of the Law Societies of England and Wales, Ireland and Scotland. Worthy contributions were received from Lester Doake, Hugh McGrattan and Gareth Jones. That first Business Session was admirably brought to a close by an Alternative View of Personal Injury Risk from the inimitable Gabriel Greene of GMcG, Chartered Accountants.

In the afternoon many got actively involved in the City Tuk Tuk sightseeing tour. The sight of thirty funny yellow Tuk Tuks being driven by local guides packed with respectable Ulstermen and women, scooting round an area known as Alfama which is dominated by warrens of narrow streets and blind alleys and

sharp turns, will stay with me forever. Lisbon was awash with hip shops, cafes, bars, world class museums and formidable art collections. The choice of attractions was behemoth for adventures still to come.

My thanks are due to Siobhan Lappin for booking ahead and arranging a local ethnic restaurant for the Friday night and we had a wonderful meal with some of Ards' finest lawyers including Michelle Edgar, Hugh Edgar, Gemma Smyth and a friendly barrister called Sean Smyth. It was such a trendy restaurant that Noreen Sweeney, Claire O'Mahony, Anne-Marie Baggott, Viv and Anne Harty, Jim Sheridan and Siobhan Lappin were happy to join us as well.

The sun shone again for the Saturday morning Business Sessions programme. The well-attended session appreciated contributions from Tony Nicholl and Gabriel Greene, both of GMcG and John Baxter and Gavin Johnson of Law Society Financial Advice. As practitioners we were recommended to continue to seek out new opportunities and given tips on adapting to a new Brexit Europe.

After lunch, with eight CPD hours carefully accounted for, it was time to hit the town again. Many took the half day tour to Sintra which is considered a World Heritage Site by UNESCO and is one of those special places where man and nature come together in perfect harmony, and has been an inspiration for poets, artists and more recently, for film makers. We were treated to a walking tour through a village where our Guide explained the origins of the old city, its influences and its relevance today. We had the opportunity to visit the National Palace, with its farrago of architectural styles combining Gothic and Renaissance work, with superb hand painted wall tiles in the main halls and chapel. Needless to say, there was time even for a little shopping before our return to the hotel.

The Gala Dinner in the Four Seasons Hotel on our final evening was planned to perfection with the Drinks Reception and the luxurious surroundings

of the hotel's Conference Suite. The highlight of the evening was undoubtedly a comic sketch by that silvertongued Ballymoney solicitor Jonathan Logue in the persona of US President Donald Trump which received a richly deserved standing ovation for its brilliance and daring material. I do hope the US State Department did not have a presence there as plans for any future Conferences in the USA might well be in jeopardy. The night continued into the wee small hours with music and gentle libations and much comment upon Mr Logue's blonde wig.

By the end of the evening conference veterans such as Neil Faris, Mary Frances McWade, Brigid Napier and John Andrews were mingling with conference nouveau such as Kathryn Logue and her greatly celebrated husband, Jonathan Logue. Lisbon is as bohemian and trendy at night as some of the younger solicitors - Sarah Wilson, Julie-Ann McCaffrey, Rachel Gamble, Charlene Dempsey, Lorraine Keown, Seamus Leonard and Gerry O'Hare - reliably informed me the following day.

On the final Sunday morning, there was a sense of fraternity and contentment abroad, as we departed with pleasant memories of our visit to one of the world's safest capitals, with a wide range of activities, most of them free, and wonderful nightlife, lived mostly on the streets with splashes of colour and humour.

All those who attended the Conference are indebted to our President, Ian Huddleston, and to the Conference Chairman, Rory McShane, Paul O'Connor, Communications Officer, Jennifer Ferguson, Events Co-ordinator and of course Ross Licence and Judith Brannigan from Libra Events.

It would be remiss not to thank Willis Towers Watson, GMcG Chartered Accountants, Advance Legal, Titlesolv, the Xperience Group and the Merchant Hotel for without our sponsors' support none of this would have been possible.

*We are grateful to Joe Rice for this article.*



## Law Society (NI) Financial Advice

### Law Society of Northern Ireland Conference Lisbon 2017

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As part of its ongoing commitment to support the Northern Ireland legal community, **Law Society (NI) Financial Advice** delivered a talk at this year's conference. As well as addressing matters such as Brexit and Donald Trump's presidency, a number of opportunities and threats to the financial wellbeing of lawyers were highlighted. Some key examples are listed below.

#### **Pension Freedoms 2015**

The pension freedoms introduced in April 2015 give individuals and their beneficiaries unprecedented control and flexibility over their pension funds. Unfortunately not all pensions taken out prior to April 2015 can accommodate the changes that were introduced. **This could result in policyholders or their beneficiaries wasting tens, or potentially hundreds, of thousands of pounds completely unnecessarily.** Law Society (NI) Financial Advice provides a free of charge checking service for solicitors.

#### **Pension Contributions**

Pension contributions can be used to improve 'cliff edge' consequences of going over a tax band (particularly clients earning between £100,000 and £122,000) who could obtain an effective rate of 60% tax relief on some pension contributions.

#### **Pension Limits and Allowances**

The amount that can be paid into a pension in any year has been reducing - however unused relief can be 'carried forward'. If 'carry forward' is not used it will be lost as it only applies to the previous three years.

The Lifetime Allowance limits the amount that can be held in pensions before suffering punitive charges on any amounts drawn above that limit. **There are significant protections available for those with large pensions, so we urge those affected to have their position checked.** Many clients have already missed out and will now incur tens of thousands of pounds in unnecessary charges.

#### **Life Cover**

According to Aegon only 6% of all life insurance policies in the UK are written in trust. Not only does this potentially cause payout delays and ambiguity over who receives the benefit, it could also result in HMRC receiving 40% of the proceeds. This is a very simple situation to rectify.

#### **Life Insurance - Relevant Life**

This is a normal life insurance plan but it can only be taken out by directors or senior employees. Those who qualify can effectively cut the cost of their cover by around 50% or, alternatively, significantly enhance the amount of cover for the same cost.

#### **Buy to Let**

Changes were introduced in April 2016 and further changes are to be introduced in April 2017. The most significant of these is that interest on mortgages will no longer be fully offset against the rent received. A new 20% tax charge will be introduced to replace it and all higher rate tax payers will now pay more tax. If you are affected and would like to understand the implications simply get in touch.

**Call us on 028 9023 0696 or E-mail [Info@LSNIFA.com](mailto:Info@LSNIFA.com).**

**Law Society (NI) Financial Advice Ltd – Serving the needs of solicitors, their families and their clients.**

## Law Society (NI) Financial Advice – here for you and your clients



*In this article John Baxter, CEO of Law Society (NI) Financial Advice Ltd, reflects on the company's role in assisting solicitors and their clients.*

In March we were very grateful to be given the opportunity to attend and present at the annual conference in Lisbon. It was an impressive event and the organisers did a great job. This marked the start of our campaign to be more visible to the profession this year. Since taking over as the new management team at Law Society (NI) Financial Advice Ltd our focus has been on getting the business into shape and laying the foundations for the kind of industry leading financial advice business that the members should expect from the Law Society.

My talk in Lisbon was split into two sections. The first part discussed whether the Donald Trump Presidency or Brexit was the bigger threat to our future financial wellbeing. Only time will tell the outcome of that debate.

The second part focussed on the weaknesses and missed opportunities that we've come across in dealing with solicitors' own personal financial affairs over the last couple of years. The factsheet that we produced for those who attended appears opposite.

The Law Society's advice business was formed in 1989 to serve the financial planning and wealth management needs of solicitors,

their families and their clients. Over the last year or so we have significantly beefed up our ability to deliver on that expectation. We now have very compelling client propositions, enhanced systems and processes with which to deliver our service and more highly trained and qualified advisers and planners for you to work with. We take our position as YOUR business very seriously and will continue to develop a business that the Society can be truly proud to have within its stable.

Where we identify weaknesses or opportunities we will endeavour to bring them to your attention through E-informer and The Writ. We will continue to deliver CPD events to you as part of the Law Society's official CPD programme and we will use these avenues and others to bring matters to your attention which we feel could be of benefit to you and your clients.

In April we presented in Derry, Omagh, Newry and Belfast on the topic of pensions and divorce. The feedback has been excellent and we have already begun to help some of the attendees to better assist their clients. We showed how using Financial Scenario Modelling can be very compelling in terms of verifying or challenging a suggested financial settlement. This type of approach is very common in GB but we have yet to see it being used much over here.

Another takeaway from our talk was our view of the 'CETV' or Cash Equivalent Transfer Value (or 'Can't EVER Trust Valuation' as we refer to it internally!). We explained how these are often fundamentally flawed and should rarely be relied upon at face value. We highlighted that it is dangerous to simply offset the value of £1 of pension against £1 of property or £1 of cash and discussed situations where the £1 of value of a pension can be arguably higher, particularly given the new pension freedoms legislation. Finally we highlighted a bear trap to avoid the breaking of a client's Lifetime Allowance protection and the dire financial consequences this can cause.

The Society has given us fantastic support since we have taken over and hopefully we are repaying that support though delivering an ever broader and higher quality range of services. The non-executive directors (all of whom are past Presidents of the Society) are constantly encouraging and challenging us to become the leading brand in financial planning in Northern Ireland. Our thanks go to all of the Board for the time, effort, dedication and support they put in for the Society's benefit and for no remuneration.

Now that the business is back on the front foot, please do help us to help you and your clients by engaging with us and telling us what you need. Drop me an e-mail to [John.baxter@lsnifa.com](mailto:John.baxter@lsnifa.com) or call 028 9023 0696 where one of our team will be delighted to assist.

## Solicitors' Benevolent Association 153rd Report & Accounts (Year 1st December, 2015 to 30th November, 2016)

This is the 153rd Report of the Solicitors' Benevolent Association, which was established in 1863. It is a voluntary charitable body, consisting of all members of the profession in Ireland. It assists members or former members of the Solicitors' Profession in Ireland and their wives, husbands, widows, widowers, family and immediate dependants who are in need and is active in giving assistance on a confidential basis throughout the 32 counties.

The amount paid out during the year in grants was €656,774, which was collected from members' subscriptions, donations, legacies and investment income. Currently there are 84 beneficiaries in receipt of regular grants and approximately one half of these are themselves supporting spouses and children.

There are 18 directors, three of whom reside in Northern Ireland, and they meet monthly in the Law Society's offices, Blackhall Place. They meet at The Law Society, Belfast, every other year. The work of the directors, who provide their services entirely on a voluntary basis, consists in the main of reviewing applications for grants and approving of new applications. The Directors also make themselves available to those who may need personal or professional advice.

The Directors are grateful to both Law Societies for their support and, in particular, wish to express thanks to Simon Murphy, Past President of the Law Society of Ireland, John Guerin, Past President of the Law Society of Northern Ireland, Ken Murphy, Director General, Alan Hunter, Chief Executive and the personnel of both Societies.

I wish to express particular appreciation to all those who contributed to the Association when applying for their practising certificates, to those who made individual contributions and to the following:

: The Law Society of Ireland	: Medico-Legal Society of Ireland
: Law Society of Northern Ireland	: Midland Solicitors' Bar Association
: Ashfield Media Group Ltd.	: Monaghan Bar Association
: Belfast Solicitors' Association	: Sheriffs' Association
: Dublin Solicitors' Bar Association	: Southern Law Association
: Employment Lawyers Group (NI)	: Tipperary Bar Association
: Faculty of Notaries Public in Ireland	: Waterford Law Society
: Limavady Solicitors' Association	: West Cork Bar Association

I note, with deep regret, the death in August last of our colleague Dermot (Doc) Lavery, who was a Director of the Association for many years and, during that time gave up his time and energy in furthering the aims of the Association. His kindness and courtesy will be long remembered by those with whom he came in contact, both as a colleague and as an able representative of the Association.

The demands on our Association are rising due to the present economic difficulties and to cover the greater demands on the Association additional fund-raising events are necessary. Additional subscriptions are more than welcome as of course are legacies and the proceeds of any fundraising events. Subscriptions and donations will be received by any of the Directors or by the Secretary, from whom all information may be obtained at 73 Park Avenue, Dublin 4. Information can also be obtained from the Association's website at [www.solicitorsbenevolentassociation.com](http://www.solicitorsbenevolentassociation.com). I would urge all members of the Association, when making their own wills, to leave a legacy to the Association. You will find the appropriate wording of a bequest at Page 34 of the Law Directory 2016.

I would like to thank all the Directors and the Association's Secretary Geraldine Pearse, for their valued hard work, dedication and assistance during the year.

**Thomas A Menton**  
Chairman



### DIRECTORS AND OTHER INFORMATION

<b>DIRECTORS</b>	Thomas A. Menton (Chairman) Brendan Walsh (Deputy Chairman) Caroline Boston (Belfast) Liam Coghlan (Killarney) Thomas W. Enright (Birr) Felicity M. Foley (Cork) William B. Glynn (Galway) John Gordon (Belfast) Colin Haddick (Newtownards) Dermot Lavery (Dundalk) Anne Murrain (Waterford) John M. O'Connor (Dublin) John T. D. O'Dwyer (Ballyhaunis) Colm Price (Dublin) James I Sexton (Limerick) John Sexton (Dublin) Andrew F. Smyth (Dublin) Brendan J. Twomey (Donegal)
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<b>TRUSTEES (ex officio Directors)</b>	John Gordon John M. O'Connor Andrew F. Smyth Brendan Walsh
--	---

<b>SECRETARY</b>	Geraldine Pearse
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<b>AUDITORS</b>	Deloitte Chartered Accountants and Statutory Audit Firm Deloitte & Touche House Earlsfort Terrace Dublin 2
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<b>FINANCIAL CONSULTANTS</b>	Tilman Brewin Dolphin Limited 3 Richview Office Park Clonskeagh Dublin 14
----------------------------------	--

<b>BANKERS</b>	Allied Irish Banks plc. 37 Upper O'Connell Street Dublin 1
----------------	--

First Trust Bank 31/35 High Street Belfast BT1 2AL
--

<b>OFFICES OF THE ASSOCIATION</b>	The Law Society of Ireland Blackhall Place Dublin 7
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The Law Society of Northern Ireland Law Society House 96 Victoria Street Belfast BT1 3GN
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<b>CHARITY NUMBER</b>	CHY892
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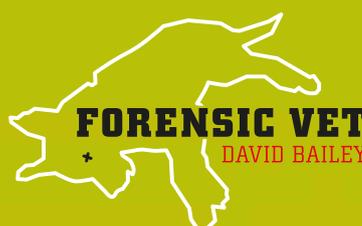
**RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED 30 NOVEMBER 2016**

	2016 €	2015 €
<b>RECEIPTS</b>		
Subscriptions	441,841	400,394
Donations	106,252	183,692
Legacies	15,000	-
Investment income	62,506	64,907
Bank interest	180	958
Currency gain	5,007	1,733
Repayment of grants	45,137	-
	<b>675,923</b>	<b>651,684</b>
<b>PAYMENTS</b>		
Grants	656,774	611,119
Bank interest and fees	1,139	3,072
Administration expenses	49,153	48,536
	<b>707,066</b>	<b>662,727</b>
<b>OPERATING DEFICIT FOR THE YEAR</b>	<b>(31,143)</b>	<b>(11,043)</b>
Profit on disposal of investments	47,791	104,859
Provision for decrease in the value of quoted investments	(12,142)	(4,514)
<b>SURPLUS FOR THE YEAR</b>	<b>4,506</b>	<b>89,302</b>

# Expert Witness

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## Institute of Professional Legal Studies Mediation Course – Register interest

The Institute of Professional Legal Studies (IPLS) at Queen's University invites registrations from solicitors, barristers and members of the Judiciary wishing to attend a Mediation Training Course in Autumn 2017.

The IPLS mediation course offers training in civil and commercial mediation and comprises 40+ hours including training, private study, lectures, practical exercises, reflective learning and group study over an eight week period. The course includes assessment feedback to all participants. This is the longest established lawyer's mediation training course in Northern Ireland.

The course will run for **eight evenings** each Wednesday from early September until end October at IPLS Lennoxvale, Belfast. There will also be an all day Saturday programme on 21 October.

The course is delivered by experienced local practitioners:-

- Brian Speers, Solicitor, Mediator.
- David Gaston, Solicitor, Mediator.
- Alva Brangam QC Mediator.

Additional local legal practitioner mediators (solicitors and barristers and Judges) support the formal lectures and tutorial input. Attendance at the course will allow an application to be made for inclusion on the Law Society Dispute Resolution Service (DRS) mediators' panel. Participation and completion of the course is accepted as approved training for purposes of the DRS and the Bar Mediation panels.

The nature of the course means that the maximum numbers attending is restricted and anyone interested is asked to apply **immediately**. The course is open to solicitors and barristers with five years' post qualification experience and to members of the Judiciary. The cost will be **£1,950** per person. This compares extremely favourably with mediation training course fees offered by other providers.

If you wish to take up a place please contact Fionnuala McCullagh-O'Kane of

**Institute of Professional Legal Studies, 10 Lennoxvale, Belfast, BT9 5BY. Tel no 028 9097 6521 or F.McCullagh@qub.ac.uk**

## STEP: Northern Ireland celebrates ten years of professional success

STEP: Northern Ireland is celebrating its 10th anniversary in 2017, so it seemed an appropriate occasion to mark the achievement of the 22 people who have studied for the STEP Diploma in Northern Ireland. Sheena Grattan, Chair of the STEP Northern Ireland Education sub-committee, who also teaches the two legal components of the Northern Ireland STEP Diploma, comments that the Northern Ireland Branch was delighted to welcome Mr Justice Horner to their 2017 Probate Practitioners Day at the Stormont

Hotel in Belfast. The Judge presented gifts to the 22 recipients of the Diploma and personally congratulated each of them on such a notable professional achievement in their careers.

### STEP Diploma recipients in Northern Ireland

#### Front row (from left):

*Sheena Grattan BL, Chair of STEP NI Education sub-committee and Lecturer; Edele Blaney, Solicitor, Fox Law; Sean Larkin, Principal, Fairstone Financial Management NI; Leanne*

*Hillock, Senior Tax Manager, ASM Chartered Accountants; Judy Rose, Associate Solicitor, O'Reilly Stewart; The Honourable Mr Justice Horner; Julie Ann Osborne, Associate Solicitor, Stewarts Solicitors; Judith Jones, Associate, Cleaver Fulton Rankin Solicitors; Martina Toner; Mandy McMaster, CEO Salto Gymnastics Centre and Fiona Hall, Tax Principal, BDO Northern Ireland and Lecturer.*

#### Back row (from left):

*Ruth Todd, Private Client Tax Manager, BDO Northern Ireland; Mark Dodds, Solicitor Director, MacCorkell Legal & Commercial Solicitors; Darryl Williams, Partner, Boal Anderson Solicitors; Timothy Rankin, Associate, Cleaver Fulton Rankin Solicitors; Damian McCrink, Partner, Luke Curran & Co Solicitors; Rodney Hamill, Partner, Hamill McIlwaine Chartered Accountants and Paula Gibson, Solicitor, Cleaver Fulton Rankin Solicitors.*

#### Absent from photo

*Damian Collins, Solicitor, John J Rice & Co Solicitors; Philip Thompson, Partner, McFarland Graham McCombe Solicitors; Kathleen Gillespie, Solicitor, Pinsent Masons LLP; Chris Jess, Solicitor, CMG Cunningham Dickey Solicitors; Tim Irwin, Solicitor, Murphy O'Rawe Solicitors; Emily Morris, Solicitor, Crown Solicitor's Office and Jane Watson, Solicitor, W G Maginess Solicitors.*





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## IPLS students compete in UK Mediation Competition

A team of four trainee solicitors, Joshua McKee (D R Brewster LLB), Eamonn Cunningham (Tughans), Robyn Butler (John McKee) and Meghan Kirk (Pinsent Masons), accompanied by their coach and lecturer, Barbara Jemphrey, recently travelled to Jersey to represent Queen's University's Institute of Professional Legal Studies in the ninth annual UK Mediation Competition.

The competition, which commenced on the Friday night and finished late Saturday afternoon, involved teams of four from each University or Professional Training Institution undertaking four 75 minute mediations under the watchful eyes of three judges sourced from the academic, legal and business

profession in Jersey and abroad. Hosted by the Institute of Law Jersey, the competition (which involved students from 19 other UK Professional Training Institutions and Universities) took place in Jersey's Magistrates' Court and was supported by professional mediation service provider, 'The Resolution Group' who helpfully provided a mediation workshop to the students prior to the commencement of their first round.

The competition was made up of four rounds based on four different mediation scenarios. Each member of the team was given two acting and two mediating roles during which they were assessed on their ability to realistically portray the role at hand (when role playing) or to manage the characters and their problems presented to them (when mediating). As mediators, team members were paired with each other, whilst actors were randomly allocated to other University or Professional Training Institution's mediations and given confidential facts that they were instructed to 'leak out' to the mediators during the course of the mediation. This allowed the mock mediations to be as realistic as possible, with the actors responding naturally to both the mediators and their acting counterparts

according to their confidential briefs (sometimes even involving tears!), whilst the mediators worked hard to come to a resolution (even drawing up mock settlement agreements if successful!).

On the Saturday night, all teams, coaches and Judges were treated to a three-course prize giving dinner hosted by the Institute of Law Jersey in the luxurious Pomme d'Or Hotel. The team from IPLS was delighted to be ranked third overall with Eamon Cunningham receiving the top prize for best party to a mediation and Meghan Kirk being ranked fourth overall best party to a mediation. Needless to say, celebrations continued late into the night!

Although the weekend was busy, it also proved to be great fun for all involved, providing the students with the opportunity to understand the value of resolving disputes through, and to develop their skills in, mediation, mediation techniques and the mediation process in general so that they might apply their knowledge and skills in these areas in the course of their personal and professional lives. Special thanks must go to Barbara Jemphrey for her work coaching and supporting the students in the competition.



Pictured from left: Eamon Cunningham, Barbara Jemphrey, Joshua McKee, Meghan Kirk and Robyn Butler.



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a BHF professor sets up the world's first coronary care unit

## IN 1976

a BHF professor proves that heart attacks are caused by blood clots in the coronary artery, setting the stage for a revolution in heart attack treatment

## IN THE 1980S

public donations help fund clinical trials leading to the use of beta-blockers, clot-busting drugs, aspirin and ACE inhibitors

## IN 1994

BHF trials prove the life saving benefits of statins

## IN 2010

We launch genetic testing for potentially fatal Familial Hypercholesterolemia

## IN 2015

A BHF professor demonstrates that human stem cells are safe for regenerative medicine

# Executive coaching



*Alana Jones, Solicitor, Executive Coach and Director at Alana Jones Workplace Solutions, provides an overview of executive coaching.*

## The power of coaching

Coaching is a powerful tool for enabling individuals and teams to learn, develop and improve their performance. It can provide clarity of thought and vision and empower individuals to identify and demolish internal stumbling blocks. It is focused on progress, behavioural change and the achievement of objectives. The skilled coach will provide a safe space for digging deep in to one's own internal resources, flex between support and challenge and bring focus to your goals. Perhaps one of the most powerful aspects of coaching is that it can significantly increase your self-awareness and allow you to reflect on and manage your personal impact.

## The reality check

Coaching is not some magical art; it typically takes place through a series of one-to-one conversations. Coaching is not a panacea for all ills. It is not even a guarantee of success since success depends on you achieving your goals and the coach won't do that for you. A coach is not a business advisor or consultant who swoops in to look at your situation and then prescribes a (potentially very costly) solution. The effective coach works collaboratively with you to explore the challenges you face and to enable you to create a practical plan of action. It is your plan and your responsibility. The coach will be both your cheerleader and your most honest critic

as the coach challenges you to reflect on the execution and possible refinement of your plan.

## Coaching for leadership

It can be lonely at the top. Coaching provides the safe space in which to thrash out ideas, explore vulnerabilities, identify and maximise strengths and grow the will and motivation to make positive change happen. Leaders often shy away from the unfettered uploading of ideas, fears and aspirations as they don't want to appear to be anything other than wise, strong and inviolable. That fear of vulnerability stifles effective and dynamic leadership. Off-loading, brainstorming and exploring new ways of being and doing in a safe, uncompetitive and confidential space engenders creativity, innovation and vision.

## Coaching for legal professionals

Solicitors are typically highly intelligent and skilled experts working in a demanding, competitive and fast-changing environment. Sometimes we suffer burn out, lose our sense of motivation or feel undervalued and overburdened. We may need to learn new ways of working, move into fields outside our familiar area of expertise, assume people management responsibilities or develop new business skills. At times it can be difficult to gain a clear sense of direction and plot the way forward, to build the enthusiasm and belief we need to drive ourselves and colleagues onward or to gain the confidence and resilience to enjoy our chosen career.

Coaching is a great tool for supporting learning and development and building ownership, strength and the will to achieve. Legal professionals are excellent independent thinkers and have huge experience of advising others what to do. I suspect not many of us

readily embrace being told precisely what to do, to do it better than we might think we are capable of and to do it with the enthusiasm and commitment to see it through.

We are much more likely to devote our best efforts to a course of action we have personally chosen as the best way forward, having weighed up alternative options and having planned how to have the best chance of achieving success. We tend to take greater responsibility for achieving goals which we have personally identified and value than we do for accomplishing what someone else has told us we should strive for.

## Engaging a coach

As coaching is a working partnership, it is essential that there is a good match. Some executive coaches will offer an initial complimentary meeting to discuss your requirements and this will provide you with the opportunity to consider if the chemistry is right. The coach should also be using this discussion to explore whether coaching is the most appropriate intervention and if there is a readiness for coaching.

Coaching is often commissioned by businesses to support employees who are stepping up into new roles or who want to develop their skills or to alter behaviours. The professional coach will contract with the employer and the individual to be coached to ensure there is an agreed understanding of the coaching assignment, reporting protocols and confidentiality. The ethical coach will refrain from accepting a coaching assignment if the individual to receive the coaching is an unwilling participant. Coaching works when there is trust and openness between the coach and the participant and where the person engaging in the coaching wants to seize the opportunity to focus, learn, grow and excel.

# First UK barrister fined for data breach

In March 2017 the Information Commissioner's Office (ICO) issued a fine for the first time to a UK barrister. The senior London barrister had stored client information on a home computer and her husband, whilst updating software on the computer, unwittingly published the barrister's client information to the Internet where it was available publicly for some months. The ICO fined the barrister £1000 for this breach and she was lucky not to be named and shamed.

## For solicitor firms there are many risks associated with a data breach

Under the Data Protection Act 1998 any law firm can be fined up to £500,000 by the ICO for a data breach. They can also be sued by victims of the data breach under civil litigation and will undoubtedly suffer a significant loss of clients as a result of the bad publicity that inevitably accompanies a data breach.

On a personal level, fee earners can be sanctioned by the Society and all members of staff including support staff can be subject to criminal prosecution or lose their jobs.

## The barristers you brief may expose you to risk

However, it is not just law firm employees that can put the firm at risk. If a law firm uses a third party to do a job of work for

them and shares client information (personal sensitive data) *the firm* continues to have responsibility for the security of the data. A third party may be a barrister, an expert witness, or perhaps a shredding company. Any of these entities, if they do not secure your firm's data properly and suffer a data breach, may well bring the wrath of the ICO down on your firm.

## Crown Prosecution Service (CPS) fined £200,000 by ICO due to third party security breach

In November 2015 the ICO issued a fine of £200,000 against the CPS for breach of the seventh data protection principle, namely they failed to take appropriate technical and organisational measures against unauthorised and unlawful processing of personal data.

The CPS had, since 2002, an informal arrangement with a third party video editor to edit their video evidence for court proceedings. The third party was a sole practitioner working from his flat. In 2015 his flat was burgled and his unencrypted laptop was stolen. The laptop contained footage of 31 video interviews carried out with victims of sexual abuse which had originally been provided to him on unencrypted DVDs by the CPS.

The ICO issued the £200,000 fine against the CPS after having found that the CPS did not have the appropriate data sharing agreement in place with the third party; they had not sought any guarantee that the third party would store the CPS data in a lockable cabinet and return or securely destroy it at the end of the case; and they failed to monitor the third party in relation to any security measures taken by him.

The video editor was not subject to any sanctions as he was not the data controller in relation to the data - the CPS was.

## So what can lawyers do to protect themselves?

1. Make sure all third parties (eg counsel, expert witnesses, shredding companies, etc) have appropriate data sharing agreements before giving them access to your client information. This will establish that you expect them to treat your data as securely as you do and

should protect you if there is a data breach. Agreements should be reviewed annually.

2. If you have counsel or other third parties working on cases or with access to your data right now without having signed a DPA compliant contract, you need to issue those agreements urgently or ask them to return papers.
3. Under the legislation, when instructing a third party you are entitled to audit their security practices and if you have reason to believe they are not protecting your data appropriately, you are under an obligation to rectify that, or stop using them. Examples of poor data security would be: counsel asking for another set of papers due to having misplaced a set; receiving emails from expert witnesses via Hotmail or Gmail (insecure email services); or observing briefs unsecured in the back of a car.
4. Ask counsel you brief if they have achieved accreditation in data protection. If they have, you still need to put the correct agreements in place but you can be assured that the counsel has invested time and resources in meeting their regulatory requirements, and have been assessed by an independent body.

The best and easiest way for law firms to protect themselves is to take action upfront, not once a breach occurs. Do not leave data protection compliance until it's too late. It will cost you heavily if you do.

## Orlagh Kelly BL Founder of Briefed

***Briefed has a range of data protection compliance and training solutions for solicitors and barristers to help them meet their regulatory obligations under data protection legislation.***

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# Obituary - Gerry Daly (1958 – 2016)



**“Gerry Daly, who died on 30 December 2016 following a short illness, was a partner with Francis Hanna & Company where he worked since he was 17. He had 41 years of loyal service to the firm where he was managing partner since 2000.”**

Gerry grew up on the Antrim Road, going to school at St Patrick’s Bearnageeha. The son of Anthony and Philomena Daly, he was one of seven siblings. He married Karen and they had three children, Danielle, Tony and Dominique. His beloved grandson, Cillian, was born in 2015.

As a young lad at the age of 14 Gerry started work in Levey’s grocers shop on the Antrim Road. It was a busy shop, the hub of the Antrim Road at the time where many congregated to get the weekly provisions. Gerry was one of the lads who sold the fruit and veg in the early 1970s.

During the summer of 1975 he was the victim of an assault which left him with a broken jaw. The injury wasn’t particularly serious but it did mean that Gerry couldn’t talk for a while and therefore had difficulty with the now well versed sales patter. His employment was terminated as a result and he had to look elsewhere for work.

Gerry started working for Francis Hanna & Company in October 1975 as a junior clerk doing the deliveries to the Belfast legal fraternity. From the beginning of his employment Gerry impressed in the firm and became known as someone who could get the job done. He progressed up the ladder rapidly, handling large volumes of work for trade union clients. He quickly became a key man, negotiating claims directly with all the major insurers of the day.

In the early days Gerry wasn’t concerned about formal qualifications but he knew that if the exponential curve of his career path was going to continue, he had to train to be a solicitor. As determined as ever he set about obtaining the further necessary qualifications. He then commenced his apprenticeship working tirelessly in the office by day and reading his law books at night. In 1986 he qualified from the Institute of Professional Legal Studies and was admitted to the Roll of Solicitors in 1990.

Gerry was an extremely industrious solicitor and became a partner in the practice at the earliest possible opportunity. He never left

the firm and had more than 41 years of loyal service and was managing partner from 2000.

He was a formidable employment lawyer. He became a very accomplished advocate always preferring to run his own cases before the industrial tribunal, disciplinary tribunals and the courts. He was an incredibly practical and pragmatic solicitor.

Another area of his practice that Gerry took extremely seriously was his work on behalf of the Law Society before the Independent Solicitors’ Disciplinary Tribunal. In virtually every case he preferred to do his own advocacy in these often difficult and sensitive cases. He felt very strongly that these cases should be prosecuted by solicitors rather than counsel. He did his own appeals before the Lord Chief Justice.

Gerry had been ill some years back and had successfully battled his diagnosis. He returned to work as strong as ever but last October he was told that his illness had returned and he dealt with it as he did the last time, with great courage, fortitude and resilience. He realised that the fight this time was much different and one which ultimately he could not win. Quickly he set about redistributing his work and tidying his affairs. He treated his illness as another piece of work that needed to be dealt with efficiently and with purpose. He courageously came to work and met with everyone, one by one, telling them his news and passing on his work. His effort during those days was super human.

They say everyman’s bucket list must include one mountain. Gerry’s was the 17th tee box at Ballycastle Golf Club which he climbed up to one more time to ask his beloved Rosie to marry him. They married on 15 December, three weeks to the day before his funeral on what was to be a very joyous and happy day for everyone who had the privilege to be there.

Gerry was a mentor, a partner, a colleague, but most importantly a friend to a great many solicitors in the jurisdiction. He was a “peoples’ man” to the end and a great example to young lawyers today. Through sheer grit and determination he started his career as a delivery boy at the age of 17 and managed against all odds to get qualified as a solicitor, ultimately becoming a very accomplished practitioner and advocate and our managing partner for the last 20 years.

**Martin Hanna**

## Solicitors in the saddle for charity cycle



On a hot Sunday in June more than 20 intrepid members of Belfast Solicitors' Association (BSA) took to their bikes to support their charity partner - Inspire. Their first "cycle for wellbeing" challenge was the 100 kilometre NDCC Coastal Challenge.



Steven Millar from Culbert & Martin Solicitors, said: "I was delighted to get involved in this cycle ride to support Inspire and the vital work it does to support mental health in our communities. The cycle ride itself was quite a challenge and all our riders have varying levels of experience but we were all supporting each other along the way. To say it was a hot day would be an understatement but we all made it home safely and raised over £2,000 along the way."

Nuala Dalcz, Director of External Affairs for Inspire, offered her thanks: "The whole BSA team has been so supportive in terms of raising awareness of mental health and, with events like this cycle, raising money for our services. Inspire provides mental health,

addiction and learning disability support services across Northern Ireland and helps thousands of people every week. To see the 20-strong BSA peloton completing such an immense challenge is fantastic."

Through the cycle, the BSA aimed not only to raise funds but also to raise awareness about mental health.

Eoghan McKenna, Chair of Belfast Solicitors' Association, added: "We in BSA are dedicated to playing our part in breaking down the stigma around mental illness. Partnering with Inspire we want to encourage people to look after their mental health and, through events like the cycle for wellbeing, raise the profile of this important cause."



From left: Niall Hargan; Steven Millar, Nuala Dalcz, Eoghan McKenna, Chris Ross and Shane McVeigh.

# 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](http://www.lawsoc-ni.org)

## CRIMINAL LAW

### **R V PAUL MICHAEL HUGH DOYLE**

Appeal from a refusal of application for an extension of time within which to apply for leave to appeal against conviction of the offence of possession of drugs with intent to supply. - whether the court should receive evidence in relation to mobile phones in order to establish that the trial evidence was inaccurate. - whether the evidence ought to have been admitted, whether it afforded any ground for exercising discretion to extend time to apply for leave to appeal. - whether the judge failed to direct the jury in relation to the potential for inaccuracies in the call records provided by the network providers for two mobile phones. - HELD the conviction safe and application to extend time declined  
*COURT OF APPEAL*  
9 JUNE 2017  
*MORGAN LCJ, WEIR LJ, STEPHENS J*

### **R V NORMAN MCKENZIE**

Reference by the Director of Public Prosecutions under s.36 Criminal Justice Act 1988 on the basis that the sentence given to the respondent was unduly lenient. - offences of

manslaughter and breach of the Health and Safety at Work (NI) Order 1978 in failing to ensure the safety and welfare at work of an employee, failing to carry out a suitable and safe assessment of the risks and failing to take suitable and sufficient measures to prevent any person falling a distance liable to cause a personal injury. - suspended sentence imposed. - sentencing in gross negligence manslaughter cases. - suspended sentences. - pleas for clemency. - starting point for sentencing. - HELD that the suspension of the sentence and imposition of fines was unduly lenient. - respondent sentenced to twenty four months imprisonment, twelve served in custody and twelve on licence  
*COURT OF APPEAL*  
18 MAY 2017  
*GILLEN LJ, WEIR LJ, STEPHENS J*

### **R V LUKASZ OKRASA**

Applicant applies for leave to appeal out of time against his conviction and sentence of causing grievous bodily harm by driving a car without due care and attention when it was struck by a motorcycle. - application for fresh medical evidence to support the application suggesting that the motorcyclist's permanent paralysis was not caused by the accident but by subsequent surgery. - whether the defendant was not able to make a properly informed decision when he entered a guilty plea. - HELD that the evidence if admitted would not afford any ground for allowing the appeal and the application for its reception is therefore refused and conviction declared

safe. - application to appeal out of time against both conviction and sentence refused  
*COURT OF APPEAL*  
2 JUNE 2017  
*MORGAN LCJ, WEIR LJ, STEPHENS J*

## DAMAGES

### **J20 V FACEBOOK IRELAND**

Plaintiff brings a claim against the defendant in relation to a series of postings about him on three web pages hosted by Facebook. - harassment and misuse of private information. - test for harassment. - whether there is a reasonable expectation of privacy. - whether the defendant had actual knowledge of the misuse of private information. - defence provided by r.19 Electronic Commerce (EC Directive) Regulations 2002 and the Safe Harbour provisions. - HELD that there is no liability against the defendant prior to it being put on actual notice of the matters giving rise to a cause of action. - defendant is liable to the plaintiff for the tort of misuse of private information. - plaintiff entitled to damages for the limited nature, extent and duration of the breaches. - plaintiff has not suffered psychiatric injury. - damages of £3000 awarded  
*HIGH COURT*  
20 DECEMBER 2016  
*COLTON J*

### **CHIVERS V O'LOUGHLIN**

Damages. - loss and damage as a result of a road traffic accident. - liability admitted. - walk-in rates of repair costs. - whether it was proper to draw an adverse inference from the fact that there was no direct evidence from the repairer as

to what their walk-in rate was. - whether charge reasonable. - documentary evidence. - HELD that the total repair cost was more than the reasonable repair cost that the claimant would have paid if she had arranged the repairs on the open market and the sum claimed should be reduced to the reasonable repair cost. - amount substituted  
*HIGH COURT*  
1 MARCH 2017  
*MORGAN LCJ*

## DATA PROTECTION

### **IN THE MATTER OF AN APPLICATION BY MICHAEL DORAN AND ANOTHER FOR JUDICIAL REVIEW**

Application for judicial review of the decision of the Minister for the Economy and his Department (the Department) to release into the public domain the names and other personal data of or information concerning recipients of funding under the non-domestic Renewable Heat Incentive (RHI) Scheme. - applicants seek an order of certiorari to quash that decision, a declaration that the decision is unlawful and an injunction prohibiting release of the information. - applicants claim the benefit of a.8 ECHR and Data Protection Act and a privacy policy attached to the application form for the RHI Scheme, an argument of substantive legitimate expectation and an argument that there has been procedural unfairness in arriving at the decision in that the Minister has failed to take into account relevant considerations. - whether overriding public interest. - HELD there is no binding legal



contract between the recipients of support payments under the RHI Scheme and the respondents restraining the publication of the names of recipients, there was sufficient consultation in public law terms to constitute an effective variation of the privacy policy as part of its terms and conditions, that the recipients of the RHI Scheme did not have a clear and unambiguous representation of permanent confidentiality of their names without condition and that the respondents have established an overriding public interest in setting aside any legitimate expectation on confidentiality. - order of certiorari issued to quash the Minister's decision to publish the names of living individuals without giving them an adequate opportunity to state their objections  
*HIGH COURT*  
6 FEBRUARY 2017  
KEEGAN J

## ELDERLY

**MAURA CONNOLLY AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JOHN JOSEPH CONNOLLY BY THE OFFICIAL SOLICITOR, HER NEXT FRIEND V PATRICK CONNOLLY, GERARD CONNOLLY AND SEAN CONNOLLY**  
Plaintiff acted through the Official Solicitor since she lacked capacity. - plaintiff is a widow who sought to set aside two transfers of land made by the deceased when he was well into his 80s. - transfers were to his sons were not subject to any right of residence in favour of the plaintiff. - plaintiff alleges that the deceased lacked capacity to make these gifts of land to the first and second named defendants and that they exercised undue influence upon him. - legal test for capacity. - burden of proving capacity. - proprietary estoppel. - date at which the deceased lacked capacity. - date at which transfers took place. - HELD that there was no undue influence in respect of the transfers of land however the transfers should be set aside due to a lack of capacity by the deceased at the time the transfers were made.

- FURTHER THOUGHTS from the judge that a solicitor acting for elderly persons who that solicitor may perceive to be vulnerable because of mental or physical infirmity should always proceed cautiously and ensure the donor is medically examined and fully understands what he or she is doing. A solicitor should keep a detailed written attendance note of all steps taken to ensure that the donor has capacity and/or the gift is not tainted by undue influence  
*HIGH COURT*  
23 FEBRUARY 2017  
HORNER J

## ENVIRONMENTAL LAW

### IN THE MATTER OF AN APPLICATION BY FRIENDS OF THE EARTH LIMITED FOR JUDICIAL REVIEW

Applicant seeks an order of mandamus to require the Department to serve a Stop Notice on the owner of the bed of Lough Neagh and the sand traders requiring the cessation of sand extraction pending the outcome of an upcoming enforcement appeal. - whether breach of the Habitats Directive. - Environmental Impact Assessment. - precautionary principle. - HELD that none of the grounds of judicial review have been established and application dismissed  
*HIGH COURT*  
25 NOVEMBER 2016  
MAGUIRE J

## EQUAL OPPORTUNITIES

### IN THE MATTER OF AN APPLICATION BY DYLAN EARLY FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

Applicant seeks to challenge a ministerial and departmental decision of the Minister for Education and the Department of Education (the Department) to implement what is known as the Investing in the Teaching Workforce Scheme (the Scheme). - applicant claims Scheme will confine new employment opportunities for full-time teachers to graduates from 2012 onwards. - applicant unable to

apply. - whether the Scheme constitutes indirect discrimination on the grounds of age contrary to s.24 Northern Ireland Act. - whether the respondent can justify the indirect discrimination identified. - Equal Treatment Directive 2000/78/EC. - whether the aims pursued by the Department were legitimate and proportionate and whether they had established a real need. - HELD that the Scheme is a proportionate means of achieving a legitimate aim and application dismissed  
*HIGH COURT*  
19 MAY 2017  
COLTON J

### IN THE MATTER OF AN APPLICATION BY JOANNA TONER FOR JUDICIAL REVIEW

Application for judicial review. - applicant is blind and uses a guide dog to assist her when walking and occasionally a white stick. - applicant could walk freely around Lisburn until the recent Public Realm Scheme (PRS) was implemented. - applicant now finds she has lost confidence due primarily to the way in which the scheme has dealt with the issue of kerb heights in its central area. - conventional kerb heights are 100 - 130 mm which are familiar to guide dogs to recognise the dividing line between the pedestrian footpath and the roadway. - PRS reduced the kerb height to 30 mm in places. - whether the Council acted unlawfully in rejecting a decision by lobbyists to have the kerb height raised to at least 60 mm. - whether there was a flawed consultation process. - whether procedural fairness. - whether breach of s.75 Northern Ireland Act 1998 and the performance of the Council against its public sector equality duty. - whether fettering of discretion of the Council. - whether breach of a.8, 11 and 14 ECHR. - whether breach of the Disability Discrimination Act 1995. - whether *Wednesbury* unreasonable. - subsequent change in standards of kerb height introduced by Transport NI. - HELD that the Council did not perform its public sector equality duty in accordance with s.75 Northern Ireland Act 1998.

- decision of the Council quashed and ordered to be reconsidered in light of the material considerations  
*HIGH COURT*  
12 MAY 2017  
MAGUIRE J

## FAMILY LAW

### FERGUS V MARCAIL

Application by applicant seeking contact with his son and an application by the respondent seeking an extension of the existing Residence Order made in respect of the child until he is 18 years. - agreement reached on contact. - whether in the best interests of the child to extend the Residence Order until the son reaches his 18th birthday. - welfare checklist. - Court must be satisfied that the circumstances are exceptional. - HELD that exceptionality is established and that it is in the child's best interests to reside with his mother until he is 18  
*HIGH COURT*  
15 MARCH 2017  
MCBRIDE J

## JUDICIAL REVIEW

### IN THE MATTER OF AN APPLICATION BY CONRADH NA GAEILGE FOR JUDICIAL REVIEW

Applicant seeks from the Court a declaration that the Executive Committee of the Northern Ireland Assembly has failed to discharge the legal obligation which rests on it to adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language and a declaration that the Executive Committee has failed to comply with its duty under s.28D (1) of the Northern Ireland Act 1998 to adopt a strategy. - whether breach of obligation imposed by s. 28D. - HELD that declaration made that the Executive Committee has failed, in breach of its statutory duty to adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language  
*HIGH COURT*  
3 MARCH 2017  
MAGUIRE J

## NEGLIGENCE

### **BRIDGEEN GOULDING V REVEREND MICHAEL DOHERTY PP (AS NOMINEE ON BEHALF OF THE BOARD OF GOVERNORS AND TRUSTEES OF HOLY CROSS COLLEGE)**

Plaintiff sustained an injury while using gym equipment during a PE class in school. - plaintiff claims for damages for personal injuries, loss and damage sustained by reason of the negligence, nuisance and breach of statutory duty of the defendant school. - plaintiff suffered a split depression fracture of the right knee which required surgery. - whether breach of duty of care on the part of the defendant. - whether the injury could be sustained by a reversal board in the gym. - HELD that liability cannot be attributed to the defendant and case dismissed

HIGH COURT  
15 MAY 2017  
KEEGAN J

### **ES (A MINOR) BY HER MOTHER AND NEXT FRIEND V EMMA SAVAGE, DARREN THOMAS MCCORD AND W D IRWIN & SONS LIMITED AND HUGH SAVAGE**

Liability. - plaintiff was travelling in a car being driven by her paternal aunt when she sustained catastrophic injuries in a road traffic collision. - whether one or other or both of the drivers were guilty of negligence. - whether contributory negligence in that the plaintiff had been incorrectly restrained in an inappropriate child seat. - whether the same injuries would have occurred if the child had been in an appropriate seat. - credibility of conflicting evidence. - HELD that the second and third defendants are liable to the plaintiff, negligence found on the part of the first defendant in relation to the child's seat and use of seatbelt

HIGH COURT  
14 JUNE 2017  
STEPHENS J

## PRISONS

### **IN THE MATTER OF AN APPLICATION BY DEREK BROCKWELL FOR JUDICIAL REVIEW OF THE DECISION TO PLACE THE APPLICANT ON RULE 32**

Application is a serving prisoner who seeks to challenge the invocation by the prison authority in respect of him of the regime provided for in r.32 of the Prison Rules (restriction of association). - whether the invocation of rule 32 and its continuation for eight months is unlawful both on substantive and procedural grounds. - whether the respondent has objectively demonstrated that the invocation of rule 32 was necessary. - HELD that there are procedural flaws and lack of information and documentation available to the Court. - decision to invoke rule 32 quashed both on substantive and procedural grounds

HIGH COURT  
1 JUNE 2017  
MAGUIRE J

## REAL PROPERTY

### **LAWRENCE PATTERSON AND DAVID SMYTH V ROBERT JAMES SHAW AND DEIRDRE KATHLEEN SHAW**

Appeal from a decision of the County Court Judge whereby he dismissed the application of Robert Shaw and Kathleen Shaw (the Shaws) to commit Lawrence Patterson (LP) but ordered that LP reinstate the old right of way within 3 months. - easements. - HELD that the County Court did not have the jurisdiction to grant an ancillary remedy such as a mandatory injunction and appeal allowed, although the same conclusion would have been reached on the merits of the case given that the new right of way is a substantial improvement

HIGH COURT  
4 APRIL 2017  
HORNOR J

## Book Review

### **War Pensions and Armed Forces Compensation: Law and Practice**

**Andrew Bano (2016)**  
**ISBN: 9780854901906**  
**£75**

*"This book is not only an important historical record, but also an eminently readable and encyclopaedic reference work."*  
Foreword. Sir Ernest Ryder. August 2016

This book is written by an acknowledged expert in the field, and provides for the first time a reference book covering all aspects of war pensions and armed forces compensation law and practice. It is a welcome addition to the bookshelves of a lawyer trying to research accessible reference sources on war pensions. It also makes reference to the cases from the three main Tribunals, the Armed Forces Compensation Chamber of the First-tier Tribunal and the Pension Appeals Tribunals in Northern Ireland and Scotland which beforehand had been inaccessible.

The book traces the history of the Armed Forces Compensation Scheme which was introduced in 2005 and substantially amended by the 2011 Scheme. The author outlines the procedure for making a claim and bringing an appeal, as well as the practice and procedure before the Tribunals in the different jurisdictions, including Northern Ireland.

The book is divided up into different areas to include War Pensions, Armed Forces Compensation Scheme and Administration and Adjudication. Each section is extremely detailed, with annotated references to legislation and caselaw. Throughout the book, the author refers to the Northern Ireland jurisdiction.

#### **War Pensions**

This section gives an historical introduction to war pensions. It also explains in great detail the scope of the War Pensions Scheme, entitlement to the Scheme and the actual awards that are available.

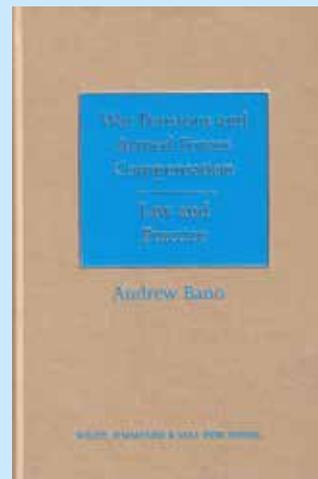
#### **Armed Forces Compensation Scheme**

Again, an extremely comprehensive section including how to claim, entitlement to compensation, adjudication, injury and death benefits and the cessation of benefits.

#### **Administration and Adjudication**

This section explains the whole decision making process and the Tribunals. There is a strong focus on the hearing and includes a section on Northern Ireland.

*War Pensions and Armed Forces Compensation: Law and Practice is an authoritative and comprehensive analysis of the legal principles underlying entitlement to compensation for those injured or killed in the service of their country. It has been written in such a way as to make it accessible for all those concerned in bringing and dealing with armed forces claims and appeals. It is an indispensable reference work in the area of army compensation with the added benefit of being applicable to the Northern Ireland practitioner.*



## Library Update

### Gender Pay Gap Reporting

*Section 78 of the Equality Act 2010 contains a power for the government to make Regulations requiring mandatory gender pay gap reporting by companies with more than 250 employees. This will include anyone employed under an employment contract, a contract of apprenticeship or a contract personally to do work. As the reports are retrospective, covering the previous 12 months, companies affected by the Regulations should start to consider any pay gaps for the period April 2017 and April 2018 in readiness to meet the reporting requirements.*

Legislation came into force on 6 April 2017 in GB. However, these reporting obligations have **not come into force in Northern Ireland yet**. The Employment Act (Northern Ireland) 2016 Ch 15 s.19 has a gender pay-gap information reporting obligation. This has been delayed due to developments in the NI Assembly. It should come into force later in 2017. Northern Ireland legislation will also require companies

to publish information to include workers within each band based on ethnicity and disability.

#### Legislation

- **Equality Act 2010 s.78**  
*<http://www.legislation.gov.uk/ukpga/2010/15/contents>*
- **Equality Act 2010 (Gender Pay Gap Information) Regulations 2017**  
*<http://www.legislation.gov.uk/uksi/2017/172/contents/made>*
- **Employment Act (NI) 2016 s.19 (not in force yet)**  
*<http://www.legislation.gov.uk/nia/2016/15/contents/enacted>*

#### Journals

Bridging the gap (deals with requirement to report under the Regulations)  
*Aldred, H et al. 2017 167 NLJ 8*

Gender pay gap reporting: planning for a gap year (discusses the implications and the metrics that are required)  
*Kurnatowska et al. 2017 P.L.C. 28(2), 25-33*

Make the most of your gender pay gap report. (how to address gender pay gap reporting in the workplace)

*Pollard et al. 2017, Employ. L Apr, 11.*

Gender pay gap regulations: the wait is over. (discusses Regulations and draft guidance)  
*Taggart et al. 2017 Employ LJ 178 (Mar), 8-12.*

Mind the gap. (discusses the gender pay gap and the Government consultation)  
*Johnson: (2016) NLJ 166 (7681) 8*

Are employers ready for gender pay gap reporting? (refers to the questions employers have about gender pay reporting)  
*LNB News – 8 March 2017 44*

Red tape that misses the point on equal pay (criticises the inadequate enforcement and sanctions, and identifies grey areas and anomalies)  
*Levinson: 2017 N.L.J. 167(7736), 10.*

#### Internet Sites (NI specific)

Please mind the gap – gender pay reporting – what NI businesses need to know  
*<https://www.legal-island.com/articles/uk/features/hr/2017/mar/gender-pay-reporting-what-ni-businesses-need-to-know/>*

An update on gender pay reporting  
*<https://www.legal-island.com/articles/uk/features/basics/mar/mar/an-update-on-gender-pay-gap-reporting-northern-ireland/>*



# CLASSIFIEDS

## Missing Wills

**Re: Ann Rogers (deceased)**  
**Late of: 15 Newry Road,  
Crossmaglen, County Armagh  
BT35 9HH**

**Date of Death: 31 January 2017**  
Would anyone having knowledge  
of the Will of the above named  
deceased please contact:

*Neil Mulholland  
Elliott Duffy Garrett  
Solicitors  
34 Upper Queen Street  
Belfast BT1 6FD  
Tel: 028 9024 5034  
Email: neil.mulholland@edglegal.  
com*

**Re: Christine Dougherty**  
**Of: 19 Hillsborough Gardens,  
Belfast**

Would anyone having knowledge  
of whereabouts of a Will made by  
the above named please contact:

*Nesbitt Solicitors  
109 Cregagh Road  
Belfast BT6 8PZ*

**Re: Thomas Henry (Tom) Dodds**  
**Late of: 3 Rural Cottages,  
Drumbeg, Lisburn BT27 5TW**  
**Date of Death: 31 January 2017**

Could anyone having knowledge  
of any Will made by the above  
named deceased please contact:-

*Gillen & Co  
Solicitors  
218/220 Kingsway  
Dunmurry  
Belfast BT17 9AE  
Tel: 028 9061 2144  
Email: ian@michaelgillen.co.uk*

**Re: William Gill**  
**Late of: 2 Ballyglighorn Road,  
Comber, County Down BT23 5SX**  
**Date of Death: 29 March 2007**

Would any person having  
knowledge of the whereabouts of  
a Will made by the above named  
deceased please contact:-

*Colin G Haddick  
Russell & Co  
Solicitors  
11 Lower Mary Street  
Newtownards  
County Down BT23 4JJ  
Tel: 028 9181 4444  
Fax: 028 9181 2782  
Email: colin@russellandcompany.  
co.uk*

**Re: Kathleen Kelly Brown Gill**  
**Late of: 51 Ballydrain Road,  
Comber, County Down BT23 5SS**  
**Date of Death: 3 February 2017**

Would any person having  
knowledge of the whereabouts of  
a Will made by the above named  
deceased please contact:-

*Colin G Haddick  
Russell & Co  
Solicitors  
11 Lower Mary Street  
Newtownards  
County Down BT23 4JJ  
Tel: 028 9181 4444  
Fax: 028 9181 2782  
Email: colin@russellandcompany.  
co.uk*

**Re: Mary Jane Thompson**  
**Of: 1 Cregagh Court, Belfast**

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

*Nesbitt Solicitors  
109 Cregagh Road  
Belfast BT6 8PZ*

**Re: Michael Bernard Callaghan**  
**(deceased)**

**Late of: Glencarron Nursing  
Home, 6 Creamery Road,  
Crossmaglen  
Previously of: 2 Art McCooley  
Park, Glassdrummond,  
Crossmaglen, County Armagh  
BT35 9DZ**

**Date of Death: 28 August 2016**  
Would anyone having any  
knowledge of the whereabouts  
of any Will made by the above

named deceased please contact:

*Eoin McConville  
Fisher & Fisher  
Solicitors  
9 John Mitchel Place  
Newry BT34 2BP  
Tel: 028 3026 1811  
Fax: 028 3026 6695  
Email: eoin.mcconville@  
ffsolicitors.com*

**Re: Mary Josephine Smyth**  
**Late of: St Joseph's Nursing  
Home, Seaview, Warrenpoint,  
Newry BT34 3NH**  
**Formerly of: 32 Mary Street,  
Warrenpoint, Newry BT34 3NT**  
**Date of death: 15 August 2013**

Would anyone with knowledge  
of a Will for the above named  
deceased please contact:

*Rosetta Hughes  
Solicitor  
Bank Building  
39 Hill Street  
Newry BT34 1AF  
Tel: 028 3026 5311  
Fax: 028 3026 2096*

**Re: Ernest Robert Wilson**  
**(deceased)**

**Late of: 70 Limehill Road,  
Lisburn BT27 5LR**

Would any person having  
knowledge of the whereabouts  
of a Will for the above named  
deceased please contact:

*Margarita Sloane  
Donaldson McConnell & Co Ltd  
1 Castle Street  
Lisburn BT27 4SR  
DX3384 NR LISBURN  
Tel: 028 9260 1521  
Fax: 028 9267 5705  
Email: margaritas@donaldson-  
mccconnell.com*

**Re: Robert Alexander Cordner**  
**(deceased)**  
**Late of: 10 Marlacoo Beg Road,  
Portadown, County Armagh  
BT62 3TF**  
**Date of Death: 27 January 2017**

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

*Richard Monteith LLB  
Solicitors  
32/34 Portmore Street  
Portadown*

*County Armagh BT62 3NG  
Tel: 028 3833 0780  
Fax: 028 3835 0271  
Email: r.monteithllb@btconnect.  
com  
michael.sides1@outlook.com*

**Re: William Ronald Faloon**  
**(deceased)**  
**Late of: 1 Mansefield Heights,  
Portglenone, Ballymena  
County Antrim BT44 8JR**  
**Date of Death: 15 November  
2016**

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

*Jack McCann & Son  
Solicitors  
20 Ballymoney Road  
Ballymena  
County Antrim BT43 5BY  
Tel: 028 2564 2388  
Fax: 028 2565 1292  
Email: stephen.mccann@  
jackmccann.com*

**Re: Daniel Joseph Christie**  
**(deceased)**

**Late of: 15 Burren Way, Belfast**  
**Date of Death: 4 March 2017**

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

*Emma Townsend  
C&J Black  
Solicitors  
Linenhall House, 13 Linenhall  
Street  
Belfast BT2 8AA  
Tel: 028 9032 1441  
Fax: 028 9023 4125  
Email: emma.townsend@cjblack.  
co.uk*

**Re: Peter Bradley**  
**Late of: Geannan Care Home, 31  
Ballygawley Road, Dungannon  
BT70 1EL**

**Previously of: 59 Cahore Road,  
Draperstown BT45 7LY**

**Date of Death: 12 March 2017**

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

*Mallon McCormick Solicitors  
Limited  
Station Master's House*

16 Station Road  
 Maghera BT46 5BS  
 Tel: 028 7964 2670  
 Fax: 028 7964 4655  
 Email: ouise.breen@  
 mallonmccormick.co.uk

**Re: Derek Johnston (deceased)**  
**Last known address:**  
**Drumrainduff, Newtownbutler,**  
**County Fermanagh**

**Date of Death: 23 March 2017**

We hold a Will for the above named deceased which he made in 2013 and wish to ensure that no other Will was made. Would any person having knowledge of the whereabouts of any other Will made by the above named deceased please contact:

Ruth McKenny  
 Gibson Solicitors LLP  
 219 Main Street  
 Lisnaskea  
 County Fermanagh BT92 OJH  
 Tel: 028 6772 1541

**Re: Patrick Joseph Deighan (deceased)**

**Late of: 2 Tobartee Crescent,**  
**Garvagh, Coleraine, Co**  
**Londonderry**

**Date of Death: 28 October 2015**

If anybody has any knowledge of the whereabouts of a Will made by the above named deceased, please contact:

Francis J Irvine & Co  
 Solicitors  
 42 Dublin Road  
 Belfast BT2 7HN  
 Tel: 028 9024 6451  
 Fax: 028 9024 6451  
 Email: info@fjisolicitors.co.uk  
 DX No: 437 NR Belfast

**Re: Herbert Dickson (deceased)**  
**Late of: 31 Elm Corner,**  
**Dunmurry, Belfast BT17 9PZ**

**Date of Death: 14 January 2017**

Would any person having knowledge of the whereabouts of the Will for the above named deceased, please contact:

Laura Bradley  
 Haugheys Solicitors  
 138 Upper Lisburn Road  
 Belfast BT10 0BE  
 Tel: 028 9043 1222  
 Fax: 028 9061 2511  
 Email: info@haugheys.com

**Re: Sandra Margaret Raboukh nee Cameron (deceased)**

**Late of: 5 Irwin Crescent,**  
**Lurgan, County Armagh**  
**BT66 7EZ**

**Date of Death: 7 February 2017**

Would any person having knowledge of the whereabouts of the Will for the above named deceased, please contact:

Arthur J Downey & Co  
 Solicitors  
 Tyrella House  
 5 Church Street  
 Banbridge  
 BT32 4AA  
 Tel: 028 4066 2123  
 Fax: 028 4062 6712  
 Email: law@ajdowney-solicitors.co.uk

**Re: Reamond McMillen (deceased)**

**Late of: 67 Alexandra Park Avenue, Belfast**

**Date of Death: 14 November 2016**

Would any Solicitor having knowledge of the whereabouts of any Will made by the above named deceased, please contact:

Minnis & Braden  
 Solicitors  
 37 Shore Road  
 Belfast BT15 3PG  
 Tel: 028 9077 6422  
 Fax: 028 9077 3425

**Re: Charles Henry McGarry (deceased)**

**Late of: 44 Market Road,**  
**Ballymena, County Antrim**  
**Date of Death: 9 November 2016**

Would any Solicitor having knowledge of the whereabouts of a Will made by the above named deceased, please contact:

Jack McCann & Son  
 Solicitors  
 20 Ballymoney Road  
 Ballymena  
 County Antrim BT43 5BY  
 Tel: 028 2564 2388  
 Fax: 028 2565 1292  
 Email: stephen.mccann@jackmccann.com

**Re: Thomas Harrison (deceased)**

**Late of: 88 Ravenhill Avenue,**  
**Belfast**

**Date of Birth: 17 June 1912**

**Date of Death: 7 November 1985**

Would any Solicitor having knowledge of the whereabouts of a Will made by the above named deceased, please contact:

Edwards & Company  
 Solicitors  
 28 Hill Street  
 Belfast BT1 2LA  
 Tel: 028 9032 1863

**Re: Margaret McClean Lyndsay Harrison (deceased)**

**Late of: 88 Ravenhill Avenue,**  
**Belfast**

**Date of Birth: 12 March 1912**

**Date of Death: 4 July 1987**

Would any Solicitor having knowledge of the whereabouts of a Will made by the above named deceased, please contact:

Edwards & Company  
 Solicitors  
 28 Hill Street  
 Belfast BT1 2LA  
 Tel: 028 9032 1863

**Re: William John Higginson (deceased)**

**Late of: 7 Rathgar Street,**  
**Belfast, County Antrim BT9 7GD**

**Date of Birth: 12 March 1912**

**Date of Death: 4 July 1987**

Would any person having knowledge of the whereabouts of a Will made by the above named deceased, please contact:

Margarita Sloane  
 Donaldson McConnell & Co Ltd  
 Solicitors  
 1 Castle Street  
 Lisburn BT27 4SR  
 DX 3384 NR LISBURN  
 Tel: 028 92601421  
 Fax: 028 9267 5705  
 Email: margaritas@donaldson-mccconnell.com

**Re: Caroline Marley (deceased)**  
**Late of: 8 Broom Park,**  
**Twinbrook, Dunmurry, Belfast**

**Date of Death: 15 March 2017**

The above named deceased was a resident in Spain for the past 20 years but when visiting home,

would stay with relatives at the above address.

Would any person having knowledge of the whereabouts of a Will made by the above named deceased, please contact:

P J McGrory & Co  
 Solicitors  
 52 Andersonstown Road  
 Belfast BT11 9AN  
 Tel: 028 9060 2986  
 Fax: 028 9062 1201  
 Email: mail@pjmogrory.com

**Re: Anne Madden (deceased)**  
**Late of: 9 Tullyheron Road,**  
**Maghera, County Derry BT46 5JQ**

**Date of Death: 16 May 2017**

Would any person having knowledge of the whereabouts of a Will made by the above named deceased, please contact:

Michelle Madden  
 Dermot Walker, Madden & Co  
 Solicitors  
 6 Queen Street  
 Derry BT48 7FF  
 Tel: 028 7126 3082  
 Email: reception@  
 walkermaddensols.com

**Re: John Vincent McCullagh (deceased)**

**Late of: 16 Main Street, Beragh,**  
**Omagh, County Tyrone**

**Date of Death: 18 October 2016**

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

McGale Kelly & Company  
 Solicitors  
 26 John Street  
 Omagh  
 County Tyrone BT78 1DN  
 Tel: 028 8224 3621  
 Fax: 028 8224 3445  
 Email: info@mccgalekelly.co.uk

**Re: Kathleen McAlister (deceased)**

**Late of: 83 Tromra Road,**  
**Cushendall, County Antrim**

**Date of Death: 27 March 2017**

Would any person having knowledge of the whereabouts of a Will made by the above named deceased, please contact:

Campbell & Co  
 Solicitors  
 84 Castle Street

*Ballycastle*  
County Antrim BT54 6AR  
Tel: 028 2076 2215  
Fax: 028 2076 9979  
Email: [ciaran@campbellandcosolicitors.com](mailto:ciaran@campbellandcosolicitors.com)

**Re: Arthur Augustus O'Hare (deceased)**  
**Late of: 32 Chapel Hill Road, Mayobridge, Newry, County Down BT34 2EX**  
**Date of Death: 18 August 2016**

If anybody has knowledge of the whereabouts of any Will made by the above named deceased please contact:

*Lisa Hynes*  
*Donnelly Neary & Donnelly Solicitors*  
1 Downshire Road  
Newry  
County Down BT34 1ED  
Tel: 028 3026 4611  
Fax: 028 3026 7000  
Email: [lisahynes@dndlaw.com](mailto:lisahynes@dndlaw.com)

**Re: Ann Marie Bell (deceased)**  
**Last known address(es): 8 Knockwood Crescent, Belfast 2a Knockwood Crescent, Belfast**

**Date of Death: 17 May 2017**  
Would any person having knowledge of the whereabouts of a Will made by the above named deceased, please contact:

*Cleaver Fulton Rankin Solicitors*  
50 Bedford Street  
Belfast BT2 7FW  
Tel: 028 9027 1353  
Fax: 028 9024 9096

**Re: Margaret Thomasina McOwen (known as Margo) (deceased)**

**Late of: 49 Whiterock Road, Belfast BT9 7AB**  
**Date of Death: 13 May 2017**

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

*Oonagh Maguire*  
*Breen Rankin Lenzi Limited*  
Unit 2, Slemish Buildings  
105 Andersonstown Road  
Belfast BT11 9BS  
Tel: 028 9061 8866  
Email: [oonagh@brlsolicitors.com](mailto:oonagh@brlsolicitors.com)

**Re: Sheila (otherwise known as Cecilia) McAllister (deceased)**  
**Late of: 24 Kilmore Road, Glenariffe, Ballymena, County Antrim**

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

*Jack McCann & Son Solicitors*  
20 Ballymoney Road  
Ballymena  
County Antrim BT43 5BY  
Tel: 028 2564 2388  
Fax: 028 2565 1292  
Email: [stephen.mccann@jackmccann.com](mailto:stephen.mccann@jackmccann.com)

### Missing Title Deeds

**Property at: 7 Norfolk Drive, Belfast BT11 8AE**  
**Owner: Brian McCann (deceased)**

If any persons have knowledge of the whereabouts of Title Deeds re: the above property, would they kindly contact:

*Cousins Gilmore Solicitors*  
206 Andersonstown Road  
Belfast BT11 9EB  
Tel: 028 9030 1360  
Fax: 028 9062 1184  
Email: [mail@cousinsgilmore.com](mailto:mail@cousinsgilmore.com)

**Re: William John McCormick**  
**Property at: 39 Dromore Street, Ballynahinch, County Down, BT24 8AG**

Would any person have any knowledge of the whereabouts of the Title Deeds of the above property please contact:

*Ann Roulston*  
*Conn & Fenton Solicitors*  
39 Bow Street  
Lisburn  
County Antrim BT28 1BJ  
Tel: 028 9267 4321  
Fax: 028 9267 1430  
Email: [annroulston@lisburnsolicitors.com](mailto:annroulston@lisburnsolicitors.com)

**Property at: 32 Greenan Road, Randalstown, County Antrim**  
**Registered Owners: John and Margaret Creighton**

Would any person have any knowledge of the whereabouts of the Title Deeds of the above property please contact:

*Collins Solicitors*  
39 New Street  
Randalstown  
County Antrim BT41 3AF  
Tel: 028 9447 9696  
Fax: 028 9447 9208

**Property at: 12 Glen Crescent, Belfast BT11 8FB**

**Owner: Joan A Hunter**  
If any persons have knowledge of the whereabouts of same, would they please contact:

*Oonagh Maguire Solicitor*  
*Breen Rankin Lenzi Ltd*  
Unit 2, Slemish Buildings  
105 Andersonstown Road  
Belfast BT11 9BS  
Tel: 028 9061 8866  
Email: [Oonagh@brlsolicitors.com](mailto:Oonagh@brlsolicitors.com)

**Property at: 27B McCrae's Brae, Castletown, Whitehead, County Antrim BT38 9NZ**

**Owners: Mary Ellen King & Henry Joseph McFadden**

If any persons have knowledge of the whereabouts of the Title Deeds to the above property, would they please contact:

*Ann Kinder*  
*Donnelly & Kinder Solicitors*  
4th Floor, 22 Adelaide Street  
Belfast BT2 8GD  
Tel: 028 9024 4999  
Fax: 028 9024 1222  
Email: [akinder@donnellykinder.com](mailto:akinder@donnellykinder.com)

**Property at: 103 Euston Street Belfast BT6 9AF**

**Owners: Mr David Graham and Mrs Jeannie Duncan Graham**

If any persons have knowledge of the whereabouts of Title Deeds re the above property would they kindly contact:

*Frances Keown*  
*Keown Solicitors*  
Lynden House  
19 Cregagh Road  
Belfast BT6 8PX  
Tel: 028 9045 6042  
Email: [frances@keownsolicitors.co.uk](mailto:frances@keownsolicitors.co.uk)

**Re: 7 Rathgar Street, Belfast, County Antrim BT9 7GD**

Would any person having knowledge of the whereabouts of Title Deeds relating to the above noted property please contact:

*Margarita Sloane*  
*Donaldson McConnell & Co Ltd*  
1 Castle Street  
Lisburn BT27 4SR  
DX 3384 NR LISBURN  
Tel: 028 9260 1421  
Fax: 028 9267 5705  
Email: [margaritas@donaldson-mcconnell.com](mailto:margaritas@donaldson-mcconnell.com)

**Registered owner: Diarmuid O'Sullivan**  
**Property at: 6 Chapel Road, Londonderry BT47 2AN**

Would any person having knowledge of the whereabouts of Title Deeds relating to the above noted property please contact:

*Quigley, Grant & Kyle Solicitors*  
10 Queen Street  
L'Derry BT48 7EG  
Tel: 028 7137 4420  
Fax: 028 7137 4419

**Registered owner: Rosalind McAdurey**  
**Property at: 91 Rosepark, Belfast BT5 6RH**

Would any person having any knowledge of the whereabouts of Title Deeds relating to the above mentioned property please contact:

*John Boston & Company Solicitors*  
565 Upper Newtownards Road  
Belfast BT4 3LP  
Tel: 028 9048 0460  
Fax: 028 9048 9563

**Premises: 45 Roddens Crescent, Belfast BT5 7JN**

Would any person having knowledge of the whereabouts of Title Deeds relating to the above noted property please contact:

*Angela Hamill*  
*Solicitor*  
*Holmes & Moffitt*  
218 Knock Road  
Belfast BT5 6QD  
Tel: 028 9079 9597  
Fax: 028 9079 9010  
Email: [AngelaHamill@holmf.co.uk](mailto:AngelaHamill@holmf.co.uk)

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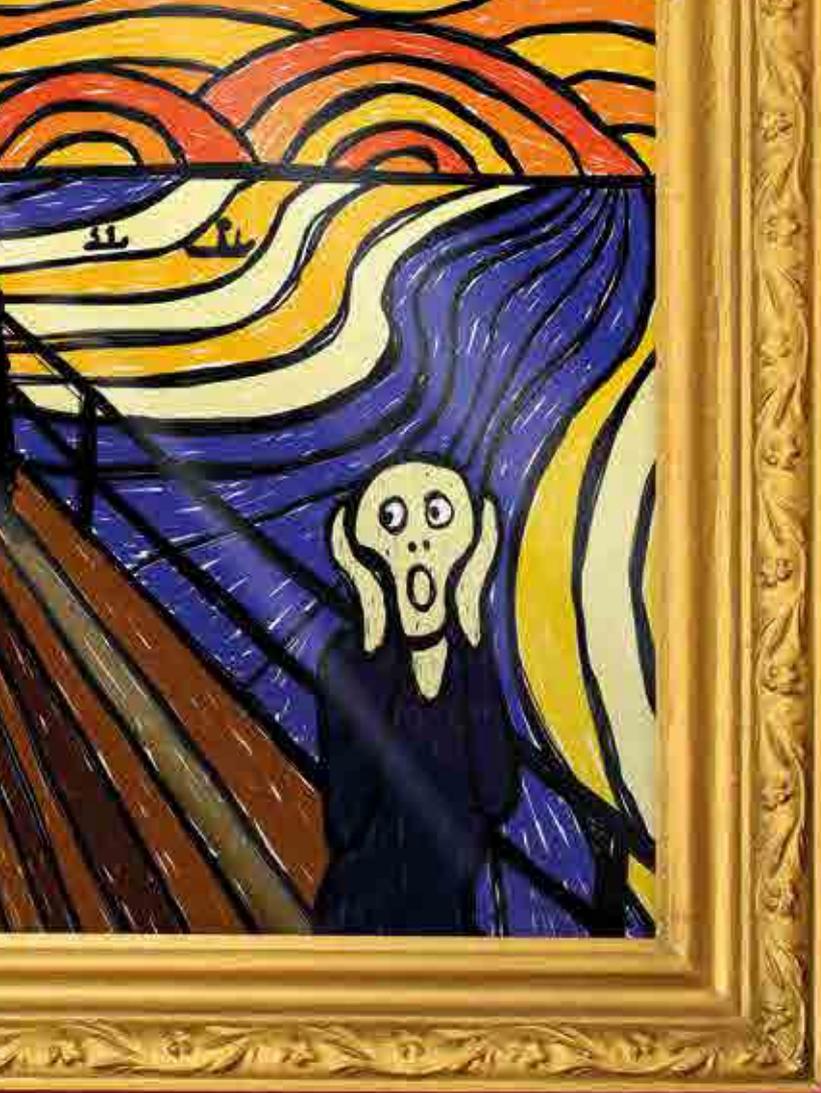
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