

LAW SOCIETY

# Gazette

€3.75 Aug/Sept 2006



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Serious errors revealed  
in Irish Statute Book online



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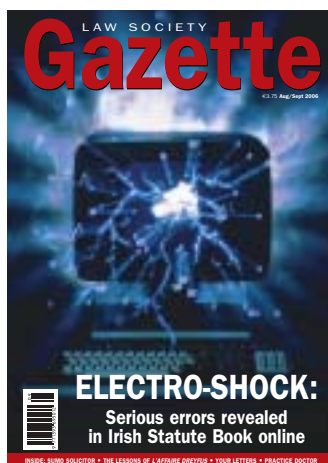
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**On the cover**

Serious errors in the electronic version of the *Irish Statute Book* have come to light. So how much longer should lawyers in Ireland have to endure an outdated, and now unreliable, electronic statute book?

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11



14



41

# LAW SOCIETY Gazette

## Aug/Sept 2006

**REGULARS**5 **President's message**7 **News**14 ***l'Affaire Dreyfus* – lessons for today**

The second annual human rights lecture focused on the lessons to be learned from the *Dreyfus Affair* 100 years ago

17 **Letters**37 **Practice doctor**

Briefing forensic accountants

39 **Book reviews**Memoirs from Tipperary, and *Irish Conveyancing Law*40 **People and places**

Charity triathlon, PDs at Blackhall, Bar Association meetings and more

42 **Obituary**

Emer Casey, 1978-2006

43 **Briefing**

43 Council reports

45 Committee reports

46 Practice notes

49 Legislation update: 24 June – 21 August

55 Solicitors Disciplinary Tribunal reports

58 Eurlegal: 'jumping the gun' in merger deals

60 **Professional notices**67 **Recruitment advertising**

Twenty-four pages of job vacancies, and not a PQE reference in sight!

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## FEATURES

### 18 COVER STORY: Electro-shock

With the revelation of serious errors in the *Irish Statute Book* online, Brian Hunt argues that the electronic version of legislation is not acceptable for evidential purposes and that the AG's office should now take the opportunity to overhaul the data and how it's presented

### 22 The art of restoration

Greater activity by the Registrar of Companies in striking companies off the register has led to a dramatic increase in the number of company restoration applications. Elaine Grier slips on her restorer's gloves

### 26 Dog eat dog

One of the most controversial issues in the mongrel legislation governing PIAB is that of joining defendants to an existing action. Stuart Gilhooly walks the dog

### 30 Expert assistance

The rules relating to the disclosure of expert reports in personal injury actions are still something of a novelty. Joice Carthy looks at the background to the current rules and the reasons for their introduction

### 34 Hitting a century

The Law Society should have got its letter from the President in the 1950s, but they only do that for people, apparently. Mark McDermott continues the journey through the decades, as reflected in the pages of the *Gazette*



26



34

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# Upholding the rule of law

**S**ummer is rapidly coming to a close and it is, therefore, appropriate that I write to inform you of certain of my activities during that period. The Law Society team working on legal costs have made submissions and met with the Legal Costs Implementation Advisory Group. The team has welcomed certain of the principles enshrined in the *Haran Report*, such as the retention of costs following the event in civil litigation. At the same time, we have emphasised that proposed reforms in place of the present taxation system should be practical, workable and not result in additional expense, delay or injustice to clients. The Society believes that a great amount of work will have to be undertaken prior to the implementation of any reform. The Law Society team will continue to monitor and engage with both the implementation group and the Department of Justice, as appropriate. I am most grateful to the chairman of the Society's team, Gerard Griffin, and his entire group for all the work they have done to date.

The Society has, over a number of years, requested the introduction of limited liability partnerships. It was encouraging to learn that the minister responsible for company law has now formally placed limited liability partnerships on the work programme of the Company Law Review Group. It is hoped that work will commence on this topic in November 2006. The task force on limited liability partnerships for the solicitors' profession, headed by Paul Egan, will be carefully monitoring the situation. My thanks to it for all its work in this matter.

The promised practice note concerning taxation treatment of work in progress has been emailed to the profession (see also page 48 of this *Gazette*). Thanks to the Taxation Committee, headed by Michael O'Connor, for completing this task.

I was particularly pleased that the Council adopted the Law in the Community Initiative,



which was brought before it in July. It is important that access to justice be widened. The resolution passed will assist in education and in the provision of funds. This is most welcome. Above all, the Society must continue to lobby for civil legal aid to be increased and widened.

In July, another visit was undertaken to South Africa by a group of solicitors to provide education in commercial law for lawyers from historically disadvantaged backgrounds. The visit was a great success; warm appreciation was expressed to the profession for undertaking this activity.

Much has been stated internationally of the need for lawyers to value and uphold the rule of law. The American Bar Association, conscious of Guantánamo, is spearheading a drive to emphasise the rule of law on a worldwide basis. The concept is one that we, as solicitors, must always uphold.

It is very encouraging to see at first hand that our profession is socially aware and does care. We have a right to be proud of our achievements, always realising that more can be undertaken.

**Michael Irvine**  
President

***"It is very encouraging to see at first hand that our profession is socially aware and does care. We have a right to be proud of our achievements"***



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## ■ DUBLIN

### **Buongiorno Roma!**

Dublin Solicitors' Bar Association (DSBA) President, Brian Gallagher, and up to 150 fellow-Dublin practitioners, are en route to Rome for the DSBA annual conference. The Middle East had been the original venue, but, with the prescience and future-telling that is expected of solicitors, a 'safer' venue was preferred.

A stimulating programme of lectures and social events has been arranged. The venue in Rome was chosen, not just for the conference sessions, but to enable delegates to amble easily through Rome's ancient streets. "It would be impossible to visit Rome without enjoying its fabulous buildings and monuments," says Blackrock colleague and DSBA Secretary, Kevin O'Higgins. The memories will keep them going during long conveyancing closings in the impending winter months.

### **And so to work...**

Plans are underway to continue with the highly-successful series of practice management seminars based on the theme of 'Building a Dynamic, Profitable Practice' on 17 October and 26 October. Then, on 5 December, there will be a seminar on solicitors' practices entitled 'Going for Growth'.

A further seminar will be held in the autumn and will be based on the practice-management system 'The Solicitor's Toolkit'.

The DSBA is also finalising preparations for a number of seminars on solicitors and the banks, and on how banks affect the running of a solicitor's practice. The seminar will focus



Four South African lawyers visited Ireland at the invitation of the Law Society during the summer to get first-hand experience of working in Irish law firms. The Society organised the placements as part of its ongoing programme of assisting South African lawyers from disadvantaged backgrounds: Allen Lephoko (placed with A&L Goodbody), Veronica Da Silva (Matheson Ormsby Prentice), Letuba Mampuru (Eugene F Collins), and Prabashni Naidoo (William Fry)

on how to get the best return from your bank and will tease out the sort of information that your local financial establishment would probably prefer you didn't know.

## ■ KILKENNY

### **A long hot summer**

Following one of the longest sittings of the Circuit Court in Kilkenny, a similar marathon

social function was held for Kilkenny solicitors during the summer in the 'Marble City'. It was important for solicitors to meet socially, according to Caroline Roche of the Kilkenny Bar Association.

"We had a most successful and enjoyable evening, with great attendance by colleagues and also locally-practising barristers," she said. The event



The President of the Law Society, Michael Irvine, hosted lunch for Chief Justices and senior members of the African judiciary on 22 August, who were in Ireland attending the Tenth Annual African Workshop on Constitutional Government. Delegates travelled from Kenya, Malawi, Mauritius, Nigeria, Tanzania, The Gambia and Uganda

was attended by local Circuit Court Judge Michael O'Shea and District Court Judge William Hartnett.

## ■ WICKLOW

### **New beginnings**

As we go to press, a new courts building in Bray is scheduled to open for business on Friday 1 September, marking a departure from Boghall Road, where the courts have been sitting since the 1980s.

The new courts were opened to solicitors by the Courts Service at the end of August to enable them to familiarise themselves with the new surroundings before the courts' sittings began. The modern facilities will house both the Circuit and District Courts.

"We are naturally very pleased that the new courts are now open," says Cathal Louth, President of the Wicklow Bar Association. "It is a most positive development for the general public, for the Bray area and also for practitioners."

Gerry Nugent of the Courts Service says that an official opening ceremony has been planned for a later date. In the meantime, the public and practitioners will be using the new facilities, off Main Street in the centre of the town.

Both Kilkenny and Wicklow town court buildings are also marked down for major works, which are due to start in 2007. The courts refurbishment programme is now well underway, to give the country's courts the facilities that their important function requires. **G**

*Nationwide is compiled by Pat Igoe, principal of the Dublin law firm Patrick Igoe & Co.*

## ■ ACHIEVING RIGHTS-BASED CHILD LAW

*Achieving Rights-based Child Law* is the theme of this year's human rights conference. It will be held on Saturday 14 October in the Presidents' Hall, Blackhall Place, from 9.30am to 4.30pm, with a nominal charge for admission.

The speakers have wide expertise on child development and child law. The focus will be on how to adapt the law to be of greater benefit to children and give effect to their rights and age-related needs.

For further information, see the Law Society website ('forthcoming events'), the relevant CPD brochure, or contact Nicola Crampton at: [n.crampton@lawsociety.ie](mailto:n.crampton@lawsociety.ie) or tel: 01 672 4961.

## ■ MENTAL HEALTH ACT 2001

The Tánaiste and Minister for Health Mary Harney TD has announced that all remaining provisions of the *Mental Health Act 2001* will come into force on 1 November 2006.

Practitioners will be interested in the provisions regarding mental health tribunals for the independent review of all involuntary admissions to in-patient mental health facilities. Patients are entitled to legal representation, and a panel of practitioners is being created. See the Mental Health Commission's web site: [www.mhcirl.ie](http://www.mhcirl.ie).

## ■ RETIREMENT TRUST SCHEME

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## ■ COUNCIL ELECTION

DATES 2006

At its meeting in July, the Council of the Law Society set Monday 18 September 2006 as the final date for receipt of nominations for the Council Elections 2006 and Thursday 26 October 2006 as the close of poll date.

# 'International Series' of talks focuses on sovereign debt

The Law Society's EU and International Affairs Committee has launched an exciting series of talks that aims to highlight external developments that are of relevance to the legal profession here.

Titled the 'International Series', the inaugural talk was hosted by the Law Society on Thursday 20 July. These talks are being held on an *ad hoc* basis. Speakers working in various sectors of international law will be invited to discuss their work in a collegiate and interactive atmosphere.

The inaugural talk, entitled 'Lending to Governments: A Lawyer's Perspective' was delivered by Lee Buchheit, a partner in the New York office of Cleary Gottlieb Steen & Hamilton. Mr Buchheit currently represents the Republic of Iraq in negotiations with creditor governments. He is one of the world's leading experts in the field of



Lee Buchheit: between Iraq and a hard place

sovereign debt restructuring. His extensive experience includes acting for the government of Mexico when it defaulted on its debt in August 1982 and representing the 25 countries that followed Mexico's lead shortly afterwards. Mr Buchheit has acted in almost every major government debt restructuring since then.

Lee also lectures at Yale and Harvard Law Schools and delivered a fascinating and fluid insight into the world of sovereign borrowing, where the

concepts of borrowing and repaying money are not always as closely linked as lenders might like to think.

He discussed some of the major developments in the field, from the 1982 debt crises to his experiences working with the restructuring of Iraq's debt, which resulted in the cancellation of 80% of the debt incurred by Saddam Hussein's regime – the largest restructuring of sovereign debt ever undertaken.

Not always for the faint-hearted, Mr Buchheit's work has brought him across the globe and into contact with a variety of characters, who he referred to in many humorous anecdotes. Questions and debate followed.

His erudite account was both informative and witty and thoroughly engaged the audience. The Law Society was honoured by his visit and looks forward to welcoming him to Dublin again soon.

# Government seeks consultation on regulatory appeals

The government white paper, *Regulating Better*, contains a commitment to improve the mechanisms for appealing the decisions of regulators. Given the complex nature of the issues involved, the government has decided to initiate a broad consultation process on the issue, before developing any proposals for policy change.

As part of its *Better Regulation* initiative, the Department of the Taoiseach is seeking submissions about the systems of appeal against decisions of key economic and sectoral regulatory

authorities, including the:

- 1) Commission for Communications Regulation (ComReg),
- 2) Commission for Aviation Regulation (CAR),
- 3) Commission for Energy Regulation (CER),
- 4) Financial Regulator,
- 5) Competition Authority, and
- 6) Commission for Taxi Regulation.

For further information and to download a copy of the consultation paper, please see: [www.betterregulation.ie](http://www.betterregulation.ie)

Responses should be sent to the Better Regulation Unit, Department of the Taoiseach, either by post or by email to: Mary Keenan, Better Regulation Unit, Department of the Taoiseach, Government Buildings, Dublin 2. Email: [betterregulation@taoiseach.gov.ie](mailto:betterregulation@taoiseach.gov.ie).

The deadline for receipt of submissions is 31 October 2006. Submissions received may be made available publicly to allow for further debate and may be subject to the provisions of the *Freedom of Information Act 1997* and 2003.

# Money-laundering breaches land solicitors in jail

**J**ail sentences imposed on two English-based solicitors during the summer have sharply focused minds on the importance of complying with anti-money-laundering legislation.

Brian Dougan (49), a solicitor from Milford, Co Armagh, was jailed for three months at Liverpool Crown Court in July for converting or transferring the proceeds of criminal conduct. He was found to have allowed Stg£66,000 to pass through his client account while carrying out conveyancing work for a convicted criminal. While he did not initially realise that the cash came from a criminal source, he had continued to carry out the work even after he became suspicious.

A practising solicitor since 1982, Dougan was originally on trial for the more serious charge of conspiring to conceal the proceeds of crime. He pleaded guilty to the less serious charge as soon as it was offered. The crown offered no further evidence on the conspiracy count.

Another conveyancing solicitor, Phillip John Griffiths, was jailed for 15 months for failing to make a disclosure to the authorities, knowing or



SOCA chief Bill Hughes: busting corrupt or negligent professionals

suspecting money-laundering offences were taking place. The Shrewsbury solicitor who “closed his eyes to the obvious” was sentenced to 15 months’ imprisonment in July for failing to disclose to the authorities that he knew or suspected that a money-laundering offence was taking place.

Griffiths (45) said he had not realised that a conveyancing transaction involved the proceeds of crime because he had relied on an explanation given by an estate agent whom he trusted. The solicitor had acted on the sale of a house that had sold for one-third of its market value.

The latest UK Threat

Assessment 2006/07, published by Britain’s Serious Organised Crime Agency (SOCA) on 31 July 2006, emphasises the threat from serious organised criminals involved in non-fiscal fraud who make use of corrupt or negligent professionals and collusive insiders, including solicitors, accountants, and financial advisers.

Both cases show how important it is for solicitors to keep up-to-date with compliance and of the need to update and review their procedures and training. It also reveals the crucial importance of carrying out due diligence during client engagement.

## Changes in committal system

**C**urrently, all males sentenced to imprisonment in the courts in the counties of Leinster (excluding Longford) and Monaghan are committed to Mountjoy Prison. However, this is set to change.

The Minister for Justice, Equality and Law Reform, Michael McDowell TD, has signed two new directions authorising both the Midlands

Prison and Wheatfield Prison as committal prisons for the courts.

The Midlands Prison will now take males sentenced to imprisonment from the courts in Carlow, Kildare, Kilkenny, Laois, Offaly and Westmeath.

Wheatfield Prison will take males sentenced to imprisonment at the courts in Louth, Meath, Monaghan, Wexford

and Wicklow.

Mountjoy Prison will continue to take sentenced male committals from Dublin as before (excluding the Special Criminal Court).

The Irish Prison Service has said that male committals to Mountjoy could be reduced by up to a quarter as a result.

The directions come into effect on 1 September 2006.

### ■ LAW SOCIETY WORLD CUP FOR PARIS

The Rugby Club du Palais – the Law Society of Paris rugby team – is organising a Law Society World Cup for rugby. This will coincide with the main World Cup tournament in September/October 2007. So says Pat O’Connor, solicitor, based in Swinford, Co Mayo.

New Zealand is reportedly ahead in the line-out, with lawyer John Dennett co-ordinating a team of Kiwi players.

Pat wonders whether any Irish players might be interested, pointing out that there is “no small smattering of solicitors who have worn the Irish jersey. Maybe this would be Ireland’s chance to win a World Cup in rugby, multiplied by two”, he says. “The international team will do so in any event!”

So, anyone interested in getting an Irish team together?

■ **CLIENT FOCUS COMES TO A VENUE NEAR YOU** ‘Client Focus Seminars’ continue to roll out across the country. President of the Law Society Michael Irvine says: “Client expectations are increasing rapidly and it is up to us as a profession to meet them. There is a lot we can do to improve the overall level of service we offer. We need to focus strongly on managing and retaining our existing clients.”

The ‘Client Focus Seminars’ give participants exclusive access to current ideas and steps to improve legal practices – for both clients and the firm. Forthcoming seminars include:

- **Dublin: Tuesday 21 November 2006 (1-5pm, the Royal College of Physicians of Ireland).**
- **Tipperary: Tuesday 5 December 2006 (1-5pm, Tipperary Institute Conference Centre).**

If you have any queries, please contact Sharon Hanson on 01 672 4802 or email: [clientfocus@lawsociety.ie](mailto:clientfocus@lawsociety.ie).



# ITechLaw European Conference to attract top IT lawyers to Prague

In January 2006 and 35 years after its formation, the world's leading technology law professional association – the Computer Law Association (CLA) changed its name and brand to better reflect its international membership, global activities and expanded focus. It is now the International Technology Law Association or 'ITechLaw' for short.

The new name and brand acknowledges both its broad international base of members as well as the evolution of information technology and IT law over the years. ITechLaw has members from over 60 countries and its coverage of global technology issues is notable.

This year's European conference is being held on 6 and 7 November in Prague. The conference will run in a two-track format, offering delegates the opportunity to pick and mix topics that are best



ITechLaw conference – why not Czech it out?

suiting to individual practice areas or knowledge requirements. It is a 'must attend' event for IT/IP attorneys, as well as corporate counsel, and follows the hugely successful conferences in Stockholm in 2005 and Amsterdam in 2004.

More than 300 people are expected to attend the event making it the largest IT law

event in Europe. Speakers will include some of the most respected IT lawyers in the world. The conference will cover:

- E-commerce,
- Intellectual property,
- Data privacy,
- Data security,
- Outsourcing models,
- Open source,
- Computer contracting.

Registration is available at the ITechLaw website: [www.itechlaw.org/prague2006](http://www.itechlaw.org/prague2006). Special rates for company lawyers are available.

As an ITechLaw member, you will have the benefit of access to ITechLaw publications on information technology, data protection, intellectual property and telecommunication topics. The award winning *ITechLaw Bulletin* deals with current IT and telecoms issues from around the world. There is also a collection of in-depth articles in the members' area of the website. Members can also avail of discounts on conferences and conference materials.

For further information regarding ITechLaw or the Prague conference, contact Don McAleese at: [don.mcaleese@mop.ie](mailto:don.mcaleese@mop.ie) or visit: [www.itechlaw.org/joinonline.asp](http://www.itechlaw.org/joinonline.asp).

## New Property Registration Authority to focus on introduction of e-conveyancing

The Minister for Justice, Equality and Law Reform, Michael McDowell TD, has announced the membership of the Property Registration Authority. The new body is being established under the *Registration of Deeds and Title Act 2006*. The authority is expected to have its first meeting in early September and will be formally established by way of an establishment order later in the year.

The main functions of the new authority will be to manage and control the Registry of Deeds and the Land Registry and to promote and extend the registration of ownership of land.

Announcing the authority's members on 22 August, the minister said that the new body would "play a dynamic and forceful role in promoting registration of ownership of land with a view to facilitating the introduction of electronic conveyancing".

The new body will:

- Allow users to get involved in the strategic management and modernisation of registry services,
- Provide channels of information and feedback from the conveyancing and property sectors – this is expected to augment the quality of customer service,
- Put commercial and business

expertise at the disposal of the new authority in order to ensure greater cost-effectiveness from registration services,

- Encourage staff representation in implementing change within the new body, and
- Make users and potential clients more aware of the property registration services.

The members of the Property Registration Authority are: *Chairperson* – Gerry McCaughey (Chief Executive, Kingspan Century). *Members* – Una Woods (Law Faculty, College of Humanities,

University of Limerick), John D Shaw, practising solicitor (nominated by the Law Society), Emer Daly (former director of strategic planning and risk management, AXA Ireland), Maura Whelan SC, practising barrister (nominated by the Bar Council), Sean McClafferty, Seamus Carroll (principal officer, Department of Justice, Equality and Law Reform), Brid Carter (Director, Local Government Computer Services Board), Michael Kelly (securities policy and training manager, Allied Irish Bank), and Michael Cahill. The staff representative will be elected by the staff of the authority in due course.

# Colin's Mission Improbable!

**C**olin L Carroll is no stranger to publicity. The affable Kerry man, who qualifies as a solicitor in Blackhall Place later this year, has been putting down firm markers as 'one to watch' in the future.

Earlier this year, Colin and a team of similarly-minded enthusiasts, defied the world's elephant polo experts when they were crowned world amateur champions in Nepal, representing Ireland. This was despite never having sat on an elephant before – though the team had trained at a secret location in Northern Ireland by riding on the tops of Land Rovers, armed with polo sticks and chasing after polo balls.

Colin is no stranger to mad-cap ventures and boasts energy levels that Duracell knows nothing about. He is a strong advocate of change when things get boring. He initially trained and qualified as a sports scientist, became a tennis coach in Germany, and subsequently moved to Spain, where he opened a number of sports holiday clubs. He conquered South America by motorbike and did some human rights work there.

A broken back demanded a career change. While relearning to walk, Colin pocketed a



Masters degree. He left Mark McCormack's IMG in London to open his own television production companies, where he provided sports commentary on more than 160 hours of broadcast television.

In sport, Colin has competed in Spain as part of the Irish beach rugby team and in Latvia as a solid member of the Irish bobsleigh and ice-hockey teams.

The soon-to-be solicitor's motto is 'NPE' (no prior experience), since he loves nothing more than launching into the deep end of something of which he knows absolutely nothing! This has led to some interesting diversions, including dog-track commentating, doing radio interviews and cutting a music single in Poland as part

of a fictitious boy-band, conducting a 34-piece orchestra and going a few rounds with a world champion kick-boxer. In October, he will take the stage as Ireland's first and only sumo wrestler to fight at the World Championships in Japan! See the *Gazette* for further updates.

Colin's latest venture is as author of *Mission Improbable* – his first book. Published by Mercier Press, it charts many of his zany life experiences and will retail for €12.99. It will be available in September.

This walking advertisement for life is available for after-dinner and motivational speaking – he was keynote speaker at the Million Dollar Round Table last year – and can be contacted at: carroll.colin@gmail.com.

■ **FIRST IRISH NIFA MEMBER**  
Wicklow-based Providence Forensic Accounting Experts Ltd has been accepted as the first Irish member of NIFA – the Network of Independent Forensic Accountants.

NIFA is largely a British-based network of independent forensic accountancy practices. It was set up to provide a credible source of accredited expert witnesses and advice for all cases involving litigation. All NIFA members are members of, and are approved by, the Academy of Experts or the Expert Witness Institute.

The Wicklow company's dedicated forensic accounting service is now available nationwide to solicitors and barristers, as well as the insurance and business sectors.

■ **TRAINEE SALARY TARGETS**  
The Law Society of England and Wales has unveiled its new minimum salary targets for trainee solicitors. The thresholds, agreed by Chancery Lane's regulation board, will see trainees earn Stg£17,527 (€25,932) in central London. Those based outside the capital are subject to the lower threshold of Stg£15,605 (€23,088). The changes took effect from 1 August and precede a major Law Society shake-up of the existing pay system.



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## Land Registry Digital Mapping Project

Following on from the successful launch of the [landdirect.ie](http://landdirect.ie) service on the 28th of April, we are pleased to announce that the phased availability of the “seedpoint” information for all 26 counties has now been completed. Seedpoints are the mechanism through which individual land parcels or plans are linked to their corresponding folio. Customers of [landdirect.ie](http://landdirect.ie) can now, from the convenience of their own offices, avail of online map searches for the entire country. We believe that this is the first national database of land related information available online in Ireland.

This important milestone is the first element in the integration of Digital Mapping technologies into the registration of title process as supported by our Integrated Title Registration Information System (ITRIS).

The success of our electronic services is evidenced by the high level of usage and the growing number of subscribers to [landdirect.ie](http://landdirect.ie). It is anticipated that by the end of 2006, that there will have been more than 4,000,000 transactions conducted since the online service commenced. We will, of course, continue to extend and improve the online service into the future.

We are also pleased to announce the recent registration of our 10,000th customer. We would like to thank everyone for their enthusiastic contributions and suggestions into this project and for their continued support and encouragement.



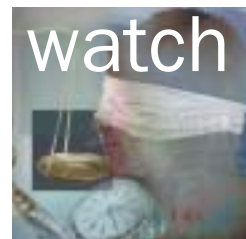
10,000th registered customer of [landdirect.ie](http://landdirect.ie), Gary Daly, Solicitor, receives presentation from Catherine Treacy (Registrar) and John Deeney (Deputy Registrar) to mark the occasion

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# Atanasov v RAT opens access to persuasive precedents

**Alma Clissmann reports on *Atanasov v Refugee Appeals Tribunal and others*, Supreme Court, 26 July 2006, judgment of Geoghegan J**

This case involved applications by three parties for access to previous decisions of the Refugee Appeals Tribunal (RAT), which are not published as a matter of course. In the High Court in July 2005, MacMenamin J had found that the refusal to provide relevant tribunal decisions to applicants was a breach of the applicants' rights to fair procedures and natural and constitutional justice (*A(PP) v RAT*).

Geoghegan J, on behalf of the Supreme Court, upheld the High Court's decision on the basis of the constitutional and common law requirement of fair procedures. He did not base his decision on provisions in the amended *Refugee Act 1996*, which he declined to read as implying an obligation to publish.

He noted that presenting officers opposing applications to the RAT were housed within the tribunal building and had access to the master files of case decisions, and he also acknowledged the argument made that the requirement of equality of arms under article 6(1) of the ECHR would require that such information should be available to both sets of legal advisors. However, in deciding on constitutional grounds, he held that it was unnecessary to consider the matter under the ECHR.

## Fair procedures

Geoghegan J adopted the analysis of MacMenamin J of the relevant case law relating to fair procedures required under the constitution. He continued: "As to what kind of fair

procedures the constitution may require in any given instance will always depend on the particular circumstances and in the case of tribunals as to what constitutes fair practice may greatly differ ... It is of the nature of refugee cases that the problem for the appellant back in his or her country of origin, which is leading him or her to seek refugee status, is of a kind generic to that country or the condition in that country. [He instanced discrimination against homosexuals or members of certain tribes, and female genital mutilation.] Where there are such problems it is blindingly obvious, in my view, that fair procedures require some reasonable mechanisms for achieving consistency in both the interpretation and the application of the law in cases like this of a similar category. Yet, if relevant previous decisions are not available to an appellant, he or she has no way of knowing whether there is such consistency. It is not that a member of a tribunal is actually bound by a previous decision, but consistency of decisions based on the same objective facts may, in appropriate circumstances, be a significant element in ensuring that a

decision is objectively fair rather than arbitrary."

He observed that the existing secret system, where even tribunal members did not know of previous decisions on similar facts, was manifestly unfair, and that the unfairness was compounded if the presenting officers, as advocates against the appellants, had access to the previous decisions.

Geoghegan J was careful not to specify what action the RAT should take to make decisions available. He stressed that his decision applied only to the applicants' cases, and that he was not making an order for systematic publication in a library, for example. He excluded the application of his judgment from cases where the tribunal hearings were already completed, without access to previous decisions being sought. Finally, he emphasised that none of the cases concerned applications to the Minister for Justice, Equality and Law Reform for permission to remain in the country.

## Persuasive precedents

Though carefully circumscribed in its application, this decision will make a major difference to applicants before the RAT and

their legal advisors and is very welcome. They will no longer have to argue from first principles and will be able to request access to persuasive precedents. More importantly, greater consistency in decisions is likely to result. There is a perceived lack of consistency among decisions of tribunal members, which has given rise to proceedings against one tribunal member who is believed to refuse virtually all appeals.

Asylum-seeking applicants are very dependent on their legal advisors in relation to the likely outcome of their appeals, and practitioners have been at a particular disadvantage in trying to advise them, both because of the lack of published decisions and not knowing which tribunal member will hear the appeal. An appeal before the RAT is the final stage in the process, with no further appeals possible.

The non-availability of access to previous RAT decisions has always been a serious bone of contention between Irish asylum lawyers and the tribunal. Since the High Court decision in *Atanasov*, many lawyers have been submitting requests for previous relevant tribunal decisions – '*Atanasov* requests' – with the notice of appeal. Such appeals have not been scheduled by the chairman for a hearing for the past year and the Supreme Court decision should provide a positive resolution to this long-running saga. **G**

*Alma Clissmann is the Law Society's parliamentary and law reform executive.*

## THE ECHR AND CPD

CPD papers are available on the subject of the ECHR law and are available for purchase from Aileen Byrne at a.byrne@lawsociety.ie or tel: 01 672 4973.

Conference papers from the annual October human rights conferences are available at [www.lawsociety.ie](http://www.lawsociety.ie) under 'Society committees/human rights/conferences'.

# *l’Affaire Dreyfus* – lessons for

The second annual human rights lecture focused on what the *Dreyfus Affair* can teach us today. Alma Clissmann reports on the lecture delivered by Justice Michael Kirby of the Australian High Court

In 1894, France had lost the Franco-Prussian war and had been obliged to cede German-speaking Alsace to Germany. Jewry was then what Islam has recently become – disliked, distrusted and un-French. When evidence of espionage was found in the German embassy in Paris, a Jewish army captain from Alsace was the immediate suspect. He was tried, found guilty, dishonourably discharged and sent to Devil’s Island. He loudly protested his innocence: “*Innocent! Innocent! Vive la France!*”

Thus began *l’Affaire Dreyfus*, which dragged on for 12 years and involved five years’ imprisonment on Devil’s Island, Dreyfus’s reconviction on retrial and formal exoneration in 1906. The affair divided France and slowly revealed the corruption of the army and establishment, which was prepared to sacrifice an innocent life and reputation to preserve prestige. It indirectly contributed to the separation of church and state in 1905. If liberal politics had not been in the ascendant, Dreyfus might have ended his days on Devil’s Island, despite the efforts of his wife and brother and others who came gradually to his support. The long shadows of the affair hung over Vichy France many years later, where dislike of Jews led to anti-Semitic laws and collaboration in the Nazi genocide.

The history and lessons of the *Dreyfus Affair* were the subject of the second annual human rights lecture, delivered on 29 June by Justice Michael Kirby of the Australian High Court (Australia’s supreme court). After giving a vivid account of the key



Justice Michael Kirby: “Society must maintain a questioning attitude towards officialdom”

developments in the *Dreyfus* case, Justice Kirby identified lessons for the Australian and Irish legal systems.

**Judges and lawyers must be vigilant against miscarriages of justice.** Many serious injustices happen long before cases come to trial. Justice depends on the proper conduct of investigators and prosecutors, and corrupted evidence of confessions, for example, can result in great wrongs. “The lesson of the *Dreyfus* case, and of countless cases since, is that decision-makers who have control over important decisions on behalf of society must always retain an open mind. They must never join a popular bandwagon. And society must maintain a questioning attitude towards officialdom.”

**Always be alert to the dangers of prejudice towards stigmatised minorities.** Dreyfus suffered because of widespread latent anti-Semitism. Today Arabs and Muslims, homosexuals, convicted prisoners, mentally-disabled people and the

unconventional are also easy targets. The evidence against Dreyfus was weak, and what filled the evidentiary deficit was anti-Semitism. Prejudice and populism have no place in an investigation or a court of law.

**Beware of military tribunals.** Dreyfus was twice convicted by a military tribunal, the first time on flimsy evidence, the second time in the face of demonstrable proof of innocence. Loyalty to the army swamped the evidence on both occasions. The independence of judges is extremely important for our freedoms. Justice Kirby noted the irony of reading contemporary American commentary in the 1890s, asserting the superiority of American civil courts, and contrasting those comments with the current defence of the United States’ military commissions at Guantánamo Bay.

**Beware of secret trials.** Dreyfus was tried in secret and some evidence was withheld from him. Later, a facsimile of

the secret document on which he had been condemned was published to clinch his guilt, but in fact helped to turn up the real culprit. Even where there is confidential information, the evidence must be kept as open as possible. With secrecy, the risk is that a trial becomes a cosy self-fulfilling enterprise, denying rights to the accused. The fact that national security was repeatedly asserted as the reason for the secrecy of the Dreyfus trial demonstrates the need for caution and scepticism about the justification for such claims. He was saved not by the legal system, but by a small band of supporters, and the gradual emergence of the truth.

**Protect people of conscience.** While his wife’s and brother’s protests were discounted, what made the crucial difference was the involvement of intellectuals and advocates of civil liberties. In Ireland and in Australia, such people can be attacked as egg-heads or do-gooders. Some people reject the legitimacy of their role. People are entitled to be agitators and we must defend and uphold that entitlement. Dreyfus also attracted supporters in the army. Commandant Picquart became convinced he had been framed, and paid for this and the publication of his reasons by being transferred to Tunisia, and later arrested, court-martialled and imprisoned. Some whistle-blowers are obsessive, misguided, intolerant people who will never accept even overwhelming evidence. But, as Picquart illustrates, some are important agents for truth.

**Scrutinise authority.** There

Pic: roslyn@indigo.ie

# today from 100 years ago

are people who are so blinded by their concept of duty and patriotism, or misled by their participation in espionage, that they forget society's commitment to truth and justice. A military officer forged documents to strengthen the case against Dreyfus, and took his life when this was discovered. He was praised for his actions, which were called patriotic and well-meaning. A civil society must retain a healthy scepticism about accusations of anti-state activity. Many wrongs are done in the name of patriotism and national security. In the long run, the best guarantee against attacks on society is a steady adherence to the institutions and ways of a temperate democracy.

**Maintain secularism.** The *Dreyfus* case shows the importance of keeping religious beliefs separate from the institutions of the state and processes of law. The establishment forces, including the church, which had lined up against Dreyfus, suffered popular revulsion when the injustice and cover-ups of the case were laid bare. Church and state were formally separated in 1905. Recently,

insistence upon legal enforcement of religious beliefs is again intruding into law and governance in many countries. Demands that religious law should predominate over the laws made by a secular parliament need to be resisted where they affect the basic civic rights of others.

**The role of the media.** The media played a dual role in the *Dreyfus Affair*. Initially, the media inflamed anti-Semitic feeling and helped suppress the early attempts to overturn the conviction. On the other hand, the publication of the famous letter by Émile Zola, *J'accuse!* was a turning point in the campaign for justice. The case achieved global coverage and was an early instance of 'infotainment'. Where the media failed was in identifying the systemic and deep-seated problems that the case revealed. Ultra-patriotism, misuse of claims of national security and the prevalence of anti-Semitism were inadequately addressed. They re-emerged in the subsequent world wars.

**The need for institutional changes.** The warning about anti-Semitism arising from the

*Dreyfus* case was not attended to, and resulted in unparalleled suffering decades later in France and elsewhere. Society's institutions, and the officials who constitute them, need to be kept under review to ensure that their processes afford the necessary protections. The international human rights law that resulted from the awful happenings of the first half of the 20<sup>th</sup> century is to some degree incorporated in domestic law, for example in relation to refugees, racial discrimination, gender and sexual orientation discrimination, and so on. But Australia has not yet adopted an enforceable charter of fundamental rights. Justiciable constitutional rights give some protection for what are partly institutional problems, and shore up the values that set society's standards when cases like *Dreyfus* come along.

**Offer apologies for wrongs.** In France, there was a persistent reluctance among anti-Dreyfusards to acknowledge the wrongs done to the captain. In 1985, the army refused to erect a statue in the École Militaire, and it was defaced when erected in the Tuileries Gardens. In 1994,

an official military history gave a less than full account of the *Dreyfus Affair*, and stated that "Dreyfus's innocence is the thesis generally accepted by historians", implying that another thesis was possible. In 1998, Chirac replied to Zola's letter *J'accuse!* on its centenary, and used the occasion to acknowledge "the sinister forces, intolerance, injustice" that can "creep into the state's highest level". But discrimination and injustice still exist, and we must all learn to recognise our mistakes, express regret for them, learn from them and teach the next generation. That is the way to sustain the human journey towards greater human enlightenment.

The lecture, which is available at [www.lawsociety.ie](http://www.lawsociety.ie) under Society committees/human rights/lectures, is notable for the wealth of detailed knowledge of Irish and British legal commentary referred to in the footnotes, which ties the issues in the *Dreyfus Affair* to recent legal decisions and events. **G**

*Alma Clissmann is the Law Society's parliamentary and law reform executive.*



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# letters



Send your letters to: **Law Society Gazette, Blackhall Place, Dublin 7**, or email: **gazette@lawsociety.ie**

## Active citizenship – public consultation process

*From: Dr Mary Redmond,  
Arthur Cox*

I am writing to you as a member of the Taskforce on Active Citizenship that was established by the Taoiseach, Mr Bertie Ahern TD, earlier this year. The taskforce has prepared a consultation paper outlining a series of questions that we would like individuals and organisations to consider. The document is available on the taskforce's website: [www.activecitizen.ie](http://www.activecitizen.ie).

As part of this consultation process, the taskforce has established a number of sub-groups to engage with stakeholders in particular sectors. As a member of the sub-group considering issues that arise for the professions, I would be interested in your views on the issue of 'active citizenship' and the questions posed in the consultation paper as they relate to your own experiences and perspective.

In particular, we are looking for views on how people could be encouraged and supported to play a more active role in a changing Ireland. Is there a particular contribution members of the legal profession might make?

We would be delighted to receive your views as an input to our work, and the deadline for submissions under the consultation process is 29 September 2006. You may send your views to us by:

- Email: [info@activecitizen.ie](mailto:info@activecitizen.ie),
- Filling in the online form at [www.activecitizen.ie](http://www.activecitizen.ie), or
- Posting your response to the Taskforce on Active

Citizenship, 2-4 Merrion Row, Dublin 2.

In addition, I would be delighted if you, or a representative you wished to nominate, were free to participate in a meeting we are organising in September/October to provide an opportunity to explore the issues in more depth. The details are as follows:

- 14 September 2006 –

Dublin, Croke Park (10am-12 noon)

- 19 September 2006 – Monaghan, Four Seasons Hotel (7pm-9pm)
- 20 September 2006 – Sligo, Sligo Park Hotel (7pm-9pm)
- 26 September 2006 – Galway, Radisson SAS Hotel (7pm-9pm)
- 28 September 2006 – Cork, Kingsley Hotel

(7pm-9pm)

- 2 October 2006 – Tullamore, Tullamore Court Hotel (7pm-9 pm).

If you have any questions in relation to the above, or would like to discuss any aspects in further detail, please feel free to contact Olivia Clarke from the taskforce secretariat (email: [olivia.clarke@taoiseach.gov.ie](mailto:olivia.clarke@taoiseach.gov.ie), or phone: 01 619 4330).

## Completion could be in your interest

*From: Quentin Crivon, O'Hagan Ward & Co, Solicitors, Ranelagh, Dublin 6*

Many solicitors may not be aware that they are being charged interest in their office account in respect of the completion of sales with loan cheques that they have lodged to their client account. This frequently occurs where the client is obtaining a 100% loan and, having paid a deposit, there is a balance due back to the client, and the loan cheque frequently includes the solicitor's fees and

outlay. The solicitor, therefore, has to draw his own cheque on client account to obtain a bank draft for the balance of purchase money.

When a loan cheque, or bank draft, is issued by the lender, and lodged to the client account by the solicitor in order to draw down their own bank draft for completion of the sale, the loan cheque or bank draft will not be cleared for between three to five days and credited to their client account. Therefore, if the

solicitor obtains a bank draft on the same day that the loan cheque or a draft is received, and if there are insufficient funds already in the client account to cover that bank draft, the client bank account will be overdrawn, and consequently interest charged. (Many solicitors believe that a bank draft is as good as cash. However, the banks treat these as cheques to be cleared. An associated bank cheque may clear within three working days and a building society cheque will take at least five working days.)

Therefore, to avoid the interest charges, either the solicitor must receive the loan cheque or draft not less than five days before obtaining a bank draft through client account; or have it lodged direct to the client account by 'Same Day Money Transfer' (SDMT), in which case there is an immediate credit; or have the loan cheque divided as to the balance of purchase money and the balance of the loan.

## Conversion problems

*From: Paul Treacy, Treacy & Mullins Solicitors, Tramore, Co Waterford*

Recently, it has come to my attention that a number of practitioners are converting problem Registry of Deeds title to absolute title with the Land Registry on the basis of a solicitor's certificate. Practitioners should be reminded that they cannot use this method to rectify an error on title.

It is my opinion that the Land Registry can go behind a title at a future date, and if they find that the title is not in order, they may convert the title back from absolute to possessory. Obviously, this would cause complications to solicitors who have certified title with lending institutions.

# ELECTRO

**Serious errors in the electronic version of the *Irish Statute Book* have come to light. Brian Hunt argues that reliance on the electronic version of legislation is not acceptable for evidential purposes before our courts, and contends that the AG's office should now take the opportunity to overhaul the data and how it is presented**



Since 1998, those wishing to consult legislation have had the facility to read that legislation either online at [www.irishstatutebook.ie](http://www.irishstatutebook.ie) or on CD-ROM, both of which were produced and maintained by the Office of the Attorney General. The demand for the CD-ROM version of the legislation among lawyers in Ireland exceeded all expectations, and led to several re-runs of the production process.

While no official data is available, it seems reasonable to expect that the electronic version of the *Irish Statute Book* is heavily relied upon by members of the legal profession in Ireland.

On 11 August last, the Office of the Attorney General announced that it had become aware of what can only be described as a serious error with regard to the electronic version of the *Irish Statute Book*. The error arises where, in the text of an act or statutory instrument, there is a reference to a number of sections, for example, 'Sections 17, 18, 19 and 25'; in some instances, the electronic version refers only to one section, so the earlier text becomes truncated to read 'Section 17'.

The announcement also included notification that the electronic version of the *Irish Statute Book* would now contain an expanded disclaimer to warn users of the nature of the recently-announced problem. In addition, the disclaimer actually encourages users to "check the official Stationery Office version of the act or statutory instrument concerned".

#### Devil's in the detail

It is widely known that lawyers, law firms and students, as well as private individuals have, over many years, been notifying the Office of the Attorney General of errors that they found in the electronic version of the statute book. Those errors included missing text, typographical errors and

hypertext-links that led the reader to the wrong location. Such were the extent of errors discovered some years ago that the invitation to tender for the production of the third edition of the electronic version of the *Irish Statute Book* required, among other things, the insertion of 670 pages of missing text to remedy previous errors.

The official version of the electronic version of the *Irish Statute Book* resides at [www.irishstatutebook.ie](http://www.irishstatutebook.ie), which is a website hosted and maintained by the Office of the Attorney General. The same data is replicated to some degree on the statute book CD-ROM.

Further electronic versions are available from other sources such as [www.bailii.org](http://www.bailii.org), as well as *Murdoch's Irish Legal Companion* (a website and CD-ROM that includes the *Irish Statute Book*). Because all of the aforementioned sources were reliant upon the same data – that produced by the Office of the Attorney General – it seems that the error recently revealed by that office, as well as any other errors that remain formally unrevealed, will bedevil those versions of the statute book also.

#### The consequences of falling

When combined with the less widely known, but equally serious errors, the recent announcement of the error found in the electronic version of the *Irish Statute Book* gives rise to legitimate questions as to the usefulness of the electronic version in its present form.

There seems little point in having access to an electronic version of legislation if the user has to consult the hard-copy legislation in order to verify its accuracy.

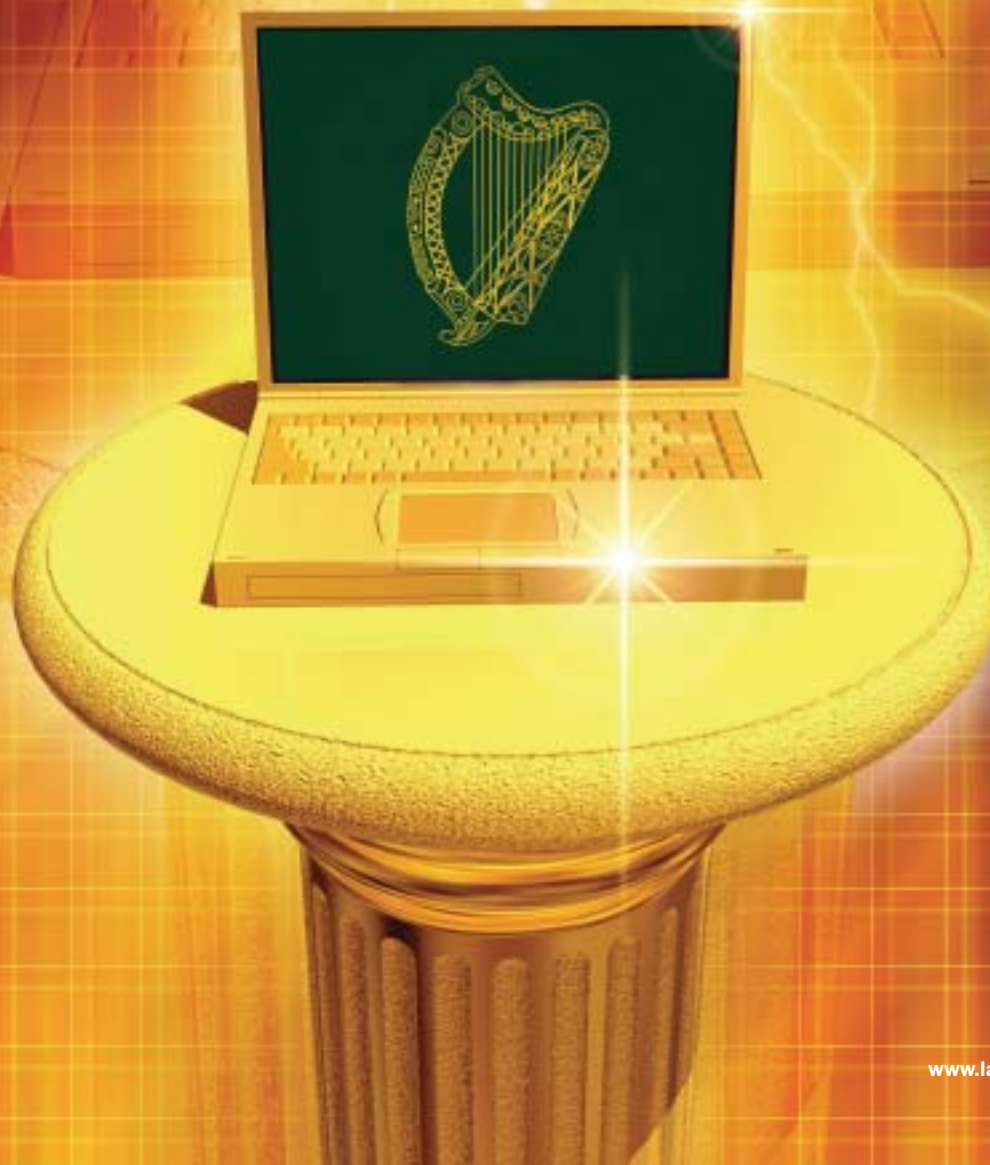
The establishment of the *Irish Statute Book* website and the production of the CD-ROM version did much to bring Irish lawyers into the electronic age. What made the website and the CD-ROM so

## MAIN POINTS

- AG's Office announces electronic statute book errors
- Benefits of electronic version now redundant
- Tasmanian electronic model should be followed



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attractive was the degree of accessibility it provided. Not only did it enable every lawyer to have the vast bulk of Irish legislation at his or her fingertips – rather than on the library shelf – but the introduction of the electronic version of the *Irish Statute Book* facilitated a degree of searchability that had not before been possible. It would seem, for the present time at least, that those benefits are now lost.

Reliance upon the electronic version of legislation is not acceptable for evidential purposes before our courts. Past rumours of errors and defects in the electronic version did little to convince the judiciary and others of its accuracy and reliability. The recent announcement by the Office of the Attorney General of the most recent error has, for now at least, ended any possibility of the electronic version of legislation becoming acceptable any time soon.

### Leap of faith

The Tasmanian Government has led the way in the development of that country's electronic statute book ([www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)) which shows the law in its up-to-date, as amended, form. In addition, it has broken new ground in designating the electronic version of the statute book as being the authentic version. This represents a great leap of faith on the part of the Tasmanian Government and it is evidence not only of the priority and resources they have allocated to this project, but also of the accuracy and reliability of their system. The fact that the Printing Authority of Tasmania uses the electronic repository for producing authorised printed versions of legislation is further testament to this.

Tasmania is an Australian state with a population of half a million people. Because of its small population, it was not commercially feasible for legal publishers to maintain copies of Tasmanian legislation. As a result, the responsibility for publishing legislation fell solely on the shoulders of government. In comparison with Ireland, and despite its significantly smaller population, Tasmania has had a very good record of maintaining and improving its statute book. In 1959, the statute book underwent a substantial level of consolidation, and in the mid 1970s, a programme of reprints began.

A functioning democracy involves rights and also responsibilities, which flow in equal measure between the government and its citizens and vice versa. It can be said that, if in accordance with the principle *ignorantia juris neminem excusat* (ignorance of the law is no defence), the government has a responsibility to publish that law so that it is accessible – and the people have a right to access that law – then the Government of Tasmania clearly takes that responsibility very seriously.

The authorities in Tasmania found that it made sense to combine the task of making new legislation with the responsibility for developing consolidations. This means that instead of just producing a piece of

legislation that makes changes to existing laws, the end product would instead be a consolidated version of the law, incorporating the changes. So in effect what would be created would be a new version of the living law.

### Historical accuracy

In Tasmania, work on what became known as the 'Legislation Systems' project began in earnest in 1992. They first broke down the project into distinct parts and put those out to tender. The first part involved developing and implementing technology for drafting legislation and maintaining the statute book. This required the entire statute book to be consolidated in what is known, in computer terms, as standard generalised mark-up language (SGML). That process was backed up by a three-stage proofreading process to ensure absolute accuracy of the system.

Very often, there can be a delay between a person being charged with an offence and the date of the actual trial. Within this time, the law might change. An examination of an up-to-date version of the law on the date of the trial might be very different from the law that applied at the date of the commission of the offence. So while the need for access to an up-to-the-minute version of the statute book is undeniable, there is also a need (albeit a less pressing one) to have access to historical versions of the statute book.

In devising a revolutionary system for presenting the statute book, Tasmania did not lose sight of the importance of past versions of their statute book. This has been reflected in the ability to conduct a 'point-in-time' search of the Tasmanian system.

In order to ensure that the electronic database would become an authentic version of legislation, the Tasmanian Government enacted section 6 of the *Legislation Publication Act 1997*. It also conferred responsibility for the maintenance of the statute book on the Chief Parliamentary Counsel.

By centralising responsibility for carrying out and maintaining consolidations in the same office that drafts new legislation, Tasmania has devised a system that has facilitated the automation of legislative drafting. This automation has, in turn, allowed amendments to be applied instantaneously to existing legislation. The arrival of the internet has facilitated the delivery of a service that greatly exceeds the limitations that prevailed when a paper-only statute book was possible.

If a jurisdiction as small as Tasmania, with less resources, can develop and maintain their statute book in such an advanced way, how much longer should lawyers in Ireland have to endure an out-dated, and now unreliable, electronic statute book? **G**

**'There seems little point in having access to an electronic version of legislation if the user has to consult the hard-copy legislation in order to verify its accuracy'**

*Dr Brian Hunt is the head of public affairs at Mason Hayes & Curran.*



# The *art* of RESTORATION

**Greater activity by the Registrar of Companies in striking companies off the register has led to a dramatic increase in the number of company restoration applications. Elaine Grier slips on her restorer's gloves**

In 2004, up to 3,000 companies were struck off the register, but this increased to 10,308 companies in 2005, according to a press release issued by the Companies Registration Office (CRO) on 18 July 2006. When notice of the fact that a company's name has been struck off is published in *Iris Oifigiúil*, the company is dissolved. Once the company is dissolved, it ceases to have any legal existence. If the dissolved company's officers or members continue to trade, they will, from a strict legal perspective, be trading in their own right, which may result in them personally incurring trading and taxation liabilities. From a legal practitioner's point of view, a dissolved company needs to be restored before it can sell any property or before it can engage in litigation either as a plaintiff or a defendant.

## Procedure for restoration

There are three different procedures for restoring a company, the first of which is the most common:

- The restoration of a company by members, officers or creditors where a company was struck off for failure to file annual returns or failure to deliver required particulars to the Revenue (section 12B(3) *Companies (Amendment) Act 1982* [CAA 1982]);
- The restoration of a company by the Registrar of Companies where a company was struck off for failure to file annual returns or failure to deliver required particulars to the Revenue (section 12B(7) of the CAA 1982);
- The restoration of a company by a company, member or creditor where a company was struck off because it ceased to carry on business or for

having no recorded directors or for having no Irish resident director (section 311(8) of the *Companies Act 1963* [CA 1963], as amended by the *Companies (Amendment) (No 2) Act 1999*).

There are four issues that need to be considered before a restoration application is brought:

- Whether the client has *locus standi* to bring the restoration application,
- The reason why the company was dissolved,
- Whether the company has been dissolved for more than 12 months and less than 20 years, and
- The appropriate notice to parties to the restoration application.

## Locus standi

The petitioner to restore a company must be either a member, an officer, a creditor, the company, or the Registrar of Companies.

The most common petitioner in restoration proceedings is a creditor. It must be noted that the Supreme Court in *Re Deauville Communications Worldwide Ltd* adopted a broad interpretation of the term 'creditor' for restoration applications, holding that 'creditor' could include contingent or prospective creditors. This clearly encompasses the position where a petitioner wishes to restore a company to pursue litigation against that company.

## Reason for dissolution

It is important to ascertain why the company was dissolved, as this may have a bearing on the appropriate court to bring the restoration application. The reason why the company was dissolved is also important when proving that the

## MAIN POINTS

- Restoring a company to the register
- Proofs required
- Briefing counsel
- Costs of the application



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petitioner was aggrieved. (This is necessary for all restoration applications except those brought by the Registrar of Companies.)

The appropriate court to bring a restoration application is as follows:

- If an application to restore a company is brought by a creditor under section 12B of the *CAA 1982*, the application may be brought in the Circuit Court. This may be a more convenient and less expensive application than petitioning the High Court. In deciding the circuit to which the application should be brought, section 12B(10) of the *CAA 1982* provides that the restoration application is to be brought in the circuit where the registered office of the company was located immediately before it was struck off the register or, if no office was registered at that time, the circuit in which the creditor resides or, in the case where the creditor resides outside the state, the Dublin Circuit. However, the Supreme Court held in *Re Deauville Communications* that section 12B(9) of the *CAA 1982* did not preclude a creditor from bringing a restoration application in the High Court if it chose to do so.
- If an application to restore a company is brought by the Registrar of Companies under section 12B(7) of the *CAA 1982*, the appropriate court for the application is the Circuit Court. Section 12B(11) provides that the restoration application by the Registrar of Companies under section 12

B(7) should be brought in the Circuit Court for the Dublin Circuit. Again, the decision of the Supreme Court in *Re Deauville Communications* probably means that the Registrar of Companies could bring a restoration application under section 12B(7) in the High Court or the Circuit Court.

- If an application to restore a company is brought by a member or officer of the company under section 12B(3), the application must be brought in the High Court.
- If an application to restore a company is brought by a company, member or creditor under section 311(8) of the *CA 1963*, the application must be brought in the High Court.

There is a requirement that the petitioner to a restoration application is aggrieved (not necessary for the Registrar of Companies). Irish jurisprudence has not yet given any detailed consideration to this requirement. However, the courts in Scotland (*Conti v Uebersee Bank AG*) and in Australia (*Casali v Crisp*, followed in *Warton v Harris*) have placed more significance on the necessity for the petitioner to be aggrieved before a restoration application is granted. In light of this, at the moment, practitioners need not be overly concerned about proving that the petitioner is aggrieved by the company being dissolved. However, Irish jurisprudence could in future

Who knew Einstein had a nixer as a painter and decorator?

## PROOFS REQUIRED

In the High Court, the following proofs are required:

- Petition,
- Notice of motion seeking directions and the restoration of the company,
- Grounding affidavit,
- Supplementary affidavit exhibiting the consents from the statutory notice parties.

In the Circuit Court, all the above except the petition are required.

When briefing counsel to draft the above proofs, the following information should be provided:

- 1) An up-to-date Companies Registration Office search of the company.
- 2) A copy of the memorandum of association and articles of association of the company.
- 3) Details of the amount of share capital, including how it is divided and how much is paid up.
- 4) Comprehensive details of why the company was struck off the register. Solicitors need to obtain instructions, as detailed as possible, as to why the company was struck off the register to ensure the restoration application is successful.
- 5) Confirmation that no assets of the company have been intermeddled with by the Minister for Finance while the company was dissolved.
- 6) Details of why it is just and equitable to restore the company, for example, to allow the company to sell property. Practitioners are advised to be familiar with the recent judgment in *New Ad Advertising Company Limited*, where Laffoy J held that the court had “a very limited discretion” in refusing a restoration application.
- 7) The status of the company’s tax liabilities. If the restoration application is being brought by a member or director of the company, any tax liabilities outstanding should be discharged before bringing the restoration application. If this is not possible, the Revenue may still consent on the basis of an undertaking in the grounding affidavit that the company will submit all outstanding tax returns and pay any arrears of taxes within a short period of the restoration order. On the other hand, if the restoration application is being brought by a creditor, if there are outstanding tax returns or liabilities, the Revenue will not provide a letter of consent and will apply to the court for an order directing the directors to file all tax returns and discharge all tax liabilities within, usually, a short period, with liberty to apply in default. It has become common practice for the Revenue Commissioners to reserve their right in restoration applications under section 12B(4) of the CAA 1982 to apply at a later date for an order that any or all the officers of the company are made liable for a debt incurred by or on behalf of the company during the period it was struck off. The use of section 12B(4) by the Revenue requires judicial pronouncement clarifying the appropriate circumstances for relying on section 12B(4).
- 8) Whether all the annual returns have been filed in the CRO. If a member or director of the company is bringing the restoration application, any outstanding annual returns should be filed in the CRO before bringing the application. If this is not possible, the CRO may consent to the application on the basis of an undertaking in the grounding affidavit that the company will submit all outstanding annual returns within a short period of the restoration order. If the restoration application is being brought by a creditor, the CRO will require the applicant to seek from the court an order directing all annual returns to be filed by the directors within a short period, with liberty to apply in default.
- 9) Subject to the aforementioned, letters of consent from the Chief State Solicitor, the Revenue Commissioners and the CRO.

## LOOK IT UP

### Cases:

- *Casali v Crisp* [2001] Supreme Court of New South Wales 86
- *Conti v Uebersee Bank AG*, Times Scots Law Report, 12 October 1998
- *In the matter of New Ad Advertising Company Limited*, unreported, High Court, Laffoy J, 14 November 2005
- *Re Deauville Communications Worldwide Ltd* [2002] 2 IR 32
- *Richmond Building Products Ltd v Soundgables Ltd trading as Munster Radon Protection et al* [2005] 1 ILRM 497
- *Warton v Harris* [2005] Supreme Court of New South Wales 1168

### Legislation:

- *Companies Act 1963*, section 311
- *Companies (Amendment) Act 1982*, section 12B, C

### Article:

- Grier, E, “Companies Arising from the Dead”, [2006] 13(5) CLP 129

develop a requirement for proof that the petitioner is aggrieved, and this might have a limiting effect on the parties who could apply to have a company restored.

### Length of dissolution

A company can only be restored if it has not been dissolved for more than 20 years. The date of dissolution runs from the date of the publication of the notice to strike the company off the register in *Iris Oifigiúil*. If the company has been dissolved for less than 12 months, an application can be made to the Registrar of Companies to restore the company (section 311A(1) of the CA 1963 and section 12C(1) of the CAA 1982).

### Appropriate parties

A restoration application under section 12B(3) of the CAA 1982 must be brought on notice to the Registrar of Companies, the Revenue Commissioners and the Minister for Finance. It is a matter of courtesy to write to these three notice parties before bringing the restoration application, informing them of the intended application and that their consent will be sought in due course.



## COSTS

- Both the Chief State Solicitor and the Revenue solicitor will usually require that the costs of furnishing their consent be discharged by the petitioner. The standard practice is that they write to the petitioner indicating their costs. Ideally, these costs should be paid in advance of the hearing of the restoration application. If either party issues a letter of consent conditional on its costs being discharged, the court will usually accept an undertaking from the petitioner to discharge the costs within a few weeks of the making of the restoration order. It is good practice to include the aforementioned undertaking in the grounding affidavit of the restoration application.
- If a member or officer of the company is bringing the restoration application, the usual costs order made by the court is that these petitioners bear their own costs.
- If a creditor is bringing the restoration application, there are two different costs orders that the court regularly makes. First, costs can be awarded to the creditor against the company. Second, if litigation is being pursued by the creditor against the company, costs can be reserved to this action by the court. It must be highlighted that costs orders are at the discretion of the court, and may vary according to the facts of each restoration application.

The appropriate notice parties to a restoration application under section 311(8) of the *CA 1963* and section 12B(7) of the *CAA 1982* seem to be ambiguous. However, it appears in practice that the Registrar of Companies, the Revenue Commissioners and the Minister for Finance are joined as notice parties to a restoration under section 311(8), and the Revenue Commissioners and the Minister for Finance are joined as notice parties for a restoration application under section 12B(7).

If a creditor of the company is bringing the restoration application, it is advisable to serve the directors and secretary of the company, because the court is likely to make orders directed against at least one of the directors compelling them to file annual returns or tax returns if these are in arrears.

### Retrospectivity

The three statutory provisions outlined above for the restoration of a company provide that “the company shall be deemed to have continued in

existence as if its name had not been struck off”. This unique retrospective nature of a restoration order has led to the need for judicial pronouncement on a number of occasions. This was recently seen in *Richmond Building Products Ltd v Soundgables Ltd et al*, where the defendant company had for a time been struck off the register of companies but was subsequently restored.

The plaintiff obtained judgment against the company in respect of payment for goods sold and delivered to the company during a period when it had been struck-off, and then sought to recover against the directors of the company.

Finnegan P refused to make the directors liable because the order restoring the company had the effect of releasing the directors from the personal liability they had incurred while the company was struck-off. **G**

*Elaine Grier is a barrister who practises in Dublin and on the Midlands Circuit. Thanks to Mark O'Mahony BL for reading an earlier draft of this article.*



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# DOG eat DOG

**As PIAB enters its third year, the predicted legal conundrums begin to rear their heads. One of the most controversial is the joinder of defendants to an existing action. Stuart Gilhooly looks at the possible difficulties and suggests some answers**

**W**hen the *Personal Injuries Assessment Board Act 2003* was drafted and passed with such indecent haste in late 2003, it was clear to those of us with even a passing interest in the subject that this mongrel legislation would create all sorts of problems for accident claimants. This has, indeed, proved to be the case. One of the most confusing and least satisfactory elements of the act relates to the joinder of further parties to an action.

This issue was recently raised in the letters pages of the *Gazette* in the guise of an exchange between PV Boland & Son, Solicitors, and the Master of the High Court. However, it is important to distinguish between proceedings issued prior to the commencement of the PIAB legislation and those issued thereafter.

The matter that so exercised the Master related to the joining of co-defendants in cases issued before the PIAB commencement date. The question that arose was whether an authorisation was required from PIAB prior to joining a co-defendant to such proceedings. It was argued before the Master that section 6(1) of the *PIAB Act* applied. This states: "Nothing in this act affects proceedings brought before the commencement of this section."

It was thus argued that, as the proceedings were issued prior to the commencement, section 12 of the *PIAB Act*, which states that no proceedings may be issued without an authorisation from PIAB, could not apply and therefore an authorisation was not

required. The Master disagreed with this interpretation, citing order 15, rule 13 of the *Rules of the Superior Courts 1986*, which states: "Every party whose name is so added as defendant shall be served with a summons or notice in such manner hereinafter mentioned, or in such other manner as the court may direct, and the proceeding as against such party shall be deemed to have begun only on the making of the order adding such party."

He opined that this order was to be taken to mean that, as proceedings against a co-defendant were only deemed to have begun on the making of an order adding the party, section 6 did not apply to the joinder of co-defendants.

## **Paws for thought**

Quite what the Master thinks it does apply to is not clear but, in any event, his decisions to refuse to join co-defendants without authorisations from PIAB have been consistently overturned by the High Court. Indeed, the Dublin County Registrar and Dublin Circuit Court judges seem to also differ from his interpretation. This did not appear to stop him expressing his personal view in very emphatic terms in the May issue of the *Gazette* (letters, p19). As a result, great confusion has now built up.

It seems that the Master may have been unaware of the 1971 Supreme Court decision in *O'Reilly v Granville*.<sup>\*</sup> In this case, the Supreme Court effectively defined the parameters of an earlier version of order 15, rule 13. Although the wording

## **MAIN POINTS**

- **Personal Injuries Assessment Board Act 2003**
- **The joining of co-defendants**
- **Issuing an O'Byrne letter**



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of the rule at that point was slightly different, in that it stated that “the proceeding ... shall be deemed to have begun only on the *service of such summons or notice*”, this small difference seems immaterial to the general point. In that case, Budd J stated:

“The object of order 15 ... is to ensure that all the proper parties are before the court so as to enable full justice to be done between the parties who are really interested in the matters at issue, having regard to the nature of the proceedings and granting of appropriate relief in the circumstances of the case. The order thus deals with procedural matters connected with the substitution or addition of parties. Therefore, it would seem to be that rule 13 is concerned only with the fixing of a time for the commencement of proceedings from a procedural point of view. It is designed to deal with the time when the proceedings shall be deemed to have commenced with a view to fixing the times for the delivery of pleadings, and like documents, so as to have the proceedings in proper form for the trial and to enable the matters at issue to be properly determined between the proper parties.”

It would seem, therefore, that the High Court’s interpretation of this matter was correct and the Master’s understanding of order 15, rule 13 is flawed. In those circumstances, it would appear that an authorisation is not required prior to joining a co-defendant in such situations.

This is, however, only a sideshow to the real

problems that the *PIAB Act* has brought when the issue of the joinder of another party to proceedings has arisen. As most proceedings issued prior to the commencement of the act have now been concluded and the remainder will dwindle to a very small number over the course of the next year, it is proceedings issued subsequent to the PIAB commencement date that are of far more relevance.

This situation is governed largely by the provisions of section 15 of the act. It states, among other things, that where there are two or more respondents to a claim, and one or more respondents refuse to consent to assessment, then an authorisation to issue proceedings may be provided in respect of these so-called “non-participating respondents” while the claim proceeds through PIAB against the participating respondent(s).

It is, therefore, relatively straightforward where all of the potential respondents to a claim are known at the outset. An appropriate *O’Byrne* letter should be written to all potential respondents before any application is made (refer to ‘Precedents for Practice’ on the members’ section of [www.lawsociety.ie](http://www.lawsociety.ie), specifically Precedent No 4 in the *Guidelines and Precedents for Solicitors representing claimants making applications to the Personal Injuries Assessment Board*). In the event of a non-participating respondent, as the *Statute of Limitations* continues to run against them after the expiration of six months from authorisation, it is advisable to issue proceedings against them should

Mongrel legislation gambles with plaintiffs’ interests



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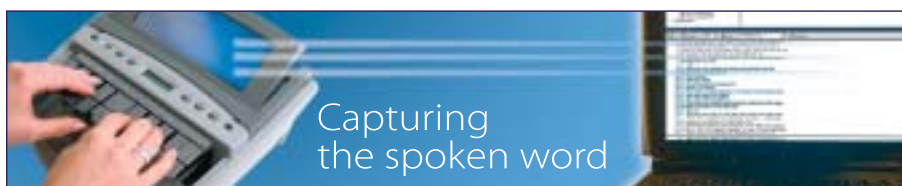
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there be any question of the statute expiring before the assessment against the participating respondent(s) is complete. Then, if necessary following assessment, if an authorisation issues against the participating respondent, an application can be made to join the participating – but now authorised – respondent as a co-defendant to the proceedings issued against the original non-participating respondents. The question of costs in such a situation will be governed by the *Civil Liability Act 1961* and your original *O'Byrne* letter, which should cover this eventuality.

### Bone of contention

The real problems, however, arise where all potential respondents are not apparent at the outset. We have all been faced with a situation where a third party or further respondent has been blamed for an accident following the issue of proceedings, and usually at the defence stage of these proceedings. This is now happening in respect of cases where a claimant has been authorised to issue proceedings following a PIAB application against a certain respondent.

Usually when a defence is lodged blaming a third party, it is swiftly followed by a motion to join this party as a third party. In most of these situations, the plaintiff will apply to the court to have the third party joined as a co-defendant. This will now not be possible. It is clear that an authorisation is required for any claimant to proceed against any defendant in accordance with section 12 of the 2003 act and, as section 6 of the act does not apply to proceedings issued after the PIAB commencement date, it would be wrong for the court to join any party as a co-defendant without an authorisation.

Therefore, an application to join a third party may proceed but may not be converted into an application to join a co-defendant without an authorisation. In those circumstances, a letter should be written to PIAB immediately, asking them to commence the assessment procedure against the new respondent. The original documentation does not have to be re-lodged and the application fee does not apply. A letter by registered post quoting the original application number together with a clear request to proceed against the new respondent(s) suffices. It is essential to receive a letter confirming that the new application has been received and is complete for the purposes of section 50 of the 2003 act. If an authorisation is

subsequently received in respect of the new respondent, then an application will have to be made to join this other respondent as a co-defendant.

### How much is that doggy in the window?

This, however, leaves the vexed question of costs. This is where the act lets itself down. It doesn't really contemplate this situation. What happens if the assessment against the new respondent results in an acceptance by both parties and the case is then deemed concluded? Who, in those circumstances, would pay for the original proceedings? Surely not the original respondents, against whom nothing is proven. This leaves only the plaintiff/claimant who, it could be argued, shouldn't have issued against the original respondent in the first place. But what if the plaintiff/claimant wasn't aware of the respondent to begin with and only became aware when a defence was lodged? It hardly seems equitable to penalise the plaintiff in those circumstances, but there seems no real way around it.

The one way to minimise exposure to this problem is to write an *O'Byrne* letter to the new respondent before the second PIAB application, stating that consent to assessment may result in an application for the costs of the existing proceedings to be discharged by the new respondent in the event that the matter is concluded within the PIAB process.

Finally, what about the rights of a third party? There are many occasions in which a third party would not be joined as a co-defendant, so it is to be denied the right to an assessment by PIAB? It would certainly appear so. As there is no privity between a plaintiff and a third party, then the defendant who joins a third party is effectively maintaining a second action against a third party not joined as a defendant, which is heard with the original 'plaintiff v defendant' proceedings for convenience and cost-saving purposes only. However, if the plaintiff is successful against the defendant with an order over against the third party, then the third party will be effectively liable for the entirety of the plaintiff's claim and would have been denied the opportunity to have the claim assessed by PIAB. Is this an inequitable situation? Yes. Is it unconstitutional? Probably not, but it is yet another example of the supposedly simple *PIAB Act* causing untold difficulties.

One final thought: if you have managed to get to the end of this article, well done. It is a legal minefield and not a very interesting one at that. But can you imagine doing what PIAB contemplated and negotiating this type of situation without legal assistance?

I know – if it wasn't so serious, it would be funny.

*\* I am indebted to Brian Murphy of Tormey's Solicitors for making me aware of this case. G*

*Stuart Gilbooy is a member of the Law Society's PIAB Taskforce.*

**'The real problems arise where all potential respondents are not apparent at the outset'**

## LOOK IT UP

### Cases:

- *O'Reilly v Granville* (1971 IR 90)

### Legislation:

- *Civil Liability Act 1961*
- *Personal Injuries Assessment Board Act 2003*
- *Rules of the Superior Courts 1986*, order 15, rule 13

# EXPERT assistance

**The rules relating to disclosure of expert reports in personal injury actions are still something of a novelty. Joice Carthy looks at the background to the current rules and the reason for their introduction**

## MAIN POINTS

- Expert reports in personal injury actions
- Relevant case law
- Practical implications for practitioners

Until recently, many uncertainties remained in relation to the precise scope and application of the rules relating to the disclosure of expert reports in personal injury actions. Some uncertainties remain, but the application of the rules introduced by SI 391 of 1998 has been considered, and to some extent clarified, in the recent Supreme Court decision of *Payne v Shovlin and Others*.

### *Payne* in the head

In *Payne*, the Supreme Court considered the crucial issue of exactly what constituted an expert report and what reports had to be disclosed pursuant to SI 391 of 1998 (see panel). At issue was the plaintiff's contention that a preliminary draft report that did not contain the expert's final views ought not to be disclosable and that the rules merely required disclosure of the expert's final report. The plaintiff submitted that SI 391 of 1998, by introducing the phrase "reports containing the substance of the evidence to be adduced", should be understood as meaning that the obligations of disclosure should be confined to the report or reports that contain the intended evidence in chief of the expert witness in question, and this was the obvious implication and inference to be drawn from the repeal of the more extensive obligations contained in SI 348 of 1997.

The defendants, on the other hand, maintained and submitted that the wording of rule 46(1) of SI 391 of 1998 was quite specific in stating that *all* reports of expert witnesses must be listed in the schedule to be furnished and nothing in the 1998 definition of 'report' suggested that it was intended by the rules committee to convert or confine the obligation to disclose to something in the nature of a 'will say' obligation, which in effect was what the plaintiff was contending for.

The Supreme Court directed that both the preliminary report of the plaintiff's expert and his final report were obliged to be disclosed to the defendant. In the course of the judgment, Kearns J stated: "while no direct evidence was offered to this

court to explain why the rules committee elected to replace the 1997 rules with a new definition of 'report' in SI 391 of 1998, I have no difficulty in accepting what the court was told in that regard by the plaintiff's counsel, namely that the requirements and obligations created by the 1997 rules posed huge practical difficulties for practitioners because of the scope of what was required to be disclosed. I would also accept Mr McCullough's submission that the altered wording of the 1998 rules, which redefines a 'report' as a document 'containing the substance of the evidence to be adduced', should be seen as easing the obligations which existed under the previous regulations."

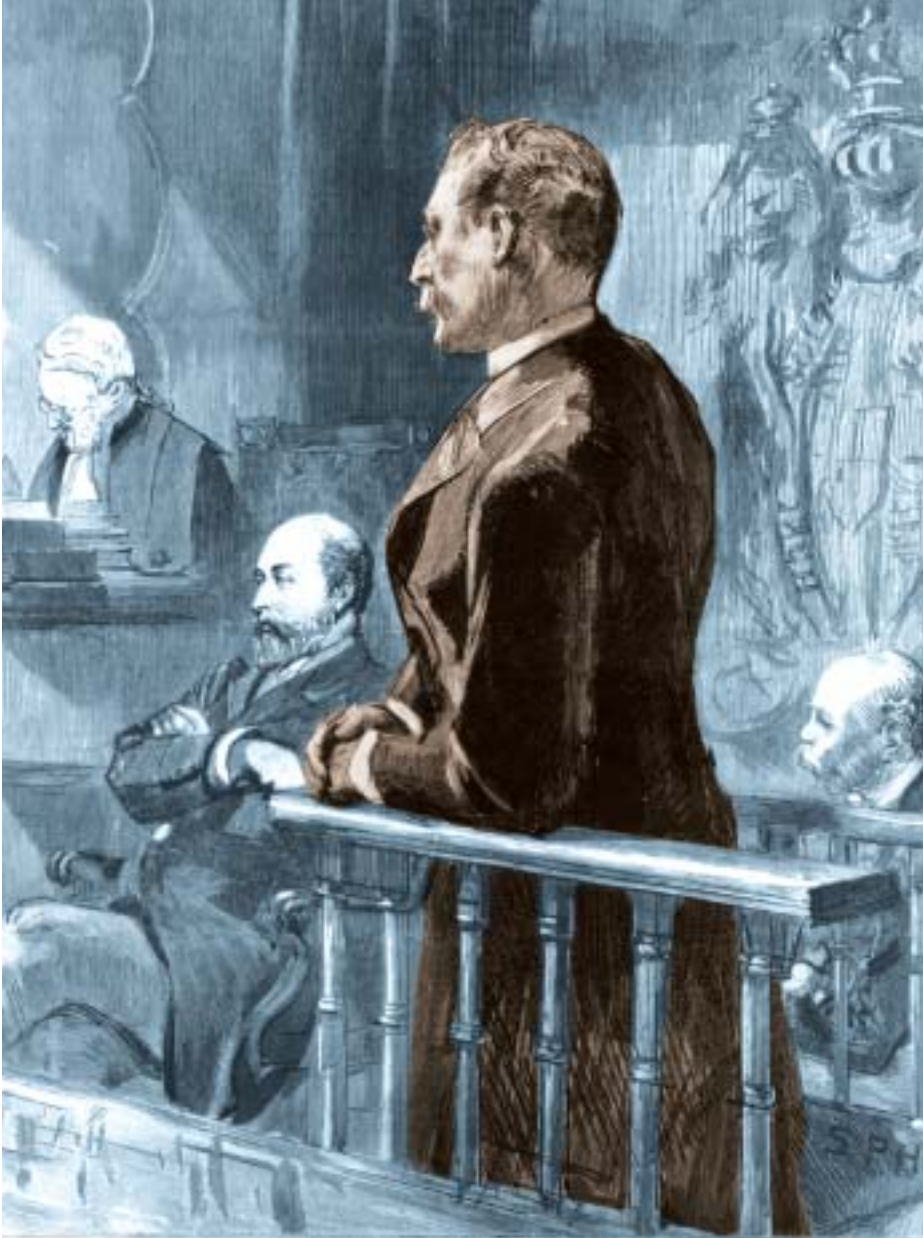
### Foreign adoption

The court had no difficulty accepting that the 1998 rules required less disclosure and reduced the scope of what had to be disclosed from the 1997 rules. Unfortunately, the court did not give any explicit guidance as to precisely what communications from an expert, or material produced by an expert, would not come within the disclosure obligations. As all parties to the *Payne* case accepted that the rules committee adopted the amending definition of 'report' from the English *Rules of the Supreme Court*, order 25, the court then reviewed the corresponding disclosure obligations in England and Wales.

Kearns J then stated: "While it is correct to say that SI 391/1998 introduced an exception to the general privilege attaching to communications made in contemplation or in furtherance of litigation, it should be remembered that litigation privilege is itself an exception to the general principle that all relevant information should be before the court. The consequent need to construe this latter exception strictly has been recognised frequently by the courts."

He then quoted from the decisions of the Supreme Court in *Smurfit Paribas v AIB Export Finance* and *Gallagher v Stanley*, before going on to state: "Thus, the exception to the privilege rule introduced by the 1998 rules may be seen in itself as an exception to an exception and one which has as its purpose the





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THE W. J. HARRIS CASE IN THE WITNESS BOX  
THE BACCAAT CASE

Experts come in all shapes and sizes

furtherance of the principle that justice is best served where all relevant documentary evidence is available. That approach is underlined by the provisions of the *Courts and Court Officers Act 1995* which empowered the rules committee to make the 1998 rules limiting the ordinary rights of privilege.”

Kearns J went on to state that “the failure to produce an earlier report, providing it contains the substance, or part of the substance, of the evidence which, at the time of its compilation it was intended to give, may lead to a situation where, in the course of cross-examination, it may emerge that the author expressed a different view, for example in relation to causation in a medical negligence action, at an earlier time and adverted to same in a first report. How can the interests of expedition and efficiency be served if such information only emerges in cross-examination? It might well require that the trial be adjourned while further lines of enquiry are pursued in the light of the particular revelation. Further, it would always be possible that such additional inquiries might lead to the claim being dropped altogether. All of these costly and undesirable consequences are avoided by

## ENDING ‘TRIAL BY AMBUSH’

The impetus for the introduction of the rules was the widespread dissatisfaction caused by surprises being thrown up during trial. Prior to their introduction, opposing sides in litigation had little knowledge of the content of one another’s expert reports, save what was set out in pleadings. The rules were an attempt to end ‘trial by ambush’ or, in the words of Geoghegan J in *Maria Kincaid v Aer Lingus Teoranta*, “to prevent surprise evidence being thrown up at a trial which the other party at that stage is unable to deal with”. The first attempt at reform was introduced by SI 348 of 1997, but that instrument was repealed entirely and replaced by the current regime. The key difference between the two statutory instruments was in the definition of what constituted a report, with the earlier one containing a much broader definition.

SI 391 of 1998 redefined ‘report’ by including as part of the definition that the report of any expert being called to give evidence be “*in relation to an issue in the action and containing the substance of the evidence to be adduced*” (emphasis added).

Rule 46(1) of SI 391 of 1998 then provided: “The plaintiff in an action shall furnish to the other party or parties or their respective solicitors (as the case may be) a schedule listing all reports from expert witnesses intended to be called within one month of the service of the notice of trial in respect of the action or within such further time as may be agreed by the parties or permitted by the court.”

disclosure of all reports which contain any of the substance of the evidence intended to be led.”

### Substance abuse

Unfortunately, on the question of whether or not the obligation to disclose the substance of an expert’s evidence included matters that might arise not only in evidence in chief, but also matters that might arise in cross-examination, Kearns J explicitly declined to rule on the point, but stated the following: “It does seem to be an arguable point, although not apparently the subject of any legal authority in this country. Certainly when personal injuries actions were tried in this jurisdiction by judge and jury, judges were always careful to instruct a jury that, in considering evidence adduced by an expert witness, the jury should have regard not merely to his direct evidence but also to his evidence and answers given in cross-examination ... However, it is not necessary for the purposes of this ruling to offer a view on that issue, and I expressly resile from so doing.”

Finally, the court expressly declined to make any ruling on whether commentaries by experts on the



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***"90% of companies who experience significant data loss go out of business within two years."***

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## LOOK IT UP

### Cases:

- *Doherty (a minor) v Davidson, The Medical Defence Union Ltd and MDU Services Ltd*, unreported judgment of Finnegan J, 1 December 2005
- *Gallagher v Stanley* (1992) IR 267
- *Maria Kincaid v Aer Lingus Teoranta* [2003] IESC 25, 9 May 2003
- *Payne v Shovlin & Ors* [2006] IESC 5 (9 February 2006)
- *Smurfit Paribas v AIB Export Finance* (1990) 1IR 469

### Legislation:

- *Courts and Court Officers Act 1995*
- *Rules of the Superior Courts (No 6) (Disclosure of Reports and Statements) 1998* (SI no 391 of 1998)
- SI 348 of 1997

opponent's expert reports, prepared to assist counsel in cross-examination of the other side's experts, should be disclosed or not.

Unfortunately, while the judgment does give us guidance on the issue of disclosure – and certainly the broad thrust of the judgment would indicate that the court demands a broad and generous interpretation of a party's disclosure obligations – it does not explicitly define the meaning of the key phrase 'substance of the evidence to be adduced' and specifically whether that phrase includes not only the direct evidence intended to be given by the expert but all of the evidence that might possibly emerge following cross-examination of that expert. Furthermore, although the court accepted that the change from the more onerous disclosure obligations under the 1997 rules to the current regime under SI 391 of 1998 "should be seen as easing the obligation which existed under the previous regulations", it doesn't inform us as to precisely how the obligations have been eased and what categories of communications from an expert need not be disclosed.

### Privileged position

It is worth noting the issue of whether documents that are specifically referred to in an expert's report are required to be disclosed under the terms of SI 391 of 1998 or if such documents retain privilege. This was dealt with in *Doherty (a minor) v Davidson, The Medical Defence Union Ltd and MDU Services Ltd*. The defendant in that case required that the documents set out in two expert reports ought to be disclosed pursuant to the parties' obligations under SI 391 of 1998 and, in particular, sought disclosure on the basis that the definition of 'report' "shall also include any maps, drawings, photographs, graphs, charts, calculations or other like matter referred to in any such report".

Disclosure of the documents was resisted on the grounds that they were covered by privilege. It appears that many of the documents in question were solicitor/client correspondence, solicitor's attendances and expert reports from other medical witnesses not intended to be called as witnesses at the trial. Finnegan

***'The judgment would indicate that the court demands a broad and generous interpretation of a party's disclosure obligations'***

J ruled that the documents did not have to be disclosed, stating that the particular documents at issue could not be considered as like matter to a map, drawing, photograph, graph, chart or calculation and, accordingly, there could be no obligation to disclose them.

### Practical implications

Clearly, the disclosure rules apply to all personal injury litigation. However, given the nature of medical negligence litigation, the decision in *Payne* will impact most strongly on plaintiffs in those cases. Inevitably, the judgment will result in more round-table discussions between the parties' medical experts and legal advisors. This, it must be emphasised, is not for the purpose of hiding anything, but rather due to the fact that, invariably at the outset in a medical negligence case, all of the relevant facts are not clear. It may, for example, be necessary for a plaintiff's lawyer to urgently obtain a preliminary report in order to issue proceedings and protect the client's rights under the *Statute of Limitations*, at a time when many of the relevant medical records have not yet come to hand. Likewise, a report on the precise injuries sustained or the current state of health of the plaintiff may come to the attention of your expert after he has prepared a preliminary report on matters within his own area of expertise. In such circumstances, it is entirely logical that that expert's opinion would evolve and change on the basis of emerging evidence and fresh information.

However, it is not difficult to envisage how such changes to a report could, on skilful cross-examination, be portrayed by counsel – and, indeed, interpreted by a judge – as the inability of that expert to make up his mind or as a lack of certainty on the part of that expert. I am aware of at least one case where, in the High Court, the trial judge was greatly influenced by such evolution and development of an expert's view, to the detriment of the plaintiff.

Further, given that, in medical negligence claims, a plaintiff's medical experts on liability are almost always from outside the jurisdiction, such discussions would also increase legal costs and delay the progress of proceedings if these experts are to meet with one another or with the plaintiff's legal advisors. Alternatively, we may well be left with the situation where practitioners would canvass the expert's views on these issues over the telephone, which is wholly unsatisfactory and fraught with the danger of misunderstanding verbal comments and advice in the context of extremely complex medical issues. Neither of these consequences could have been intended by the legislature when the revised rules were introduced. Surely the statutory instrument envisaged a contemporaneous exchange of expert reports reflecting the expert's fully-informed and considered view and the position he intends to take at the hearing of the action. **G**

*Joice Carthy is an associate with Wicklow law firm Augustus Cullen Law.*



# HITTING A Century

PIC: PATRICK A BURNS/GETTY IMAGES



**October 18, 1950:** Riveters on the Empire State Building are hoisted on scaffolding during the construction of the television tower, New York City

**The 1950s saw the Law Society coming of age. Mark McDermott leafs through the pages of the *Gazette*, which reports on the Society's centenary and the captivating visit of its president to the US to attend the American Bar Association's AGM**

In November 1950, the *Gazette* reported the death of William S Hayes while on holidays in Parknasilla, Co Kerry. Mr Hayes served as president of the Law Society in 1906/07: "In 1906, when he was president, he took the lead in starting the Society's *Gazette*, a publication which, although necessarily limited in scope, served a need which had become felt with the growth in the Society's functions since 1898 ..." (*Gazette*, November 1950, p27).

In September 1951, the then president, Roger Greene, travelled as a guest of the American Bar Association to the United States (which then boasted 48 rather than the current number of 50 states) to attend its AGM and associated social functions. His fascinating report was published in two consecutive issues of the *Gazette*:

#### **'A visit to the American Bar Association'**

*Extract from Report of the President*

"... I travelled to America, with Mrs Greene, on the *Ile de France* arriving at New York on the 13<sup>th</sup> September where I was greeted at the quayside by Mr Garth Healy, Irish Consul General in New York. I stayed for the duration of the meeting in the Waldorf Astoria as the guest of the American Bar Association.

"As the forty-eight States of America are, in fact, separate States just as Ireland, England, France, each State has its own separate legal system, laws and judiciary. In addition, of course, over all there is the Federal system of laws and each State has its own Federal Bench and each County in the State has its own Bar Association. These facts are well known but I merely restate them because sometimes the full significance of the separation of

States is not readily appreciated until one sees it in operation.

"In some States every practising lawyer must be a member of the Bar Association and this they call an Integrated Bar. In other States this does not apply. By our standards a noteworthy point is that the judiciary take a very active part in the Bar Associations; attending, speaking, and voting with, the ordinary practitioners. Some judges are elected by popular vote for periods of from 7 to 14 years. Most of the judges and great numbers of the practitioners take a very live and active part in their local or State Bar Associations which are virile active bodies ...

"Over all is the American Bar Association ...

"At 9.30pm on Wednesday evening, 19<sup>th</sup> September, the President's Reception was held and here I was invited to stand in the reception line with him to receive the guests. This was somewhat of a mixed blessing. As I soon realised after I had shaken the hands and greeted some 2,000 members and their wives and as each member and his wife, individually, asked for details of our presidential chain of office ...

"[On] Thursday 20<sup>th</sup> September, the annual banquet of the A.B.A. was held. It was a sight which would be impossible to witness in Ireland. It was held in the ballroom of the Waldorf Astoria, which was packed, the members and their guests overflowing into the galleries, lounges and ante chambers adjoining the ballroom. Almost 3,000 sat down to dinner. Here again the very signal courtesy and honour which everywhere had been afforded to our Society during the course of the week was once more in evidence. When I came to my name card I discovered that your President had been placed only

## MAIN POINTS

- Death of *Gazette's* founder
- 'Most favoured nation' treatment
- Irish President honours Society



PIC: GERRY CRANHAM/FOX PHOTOS/GETTY IMAGES

**April 1952:** A relatively uncongested O'Connell Street, Dublin

three places away from the President of the A.B.A.; the Chief Justice of the United States and Cardinal Spellman alone preceding me. On the President of the A.B.A.'s other side was the guest speaker, the Lord Chancellor of England, Viscount Joswitt and beyond him some American lawyers whom I do not recollect.

"... Throughout the week Ireland received the 'most favoured Nation' treatment; in fact it was not possible for the A.B.A. to extend any greater honour or courtesy to this country or our Society than was, in fact, extended by it ...

"I am convinced, and it also represents the views of our diplomatic officials in the U.S., that a visit such as this can do nothing but good not alone to our Society but to the country as a whole ... The American Bar Association is a very influential body and is in touch with all aspects of life in America at very high level. I strongly urge that in the interests of our Society and in the interests of the country as a whole we should maintain that connection and develop it in so far as it is possible to do so. It can be of tremendous value to us, and this value is not lost on other countries or Societies who sent their representatives merely to be present" (*Gazette*, January 1952, pp64/65).

#### Centenary of the Charter

The Society marked its centenary with two days of celebrations in May 1952. The president, Arthur Cox, reporting to Council at its May general meeting, told members: "... [the celebrations] will commence with the Reception by the Council on Tuesday evening 27<sup>th</sup> May. This will take place in the Central Hall at the Four Courts and in our own

building ... In its long story the Four Courts have seen much of the history of the country enacted within their walls. I hope that this happy occasion will be remembered for long as one of the brightest moments in that lengthy chronicle. It is to be hoped that every solicitor who can possibly manage to do so will come ...

"The following day, Wednesday 28th May, will see the principal events of the celebration. In the morning there will be a Solemn Votive Mass at the Pro-Cathedral by the gracious permission of the Archbishop, and I am happy to say that His Excellency the Nuncio will also be present. At the same hour there will be a service in St. Patrick's Cathedral.

"After this dedication of the Society, the General Meeting will be held in this Hall at 12 o'clock. All members who can possibly do so should attend. The Chief Justice, the Attorney General, the Government and the representatives of the Law Societies have promised to come. This also will, therefore, be an event to remember. Strictly speaking, it might be called the very heart of the celebration.

"In the afternoon, the President of Ireland has more than graciously and kindly invited us to the garden party he is generously giving at the Phoenix Park. It is a very great gratification to all of us that the head of our country should honour our Society in such a manner. If I may venture to say so, this act on his part is merely another proof of the unselfishness with which he has always done what has been fitting and gracious. We are indeed honoured by his recognition of our Society" (*Gazette*, May 1952, p3). **G**

**June 1950:** Handcuffed together, American film writers John Howard Lawson and Dalton Trumbo leave a federal court in Washington DC. They were sentenced to one year's imprisonment for contempt of court for refusing to cooperate with the House Un-American Activities Committee



PIC: NEW YORK TIMES CO/GETTY IMAGES

# Notice to users of the Irish Statute Book CD Rom and website

The Office of the Attorney General regrets to advise users of the Irish Statute Book that a specific error has been identified which occurs where some hyperlinks have over-written text.

The error occurs when the phrase “**sections x and y**” or “**section x or y**” appears in the official Stationery Office version. An example of each type of error is given below. In both examples hyperlinks appear in bold.

## Example 1-“sections x and y”.

(This example is from SI No. 425/1996).

The Minister for Social Welfare, in exercise of the powers conferred on him by sections 21 and 29 of the Social Welfare Act, 1996 (No. 7 of 1996), hereby orders as follows:

Citation.

1. This Order may be cited as the Social Welfare Act, 1996 (Sections 17, 18, 19 and 25) (Commencement) Order, 1996.

Commencement.

2. Sections 17, 18, 19 and 25 of the Social Welfare Act, 1996 shall come into operation on the 2nd day of January, 1997.

*This is the **correct version** as it appears in the official hardcopy edition (available for sale from Government Publications Sales Office, Molesworth Street, Dublin 2).*

The Minister for Social Welfare, in exercise of the powers conferred on him by **sections 21** of the **Social Welfare Act, 1996** (No. 7 of 1996), hereby orders as follows:

Citation.

1. This Order may be cited as the **Social Welfare Act, 1996** (Sections 17, 18, 19 and 25) (Commencement) Order, 1996.

Commencement.

2. **Sections 17** of the **Social Welfare Act, 1996** shall come into operation on the 2nd day of January, 1997.

*This is the **electronic version**. This version is incorrect as you will note that it omits reference to section 29 in the preamble and sections 18, 19, and 25 in Article 2.*

## Example 2-“section x or y”.

(This example is from section 49(2) of the Stock

Exchange Act 1995)

- (2) An order under section 201 or 203 of the Companies Act, 1963, in respect of a proposed amalgamation (being an acquiring transaction) shall not be made until the Bank has given its approval to the acquiring transaction or the period referred to in *section 41* has elapsed without the Bank having given or refused to give approval.

*This is the **correct version** as it appears in the official hardcopy edition (available for sale from Government Publications Sales Office, Molesworth Street, Dublin 2).*

- (2) An order **under section 201** of the **Companies Act, 1963**, in respect of a proposed amalgamation (being an acquiring transaction) shall not be made until the Bank has given its approval to the acquiring transaction or the period referred to in *section 41* has elapsed without the Bank having given or refused to give approval.

*This is the **electronic version**. This version is incorrect as you will note that it omits reference to section 203.*

Users should be aware of the problems outlined in the above examples and where appropriate should check the official Stationery Office version of the Act or statutory instrument concerned.

The problems occur in electronic versions of legislation from 1922 to 1998. No problems concerning hyperlinks have been identified in electronic versions of post 1998 legislation. The errors as described above are in no way attributable to the contractors of the ISB updates from 1999 to 2005.

The Office of the Attorney General would like to apologise for any inconvenience and confirms that it is currently working towards resolving the problem.

Any queries should be referred to the Help Desk service available for the Irish Statute Book CD-ROM and website Telephone: 01 6776133, email: [isb@lencac.ie](mailto:isb@lencac.ie)

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# No such thing as X-RAY SPECS

**M**ost solicitors give excellent instructions, but – from time to time – forensic accountants get the impression that we are expected to have x-ray eyes. A request such as, for example, “look at the accounts of the business for the last three years and report on why sales have fallen and directors’ remuneration has increased” is too simplistic. Sometimes this type of request comes late in a case, leaving little time for a serious forensic examination of the true underlying reasons for changes in financial statements over time.

Early involvement of forensic accountants in proceedings, once the solicitor has determined the legal strength of a case, adds significant value in determining the financial facts of life. The forensic accountant can highlight sources of information that would not naturally occur to the instructing solicitor. This is particularly true when the agreed purpose for the expert evidence is identified early in the instructions. Similarly, an early meeting between the potential litigant and the forensic accountant can determine sources of information and evidence that is not strictly financial, but which has a significant bearing on the outcome of the case.

The expert’s instructions should ideally evolve from the meetings with the solicitor and the solicitor’s client. These instructions should be broad at first, with the forensic accountant agreeing a set of written instructions once the initial documents and attendance notes have been reviewed.

In family law matters, for example, discovery can be a tortuous process if it is allowed to drag on in a piecemeal way. A comprehensive listing by a forensic accountant of all the financial information appropriate to the circumstances of each case, when prepared and presented early in proceedings, can help to bring a sense of reality with regard to the fundamental material issues concerning the assets, liabilities, expenditures and sources of income of the family. A great deal of subjective speculation on the



true value of family assets can be removed by a focused forensic accountant producing a comprehensive report for the purposes of settlement.

In medical negligence and personal injury matters, particularly for self-employed or professional people, the consequential loss arising from the injury, both to date of trial and into the future, is a significant issue. Here, real values are not always readily apparent from a simple reading of accounts, particularly where the economic effort of the injured party has provided a platform for steady growth into the future. Experience has shown that not only the costs of employing a substitute for the injured party, but also the extra burden carried by a spouse without remuneration must be valued and taken into account to correctly establish the true *quantum* of the loss.

In short, to get the maximum value from your forensic accountants, instruct them early, brief them fully and frankly, and allow them to investigate and interview freely. By doing this, you will get not only the best expert evidence but, by avoiding wasted effort, you will also keep costs to a minimum. **G**

Top boffins now believe that excessive investigating may lead to a severe case of ‘big eye’

*John EV Kenny is director of Providence Forensic Accounting Experts Ltd.*

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## books



## County Tipperary & Offaly (Birr Division) Sessional Bar Association – A Personal Memoir

**John Carrigan.** Tipperary Solicitors' Bar Association (2006). ISBN: 978-0-9551715-0-5. Price: €40 hardback. For copies, contact: Brendan Hyland, solicitor, Castle Street, Roscrea (tel: 0505 21611, fax: 0505 21119, email: bhyland@securemail.ie) or the secretary of the TSBA, Ronan Kennedy, solicitor, Kennedy Frewen O'Sullivan, St Michael's Street, Tipperary.

This is a compact volume about the County Tipperary & Offaly (Birr Division) Sessional Bar Association, now (since 2003) called the Tipperary Solicitors' Bar Association. But it is, in fact, about a lot more. It is also about one notable aspect of the lengthy involvement of its author, John Carrigan (Thurles), in the affairs of the solicitors' profession. Apart from his 42 years as honorary secretary of his bar association (1940 to 1982), the author was for a great many years a stalwart member of the Law Society Council and one of its youngest presidents, in 1957/58. It is, thirdly, about other historical household names in the profession, including Clonmel-based Henry Shannon (the main instigator in

the original formation of the association in 1908 and a Law Society vice-president in 1918/19), the author's father, John P Carrigan (who had, like his son later, long service as the association's honorary secretary, as well as being a Law Society vice-president in 1942/43), Laurence J Ryan (Thurles), who was Law Society president in 1931/32, and James O'Brien (Nenagh), who was, among his other attributes, a consummate writer of odes about association matters, a literary tendency replicated by other members after him.

Two other members of the association, Senator John J Nash (Templemore) in 1959/60 and Donal G Binchy (Clonmel) in 1991/92 were also Law Society

presidents, with another association member and current Law Society Senior Vice-President, Philip Joyce (Killinaule), shortly to succeed to that office. Philip, who was the immediate successor to the author as honorary secretary in 1982 (to be followed by others subsequently), added his own 1982/2005 update as an addendum to the book.

It would not be appropriate in contemporary competition law terms, but one of the first issues considered by the association on its formation was the fixing of minimum fees to be charged by members for professional legal services. One of James O'Brien's odes (entitled *The Minimum – an Epic Poem by an Unknown Poet*), reproduced in the book in its

original manuscript form as written in 1909, captures in an amusing way in 13 verses the apparent unanimity of the decision made in that regard on 15 November 1909.

Across a wide spectrum of topics, this book is intended to entertain its readers, as all who have been privileged to have enjoyed the company of the author will know was his primary intention. This book will also represent a template for other bar associations of how important activists (like the author and succeeding secretaries of this association) are for the effective functioning of such bodies. **G**

*Michael V O'Mahony is a past president of the Law Society.*

## Irish Conveyancing Law (third edition)

**JCW Wylie and Una Woods.** Tottel Publishing (2005), Fitzwilliam Business Centre, 26 Upper Pembroke Street, Dublin 2. ISBN: 1-84592-0864. Price: €175 (paperback).

The depth and range of this textbook is truly phenomenal. It is an excellent read for both the student and conveyancing practitioner. As Professor Wylie pointed out in the preface to the first edition, it is primarily a text written by a lawyer for lawyers. This most recent edition, co-authored with Una Woods, retains all the essential elements that made the first and second editions so successful.

*Irish Conveyancing Law* explores the detailed and disparate elements of a conveyancing transaction in clear, precise language, never overwhelming the reader, but providing sufficient information

in the footnotes so as to give direction to additional sources if required. This detailed footnoting is truly what makes this text so valuable for the experienced practitioner, though only the most ardent legal researcher would easily be able to track down many of the earlier cases referred to. Any conveyancer with a difficult transaction will undoubtedly find something in this text to assist in resolving the problem.

As Professor Wylie acknowledges, there are substantial changes to conveyancing law and practice in the pipeline. All consultation papers, reports and bills are

referred to, giving the reader a vision of the future.

While the book was finalised after the enactment of the *Land Act 2005*, it is a shame that the authors were not able to incorporate the *Registration of Deeds and Title Act 2006*. The text does, however, explore the provisions of the 2004 bill and, as there was a nine-year gap since the second edition, this current edition was long overdue. Hopefully, the authors will not wait so long to furnish us with a fourth edition, particularly once the *Land and Conveyancing Law Reform Bill 2006* is enacted and new rules are published by the Property

Registration Authority.

The current move towards a system of electronic conveyancing means that this area of law and practice will change at an unprecedented pace and, thus, Professor Wylie and Ms Woods will be busy for some time to come. It should be noted that a review of this nature cannot do justice to a work of this magnitude. The text captures the full range and depth of this subject area and any reader, be they lawyer, student or lay person, will find something of value. **G**

*Gabriel Brennan is a solicitor with the Law Society's Law School.*





#### All Ireland hopefuls

At the meeting of the Kilkenny Bar Association on 22 June in the Ormonde Hotel, Kilkenny, were (*back row, l to r*): Padraig Butler, Sinéad Byrne, Annette Hickey, Thomas Walsh, Owen O'Mahony and Brian Kiely. (*Third row, l to r*): Tim Kiely, Mary Molloy, Yvonne Blanchfield, Sarah Breslin, Susan Gunn, John Harte and Connor Bass. (*Second row, l to r*): Michael Condon, Rosemarie Kearon, Zelda O'Callaghan, Aoife Smithwick and Eugene O'Sullivan. (*Front, l to r*): Michael Lanigan (president of the Kilkenny Bar Association), Ken Murphy, Claire Lacey, Celine Tierney, Michael Irvine, Caroline Roche (secretary of the Kilkenny Bar Association), David Dunne and Kieran Boland



#### All smiles

Senior members of the parliamentary party of the Progressive Democrats were guests of the Law Society at a dinner in late June. Pictured in the Council Chamber in Blackhall Place are (*seated, l to r*): Fiona O'Malley TD; Tánaiste and Minister for Health and Children, Mary Harney TD; president Michael Irvine; Minister for Justice, Equality and Law Reform, Michael McDowell TD and Liz O'Donnell TD. (*Standing, l to r*): Minister of State at the Department of Health and Children, Tim O'Malley TD; Council member Anne Colley; director general Ken Murphy; junior vice-president Gerard Doherty, immediate past-president Owen Binchy; senior vice-president Philip Joyce; Minister of State at the Department of Finance, Tom Parlon TD and deputy director general Mary Keane



PIC: ALF HARVEY

#### Queen's County

President of the Law Society Michael Irvine and director general Ken Murphy were guests at the recent meeting of the Laois Solicitors' Association (*front, l to r*): Jo Fitzpatrick (treasurer, Laois Solicitors' Association), Michael Irvine, Philip Meagher (president, Laois Solicitors' Association), Ken Murphy and Elaine Dunne (secretary, Laois Solicitors' Association). (*Back, l to r*): Paul Fetherstonhaugh, John Turley, Vincent Garty, Eugene O'Connor, Brian Hutchinson, Miriam O'Keefe, Patrick O'Sullivan, Catherine Martyn, Donal Dunne, Linda Ramsbottom, James Binchy, Linda Brophy, Colm Murphy, Sarah Brophy, Gerry Meagher and Fiona O'Keefe



#### Dinner with the AG

Attending a dinner at Blackhall Place in honour of Attorney General Rory Brady were (*back, l to r*): director general Ken Murphy, Mr Justice Kevin Feeney, Law Society President Michael Irvine, Rory Brady SC, Philip Joyce and Gerard Griffin. (*Front, l to r*): Siobhán Brady, Yvonne Chapman, Geraldine Feeney, Anne Irvine, Catherine Griffin and Rosario Boyle SC

## Trainee solicitors MOP up €100,000 for Focus Ireland!

**T**rainee solicitors swam, pedalled and ran their way to raise over €100,000 for the homeless charity, Focus Ireland. The charity triathlon was held in Ballymore-Eustace, Co Kildare, on 22 July, and young lawyers were out in force to lend a hand. Ex-Ireland international soccer player and Sunderland boss, Niall Quinn, also took part. The top three places went to some very fit trainees. Winner

was Keira-Eva Mooney, followed by Joanne O'Sullivan (2<sup>nd</sup>) and Sally-Anne Boyle (3<sup>rd</sup>). All three work with Matheson Ormsby Prentice, who obviously promote a healthy work/life balance! Keira-Eva completed the 750-metre swim, 20k cycle and 5k run in 1 hour, 16 mins. She now goes on to represent Ireland at the World Triathlon Championships in Lausanne, Switzerland, this September.



#### South African adventure

President of the Law Society Michael Irvine and director general Ken Murphy, along with other Irish solicitors, travelled to South Africa recently to participate in a legal education and development training conference for disadvantaged South African attorneys. (*Back, l to r*): Michael Irvine and Henry Bennett (South African solicitor). (*Front, l to r*): Garvan Corkery, Kevin O'Higgins, Kevin Lester (South African solicitor), Clive Brownlee and Ken Murphy



#### Tireless trainees

(*L to r*): Jennifer Ring, Sally-Anne Boyle (3<sup>rd</sup>), Keira-Eva Mooney (winner), Joanne O'Sullivan (2<sup>nd</sup>) (all from Matheson Ormsby Prentice) and Emma Murphy (Ensor O'Connor, Wexford)



## OBITUARY

# Emer Casey

## 6 June 1978 – 10 June 2006



**E**mer, a native of Youghal, County Cork, and a newly-qualified solicitor, passed away on 10 June 2006, but the illness that took her probably never met a more brave, optimistic or uncomplaining opponent.

Emer was only 28 years of age, but in her short lifetime she touched so many people, making a profound impact on those who had the pleasure of knowing her. The town of Youghal, the UCC law class of 1997, the Blackhall class of 2002 and the law firm Matheson Ormsby Prentice were all shocked to have lost one of the most vibrant personalities in their midst.

Emer graduated from the Loreto Secondary School in 1997 and chose to study Law and French in UCC. She made close friends in the law class, with time for a chat with everyone. Emer spent her Erasmus year in Rennes, followed by a J-1 summer in America. Having lived with medical students in UCC, Emer was probably the only lawyer invited to the UCC doctors' weekend away every year! In Blackhall, Emer made great friends in her tutorial group and revelled in her new life in Dublin. Being a keen sportswoman, Emer got involved in the Calcutta and BUPA runs and, ever the traveller, she sought out such far-flung destinations as Egypt, Thailand and Argentina.

She joined Matheson Ormsby Prentice as a trainee solicitor in September 2002. She quickly brought her boundless enthusiasm to every aspect of her life within the firm. Emer's strong work ethic and diligence were noted by all with whom she worked, but her sense of humour was also always evident, and very useful in stressful moments. Emer combined her busy workload with participating in all of the firm's voluntary activities, juggling organising the tag rugby team with her star role as the Christmas elf at the firm's children's Christmas party.

She decided to join Matheson Ormsby Prentice's private client practice on qualification as a solicitor in May 2005. She dedicated herself to developing her successful career, managing to combine professionalism and pragmatism with a wonderful ability to establish a kind and caring rapport with her clients.

She had the gift of taking her work, but not herself, seriously. She had a great sense of humour and a contagious sense of fun. Emer loved her music and was known as the 'Human Jukebox' because she would sing out the tunes one after the other. Everyone has their own favourite memory of her, whether it be sporting events, chats, nights out or her unrivalled ability as a *seanchaí* to turn ordinary happenings into the most sparkling of yarns.

She had a precious commodity, which she shared with people – she gave them her time; and no matter who they were, Emer treated them

all as equals. She was a true, down-to-earth Cork girl with a fierce love for her county, the GAA, her friends and, most of all, her family. Her flatmates christened her the 'Phone Baby' because she would spend hours on the phone chatting to her four sisters: Julie, Annalee, Susan and Ruth.

Emer had the rare gift of being totally content and happy in herself. This was clear after climbing Croagh Patrick last summer, when she was asked what she had prayed for in the church and exclaimed, "Sure what could you ask for on a day like this? Don't we have our health and great friends and family – all you can do is be grateful."

In commemoration of Emer, and especially to try to perpetuate her positive outlook and what her colleagues have described as "her interest in being involved in projects that make a difference to quality-of-life for people", Matheson Ormsby Prentice, with Emer's family, is establishing a charity called the Emer Casey Foundation.

The sense of loss to Emer's friends and colleagues is enormous, but it is nothing compared with the loss to her beloved parents, Brendan and Juliette, and her sisters, Julie, Annalee, Susan and Ruth. Emer was an inspirational and special person, who was deeply loved and we, her friends and colleagues, miss her dearly. *Ar dbeis Dé go raibh a b-anam.* **G**

LC



## council report



## Report of Law Society Council meeting held on 12 May 2006

### Society representatives on other bodies

The Council approved the appointment of David Beattie as the Society's representative on the Irish Takeover Panel, with Alvin Price as the alternate representative. The Council also approved the appointment of John D Shaw as the Society's representative on the Property Registration Authority, with Owen Binchy continuing as the Society's representative on the Registration of Deeds and Title Rules Committee. The Council approved the appointment of Sean Barton to replace Terence McCrann on the Incorporated Council of Law Reporting and the appointment of Philip Joyce as the Society's representative on the Medical Bureau of Road Safety.

### Civil Law (Miscellaneous Provisions) Bill 2006

The Council discussed the contents of the *Civil Law (Miscellaneous Provisions) Bill* and noted, in particular, the provisions relating to the Office of the Legal Services Ombudsman.

### Judicial review of decision of the Master of the High Court

The Council noted that the judicial review proceedings brought by the Society against the decision of the Master of the High Court in relation to costs would be heard by the President of the High Court on 24/25 May 2006.

### Government working group review of legal costs

Gerard Griffin reported that the Costs Implementation Group had scheduled a series of six meetings to be held in the

coming weeks with relevant bodies, including the Law Society.

### Prime Time Investigates programme

The president and director general briefed the Council in relation to a forthcoming *Prime Time Investigates* programme on solicitors, which was scheduled for broadcast on 29 May. The Society had replied to very detailed questions from the programme-makers on three separate occasions. The director general had been interviewed for one-and-a-half hours on camera, although little of this was likely to be included in the broadcast. It was intended to write to RTÉ to seek their assurance that the matters highlighted in the programme would be put into context. In the course of his interview, the director general had emphasised that over 7,000 practising solicitors with a conservative estimate of 100 cases per solicitor per year yielded a total 750,000 cases per annum, with only 1,200 complaints to the Society. RTÉ would be requested to include this portion of the interview in the programme in the interests of balance.

### The Society's challenge to the Competition Authority's decision concerning freedom of choice of lawyer

The Council noted that the 21-day period allowed to the Competition Authority to appeal the order of Mr Justice O'Neill had now expired. The Society was proceeding to submit the papers to legal costs accountants for the purpose of

seeking recovery of the Society's party-and-party costs from the authority.

### Law School in Cork

Stuart Gilhooly reported on the announcement, on 10 April 2006, that the Society would open a Law School in Cork from November 2006. The recruitment process for professional staff was under way and over 100 applications had already been received for the positions.

### Lay members' report

The Council noted the report of the lay members of the Complaints and Client Relations Committee for the year ended 31 August 2005 and agreed that their recommendations should be progressed as soon as possible.

### e-Conveyancing

Dan O'Connor reported on meetings between the e-Conveyancing Task Force and representatives of the Law Society of England and Wales,

the UK Land Registry and the Irish Land Registry.

### Support services

The president reported that Louise Campbell, solicitor, had been appointed as support services executive and would commence with the Society on 13 June 2006.

### International Bar Association

The president congratulated Geraldine Clarke on her appointment as secretary to the Client Protection Committee of the International Bar Association, which operated as a support committee for emerging bars and law societies.

### Client Focus Seminars

The Council noted that a series of eight Client Focus Seminars would commence in the Four Seasons Hotel on 15 May 2006 and congratulated John P O'Malley and the Client Care Task Force, who had worked extremely hard to develop and launch this series of seminars. **G**

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# BRIEFING

## council report



### Report of Law Society Council meeting held on 7 July 2006

#### **Motion: Reciprocal recognition with New South Wales**

*"That this Council authorises the Education Committee to proceed with reciprocal recognition between Ireland and New South Wales, whereby solicitors qualified in New South Wales will gain recognition as a 'corresponding profession' under section 52 of the Solicitors Act."*

**Proposed:** Stuart Gilhooly

**Seconded:** Tom Murran

Stuart Gilhooly briefed the Council in relation to the provisions of section 52 of the *Solicitors Act* and noted that the effect of the recognition of New South Wales as a 'corresponding profession' under that section would mean that lawyers from New South Wales would be eligible to sit the Qualified Lawyers Transfer Test (QLTT) and would have an exemption from contract, tort and company law if they had completed six months' post-qualification experience in New South Wales or in another Australian jurisdiction. Exemption from any further QLTT examinations would be considered by the

Education Committee on a case-by-case basis. Mr Gilhooly noted that the Society operated similar systems with a number of other jurisdictions and, obviously, the same privileges were extended in those jurisdictions to Irish lawyers seeking to practice there. The Council approved the motion.

#### **Council election dates 2006 decided**

The Council set Monday 18 September 2006 as the final date for receipt of nominations for the Council elections 2006, and Thursday 26 October 2006 as the close of poll date.

#### **Civil Law (Miscellaneous Provisions) Bill 2006**

The Council noted that the first and second stages of the bill had not been reached before the end of the recent Dáil session and would now not take place until October 2006.

#### **Government working group review of legal costs**

Gerard Griffin briefed the Council on a meeting between representatives of the

Society and the Legal Costs Implementation Advisory Group, chaired by Desmond Miller, held on 7 June 2006. The Society had been asked to make further written submissions to the group and would do so before the end of July.

#### **Property purchased adjacent to Blackhall Place**

The Council approved the appointment of a committee to bring forward proposals to the Council as to how the site purchased at Benburb Street by the Law Society might be developed and utilised in the best interests of the profession. The membership of the committee comprised the immediate past-president, the officers, the chairman of the Finance Committee, the director general and Walter Beatty Senior.

#### **Professional practice courses 2006**

Stuart Gilhooly reported that three professional practice courses would be provided by the Law Society before the end of 2006. The first would commence on 28 August and would accommodate up to 260 students in the Green Hall at Blackhall Place. The second course would commence on 25 September and would accommodate up to 400 students in the Education Centre. The third course would be provided in Cork and would commence in November, with a likely subscription of 75-100 students.

#### **Independent law centres and access to justice**

The Council approved a discussion paper, entitled *Law in*

*the Community Initiative*, which had been prepared by an *ad hoc* group within the Society, chaired by the president.

The paper recommended that the Society take a number of steps, including:

- Providing courses for trainee solicitors in public interest law and immigration law,
- Assisting law reform by legal research on issues of concern,
- Assisting in the provision of public legal education,
- Increasing the voluntary levy collected with the practising certificate fee to €30,
- Establishing a charitable trust funded by donation to assist the independent law centres,
- Continuing to lobby for increased civil legal aid.

#### **Third Money-laundering Directive**

Mary Keane briefed the Council in relation to a submission made by the Money-laundering Task Force to the Department of Finance Steering Committee in relation to the implementation of the *Third Money-laundering Directive*. The principal aspects of the Society's submission related to the requirement to identify the beneficiaries of trusts, the discretion conferred on member states to permit reliance by designated bodies on identification procedures undertaken by other designated bodies, and the need for clarification of aspects of the directive in the implementing legislation. **G**

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## committee reports



## CRIMINAL

**Duty registrar – contact numbers**

The Criminal Law Committee wrote to the Courts Service in relation to the arrangements for contacting duty registrars out of hours/term on foot of concerns expressed by a number of practitioners regarding ease of access to registrars. The following is the text of the response received from the Courts Service:

“Please advise the committee that there are two separate duty registrar rostering arrangements. One rota applies each weekend when there is a duty judge nominated by the President of the High Court and a duty registrar nominated by Ciaran Kelly primarily to deal with applications relating to the *European Arrest Warrant Act 2003*, although they also deal with any other urgent applications that arise. Registrars who are rostered for this weekend duty, which runs from close of business on Fridays to start of business on Mondays, use an

officially supplied mobile phone (087 798 9702).

The other rota is in place outside court sittings. Judges and registrars are formally rostered for vacation periods. It is not practical for the registrars to share the official mobile phone during vacations, and so the arrangement you mentioned has been put in place. This arrangement is necessary to protect the privacy of registrars whose personal mobiles and home telephone numbers would otherwise be in the public domain and open to inappropriate use.

Upon contacting the Four Courts, where the telephone is always attended, practitioners are asked to provide their own contact details, which are immediately passed on to the appropriate registrar. I am informed that any delay arising is only a matter of minutes, and could not possibly have a negative impact on the practitioner. However, if any of your members encounter an unacceptable delay, they should feel free to provide me with full details of

the incident in writing for further investigation and action as appropriate.

Yours sincerely,  
Nuala McLoughlin,  
Chief Registrar and Director,  
Supreme and High Court  
Operations.”

*Criminal Law Committee*

## LITIGATION

**Solicitors’ undertakings in PIAB cases**

A number of practitioners have contacted the Society in relation to the giving of undertakings in PIAB cases. The Litigation Committee would like to remind practitioners that it is the Society’s recommendation that solicitors do not give undertakings to third parties on behalf of clients for as long as the claim remains within the PIAB process.

**Swearing of verifying affidavits in personal injuries actions**

Practitioners have expressed concern that the verifying affi-

davit that is required to be sworn in personal injuries actions, under order 1A, rule 10 of the *Superior Court Rules*, requires the deponent to swear that he/she honestly believes that the assertions, allegations and information contained in the personal injury summons, *which are not within his/her own knowledge*, are true. The form of affidavit provided in the rules, as currently drafted, appears to require this averment to be made by all deponents. However, s14(3) of the *Civil Liability and Courts Act 2004* provides that this averment is only required in circumstances where a personal injuries action is brought by a next friend on behalf of an infant or by the committee of a person of unsound mind.

The Litigation Committee has brought the matter to the attention of the Superior Court Rules Committee and has asked that consideration be given to amending the form of affidavit. **G**

*Litigation Committee*

  
 Law Society of Ireland

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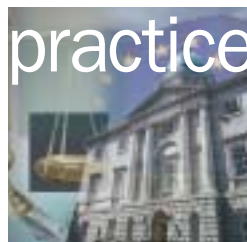
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# BRIEFING

## practice notes



### NEW DECLARATION FOR LIFE ASSURANCE PRODUCTS INVESTIGATION

The representatives ('representatives') of the professional bodies on the TALC Audit Sub-Committee (namely, the Irish Tax Institute, the Law Society, the Institute of Chartered Accountants and the Consulting Committee of the Accountancy Bodies of Ireland) were invited at 24 hours' notice to a meeting on 1 August 2006 with the Revenue and directed to a form of declaration (the 'draft declaration') that had just been placed on the Revenue website. The draft declaration (see across) relates to the Revenue investigation into single premium insurance products (SPIPs) and its purpose is to assist the Revenue to identify persons who have, or had, SPIPs but who do not have outstanding tax liabilities, whether connected with a SPIP or otherwise from prior to 1 January 2004. The representatives were informed that in late August 2006, the draft declaration would be issued by life

assurance companies to certain holders and former holders of SPIPs (together, 'SPIP holders'), that it was not possible to change the form of the draft declaration, but the Revenue was nonetheless seeking comments from the representatives.

The representatives made the following comments to the Revenue:

- 1) That it was most regrettable that the Revenue had not given the representatives the opportunity to comment on the draft declaration prior to issue;
- 2) That the draft declaration focuses on the entire tax history of a SPIP holder across the entire spectrum of taxes;
- 3) Although the draft declaration states that it may be signed by a personal representative of a SPIP holder, the form is not properly tailored for such purpose; and
- 4) For a solicitor to advise a taxpayer to complete such a wide-ranging declaration as to com-

Office of the Revenue Commissioners,  
Investigations & Prosecutions Division,  
Underlying Tax (Insurance Products) Project,  
4th Floor,  
1 Clanwilliam Court,  
Lower Mount Street,  
Freepost 3992,  
Dublin 2.

If you\* do not have any tax liabilities, please complete the declaration below and return to the above address. Doing so you will make it easier for us to eliminate you from follow up enquiries.

(Please fill in the details below from the letter you received from your insurance company)

Name of Life Assurance Company

Policy Number

Name of Policyholder

Total amount invested €

Date of initial investment

**Declaration**

I\* do not have an outstanding tax liability

Signature

Full Name (in BLOCK CAPITALS)

Address

PPS Number/Tax Reference Number

Date

For telephone enquiries a Revenue HELPLINE is available at:  
**01 - 647 4818, Monday to Friday, 8.30 am to 4.30 pm**  
for e-mail enquiries: [utproject@revenue.ie](mailto:utproject@revenue.ie)  
Fax number: 01 - 6474821  
Revenue website [www.revenue.ie](http://www.revenue.ie)

\* If the policyholder is now deceased, the deceased's personal representative should complete this declaration

Revenue

pliance with tax could expose such solicitor to a claim for negligence in the event that a tax liability subsequently comes to light.

In light of the above, a solicitor should reflect very carefully before advising a SPIP holder to sign a declaration in the form of the draft declaration. A full investigation into the SPIP holder's tax affairs may be required. Where a

SPIP holder or his solicitor feel uncomfortable with the draft declaration, consideration should be given to a response to the Revenue by letter, setting out the circumstances in which the SPIP was acquired, and stating, if such is the case, that no tax liability arises in relation to it.

The Revenue website should be monitored for developments relating to this subject.

*Taxation Committee*

### GARDA STATION (LEGAL ADVICE) SCHEME

Fees for consultations under the Garda Station (Legal Advice) Scheme have been increased as follows:

- **Visit between 9.00 – 19.00 – Monday to Friday:** €118.51 plus VAT wef 1 June, 2006
- **Visit between 19.00 – 09.00 Monday to Friday and on weekends and bank holidays:** €161.15 plus VAT wef 1 June, 2006
- **Telephone consultation:** €48.26 plus VAT wef 1 June, 2006

Travelling expenses are payable at €0.47 per kilometre.

Full details of the Garda Station (Legal Advice) scheme are available on the Society's website: [www.lawsociety.ie/documents/committees/criminal/gardanotice.pdf](http://www.lawsociety.ie/documents/committees/criminal/gardanotice.pdf).

*Criminal Law Committee*

### "WHAT YOU NEED TO KNOW ABOUT THE REGISTRATION OF DEEDS AND TITLE ACT 2006" – CORRECTION

Paragraph 6 of the above practice note, published by the Conveyancing Committee in the shaded box at the top of page 36 of the July 2006 issue of the *Gazette* should read:

"6) The phasing out of land certificates and certificates of charge, and the conversion of existing equitable mortgages into burdens under section 69 of the 1964 act (section 73)."

The online version of the July 2006 *Gazette* on the Law Society website incorporates the above correction at page 36, and practitioners should discard the practice note from the hard copy of the July 2006 issue.

*Conveyancing Committee*

## CHANGE TO TRANSFER OF UNDERTAKING REGULATIONS

In addition to introducing a new basis for the systematic consultation with employees and their representatives, the *Employees (Provision of Information and Consultation) Act 2006*, which became effective on **24 July 2006**, has introduced new rights on the part of a purchaser of a business to obtain information about employees before the employees transfer to it. The vendor (transferor) of a business can be held liable to compensate the purchaser if it fails to supply the information requested.

This is relevant to any acquisition of an undertaking that is gov-

erned by the *European Communities (Protection of Employees on Transfer of Undertaking) Regulations 2003* (the *Transfer Regulations*).

As such, it affects all situations where a business or enterprise is purchased as a going concern (including the acquisition of property interests where a business is carried on, such as public houses, retail premises etc). The changes introduced by this act will be of particular importance in situations that constitute a transfer of undertaking by operation of law but where there is no contractual relationship between

the transferor and the transferee, such as where a transfer arises on the termination of one service contract and the award of the contract to a new service provider.

The act obliges the vendor (or transferor) of a business to notify the purchaser (or transferee) of the terms and conditions of employment of the employees engaged in the business. The purchaser (transferee) has the right to issue a written request for the terms and conditions 21 days before the transfer date. The written request should specify the type of obligation that will be

owed by the transferee to the employee concerned, the information required and the types of document sought.

If the vendor does not provide this information and the purchaser (transferee) is subsequently held liable for breach of the *Transfer Regulations* and ordered to pay compensation, the transferee has a right of action, founded in contract, against the transferor to recover such part of the compensation as was attributable to the transferor's failure to provide the information.

*Employment and Equality Law Committee*

## STATUTORY DECLARATION MADE ABROAD

Many of you will be aware of the notice issued by the Companies Registration Office (CRO) on 22 June 2006 to the effect that, when filing a statutory declaration (sworn abroad) with the CRO, the CRO will now accept such a declaration only when it is made before a diplomatic or consular officer of Ireland. Accordingly, solicitors and other users of the CRO who had followed the CRO's information leaflet No 20 with regard to such declarations will henceforth have to follow the new

practice of the CRO in order to have their foreign sworn declaration accepted by the CRO for registration.

There had, in fact, been doubt for some time as to the correct procedure for swearing such declarations. Because of the importance of complying with section 60 of the *Companies Act 1963*, where financial assistance is being provided, many solicitors have for some time arranged for declarations sworn abroad to be made before a diplomatic or consular officer of Ireland. In

endeavouring to advise as to best practice, the Law Society had earlier this year received a legal opinion to that effect.

It should be noted, however, that a declaration made abroad other than before a diplomatic or consular officer of Ireland has not, to our knowledge, been held to be ineffective or invalid. It is simply safer that such a declaration be made before a diplomatic or consular officer of Ireland. This requirement is obviously cumbersome and, with that in mind, the Law Society has made

representations and submissions to the Department of Justice and to the Department of Enterprise, Trade and Employment for a simpler procedure to be permitted. It is understood that the *Civil Law (Miscellaneous Provisions) Bill 2006* and, with regard to company law, the *Investment Funds, Companies and Miscellaneous Provisions Bill 2006*, are likely to contain, prior to their enactment, facilitatory provisions for making declarations outside the state.

*Business Law Committee*

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## ACCOUNTING AND TAX TREATMENT OF WORK IN PROGRESS ISSUES ARISING FROM A CHANGE IN GAAP AS INTRODUCED BY THE ACCOUNTING STANDARDS BOARD UNDER UITF ABSTRACT 40

**S**ection 56 of the *Finance Act 2006* ('section 56') has made some changes in the taxation of work in progress (WIP) for unincorporated bodies (which includes solicitors' practices).

The changes are relevant for solicitors who already use Generally Accepted Accounting Principles (GAAP) in preparing their accounts and those who are contemplating changing to GAAP. In broad terms, these changes mean that partners' WIP must now be reflected in accounts.

Under general tax principles, your income tax is calculated by reference to the profits appearing in your accounts. If those profits increase under GAAP by the intro-

duction of more WIP in your accounts, then your tax will also increase. This should, by and large, only be a timing issue, as you would expect to pay tax ultimately on the WIP when it converts into real profits. If the WIP is not ultimately paid, then this would also be reflected in your accounts by a reduction in your future tax bill.

Section 56 grants a measure of relief to persons affected by these accounting changes. The relief will allow you to spread over a five-year period the upfront tax charge arising solely as a result of the changes in GAAP. There is a limited window to avail of the relief, in that the

increased WIP appearing in accounts due to GAAP changes should arise in a chargeable period ending within two years from 22 June 2005. If you intend to avail of the relief, you should consult with your advisors to ensure that the changes are reflected in your accounts within the appropriate time limits.

If you prepare your accounts on a conventional basis and now change to GAAP, this will likely result in an increase in WIP in your accounts, even before the new GAAP provisions are taken into account. The new GAAP provisions will increase WIP again (essentially by taking partners' WIP into account). The staggering

of the tax relief is only available for the tax burden caused by the new GAAP requirements.

**The changes introduced by section 56 do not make it mandatory for solicitors to adopt GAAP in preparing their accounts. If you do not already use GAAP (many solicitors follow the conventional basis for preparing accounts, which is not GAAP), there is currently no obligation on you to change to GAAP.**

Solicitors should consider carefully the implications of the methods of preparing their accounts and should seek appropriate advice on this issue. **G**

*Taxation Committee*

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# AUTUMN CONFERENCE 2006

17, 18 & 19 NOVEMBER 2006 AT THE BREHAN, KILLARNEY, CO KERRY

### Friday 17 November

20.00-21.30 Registration  
21.00 - Late Welcome drinks in the Bar

**FULL DETAILS OF THE SPEAKERS AND TOPICS TO BE COVERED WILL BE AVAILABLE ON THE SYS WEBSITE  
\*www.sys.ie**

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9.30-12.00: Lectures\*  
14.00: Health Centre, Swimming, Beauty Treatments  
19.30-20.00: Pre-dinner drinks reception  
20.00-late: Gala Dinner, Band and DJ (black tie)

### Sunday 19 November

12.00: Check out

### NOTES

1. Persons wishing to attend must apply through SYS.
2. Accommodation is limited and will be allocated on first come first served basis, in accordance with the procedure set out below.
3. Conference fee is €295 pps for two nights accommodation (with breakfast), reception, gala dinner and conference materials.
4. One application must be submitted per room per envelope together with cheque(s) for the Conference Fee and a stamped self-addressed envelope. All applications must be sent by ordinary prepaid post and only applications exhibiting a post mark dated FRIDAY 29 SEPTEMBER 2006 or after will be considered. Rejected applica-

tions will be returned. Successful applications will be confirmed by email.

5. Names of delegates to whom the cheque(s) apply must be written on the back of the cheque(s).
6. Cancellations must be notified to ebradley@algoodbody.ie on or before on Friday 27 October 2006. Cancellations after that date will not qualify for a refund.
7. There are a limited number of twin rooms and/or double rooms. Please tick one of the following options for your preferred accommodation (the SYS cannot guarantee that delegates will be allocated their preferred choice) If nothing below is indicated, rooms will be allocated at the committees discretion.  
Twin room: \_\_\_\_\_ Double room: \_\_\_\_\_

### APPLICATION FORM

PLEASE USE BLOCK CAPITALS. ONE FORM PER ROOM PER ENVELOPE.

Name 1: \_\_\_\_\_

Name 2: \_\_\_\_\_

Firm 1: \_\_\_\_\_

Firm 2: \_\_\_\_\_

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

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

One Contact Address: \_\_\_\_\_

Phone (Office): \_\_\_\_\_ (Mobile): \_\_\_\_\_ (Home): \_\_\_\_\_

I enclose cheque(s) payable to SYS, in the sum of €590 and a self-addressed envelope.  
Application to be sent to: Elizabeth Bradley, A & L Goodbody, North Wall Quay, IFSC, Dublin 1.

\*Time spent attending the above lectures may be counted when assessing the completion of your CPD requirements



## legislation update



## 24 June – 21 August 2006

Details of all bills, acts and statutory instruments since 1997 are on the library catalogue – [www.lawsociety.ie](http://www.lawsociety.ie) (members' and students' area) – with updated information on the current stage a bill has reached and the commencement date(s) of each act.

**ACTS PASSED*****Building Societies******(Amendment) Act 2006***

**Number:** 24/2006

**Contents note:** Amends certain provisions of the *Building Societies Acts 1989* and *1992* in relation to the powers and membership of building societies, the conditions under which mutual building societies may convert into companies, and other related matters.

**Date enacted:** 16/7/2006

**Commencement date:** 1/8/2006 for all sections of the act (per SI 394/2006)

***Criminal Justice Act 2006***

**Number:** 26/2006

**Contents note:** Amends and extends the powers of the Garda Síochána in relation to the investigation of offences. Amends criminal law and procedure in other respects, including the following: provision for the admissibility in evidence of previous witness statements; an extension of the circumstances in which the Attorney General or the DPP, if he or she is the prosecuting authority in a trial, may refer a question of law to the Supreme Court for determination or take an appeal in criminal proceedings; a restriction of the offences to which s10(4) of the *Petty Sessions (Ireland) Act 1851*

applies; an amendment of the jurisdiction of the District Court and the Circuit Court in criminal matters; the imposition of fixed charges in respect of certain offences under the *Criminal Justice (Public Order) Act 1994*; an amendment of the requirements for the issue of a firearms certificate and an amendment of the *Petty Sessions (Ireland) Act 1851* relating to the issue and execution of certain warrants; increase in fines and penalties under the *Firearms Acts 1925-2000*; new offences relating to fireworks and explosives under the *Explosives Act 1875*; offences relating to organised crime; offences under the *Misuse of Drugs Act 1977*; civil proceedings in relation to anti-social behaviour by adults; amendment to the *Children Act 2001* to provide for civil proceedings in relation to anti-social behaviour by children aged 12 or over; sentencing, including the creation of a statutory basis for suspended or partially suspended sentences, imposition of a fine and deferral of sentence, restriction on movement orders and electronic monitoring of offenders; the establishment of a criminal law codification advisory committee to oversee the drawing up of a criminal code; provides for related matters.

**Date enacted:** 16/7/2006

**Commencement date:** Commencement orders to be made (per s1(2) and s1(3) of the act); 1/8/2006 for the following provisions of the act: part 1 (ss1-4, 'General'); part 2 (ss5-14, 'Investigation of Offences'), other than s9(c) and 9(d); part 3 (ss15-20, 'Admissibility of cer-

tain witness statements'); part 4 (ss21-24, 'Appeals in certain criminal proceedings'); part 5 (ss25-67, 'Amendment of *Firearms Acts*') other than ss28, 30, 32, 33, 38, 40, 42, 57, 58, 59, 60, 61 and 65; part 6 (ss68-69, 'Amendment of *Explosives Act 1875*'); part 7 (ss70-79, 'Organised crime'); part 8 (ss80-86, 'Misuse of drugs'); part 15 (ss176-197, 'Miscellaneous') and schedules 1 and 2; 2/10/2006 for the following provisions: part 9 (ss87-97, 'Obligations of drug trafficking offenders to notify certain information'), part 10 (ss98-112, 'Sentencing') other than ss101(10), 101(12)(c), 102, 103(1)(d), 103(4)(d), 107, 108(4), 109, 111 and 112; schedule 3; 1/11/2006 for ss42, 57, 58, 59, 60, 61 and 65 of part 5 (per SI 390/2006)

***Defence (Amendment) Act 2006***

**Number:** 20/2006

**Contents note:** Authorises the dispatch of contingents or members of the Permanent Defence Forces for service outside the state, other than service with an international United Nations force. Amends the *Defence Act 1954* and the *Defence (Amendment) (No 2) Act 1960*. Repeals the *Defence (Amendment) Act 1993*.

**Date enacted:** 12/7/2006

**Commencement date:** 12/7/2006

***Employment Permits Act 2006***

**Number:** 16/2006

**Contents:** Provides for the grant of employment permits to certain non-nationals; provides certain protections for non-nationals in employment in the

state. Enables the Minister for Enterprise, Trade and Employment to make regulations governing the numbers and employment types for which employment permits may be granted and specifies the criteria for the making of these regulations, having regard to prevailing economic conditions. Amends the *Employment Permits Act 2003* and provides for related matters.

**Date enacted:** 23/6/2006

**Commencement date:** Commencement order(s) to be made (per s41(4) of the act)

***European Communities (Amendment) Act 2006***

**Number:** 18/2006

**Contents note:** Amends the *European Communities Act 1972* in order to provide that certain parts of the treaty concerning the accession of Romania and the Republic of Bulgaria to the European Union shall form part of the domestic law of the state once Ireland has ratified the treaty.

**Date enacted:** 28/6/2006

**Commencement date:** Commencement order to be made (per s2(3) of the act)

***Health (Repayment Scheme) Act 2006***

**Number:** 17/2006

**Contents note:** Provides for a scheme to repay recoverable health charges (that is, those found to have been wrongfully imposed) to fully eligible persons for publicly funded long-term residential care. Regulates patients' private property accounts and provides for related matters.

**Date enacted:** 23/6/2006

**Commencement date:** 30/6/2006 (per SI 338/2006)

**Hepatitis C Compensation Tribunal (Amendment) Act 2006****Number:** 22/2006

**Contents note:** Amends the *Hepatitis C Compensation Tribunal Acts 1997 and 2002* to provide for the establishment of a statutory insurance scheme to enable certain persons diagnosed positive for Hepatitis C or HIV to be provided with life insurance, mortgage-protection insurance and annual travel insurance – which would otherwise be either unavailable to them or available only upon payment of a higher premium. The Health Service Executive will administer the scheme. Amends the *Health (Amendment) Act 1996* to provide for the same method of Hepatitis C diagnosis for eligibility for healthcare services without charge, as is prescribed for eligibility for the insurance scheme.

**Date enacted:** 16/7/2006**Commencement date:** 16/7/2006**Institutes of Technology Act 2006****Number:** 25/2006

**Contents note:** Provides for the restructuring of the institutes of technology and the Dublin Institute of Technology and places them under the remit of the Higher Education Authority. Substantially amends the *Regional Technical Colleges Acts 1992-2001* and the *Dublin Institute of Technology Acts 1992-2001* and amends the *Higher Education Authority Act 1971*. Also makes technical amendments to the *Universities Act 1997*, the *Qualifications (Education and Training) Act 1999* and the *Vocational Education (Amendment) Act 2001*.

**Date enacted:** 16/7/2006

**Commencement date:** Commencement order(s) to be made (per s1(2) of the act), but in the absence of commencement order(s), all provisions will commence on 16/7/2007 (per s1(3) of the act)

**National Economic and Social Development Office Act 2006****Number:** 21/2006

**Contents note:** Provides for the establishment of a body to be known as the National Economic and Social Development Office, comprising three bodies to be known as the National Economic and Social Council, the National Economic and Social Forum, the National Centre for Partnership and Performance and such other bodies as the Taoiseach may by order establish; defines their functions; dissolves the National Economic and Social Council, the National Economic and Social Forum and the National Centre for Partnership and Performance, and provides for related matters.

**Date enacted:** 12/7/2006

**Commencement date:** 12/7/2006; establishment-day order to be made for the establishment of the National Economic and Social Development Office (per s3 of the act)

**National Sports Campus Development Authority Act 2006****Number:** 19/2006

**Contents note:** Provides for the establishment of the National Sports Campus Development Authority to oversee the planning and development of a campus of sports facilities at Abbotstown, Co Dublin. Defines the authority's functions and provides for related matters.

**Date enacted:** 5/7/2006

**Commencement date:** 5/7/2006; establishment-day order to be made for the establishment of the National Sports Campus Development Authority (per s5 of the act)

**Planning and Development (Strategic Infrastructure) Act 2006****Number:** 27/2006

**Contents note:** Amends the

*Planning and Development Act 2000* to provide for the introduction of a procedure of direct applications for planning permission to An Bord Pleanála for certain proposed developments of strategic importance to the state; also provides for a specialised planning consent procedure for major electricity transmission lines, and provides for related matters. Amends the *Railways (Infrastructure) Act 2001* to provide that An Bord Pleanála will approve railway orders and amends the *Acquisition of Land (Assessment of Compensation) Act 1919* to provide for the compensation that will be assessed for the sub-stratum of land.

**Date enacted:** 16/7/2006

**Commencement date:** Commencement order(s) to be made (per s1(3) of the act)

**Road Traffic Act 2006****Number:** 23/2006

**Contents note:** Provides a statutory basis for a number of measures relating to road safety, principally: the engagement of private sector interests in the provision and operation of speed cameras and other technology for the detection of speeding offences, the introduction of mandatory roadside breath testing, and the control of the use of mobile phones and in-vehicle communication equipment by drivers. Also provides for the following: a new fixed charge and disqualification for certain drink-driving offences, an increase in financial penalties in respect of all offences under the *Road Traffic Acts*, an increase in periods of disqualification relating to drink-driving offences and other serious driving offences, the reform of the driver licensing system and other related matters. Provides that the power to make regulations under the *Road Traffic Acts 1961-2006* includes the power to make regulations to give effect to acts of the European

Communities. Amends and extends the *Road Traffic Acts 1961-2005*, the *Local Authorities (Traffic Wardens) Act 1975* and the *Taxi Regulation Act 2003* and repeals section 16 of the *Road Transport Act 1999*.

**Date enacted:** 16/7/2006

**Commencement date:** 16/7/2006 for section 21; commencement order(s) to be made for all other sections (per s23(2) of the act: 21/7/2006 for all other sections, except ss5, 6, 7, 10, 11, 13, 16 and 18 (per SI 384/2006)

**SELECTED STATUTORY INSTRUMENTS****Aer Lingus Act 2004****(Commencement of Section 3) Order 2006****Number:** SI 348/2006

**Contents note:** Appoints 30/6/2006 as the commencement date for section 3 of the *Aer Lingus Act 2004*. Section 3 deals with the power of the Minister for Finance to hold, sell or dispose of shares in the company.

**Building Societies****(Amendment) Act 2006****(Commencement) Order 2006****Number:** SI 394/2006

**Contents note:** Appoints 1/8/2006 as the commencement date for all sections of the act.

**Civil Service Regulation****(Amendment) Act 2005****(Commencement of Certain Provisions) Order 2006****Number:** SI 363/2006

**Contents note:** Appoints 4/7/2006 as the commencement date for all sections of the act not already in operation, with the exception of part 9 (ss28 to 31, 'Additional functions of DPP').

**Civil Service Regulation****(Amendment) Act 2005****(Section 31) (Commencement) Order 2006****Number:** SI 355/2006

**Contents note:** Appoints

4/7/2006 as the commencement date for section 31 (power of appointment of officers and servants of DPP) of the act.

**Criminal Justice Act 2006  
(Commencement) Order 2006**

**Number:** SI 390/2006

**Contents note:** Appoints 1/8/2006 as the commencement date for the following provisions of the act: part 1 (ss1-4, 'General'); part 2 (ss5-14, 'Investigation of offences'), other than s9(c) and 9(d); part 3 (ss5-20, 'Admissibility of certain witness statements'); part 4 (ss21-24, 'Appeals in certain criminal proceedings'); part 5 (ss25-67, 'Amendment of *Firearms Acts*') other than ss28, 30, 32, 33, 38, 40, 42, 57, 58, 59, 60, 61 and 65; part 6 (ss68-69, 'Amendment of *Explosives Act 1875*'); part 7 (ss70-79, 'Organised crime'); part 8 (ss80-86, 'Misuse of drugs'); part 15 (ss176-197, 'Miscellaneous') and schedules 1 and 2; appoints 2/10/2006 as the commencement date for the following provisions: part 9 (ss87-97, 'Obligations of drug trafficking offenders to notify certain information'), part 10 (ss98-112, 'Sentencing') other than ss101(10), 101(12)(c), 102, 103(1)(d), 103(4)(d), 107, 108(4), 109, 111 and 112; schedule 3; appoints 1/11/2006 as the commencement date for ss42, 57, 58, 59, 60, 61 and 65 of part 5.

**Employees (Provision of Information and Consultation) Act 2006 (Commencement) Order 2006**

**Number:** SI 382/2006

**Contents note:** Appoints 24/7/2006 as the commencement date for all sections of the act.

**European Communities  
(Award of Public Authorities' Contracts) Regulations 2006**  
**Number:** SI 329/2006  
**Contents note:** Give effect to

**Circuit Court Rules (Court Seal) 2006**

**Number:** SI 409/2006

**Contents note:** Amend and substitute a new rule 1 in order 4, 'Court seal', of the *Circuit Court Rules 2001* (SI 510/2001).

**Commencement date:** 28/8/2006

**Circuit Court Rules (Residential Tenancies Act) 2006**

**Number:** 410/2006

**Contents note:** Amend the *Circuit Court Rules (Residential Tenancies Act 2004) 2005* (SI 388/2005) by the insertion of the order number 51A in the order entitled '*Residential Tenancies Act 2004* (No 27/2004)' and by the insertion of a new rule 1A in that order to prescribe procedures for appeals in the Circuit Court under the *Residential Tenancies Act 2004*.

**Commencement date:** 28/8/2006

**Circuit Court Rules (Taxi Regulation) 2006**

**Number:** SI 350/2006

**Contents note:** Insert new order 71, '*Taxi Regulation Act 2003*', in the *Circuit Court Rules 2001* (SI 510/2001) to provide for applications and appeals under section 36 of the *Taxi Regulation Act 2003*.

**Commencement date:** 30/6/2006

directive 2004/18 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (as amended by directive 2005/51 and directive 2005/75).

**Leg-implemented:** Dir 2004/18 as amended by dir 2005/51 and dir 2005/75

**Commencement date:** 22/6/2006

**European Communities  
(Enforcement of Intellectual Property Rights) Regulations 2006**

**Number:** SI 360/2006

**Contents note:** Implement the provisions of directive 2004/48 (harmonisation of civil remedies and measures available for the enforcement of intellectual property rights) that were not already available in Irish law.

**District Court (Case Stated) Rules 2006**

**Number:** SI 398/2006

**Contents note:** Amend order 102, rule 12 ('Cases stated for the High Court: preparation of case stated') of the *District Court Rules 1997* (SI 93/1997) and substitute a new rule 12 to provide arrangements to monitor proceedings for appeal by way of case stated during the period between the date of application to the court to state a case and the date of signing and dispatch of the case stated.

**Commencement date:** 25/8/2006

**District Court (Equal Status Act 2000) (Amendment) Rules 2006**

**Number:** SI 397/2006

**Contents note:** Amend order 83 ('Registration of clubs and granting of club authorisations') of the *District Court Rules 1997* (SI 93/1997) by the substitution in rule 12 for the words 'court district' of the words 'court area'. Amend rule 12 to provide for applications to be taken in the District Court area where the club is situated.

**Commencement date:** 25/8/2006

**Leg-implemented:** Dir 2004/48, articles 5, 8, 10, 15

**Commencement date:** 5/7/2006

**European Communities  
(Reinsurance) Regulations 2006**

**Number:** SI 380/2006

**Contents note:** Give effect to directive 2005/68 on reinsurance, amending directive 73/239, directive 92/49 and directive 2002/83 and establishing a prudential regulatory framework for reinsurance activities. Provide the necessary harmonisation to facilitate the mutual recognition of authorisations and prudential control systems, making it possible to grant a single authorisation valid throughout the EC. Apply the principles set out in the directive to supervision of reinsurance companies by the home member state.

**Leg-implemented:** Dir 2005/68

**Commencement date:** 15/7/2006

**Finance Act 2006  
(Commencement of Section 26(1)) Order 2006**

**Number:** SI 322/2006

**Contents note:** Appoints 26/6/2006 as the commencement date for section 26 of the *Finance Act 2006*. Section 26 amends part 9 of the *Taxes Consolidation Act 1997* in order to restrict the amount of capital expenditure on the construction or refurbishment of a building or structure that can qualify for industrial buildings allowances.

**Finance Act 2006  
(Commencement of Section 27(1)) Order 2006**

**Number:** SI 323/2006

**Contents note:** Appoints 26/6/2006 as the commencement date for section 27 of the *Finance Act 2006*. Section 27(1) allows, subject to certain conditions, for an extension of the qualifying period from



31/7/2006 to 31/7/2008 for the scheme of capital allowances for holiday cottages and for a similar extension to the date by which the rate of capital allowances for expenditure incurred on the construction or refurbishment of holiday camps and hotels changes from 15% per annum to 4% per annum.

**Finance Act 2006  
(Commencement of Section 29(1)) Order 2006**

Number: SI 324/2006

**Contents note:** Appoints 26/6/2006 as the commencement date for section 29 of the *Finance Act 2006*. Section 29(1) allows, subject to certain conditions, for an extension of the qualifying period from 31/7/2006 to 31/7/2008 for the scheme of capital allowances for qualifying multi-storey car parks outside of Cork and Dublin.

**Finance Act 2006  
(Commencement of Section 31(1)) Order 2006**

Number: SI 325/2006

**Contents note:** Appoints 26/6/2006 as the commencement date for section 31 of the *Finance Act 2006*. Section 31(1) allows, subject to certain conditions, for an extension of the qualifying period from 31/7/2006 to 31/7/2008 for the incentives available in areas designated under the Rural Renewal Scheme in respect of capital expenditure incurred on the construction or refurbishment of commercial and industrial premises.

**Finance Act 2006  
(Commencement of Section 34(1)) Order 2006**

Number: SI 332/2006

**Contents note:** Appoints 26/6/2006 as the commencement date for section 34(1) of the *Finance Act 2006*. Section 34(1) allows, subject to certain conditions, for an extension of the qualifying period from 31/7/2006 to 31/7/2008 for the

scheme of capital allowances for buildings used for third-level educational purposes.

**Finance Act 2006 (Section 30) (Commencement of Certain Provisions) Order 2006**

Number: SI 327/2006

**Contents note:** Appoints 26/6/2006 as the commencement date for paragraphs (a), (b)(i), (c)(i), (d) and (e) of section 30(1) of the *Finance Act 2006*. The provisions in these paragraphs allow, subject to certain conditions, for an extension of the qualifying period from 31/7/2006 to 31/7/2008 for the incentives available in the areas designated under the Urban Renewal Scheme and certain streets designated under the Living Over the Shop Scheme in respect of capital expenditure incurred on the construction or refurbishment of commercial and industrial premises.

**Finance Act 2006 (Section 33) (Commencement of Certain Provisions) Order 2006**

Number: SI 328/2006

**Contents note:** Appoints 26/6/2006 as the commencement date for paragraphs (a), (b)(i), (c) and (d) of section 33(1) of the *Finance Act 2006*. The provisions in these paragraphs allow, subject to certain conditions, for an extension of the qualifying period from 31/7/2006 to 31/7/2008 for the incentives available in areas designated under the Town Renewal Scheme in respect of capital expenditure incurred on the construction or refurbishment of commercial and industrial premises.

**Food Safety Authority of Ireland Act 1998  
(Amendment of First and Second Schedules) Order 2006**

Number: SI 320/2006

**Contents note:** Amends parts II and III of the first schedule

to the *Food Safety Authority of Ireland Act 1998* in order to update the lists of statutory instruments and EC regulations in force relating to food. Amends the second schedule (official agencies designated for the purposes of the act) to the act. The full list of legislation contained in the first schedule and the list of official agencies listed in the second schedule are set out in the explanatory note to SI 320/2006.

**Garda Síochána (Reserve Members) Regulations 2006**

Number: SI 413/2006

**Contents note:** Provides for the recruitment and eligibility requirements of garda reserve trainees and for their training and appointment to the rank of reserve garda. Provide for a two-year probation period and for the cessation of service as a reserve garda. Provide for the deployment of reserve gardaí and the payment of allowances to them for expenses incurred, and provide for related matters. **Commencement date:** 1/8/2006

**Health (Interest Payable on Recoverable Health Charges) Regulations 2006**

Number: SI 445/2006

**Contents note:** Provide for interest to be paid on recoverable health charges by reference to the consumer price index. The regulations are made under section 20 of the *Health (Repayment Scheme) Act 2006*. **Commencement date:** 10/8/2006

**Health (Repayment Scheme) Act 2006 (Commencement) Order 2006**

Number: SI 338/2006

**Contents note:** Appoints 30/6/2006 as the commencement date for all sections of the act.

**Housing (Miscellaneous Provisions) Act 2002  
(Commencement) (No 3) Order 2006**

Number: SI 391/2006

**Contents note:** Appoints the date of the making of this order (26/7/2006) as the commencement date for ss17(a), 17(b), 17(e) and schedule 2 of the *Housing (Miscellaneous Provisions) Act 2002*.

**Land Purchase Annuities Redemption Scheme (Amendment) Regulations 2006**

Number: SI 352/2006

**Contents note:** Provide for an extension to the date of the land purchase annuity scheme – to 31/10/2006 – provided for in the *Land Purchase Annuities Redemption Scheme Regulations 2005* (SI 830/2005).

**Local Government Act 2001  
(Bye-Laws) Regulations 2006**

Number: SI 362/2006

**Contents note:** Prescribe procedures for the making of bye-laws by local authorities under part 19 (ss198 to 211) of the *Local Government Act 2001*. Also apply certain provisions of part 19 of the *Local Government Act 2001* to bye-laws made under the *Local Government (Water Pollution) Act 1990*. **Commencement date:** 10/7/2006

**Local Government Act 2001  
(Commencement) Order 2006**

Number: SI 361/2006

**Contents note:** Appoints 10/7/2006 as the commencement date for part 19 (ss198 to 211) of the *Local Government Act 2001*. Part 19 provides a general power for local authorities to make bye-laws. Appoints 10/7/2006 as the commencement date for section 5(1) of, and part 1 of schedule 3 to, the *Local Government Act 2001* for the purposes of the repeal of ss78 to 88 of the *Towns Improvement (Ireland) Act 1854* and part VII (ss36 to 43, 'Bye-laws') of the *Local Government Act 1994*.

**Mental Health Act 2001  
(Commencement) Order  
2006****Number:** SI 411/2006**Contents note:** Appoints 1/11/2006 as the commencement date for all sections of the act not already in operation, that is, ss6, 8 to 30 and 56 to 75 inclusive.**Pensions Ombudsman  
Regulations 2006****Number:** SI 302/2006**Contents note:** Amend article 4 of the *Pensions Ombudsman Regulations 2003* (SI 397/2003) to take account of changes made to redress provisions in part VII (equal pensions treatment) of the *Pensions Act 1990*, whereby complaints relating to equal pension treatment are no longer submitted to the Pensions Board but to the Director of the Equality Tribunal; amend article 5 of SI 397/2003 in relation to procedures for internal resolution of disputes.**Commencement date:** 31/5/2006**Railway Safety Act 2005  
(Section 130) (Commence-  
ment) Order 2006****Number:** SI 347/2006**Contents note:** Appoints 1/7/2006 as the commencement date for section 130 of the act. Section 130 deals with borrowing by CIÉ for capital purposes.**Road Traffic Acts 1961 to  
2006 (Fixed Charge  
Offence) (Holding Mobile  
Phone while Driving)  
Regulations 2006****Number:** SI 444/2006**Contents note:** Declare the offence (holding a mobile phone while driving a mechanically propelled vehicle), under section 3(3) of the *Road Traffic Act 2006*, to be a fixed-charge offence for the purposes of section 103 of the *Road Traffic Act 1961* and prescribe the amount of €60 as the fixed charge for this offence.**Commencement date:** 1/9/2006**Road Traffic Act 2002  
(Commencement of Certain  
Provisions relating to Driving  
while Holding Mobile Phone)  
Order 2006****Number:** SI 443/2006**Contents note:** Commences certain provisions of the *Road Traffic Act 2002*, with effect from 1/9/2006, to apply the penalty-point system to the offence of holding a mobile phone while driving a mechanically propelled vehicle, under section 3 of the *Road Traffic Act 2006*. Specifically, the order appoints 1/9/2006 as the commencement date for sections 8 and 22 of the *Road Traffic Act 2002*, insofar as they apply to an offence under section 3(3) of the *Road Traffic Act 2006* (offence of holding a mobile phone while driving a mechanically propelled vehicle), and for part 1 of the first schedule, insofar as it relates to the offence specified at reference number 18 (driving a vehicle while holding a mobile phone) (inserted by section 16(2)(e) of the *Road Traffic Act 2006*).**Road Traffic Act 2006  
(Commencement) Order  
2006****Number:** SI 384/2006**Contents note:** Appoints 21/7/2006 as the commencement date for sections of the act other than ss5, 6, 7, 10, 11, 13, 16 and 18. (Note: section 21 came into force on 16/7/2006 on the passing of the act (per s23(2) of the act.)**Road Traffic Act 2006  
(Mobile Phones – Prescribed  
Numbers) Regulations 2006****Number:** SI 385/2006**Contents note:** Section 3 of the *Road Traffic Act 2006* provides that it is a defence for a person charged with the offence of driving while using a mobile phone to show that he/she was using the phone to call the gar-

daí, an ambulance, the fire services or other emergency service on numbers prescribed for such a service. These regulations prescribe 999 and 112 as the emergency numbers.

**Safety, Health and Welfare  
at Work (Control of Noise at  
Work) Regulations 2006****Number:** SI 371/2006**Contents note:** Implement directive 2003/10 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from noise. Revoke and replace the *European Communities (Protection of Workers) (Exposure to Noise) Regulations 1990* (SI 157/1990), subject to those regulations continuing to apply to the music and entertainment sectors until 15/2/2008.**Leg-implemented:** Dir 2003/10**Commencement date:** 13/7/2006, subject to transitional periods set out in regulation 11 (per regulation 1(2))**Safety, Health and Welfare  
at Work (Control of Vibration  
at Work) Regulations 2006****Number:** SI 370/2006**Contents note:** Implement directive 2002/44 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from vibrations. Prescribe the measures to be taken to protect employees from the risks arising from vibrations.**Leg-implemented:** Dir 2002/44**Commencement date:** 13/7/2006, subject to transitional periods set out in regulation 9 (per regulation 1)**Safety, Health and Welfare  
at Work (Exposure to****Asbestos) Regulations 2006****Number:** SI 386/2006**Contents note:** Implement EC directives on the protection of employees from the risks related to exposure to asbestos at work.**Leg-implemented:** Dir 83/477; as amended by dir 91/382 and dir 2003/18; dir 87/217**Commencement date:** 21/7/2006**Social Welfare Law Reform  
and Pensions Act 2006  
(Sections 4, 9, 10, 11, 12,  
13, 14, 16, 17, 18, 19, 20,  
21, 22, 23, 24 and 25)  
(Commencement) Order  
2006****Number:** SI 334/2006**Contents note:** Appoints the following commencement dates: (a) 28/7/2006 for s4(1), insofar as it relates to orphan's (contributory) allowance and orphan's (non-contributory) pension, s4(4), s4(5) and items 8 to 14 of schedule 1; (b) 28/9/2006 for s4(1), insofar as it relates to retirement pension, ss4(6), 9, 10, 11, 12, 13, 14 and item 3 of schedule 1; (c) 29/9/2006 for s4(1), insofar as it relates to old age (contributory) pension, and for ss4(3), 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and items 1 and 2 of schedule 1; (d) 2/10/2006 for s4(1), insofar as it relates to disability benefit and unemployment supplement, s4(2), s4(9) and items 7 and 15 of schedule 1; (e) 4/10/2006 for s4(1), insofar as it applies to unemployment assistance, and s 4(8) and items 4 and 5 of schedule 1; (f) 5/10/2006 for s4(1), insofar as it applies to unemployment benefit, and s4(7) and item 6 of schedule 1. **G***Prepared by the  
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Department of the Taoiseach

## Public Consultation on Regulatory Appeals

The Government White Paper, *Regulating Better*, contains a commitment to develop an improved approach to the mechanisms by which the decisions of regulators can be appealed. Given the complex nature of the issues involved in the design of appeals mechanisms, the Government has decided to initiate a broad consultation process on the issue, in advance of the development of any proposals for policy change.

A *Consultation Paper on Regulatory Appeals* has been prepared inviting submissions. The Paper poses a number of questions in relation to regulatory appeals to assist respondents with their submissions. The Paper primarily focuses on appeals relating to major economic and sectoral regulatory authorities, such as: the Commission for Communications Regulation (ComReg); the Commission for Aviation Regulation (CAR); the Commission for Energy Regulation (CER); the Financial Regulator; the Competition Authority; and the Commission for Taxi Regulation.

Interested parties who wish to obtain a copy of the *Consultation Paper on Regulatory Appeals* or who have any queries in relation to the public consultation process may make use of the contact details provided below:

**In writing:** Mary Keenan  
Better Regulation Unit  
Department of the Taoiseach  
Government Buildings  
Dublin 2

**Online:** [www.betterregulation.ie](http://www.betterregulation.ie)

**By email:** [betterregulation@taoiseach.gov.ie](mailto:betterregulation@taoiseach.gov.ie)

**By telephone:** (01) 6194593

**By fax:** (01) 6194239

Please note that responses to this consultation process must be received either by post or by email to the above addresses by **31 October 2006**.

Submissions received may be made available publicly to facilitate further debate and may be subject to the provisions of the Freedom of Information Act 1997 and 2003.



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### Contact:

**Joe O'Rourke**

**Richardson Brokers**

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# Solicitors Disciplinary Tribunal

These reports of the outcome of Solicitors Disciplinary Tribunal inquiries are published by the Law Society of Ireland as provided for in section 23 (as amended by section 17 of the *Solicitors (Amendment) Act 2002*) of the *Solicitors (Amendment) Act 1994*

In the matter of Colm Murphy, solicitor, practising as Colm Murphy & Company, Solicitors, at Market Street, Kenmare, Co Kerry and as Murphys at 1 Chapel Street, Killarney, Co Kerry, and in the matter of an application by the Law Society of Ireland to the Solicitors Disciplinary Tribunal and in the matter of the *Solicitors Acts 1954-2002* [5306/DT446/04]

*Law Society of Ireland*

(applicant)

*Colm Murphy*

(respondent solicitor)

On 4 November 2004, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in his practice as a solicitor in that:

- a) He failed up to the date of the swearing of the Society's affidavit on 2 April 2004 to furnish documents, including title documents referred to in a letter of authority to the respondent solicitor from his former client dated 31 July 2003;
- b) He failed to reply to five letters from his former client's new solicitors between 1 August 2002 and 22 May 2003 requesting the said title documents;
- c) He failed to reply to correspondence from the Society.

The tribunal ordered that the respondent solicitor:

- a) Do stand censured,
- b) Pay the sum of €5,000 to the compensation fund,
- c) Pay the sum of €1,000 as restitution to his former client without prejudice to any legal right of his former client,
- d) Pay the whole of the costs of the Law Society of Ireland

as taxed by a taxing master of the High Court in default of agreement,

- e) Hand over the entire file of his former client, the complainant, to the complainant's new solicitor within one month, without costs, on the basis that the complainant's new solicitor would take over the completion of the mortgage of the complainant.

## THE HIGH COURT 2006

No 8 SA

Monday 24 April 2006

In the matter of Thomas O'Donoghue, solicitor, and in the matter of the *Solicitors Acts 1954-2002*

*Law Society of Ireland*

(applicant)

*Thomas O'Donoghue*  
(respondent solicitor)

On 10 January 2006, the Disciplinary Tribunal found the respondent solicitor guilty of misconduct in that he failed to file an accountant's report with the Society, in breach of regulation 21(1) of the *Solicitors' Accounts Regulations 2001* (SI no 421 of 2001), since he commenced in practice on 6 June 2003 in a timely manner or at all.

The Disciplinary Tribunal ordered that the Law Society did bring such finding of the tribunal in respect of the respondent solicitor before the High Court together with the report of the tribunal to the High Court, which report includes the opinion of the tribunal as to the fitness or otherwise of the respondent solicitor to be a member of the solicitors' profession, having regard to their findings and recommendations in respect of the sanction that

should be imposed in regard to their findings in respect of the respondent solicitor.

The President of the High Court on 24 April 2006, having read the findings of the Disciplinary Tribunal, their report, and noting that the outstanding accountant's report has now been attended to, ordered:

- a) That there be no order in relation to censure,
- b) That the solicitor be fined and that the fine be measured in the sum of €3,000,
- c) The appellant do recover their costs of the motion and order herein against the respondent solicitor when taxed and ascertained.

In the matter of John P Whelan, solicitor, practising as Matthew MacNamara & Son, Solicitors, at Friar Street, Cashel, Co Tipperary, and in the matter of the *Solicitors Acts 1954-2002* [5513/DT62/05]

*Law Society of Ireland*

(applicant)

*John P Whelan*

(respondent solicitor)

On 27 April 2006, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in respect of the following complaints, as set out in paragraph 15(i) to (viii) inclusive of the affidavit sworn on behalf of the Society on 14 October 2005 as follows:

- i) Took substantial sums of money as 'solicitor/client' fees in personal injury cases, which were not recorded as income in the office books of account, so that the fee income of the respondent solicitor's practice was substantially

understated in the books of account;

- ii) In most cases, caused two client account cheques to be written, both payable to the client and entered in the books of account as payments to the client, whereas one of the cheques was endorsed by the client, which the respondent solicitor then negotiated for his own use and benefit;
- iii) Failed to pay VAT on the fees in question or to return the fee income to the Revenue;
- iv) Provided incorrect information in relation to a number of matters to the investigating accountant in the course of an investigation under the *Solicitors' Accounts Regulations 2001* on 17 February 2004 and 19 February 2004;
- v) Failed to disclose the solicitor/client fees to his reporting accountant;
- vi) Breached section 68(6) of the *Solicitors (Amendment) Act 1994* by failing to furnish to clients a bill as prescribed by the section as soon as practicable after the conclusion of contentious business carried out by him on behalf of the client;
- vii) Cashed or caused to be cashed 'solicitor/client' fee cheques in the amount of €184,066 over a three-and-a-half year period, usually in the family butcher shop, instead of paying such fees into the office account;
- viii) Breached the following regulations of the *Solicitors' Accounts Regulations 2001*:
  - Regulation 12(2)(a): The books of account did

not show "the true financial position" in relation to the solicitor/client cheques. The books showed the cheques as having been paid to the clients, whereas they were actually fees drawn by the respondent solicitor.

- Regulation 12(1): "Proper books of account" were not maintained when cheques, recorded as having been paid to the clients, were actually paid to the respondent solicitor.

- Regulation 11(1): In none of the personal injury files examined were the clients furnished with a "bill of costs which specifies the amount of the professional fees payable by the client", including outlays.

- Regulation 10(2): The respondent solicitor cashed 'solicitor/client' cheques totalling €76,910.63 and a further cheque for €2,500. The respondent solicitor did not pay all moneys received in respect of solicitor/client fees into the office account.

- Regulation 8(3)(a): The payee details on the solicitor/client cheques recorded the client as the payee, whereas it was in fact the respondent solicitor who received the proceeds of the cheque.

- Regulation 8(2): The solicitor/client cheques were not drawn in favour of the respondent solicitor and were not paid into the office account.

- Regulation 7(3) and 7(1)(a)(iii): In none of the personal injury files examined were the clients furnished with a bill of costs (as defined). Furthermore, the solicitor/client fees drawn were not drawn within a period "not exceeding three months after" furnishing a bill of costs.

The tribunal ordered that the respondent solicitor:

- Do stand censured,
- Pay a sum of €15,000 to the compensation fund,
- Pay the whole of the costs of the Law Society of Ireland as taxed by a taxing master of the High Court in default of agreement.

**In the matter of Keith Finnan, solicitor, carrying on practice under the style and title of Keith Finnan & Company at Humbert Mall, Main Street, Castlebar, Co Mayo, and in the matter of the Solicitors Acts 1954-2002 [4346/DT05/06]**

*Law Society of Ireland*

(applicant)

**Keith Finnan**

(respondent solicitor)

On 4 May 2006, the Solicitors Disciplinary Tribunal found that the respondent solicitor was guilty of misconduct in his practice as a solicitor in that he had:

- Failed to ensure there was furnished to the Society an accountant's report for the year ended 31 January 2005 within six months of his annual accounting date, in breach of regulation 21(1) of the *Solicitors' Accounts Regulations 2001* (SI no 421 of 2001);
- Through his conduct, showed disregard for his statutory obligations to comply with the regulations and showed disregard for the Society's statutory obligation to monitor compliance with the *Solicitors' Accounts Regulations* for the protection of clients and the public.

The tribunal ordered that the respondent solicitor:

- Do stand censured,
- Pay a sum of €1,500 to the compensation fund,
- Pay the whole of the costs of the Law Society of Ireland

as taxed by a taxing master of the High Court in default of agreement.

**In the matter of David C Howard, a solicitor carrying on practice under the style and title of Howard & Company, Solicitors, at 2nd Floor, 15 South Mall Cork, and in the matter of the Solicitors Acts 1954-2002 [5996/DT41/05]**

*Law Society of Ireland*

(applicant)

**David C Howard**

(respondent solicitor)

On 4 May 2006, the Solicitors Disciplinary Tribunal found that the respondent solicitor was guilty of misconduct in his practice as a solicitor in that he had:

- Failed to file his accountant's report for the year ended 31 August 2004 with the Society in a timely manner, in breach of regulation 21(1) of the *Solicitors' Accounts Regulations 2001*;
- Through his conduct, showed disregard for his statutory obligations to comply with the regulations and showed disregard for the Society's statutory obligation to monitor compliance with the *Solicitors' Accounts Regulations* for the protection of the clients and the public.

The tribunal ordered that the respondent solicitor:

- Do stand censured,
- Pay the whole of the costs of the Law Society of Ireland as taxed by a taxing master of the High Court in default of agreement.

**In the matter of Michael JP Buggy, solicitor, practising as Michael Buggy & Co, 41 Parliament Street, Kilkenny, and in the matter of an application by the Law Society of Ireland to the Solicitors Disciplinary Tribunal and in**

**the matter of the Solicitors Acts 1954-2002 [5231/DT13/06]**

*Law Society of Ireland*

(applicant)

**Michael JP Buggy**

(respondent solicitor)

On 13 June 2006, the Solicitors Disciplinary Tribunal found that the respondent solicitor had been guilty of misconduct in his practice as a solicitor in that he had:

- Charged his client a professional fee purportedly for services provided by the solicitor, the fees for which were not recoverable from the Residential Institutions Redress Board, but failed to produce any documentary or any evidence of such work;
- Subsequently negotiated his client's costs with the Residential Institutions Redress Board without informing his client and obtaining his instructions on the amount being offered by the Residential Institutions Redress Board in respect of such costs;
- Breached section 68(3) of the *Solicitors (Amendment) Act 1994* by deducting fees from his client's award without the written authority of his client;
- Breached section 68(6) of the *Solicitors (Amendment) Act 1994* by failing to furnish to his client a bill of costs as prescribed by the provisions of the section.

The tribunal ordered that the respondent solicitor:

- Do stand censured,
- Pay a sum of €5,000 to the compensation fund,
- Pay the whole of the costs of the Law Society of Ireland as taxed by a taxing master of the High Court in default of agreement.

**In the matter of Paul Dermot Scully, a solicitor**

practising as PD Scully & Co, Solicitors, 9/11 Inns Court, Winetavern Street, Dublin 8, and in the matter of the *Solicitors Acts 1954-2002* [4558/DT51/05]

*Law Society of Ireland (applicant)*

*Paul Dermot Scully (respondent solicitor)*

On 13 June 2006, the Solicitors Disciplinary Tribunal found that the respondent solicitor had been guilty of misconduct in his practice as a solicitor in that he:

- a) Failed to progress the personal injuries claim of the complainant;
- b) Failed to respond or communicate with the complainant about her case;
- c) Failed to reply to correspondence from the Society about the complaint;
- d) Failed to comply with a notice pursuant to section 10 of the *Solicitors (Amendment) Act 1994* to deliver the complainant's file to the Society for inspection;

- e) Failed to comply with a direction of the Society to hand over the complainant's file to the Society for onward transmission to the complainant's new solicitors;
- f) Failed to comply with the provisions of section 68(1) of the *Solicitors (Amendment) Act 1994*;
- g) Through his conduct, prevented the Society from providing a solution to the complainant's situation;
- h) Through his conduct, showed a disregard for the statutory responsibilities of the Society in dealing with complaints;
- i) Through his conduct, showed a disregard for the Society as the statutory regulatory body of the solicitors' profession.

The tribunal ordered that the respondent solicitor:

- a) Do stand censured,
- b) Pay a sum of €15,000 to the compensation fund,
- c) Pay the whole of the costs of the Law Society of Ireland, and witnesses' expenses, as

taxed by a taxing master of the High Court in default of agreement.

**In the matter of Paul Dermot Scully, a solicitor practising as PD Scully & Co, Solicitors, 9/11 Inns Court, Winetavern Street, Dublin 8, and in the matter of the *Solicitors Acts 1954-2002* [4558/DT52/05]**

*Law Society of Ireland (applicant)*

*Paul Dermot Scully (respondent solicitor)*

On 13 June 2006, the Solicitors Disciplinary Tribunal found that the respondent solicitor had been guilty of misconduct in his practice as a solicitor in that he:

- a) Failed to progress two personal injuries claims of the complainant;
- b) Failed to respond or communicate with the complainant about his cases;
- c) Failed to reply to correspondence from the Society about the complaint;
- d) Failed to comply with a

direction of the Society to hand over the complainant's file to the Society for onward transmission to the complainant so that he could instruct a new solicitor;

- e) Through his conduct, prevented the Society from providing a solution to the complainant's situation;
- f) Through his conduct, showed a disregard for the statutory responsibilities of the Society in dealing with complaints;
- g) Through his conduct, showed a disregard for the Society as the statutory regulatory body of the solicitors' profession.

The tribunal ordered that the respondent solicitor:

- a) Do stand censured,
- b) Pay the sum of €15,000 to the compensation fund,
- c) Pay the whole of the costs of the Law Society of Ireland, and any witnesses' expenses, as taxed by a taxing master of the High Court in default of agreement. **G**



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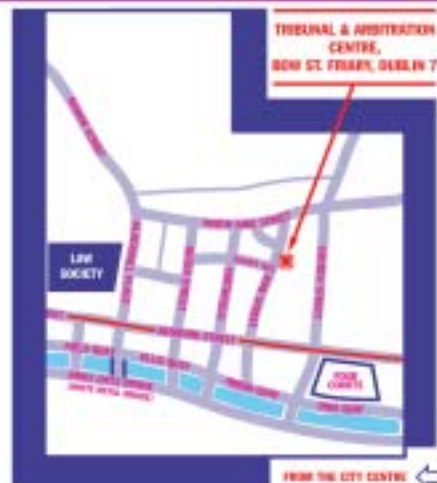
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News from the EU and International Affairs Committee

Edited by TP Kennedy, Director of Education, Law Society of Ireland

## Jumping the gun in merger cases

**A** recent case in the US highlights the danger of putting a merger into effect before receiving competition law clearance – known as ‘gun-jumping’. Two major corporations were fined for breaching the waiting period provided by US law for merger control authorities to review proposed mergers. Both Irish and EC merger control rules also prohibit the conclusion of mergers while regulatory approval is pending, and the case is significant, as it may signal an increased willingness by competition authorities to take action against ‘gun-jumping’.

### The US experience

In April 2006, Qualcomm Inc and Flarion Technologies agreed to pay a fine of \$1.8 million in order to settle an action taken against them by the US Department of Justice (DOJ) for breaching the mandatory waiting period imposed by the *Hart-Scott-Rodino Antitrust Improvement Act* (HSR). The HSR requires that parties to a merger wait an initial 30 days (this period may be extended) after notifying a proposed merger to the US competition authorities, in order to allow the authorities sufficient time to investigate and decide whether to approve or prohibit the transaction.

Qualcomm and Flarion announced their intention to merge in July 2005, and the merger agreement required Flarion to seek Qualcomm’s consent before undertaking certain basic business activities, such as making new proposals to customers. Further, although not required by the agreement,

Flarion sought and followed Qualcomm’s guidance before undertaking routine activities such as hiring consultants and employees. While the merger was consummated in January 2006, the DOJ found that this pre-merger conduct constituted ‘gun-jumping’ in breach of the HSR.

The issue of ‘gun-jumping’ has arisen in other cases in the US, notably in the *Computer Associates/Platinum Technology* case in 2002. In this case, the parties to a public bid agreed that, in the period between announcing the bid and receiving merger clearance from the US authorities, the acquirer would have certain rights over how the target’s business was conducted. As a result:

- Platinum Technology would not offer certain customers discounts greater than 20% from list price without first obtaining Computer Associates’ approval;
- Computer Associates installed a vice-president at Platinum Technology’s headquarters to review and approve customer contracts;
- Computer Associates collected and circulated within Computer Associates sensitive data about Platinum Technology’s proposed customer contracts, including details of the name of the customer, products and services offered, list price, discount and the justification for any discount; and
- Platinum Technology agreed not to provide certain types of services without Computer Associates’ prior approval.

The DOJ claimed that Computer Associates had, in effect, assumed operational control of Platinum Technology by imposing “extraordinary business restrictions”, with the result that Platinum Technology no longer operated as an independent competitor. Computer Associates settled the action by paying a fine and Computer Associates undertook not to make agreements on price, exchange bid information or review and approve customer contracts when dealing with potential merger situations in the future.

### Rules for mergers in Ireland

The Irish merger control rules are set out in the *Competition Act 2002*, which provides that a merger or acquisition that has been notified to the Competition Authority may not be “put into effect” during the period of the authority’s review. (Mergers that satisfy the thresholds for mandatory notification set out in section 18(1) of the *Competition Act* and media mergers (as defined in section 23 of the *Competition Act*) must be notified to the authority. Failure to notify such a transaction to the authority is a criminal offence and may attract a fine of up to €250,000 on conviction on indictment.) Typically, the period of the authority’s review is one month in the case of straightforward cases and up to four months where the authority conducts an in-depth, or Phase 2, investigation.

Section 19(2) of the *Competition Act* provides that any merger or acquisition put into

effect during the period of the authority’s review is void. The authority interprets this as meaning that, in cases where the parties to a transaction have breached the pre-merger waiting period, the transaction will be deemed void until such time as the authority issues a clearance determination. The authority considers that the effect of section 19(2) cannot be to render transactions void for all time, as this would be an “absurdity” (determination no M/05/079 *Radio County Sound/Dooley and Feeney*, 1 March 2006; see also determination no M/04/003 *Radio Two Thousand Limited/News 106 Limited*, 5 March 2004).

In serious cases (that is, where pre-merger cooperation breaches competition law), the authority could also decide to bring proceedings for breach of section 4 of the *Competition Act* (which prohibits anti-competitive agreements), which carries maximum penalties of a fine of 10% of turnover or €4 million (whichever is the greater) and five years in prison.

For larger transactions, the EC *Merger Regulation* (regulation 139/2004) provides that parties may not implement a transaction that has been notified to the European Commission until it has been cleared. The regulation empowers the European Commission to impose fines of up to 10% of the aggregate turnover of the undertakings concerned where they fail to respect this suspension obligation.

The authority has stated that taking control of a target com-

pany prior to the expiry of the merger review period would be a dramatic example of gun-jumping. Improper exchanges of competitively sensitive information and the implementation of coordinated strategies are also examples of conduct that could be considered to be a breach of the law.

#### Conclusion

The extent to which parties to a merger or acquisition may investigate or direct each others' business prior to receiving merger control clearance is limited by the *Competition Act* and the merger control rules of other jurisdictions.

Companies that are party to a transaction that requires merger clearance must ensure that they do not 'jump the gun' when preparing for a merger and

when agreeing how the target company should be run in the period between merger notification and clearance. In particular, during the mandatory pre-merger waiting period:

- The parties should avoid sharing sensitive information regarding price, costs, business plans, customer specific data, research and development or product innovation, and information shared with the other party as part of a due diligence exercise should be limited to what can be justified as reasonably necessary to the due diligence connected with the pre-merger process;
- Commercially sensitive information should only be disclosed to external advisors such as lawyers and accountants;

- People who receive information as part of the pre-merger process should ensure that the information is not used for any purpose other than in relation to the proposed transaction. Additionally, if the transaction is not consummated, the information should be returned or destroyed;
- An acquirer should not manage the target's business (for example, by restructuring the target's workforce or management or by being involved in any of the target's marketing, product development, or sales activities); and
- The parties should not change their behaviour in anticipation of the merger, in particular by jointly procuring inputs or by engaging in joint tendering

in circumstances where this would not otherwise have occurred.

The *Qualcomm/Flarion* and the *Computer Associates/Platinum Technology* cases demonstrate that merging companies must distinguish between planning the integration of their operations and proceeding with this during the US merger-review waiting period. These cases may well influence the thinking of the Competition Authority regarding the application of the suspensory periods under the *Competition Act*, as the authority's practice is informed by economic thought and antitrust law developments in the US. **G**

*David Geary is head of EC, competition and regulation at Eugene F Collins Solicitors.*



Law Society of Ireland

Autumn 2006

## DIPLOMA PROGRAMME ANNOUNCED

In addition to its **NEW Diploma in Employment Law**, which will commence on Thursday 5 October 2006, the Law Society is please to announce the following courses:

<i>Certificate in Trust and Estate Planning</i>	Saturday 9 September 2006
<i>Finance Law</i>	Tuesday 19 September 2006
<i>Commercial Conveyancing</i>	Saturday 4 November 2006
<i>Diploma in Property Tax (CORK)</i>	November/December 2006
<i>Legal French</i>	September/October 2006
<i>Legal German (certificate)</i>	September/October 2006
<i>Spanish Law (certificate)</i>	November 2006

**For further information and application forms, please access the diploma section on the homepage of the Law Society's website or email us giving details of your name, address and area of interest.**

**Email:** [diplomateam@lawsociety.ie](mailto:diplomateam@lawsociety.ie) **Tel:** 01 672 4802. **Fax:** 01 672 4890. **Website:** [www.lawsociety.ie](http://www.lawsociety.ie)

## LOST LAND CERTIFICATES

### Registration of Title Act 1964

An application has been received from the registered owners mentioned in the schedule hereto for the issue of a land certificate in substitution for the original land certificate issued in respect of the lands specified in the schedule, which original land certificate is stated to have been lost or inadvertently destroyed. A new certificate will be issued unless notification is received in the registry within 28 days from the date of publication of this notice that the original certificate is in existence and in the custody of some person other than the registered owner. Any such notification should state the grounds on which the certificate is being held.

*(Register of Titles), Central Office, Land Registry, Chancery Street, Dublin  
(Published 1 September 2006)*

Regd owner: John Brady, Artonagh, Tullycoe, Cootehill, Co Cavan; folio: 2609; lands: Artonagh, Drumcalpin; area: 6.8797 hectares and 0.3288 hectares; **Co Cavan**

Regd owner: Oliver and Catherine Brady, Marahill, Ballinagh, Co Cavan; folio: 6342F; lands: Marahill; area: 10.6336 hectares, 1.7122 hectares and 0.5548 hectares; **Co Cavan**

Regd owner: Noel Byrnes and Michelle Scullion; folio: 4536F; lands: townland of Tullyglass and barony of Buratty Lower; **Co Clare**

Regd owner: Michael Barry and Cecily Barry; folio: 1779F; lands: Moymore North and barony of Corcomroe; **Co Clare**

Regd owner: Michael Barry and Cecily Barry; folio: 8192F; lands: Moymore North and barony of Corcomroe; **Co Clare**

Regd owner: Patrick Cleary; folio: 6929F; lands: townland of Fintra More and barony of Ibrickan; area: 11.656 acres; **Co Clare**

Regd owner: Cork Diocesan Trustees, Donald O'Callaghan and William Riordan; folio: 4591F; lands: plot of ground being part of the townland of Ballyduhig South in the barony of Kerrycurrihy and county of Cork; **Co Cork**

Regd owner: Denis Martin Regan; folio: 27442; lands: plot of ground being part of the townland of Derreenataggart Middle in the barony of Bear and county of Cork; **Co Cork**

Regd owner: Rathduff Cheese

Company Ltd; folio: 56948; lands: plot of ground being part of the townlands of Rathduff and Grenagh South in the barony of Barretts and county of Cork; **Co Cork**

Regd owner: John Wallace; folio: 7217F; lands: plot of ground being part of the townland of Knockbarry (ED Buttevant) in the barony of Orrery and Kilmore and county of Cork; **Co Cork**

Regd owner: Julia Anne McSwiney and Terence McSwiney; folio: 7545; lands: plot of ground being part of the townland of Clodah in the barony of Muskerry West in the county of Cork; **Co Cork**

Regd owner: Eileen Coughlan (deceased); folio: 22903F; lands: plot of ground known as 46 Wilton Gardens in the parish of St Finbar's and in the county borough of Cork; **Co Cork**

Regd owner: Cornelius O'Sullivan (deceased); folio: 31276F; lands: plot of ground being part of the townland of (1) Brecny More and (2) Kealkill in the barony of Bantry and county of Cork; **Co Cork**

Regd owner: John P Cove; folio: 4736; lands: plot of ground being part of the townland of Ballinaclogh in the barony of Carbery East (West Division) and county of Cork; **Co Cork**

Regd owner: Damien and Noreen Brazier; folio: 27580F; lands: plot of ground being part of the townland of Dunowen in the barony of Ibane and Barryroe and county of Cork; **Co Cork**

Regd owner: Mary Reynolds; folio: 4068; lands: plot of ground being part of the townland of Boolteenagh in the barony of Bantry and county of Cork; **Co Cork**

Regd owner: Mary Reynolds; folio: 4074; lands: plot of ground being part of the townland of Curraghavadra in the barony of Bantry and county of Cork; **Co Cork**

Regd owner: Wesco Aluminium Limited; folio: 62762F; lands: plot of ground being part of the townland of Shinagh in the barony of Kinalmeaky and county of Cork; **Co Cork**

Regd owner: Brian Walsh and Mary Kelly; folio: 76423F; lands: plot of ground situate to the east side of Leicester's Lane in the parish of St Anne's Shandon, being part of the townland of Ballinamought East in the barony of Cork and city of Cork; **Co Cork**

Regd owner: James Boyle,

Meencorwick, Crolly Post Office, Co Donegal; folio: 31964; lands: Meencorwick; area: 7.2742 hectares and 178.8432 hectares; **Co Donegal**

Regd owner: Seamus Norry, Saint Mary's Terrace, Ramelton, Letterkenny, Co Donegal; folio: 8588; lands: Roughpark; area: 2.9491 hectares; **Co Donegal**

Regd owner: Patrick Kelly, Cooladerry, Raphoe, Co Donegal; folio: 15154F; lands: Tullyvinny; area: 0.3160 hectares; **Co Donegal**

Regd owner: Brendan Dunnion, Knock, Ballybofey, Co Donegal; folio: 22177; lands: Glencovet; area: 16.8197 hectares; **Co Donegal**

Regd owner: Joseph Herity, Ardsbeg, Gortahork, Letterkenny, Co Donegal; folio: 15365F and 22359F; lands: Ardsbeg; area: 0.6099 hectares and 0.3020 hectares; **Co Donegal**

Regd owner: Joseph Charles Davy, Geraldine Elizabeth Davy and Miriam Gerald Hillery, 60 Dawson Street, Dublin 2; folio: 28913; lands: Larganreagh; area: 0.1012 hectares; **Co Donegal**

Regd owner: Daniel Coleman and Mary Elizabeth Coleman; folio: DN73079L; lands: property known as Flat no 4 on the ground floor of Block 1, Haddleigh Court, situate to the north side of Haddington Road in the parish of St Peter and district of Pembroke; **Co Dublin**

Regd owner: Aodhgan Braidan and Eithne Faherty; folio: DN106239L; lands: the property being an apartment known as no 44 First Floor together with a stairwell and roof space, Rosedale Crescent, Castaheany, and situate in the townland of Castaheany and barony of Castleknock; **Co Dublin**

Regd owner: William Douglas P Burns; folio: DN4182F; lands: property situate in the townland of Rathmines Great and barony of Rathdown; **Co Dublin**

Regd owner: Frederick Matthews and Veronica Matthews; folio: DN41215L; lands: property known as no 3 Springlawn Drive, situate in the townland of Blanchardstown and barony of Castleknock; **Co Dublin**

Regd owner: Anne Kennedy; folio: 10848; lands: lands in the townland of Kimmage and barony of Rathdown; area: 0.35 hectares; **Co Dublin**

Regd owner: Hugh Clarke and Bernardette Clarke; folio: DN3001L; lands: property known as 201 Sundrive Road, Crumlin,

situate on the east side of the said road, in the parish and district of Crumlin; **Co Dublin**

Regd owner: Paul Bourke; folio: DN60875F; lands: property situate in the townland of Yellow Walls and barony of Coolock; **Co Dublin**

Regd owner: Louise Loughran; folio: DN139267F; lands: property known as no 15 Marine Drive, Sandymount, situated in the parish of Donnybrook, district of Pembroke, city of Dublin; **Co Dublin**

Regd owner: Esmond Butler and Yvonne Smith; folio: DN28229F; lands: property situate in the townland of Ballymount Great and barony of Uppercross; **Co Dublin**

Regd owner: Yvonne Foy; folio: DN6108F; lands: property situate in the townland of Shankill and barony of Rathdown; **Co Dublin**

Regd owner: John Lenehan and James Grimes; folio: DN4693; lands: property situate in the townland of Balally and barony of Rathdown; **Co Dublin**

Regd owner: Eugene Jones; folio: DN57530F; lands: property situate in the townland of Rush Demesne and barony of Balrothery; **Co Dublin**

Regd owner: Smurfit Ireland Limited (limited company); folio: DN20443L and DN20444L; lands: (1) the leasehold interest in the property being a unit on the ground floor of the property situate to the east side of Botanic Road in the parish of St George and district of Glasnevin, (2) the leasehold interest in the property being a unit on the first floor of the property situate on the east side of Botanic Road in the parish of St George and district of Glasnevin; **Co Dublin**

Regd owner: Roderick Younger and Carmel Younger; folio: DN6659; lands: property situate in the townland of Ballisk Common and barony of Nethercross; **Co Dublin**

Regd owner: Gabriel Kelly; folio: DN131425F; lands: a plot of ground known as 66 Wilfield Road, situate in the parish of Donnybrook and district of Pembroke; **Co Dublin**

Regd owner: Susan Nielsen; folio: DN43366L; lands: property known as 13 Hilltown Park in the parish of Swords and in the town of Swords; **Co Dublin**

Regd owner: Kathleen Dunleavy; folio: 6805; lands: (1) and (2)



Gortadoeey, (3) Gortcloonmore and barony of Clare; area: (1) 4.4719 hectares, (2) 0.2579 hectares (one undivided 9<sup>th</sup> part), and (3) 0.4097 hectares; **Co Galway**

Regd owner: Gerard Guinnane and Martina Guinnane; folio: 19795F; lands: townland of Garraun South and barony of Dunkellin; area: 2.6930 hectares; **Co Galway**

Regd owner: Ann Cannon; folio: 49670; lands: townland of (1) Kilgill, (2) Kilcahill and barony of (1) and (2) Clare; area: (1) 10.6988 hectares, (2) 1.8668 hectares; **Co Galway**

Regd owner: Frank Lowry; folio: 16114F; lands: townland of Ballybaan Beg and barony of Galway; **Co Galway**

Regd owner: Kieran Audley; folio: 30866; lands: townland of Kylebroughlaun and barony of Moycullen; area: 0.1466 hectares; **Co Galway**

Regd owner: John Bosco Culkin; folio: 24998; lands: townland of Corrafaireen and barony of Tiaquin; area: 11.9730 hectares; **Co Galway**

Regd owner: Thomas Buckley; folio: 1114F; lands: townland of Cloonalour and parish of Trughanacmy; **Co Kerry**

Regd owner: Thomas Faley; folio: 16950; lands: townland of Murher and parish of Iraghtic Connor; **Co Kerry**

Regd owner: Pat Ferriter; folio: 7665F; lands: townland of Ferritersquater and barony of Corkaguiny; area: 0.17 hectares; **Co Kerry**

Regd owner: Patrick Fitzmaurice; folio: 16993; lands: Ballymacasy and barony of Iraghtic Connor; **Co Kerry**

Regd owner: Marion Nolan; folio: 10027; lands: townland of Cloney and barony of Narragh and Reban West; **Co Kildare**

Regd owner: John Fullam; folio: 5052F; lands: townland of Monasterevin and barony of Offaly West; **Co Kildare**

Regd owner: Desmond and Vera Donnelly; folio: 4344F and 11550F; lands: townlands of Mullacash Middle and barony of Naas South; **Co Kildare**

Regd owner: William Ryan; folio: 2498; lands: Grange and barony of Ballyadams; **Co Laois**

Regd owner: Bank of Ireland; folio: 83F; lands: Portlaoise and barony of Maryborough East; **Co Laois**

Regd owner: Henry Fairbrother; folio: 8711; lands: Glebe and the

# LAW SOCIETY Gazette

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All notices must be paid for prior to publication. **CHEQUES SHOULD BE MADE PAYABLE TO LAW SOCIETY OF IRELAND.** Deadline for October Gazette: 21 September 2006. For further information, contact Catherine Kearney or Valerie Farrell on tel: 01 672 4828 (fax: 01 672 4877)

Derries and barony of Upperwoods; **Co Laois**

Regd owner: John P and Celine Moore; folio: 392F; lands: townland of Strahane and barony of Clanwilliam; **Co Limerick**

Regd owner: Mary B Carroll; folio: 26349 Co Limerick; lands: Doonmoon and Knocktoran and barony of Coshlea; **Co Limerick**

Regd owner: Patrick J Enright and Anne Enright; folio: 14670F; lands: townland of Curraheen North and barony of Connello Lower; **Co Limerick**

Regd owner: Mary O'Dwyer; folio: 7460F; lands: townland of Shannabooly and parish of North Liberties; **Co Limerick**

Regd owner: Noreen Owens; folio: 27890F; lands: townland of Stradbally North and parish of Clanwilliam; **Co Limerick**

Regd owner: Patrick Lenaghan, Liscallyroan, Drumsna, Co Leitrim; folio: 3204; lands: Drumnadober and Liscallyroan; area: 0.1290 hectares, 6.4370 hectares and 7.0060 hectares; **Co Leitrim**

Regd owner: Michael Brady, Ballinrooey, Dring, Co Longford; folio: 6899F; lands: Rathbrackan; area: 8.0570 hectares; **Co Longford**

Regd owner: Brendan Casey, Ballymacormack, Co Longford; folio: 145F; lands: Cloonkeel, Ballynakill; area: 11.5563 hectares and 5.5897 hectares; **Co Longford**

Regd owner: Margaret Hoey, Clonterm, Longford; folio: 7638; lands: Clontirm; area: 13.199 acres; **Co Longford**

Regd owner: Dominic and Annie T Egan, Kilmore Street, Mullingar, Co Westmeath; folio: 11333; lands: Balloo; area: 3.3690 hectares; **Co Longford**

Regd owner: Annie M Donohoe and Patrick J Donohoe, Ferefad, Longford; folio: 4380; lands: Feraghfad; area: 2.6305 hectares; **Co Longford**

Regd owner: Peter Meegan and Christina Meegan, Dunbin, Knockbridge, Dundalk, Co Louth; folio: 2454; lands: Dunbin, Knockbridge; **Co Louth**

Regd owner: Peter Meegan, Dunbin, Knockbridge, Dundalk, Co Louth; folio: 9285F; lands: Dunbin, Knockbridge; **Co Louth**

Regd owner: John McEvoy, 51 Dublin Street, Dundalk, Co Louth; folio: 137L; lands: townparks; **Co Louth**

Regd owner: Mary Quigley, Newtown Denver, Castlebellingham, Co Louth; folio: 5068; lands: Allardstown; area: 17.7038 hectares; **Co Louth**

Regd owner: Mary Coughlan; folio: 6284; lands: townland of Liscluman and barony of Costello; area: 4.8410 hectares; **Co Mayo**

Regd owner: Bridie Hession; folio: 8563F; lands: townland of (1) Pollbaum, (2) Knockroe and barony of Kilmaine; area: (1) 38.900 acres, (2) 2.413 acres, (3) 0.675 acres (one undivided 28<sup>th</sup> part); **Co Mayo**

Regd owner: Anne McHale; folio: 29619; lands: townland of Clooncarraun and barony of Murrisk; area: 0.0354 hectares; **Co Mayo**

Regd owner: Paul Waldron and Frankie Waldron; folio: 1943F;

lands: townland of Demesne and barony of Carra; area: 0.1593 hectares; **Co Mayo**

Regd owner: John Mahon, Dangan, Summerhill, Co Meath; folio: 7333; lands: Clonmahon; area: 1.3355 hectares; **Co Meath**

Regd owner: Anthony Glennon and Anne Glennon, 16D Brookville, Hunters Lane, Ashbourne, Co Meath; folio: 2880L; lands: Killegland; **Co Meath**

Regd owner: Geoffrey Heffernan, 102 Blackcastle Demesne, Navan, Co Meath; folio: 39541F; lands: Blackcastle Demesne; **Co Meath**

Regd owner: George Patrick Yeates, Dunboyne, Co Meath; folio: 421; lands: Rusk; area: 7.6359 hectares; **Co Meath**

Regd owner: Declan McCann, Newtown, Moneyhill, Garristown, Co Meath; folio: 3998; lands: Primatestown; area: 5.5366 hectares; **Co Meath**

Regd owner: Eileen Brady, Mullaghinshigo, Tydavnet, Co Monaghan; folio: 16145; lands: Mullaghinshigo; area: 11.3910 hectares; **Co Monaghan**

Regd owner: Catherine McCaghey, Drummanus, Broomfield PO, Castleblayney, Co Monaghan; folio: 509; lands: Fincarn; area: 3.5410 hectares; **Co Monaghan**

Regd owner: Noel and Jacqueline Connolly, Church Street, Castleblayney, Co Monaghan; folio: 20851; lands: Bree; area: 0.1492 hectares; **Co Monaghan**

Regd owner: John Bracken (deceased); folio: 15538; lands: Clara and barony of Kilcoursey; **Co Offaly**

Regd owner: Patrick J Meares; folio:

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18509; lands: Laurencetown and barony of Warrenstown; **Co Offaly**

Regd owner: Aidan Patrick Duke; folio: 9141; lands: townland of (1) Cuilmore, (2) Curry and barony of Roscommon; area: (1) 7 acres, 1 rood, 4 perches, (2) 1 acre, 7 perches; **Co Roscommon**

Regd owner: Marie J Ennis; folio: 773F; lands: townland of Muckanagh and barony of Ballintober North; area: 10 perches; **Co Roscommon**

Regd owner: Joseph Mulvanny and Jennifer Mulvanny; folio: 8879; lands: townland of Cloonagrid and barony of Frenchpark; **Co Roscommon**

Regd owner: Michael Hassett; folio: 2914 and 12676; lands: townland of Cooleen and Pollagh; parish of Owney and Arra; **Co Tipperary**

Regd owner: John Breen; folio: 17605F; lands: Grangecastle and barony of Slieveardagh; **Co Tipperary**

Regd owner: Tom Murphy; folio: 4643L; lands: plot of ground situate to the north of the Cleaboy Road in the parish of Kilotteran, Division Knockhouse Lower and city of Waterford; **Co Waterford**

Regd owner: Donal Fenton; folio: 24588F; lands: plot of ground being part of the townland of Lackandarra Upper in the barony of Decies without Drum and county of Waterford; **Co Waterford**

Regd owner: Anne Keoghan; folio: 640F; lands: plot of ground being part of the townland of Crobally Upper in the barony of Middlethird and county of Waterford; **Co Waterford**

Regd owner: John Treacy; folio: 7528; lands: plot of ground being part of the townland of Aglish in the barony of Decies-within-Drum and county of Waterford; **Co Waterford**

Regd owner: Dominic and Annie T Egan, Kilmore Street, Mullingar, Co Westmeath; folio: 17162; lands: Ballew; area: 2.6633 hectares; **Co Westmeath**

Regd owner: Mary Murphy; folio: 21897; lands: Kilbegnet and barony of Gorey; **Co Wexford**

Regd owner: William A Rutledge; folio: 2455F; lands: Ballyconigar Upper and barony of Ballaghkeen South; **Co Wexford**

Regd owner: Jim Kehoe; folio: 2724; lands: Ballinagam Lower, Ballygarrett and barony of Ballaghkeen North, Gorey; **Co Wexford**

Regd owner: Seamus and Kathleen Weafer; folio: 580F; lands: Mangan Lower and barony of Ballaghkeen North; **Co Wexford**

Regd owner: Ulrike Von Walderdorff, Ardtramon, Castlebridge, Co Wexford; folio: 9755F; lands: Crory Middle and barony of Shelmalieri East; **Co Wexford**

Regd owner: Irish Shell and BP Limited; folio: 7836; lands: townland of Rathdown Lower and barony of Rathdown; **Co Wicklow**

Regd owner: Irish Shell and BP Limited; folio: 7135; lands: townland of Rathdown Lower and barony of Rathdown; **Co Wicklow**

Regd owner: Thomas and Siobhan O'Dowd; folio: 6551F; lands: townland of Ballymurrin Upper and barony of Arklow; **Co Wicklow**

Regd owner: Philip and Antoinette Walsh; folio: 12327; lands: townland of Johnstown and barony of Talbotstown Lower; **Co Wicklow**

## WILLS

**Boland, Mary Veronica (deceased)**, late of 18 Russell Avenue, Clonliffe Road, Dublin 3. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, who died on 15 October 1989, please contact O'Donohoe, Solicitors, 11 Fairview, Dublin 3; tel: 01 833 2204, fax: 01 833 6941, email: reception@odonohoes.com

**Breathnach, Eibhlín (deceased)**, late of 110 Brecknock Road, London N7 ODB, England, who died on 17 November 2005. Would any person having knowledge of the whereabouts of a will executed by the above-named deceased please contact Lavery Kirby Gilmartin, Solicitors, 29-31 Glasthule Road, Glasthule, Co Dublin; tel: 01 231 1430 or fax: 01 231 1417

**Brophy, Catherine (deceased)**, late of Kilmacuddy, Cadamstown, Birr, Co Offaly. Notice is hereby given for any relatives of Catherine Brophy, deceased, to furnish full details of their name, address and relationship to the deceased Catherine Brophy, late of Kilmacuddy, Cadamstown, Birr, Co Offaly, who died on 25 November 1995 at St Vincent's Hospital, Mountmellick, Co Laois. Details should be furnished to the

undersigned solicitors on or before 15 September 2006; Thomas W Enright, Solicitors, St John's Place, Birr, Co Offaly

**Codd, Patrick (deceased)**, late of Mill Road, Ballypreacuss, Bunclody, in the county of Wexford. Would any person having knowledge of a will executed by the above-named deceased, who died on 25 June 2005, please contact Ensor O'Connor, Solicitors, 4 Court Street, Enniscorthy, Co Wexford; tel: 053 923 5611, fax: 053 923 5234

**Dunne, Mary (née McCabe) (deceased)**, late of 4 Seafort Gardens, Sandymount, Dublin 4, who died on 27 February 1991. Would any person having knowledge of a will made by the above-named deceased please contact O'Donovan, Solicitors, 73 Capel Street, Dublin; tel: 01 887 3950, fax: 01 874 0069, email: mneedham@odonovansolicitors.com

**Farrell, Elsie Veronica (deceased)**, late of Newpark Care Centre, The Ward, Co Dublin and formerly of 17 Fleming Road, Drumcondra, Dublin 9. Would any person having any knowledge of a will made by the above-named deceased, who died on 5 November 2005 at Newpark Nursing Home, please contact: Roderick Tyrrell, Solicitor, 56 Haddington Road, Dublin 4; tel: 01 667 1476, email: rod@lawyer.ie

**Fitzgerald, Mary (or Maura) (deceased)**, late of Glenbrook, 100 Malahide Road, Clontarf, Dublin 3. Would any person having knowledge of a will executed by the above-named deceased, who died on 29 April 2006, please contact Daire Eagney, Ó Scanail & Company, Solicitors, 41 Main Street, Swords, Co Dublin; tel: 01 813 7500, fax: 01 840 5259, email: de@scanlaw.ie

**Griffin, Veronica (deceased)**, late of 22 Terenure Road West, Dublin 6. Would any person with any knowledge of a will executed by the above-named deceased, who died on 6 January 2006, please contact Seales Fagan Kenny, 18 Stephen's Lane, Dublin 2; tel: 01 661 1244 or fax: 01 676 5661

**Hanrahan, John Michael (deceased)**, late of 19 Corrib Park, Newcastle, Galway; date of death: 26 March 2004. Would any person with any knowledge of a will executed by the above-named deceased, who died

on 26 March 2004 at Merlin Park Hospital, Galway, please contact Messrs Padhraic Harris & Company, Solicitors, Merchants Gate, Merchants Road, Galway; tel: 091 562 062, fax: 091 566 653, email: cirwin@harrissolrs.ie

**Harte, Clare (deceased)**, late of 11 Shamrock Street, Phibsborough, Dublin 7 and of 27 Shandon Park, Grangegorman, Dublin 7. Would any person with any knowledge of a will executed by the above-named deceased, who died on 18 April 2006, please contact Amorys, Solicitors, Suite 6 The Avenue, Beacon Court, Sandyford, Dublin 18; tel: 01 213 5940, fax: 01 213 5946

**Hayden, Elizabeth (deceased)**, late of 37 Great Western Villas, Phibsborough, Dublin 7. Would any person with any knowledge of a will executed by the above-named deceased, who died on 9 November 2005, please contact James M Sweeney, solicitor, 14 Cabra Road, Phibsborough, Dublin 7; tel: 01 838 9756 or fax: 01 838 9707

**Hunt, Brian (deceased)**, late of Morrisons Avenue, Waterford. Would any person having knowledge of a will made by the above-named deceased, who died on 11 June 2006, please contact Hegarty & Co, of 4 St Andrews Terrace, Newtown, Waterford; tel: 051 841 577, fax: 051 841 579, email: info@hegartysolicitors.com

**King, Mary (May) (deceased)**, late of 22 Ardee Road, Rathmines, Dublin 6W. Would any person having knowledge of a will made by the above-named deceased please contact Deborah Crowley of Ferrys Solicitors, South Circular Road, Dublin 8 or Muiris O'Brien, 30 Westfield Road, Harolds Cross, Dublin 6W

**Lane, Alfred (Alfie) (deceased)**, late of Killeely, Kilcolgan, Co Galway; date of death: 8 December 2005. Would any person having knowledge of a will executed by the above-named deceased please contact Colman Sherry, solicitor, The Square, Gort, Co Galway; tel: 091 631 383 or fax: 091 621 993

**McGrath, Michael (Mick) Dr (deceased)**, late of 43 Dodder Park Road, Rathfarnham, Dublin 14. Would any person having any knowledge of any will made after 31 January 2000 by the above-named deceased,





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who died on 14 May 2006, please contact: John O'Connor, Solicitors, 168 Pembroke Road, Ballsbridge, Dublin 4; tel: 01 668 4366, fax: 01 668 4203, email: info@johnconnor-solicitors.ie

**McGuirk, Harry** (also known as Henry) (a ward of court), currently at Moyglare Nursing Home, Moyglare Road, Maynooth, Co Kildare, previously residing at 1 Ceannntsfort Road, Mount Brown, Dublin 8. Would any person having knowledge of the whereabouts of a will executed by the above-named ward of court please contact Paul Byrne of B&P Byrne, Solicitors, 5 Tyrconnell Road, Inchicore, Dublin 8; tel: 01 453 3309 or email: info@byrnesolicitors.com

**Morrissey, Elaine (deceased)**, late of 101E The Maples, Grange Hall, Rathfarnham, Dublin 16. Would any person or solicitors' practice having any knowledge of the whereabouts of

a will executed by the above-named deceased, who died on 21 May 2006, please contact Dillon, Solicitors, 13 Main Street, Dundrum, Dublin 14; tel: 01 296 0666, fax: 01 296 0982, email: info@dillon.ie

**O'Buachalla, Maureen (deceased)**, late of 210 Villiers Road, Dublin 6; date of death: 12 February 2006. Would any person having knowledge of a will dated 10 June 1997, executed by the above-named deceased, who died on 12 February 2006, please contact: Coghlan & McNally, Solicitors, 11/13 Sundrive Road, Dublin 12; tel: 01 492 2667, fax: 01 492 2864

**O'Neill, Mary (deceased)**, late of Kilmorane, Ennis, Co Clare, who died at Cahercalla Community Hospital and Hospice, Cahercalla, Ennis, Co Clare. Would any person having knowledge of a will made by the above-named deceased, who died on 14 July 2005, please contact: Jeremy Doyle, Doyle Hanlon, Solicitors, 6 Richmond Road, Drumcondra, Dublin 3; tel: 01 836 9300, fax: 01 836 7474

**Powderly, Thomas (deceased)**, late of Quarry Road, Ardracran, Navan, Co Meath. Would any person with any knowledge of a will executed by the above-named deceased, who died on 8 May 2006, please contact Brian Coady of Murphy Coady & Company, Solicitors, Commons Road, Navan, Co Meath; tel: 046 907 5630, fax: 046 907 563, email: bcoady@iol.ie

**Price, Anthony (deceased)**, late of No 7 Glenn Abhann, Enfield, Co Meath. Would any person having knowledge of a will made by the above-named deceased, who died on 22 May 2006, please contact Robert F Coonan, solicitor, of Damien Maguire & Co, Solicitors, Leinster House, Main Street, Maynooth, Co Kildare; tel: 01 628 6720, fax: 01 628 5846

**Quinn, Treasa (deceased)** – seeking the lost will of Miss Treasa Quinn, (deceased), late of Aran View, Knockavoddy, Furbo, Co Galway. Reply to **box no 70/06**

**Reilly (otherwise O'Reilly), Michael (deceased)**, late of Tullyunshin, Tullyco, Cootehill, Co Cavan, who died at Tullyunshin, Tullyco, Cootehill, Co Cavan on 13 June 2006. Would any person having knowledge of the whereabouts of a will by the above-named deceased please contact Pierce O'Sullivan & Associates, Solicitors, Market Street, Cootehill, Co Cavan; tel: 049 555 2849, fax: 049 555 2873

**Reilly (otherwise O'Reilly), Patrick (deceased)**, late of Tullyunshin, Tullyco, Cootehill, Co Cavan, who died at County Home, Cavan, in the county of Cavan on 29 June 1972. Would any person having knowledge of the whereabouts of a will by the above-named deceased please contact Pierce O'Sullivan & Associates, Solicitors, Market Street, Cootehill, County Cavan; tel: 049 552 849, fax: 049 555 2873

**Rooney, John (deceased)**, late of Robertstown, Kilmainham Wood, Kells, Co Meath. Would any person having knowledge of a will made by the above-named deceased, who died on 12 December 2005, please contact Nathaniel Lacy & Partners, Solicitors, Kenlis Place, Kells, Co Meath; tel: 046 928 0718, fax: 046 924 1312

**Sweeney, Maire (deceased)**, late of Flat 1, Belgrave House, Belgrave Square, Monkstown, Co Dublin and of 88 Marlborough Road, Donnybrook, Dublin 4; date of death: 24 January 2006. Would any person having any knowledge of any will or codicil, and in particular a will dated 3 October 1990 and codicil dated 8 November 1990, executed by the above-named deceased, who died on 24 January 2006 at St Vincent's Hospital, Elm Park, Dublin 4, please contact Manus Sweeney & Co, Solicitors, Merchants House, Merchants Quay, Dublin 8, tel: 01 679 1186 or fax: 679 1267, email: info@manussweeney.com

**Walshe, Breda (also Bridget Walsh) (deceased)**, late of 17 The Slopes, Packemham, Monkstown, Co Dublin. Would any person having knowledge of the whereabouts of a will made by the above-named deceased, who died on 5 February

2006 at Blackrock Hospice, Sweetmans Avenue, Blackrock, Co Dublin, please contact Gardlan Furey, Solicitors, 20 Fitzwilliam Square, Dublin 2, tel: 01 799 8000; ref: CH

## MISCELLANEOUS

**Northern Ireland agents** for all contentious and non-contentious matters. Consultation in Dublin if required. Fee sharing envisaged. Contact Norville Connolly, D&E Fisher, Solicitors, 8 Trevor Hill, Newry; tel: 048 3026 1616, fax: 048 3026 7712, email: norville@dandefisher.com

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**application by Joseph and Clare Egan of 2 Brompton Grove, Castleknock, Dublin 15, in the city of Dublin. Premises: 2 Brompton Grove, Castleknock, Dublin 15**

Take notice any person having interest in the freehold estate of the following property: 2 Brompton Grove, Castleknock, Dublin 15, formerly known as site 29 Brompton, Blanchardstown, Co Dublin.

Take notice that Joe Egan and Clare Egan of 2 Brompton Grove, Castleknock, Dublin 15, intend to submit an application to the county registrar for the county of the city of Dublin for the acquisition of the freehold interest in the aforementioned property, and any party asserting that they hold a superior interest in the aforementioned property are called upon to furnish evidence of title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicants, Joseph Egan and Clare Egan, intend to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of the city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold in the aforesaid premises are unknown or unascertained.

*Date: 1 September 2006*

*Signed: P Delaney & Co (solicitors for the applicant), Parkside House, Main Street, Castleknock, Dublin 15*

**In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of the property known as 13a Grattan Crescent, Inchicore, Dublin 8: an application by John Ryan of 15 Glenmaroon Road, Palmerstown, Dublin 20 and Paul Barry of 125 Strand Road, Sandymount, Dublin 4**

Take notice that any person having any interest in the freehold estate of the following property: all that and those the property known as 13a Grattan Crescent, Inchicore in the city of Dublin, held firstly under an indenture of lease dated 23 March 1923 (hereinafter called 'the 1923 lease') and made between Ann McCann and Theresa McCann of the one part and Robert Graves Kirkham of the other part for a period of 230 years from the 29 September 1922, subject to a yearly rent of £10 thereby

reserved, and secondly under an indenture of lease dated 30 December 1937 (hereinafter called 'the 1937 lease') made between Theresa McCann of the one part and Robert Graves Kirkham of the other part for a term of 250 years from 29 September 1937, subject to a yearly rent of £2 thereby reserved.

Take notice that the applicants, John Ryan and Paul Barry, intend to submit an application to the county registrar for the county/city of Dublin for the acquisition of the freehold interest in the aforesaid properties, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) are called upon to furnish evidence of title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicants intend to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county/city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in each of the aforesaid premises are unknown or unascertained.

*Date: 1 September 2006*

*Signed: McGonagle Solicitors (solicitors for the applicants), 13 Upper Ormond Quay, Dublin 7*

**In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978: an application by T Stafford & Sons Limited**

Take notice that any person having an interest in the freehold estate in the property known as "all that and those the plot of land part of the land of borough situate on the south east side of the road leading from Portmarnock to St Marnock's situate in the barony of Coolock and county of Dublin, being part of the property comprised in and demised by indenture of lease dated 26 May 1931 and made between William George Jamesson of the one part and John Quinn of the other part for a term of 800 years, subject to the yearly rent of £2.00."

Take notice that the applicant, T Stafford & Sons Limited, intends to submit an application to the county registrar in the county of Dublin for the acquisition of the freehold interest in the aforesaid property, and any party ascertaining that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title

to the aforesaid property to the below named within 21 days within the date of this notice.

In default of any such notice being received, the applicant, T Stafford & Sons Limited, intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Dublin for directions as may be appropriate on the basis that the persons or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid property are unknown and unascertained.

*Date: 1 September 2006*

*Signed: Ryan & Associates (solicitors for the applicant), 53 North Strand Road, Dublin 3*

**In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of 92 Townsend Street, Dublin 2: an application by Timothy and Melissa Darmody**

Take notice that any person having any interest in the freehold estate of the following property: all that and those the hereditaments and premises situate and known as no 92 Townsend Street, situate in the parish of St Mark in the city of Dublin.

Take notice that Timothy and Melissa Darmody intend to submit an application to the county registrar for the city of Dublin for the acquisition of the freehold interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises are called upon to furnish evidence of title to the aforesaid premises to the below named within 21 days of the date of this notice.

In default of any such notice being received, the applicants, Timothy and Melissa Darmody, intend to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or unascertained.

*Date: 1 September 2006*

*Signed: O'Sullivan & Associates (solicitors for the applicant), 10 Herbert Street, Dublin 2*

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents)**

**(No 2) Act 1978: an application by Paul Sheeran**

Take notice that any person having an interest in the freehold estate or any superior interest in the property known as 76A Martin's Row, Chapelizod, Dublin 20, being the property demised by indenture of lease dated 21 August 1961 made between Rosanna Dardis, Mary Ellen O'Sullivan, Sarah Hegarty, Isabella Julia McMahon and Michael McMahon of the one part and Stephen Glasgow of the other part for a term of 400 years from 20 June 1961, subject to a yearly rent of £5.

Take notice that the applicant, Paul Sheeran, intends to submit an application to the registrar of titles for the county/city of Dublin for the acquisition of the freehold interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title to the aforesaid property to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicant intends to proceed with the application before the registrar of titles for the county/city of Dublin at the end of the 21 days from the date of this notice and will apply to the registrar of titles for the county/city of Dublin for vesting on arbitration as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid property are unknown and unascertained.

*Date: 1 September 2006*

*Signed: P Delaney & Co (solicitors for the applicant), Parkside House, Main Street, Castleknock, Dublin 15*

**In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-1978, as amended, and in the mat-**

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**ter of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978: an application by Simon Campbell (applicant)***

Take notice that any person having an interest in the freehold estate of the following property: all that and those the dwellinghouse and premises known as 'Inchivore, Old Connaught Avenue, Bray, Co Wicklow', being all the property demised by indenture of lease dated 29 September 1930 and made between the Right Honourable Terence Barron Plunkett of the one part and Samuel Lee of the other part for a term of 150 years from 1 July 1930, subject to the yearly rent of £11.

Take notice that Simon Campbell, being the person entitled to the superior interest in the property under the *Landlord and Tenant Acts*, intends to submit an application to the county registrar for the county of Wicklow for the acquisition of the freehold interest in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises are called upon to furnish evidence of title to the aforementioned premises below named within 21 days of the date of this notice.

In default of any such notice being received, the applicant, Simon Campbell, intends to proceed with application for the county registrar at the end of 21 days from the date of this notice and will apply to the county of registrar for the county of Wicklow for directions as may be appropriate on the basis that the person beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or unascertained.

*Date: 1 September 2006*

*Signed: Hayes Solicitors (solicitors for the applicant), Lavery House, Earlsfort Terrace, Dublin 2*

**In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-2005 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of an application by Rory Burgess***

Any person having a freehold estate or any intermediate interest in all that and those the plot of ground and premises situate at and formerly known as 10, 11 and 12 Bond Street, now known as 11 and 12 Bond Street in the parish of St Catherine and city of Dublin, more particularly described in indenture of fee farm grant dated 26 of August 1854 between John Dooner of the one part and John Hackett of the other part.

Take notice that the applicant, being the person currently entitled to the grantee's interest under the said fee farm grant, intends to apply to the county registrar for the county/city of Dublin for the acquisition of the freehold interest and all intermediate interests in the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) are called upon to furnish evidence of title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, the applicant intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or unascertained.

*Date: 1 September 2006*

*Signed: Rosemary Ryan & Co (solicitor for the applicant), 13/15 Rathfarnham Road, Terenure, Dublin 6W*

**In the matter of the *Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978: an application by Geoffrey Harrison***

Take notice any person having any interest in the freehold estate of the following properties: 169 Lower Kimmage Road and nos 2, 4 and 6 Sundrive Road, Dublin 12.

Take notice that Geoffrey Harrison intends to submit an application to the registrar of titles for the county/city of Dublin for the acquisition of the freehold interest in the aforesaid properties, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) are called upon to furnish evidence of title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, Geoffrey Harrison intends to proceed with the application before the registrar of titles at the end of 21 days from the date of this notice and will apply to the registrar of titles for the county/city of Dublin for vesting on arbitration as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in each of the aforesaid premises are unknown or

unascertained.

*Date: 1 September 2006*

*Signed: Crowley Millar (solicitors for the applicant), 15 Lower Mount Street, Dublin 2*

**In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978: an application by Sean Hoban of 444 South Circular Road, Dublin 8 (formerly known as 2 Haroldville Terrace, Dublin 8)***

Take notice that any person having an interest in the freehold estate or superior interest in the property known as: all that and those the site forming part of the lands at South Circular Road with dwelling house erected thereon and formerly known as 2 Haroldville Terrace, Dublin 8, but now known as no 444 South Circular Road, Dublin 8 in the city of Dublin, held under an indenture of lease dated 29 July 1901 made between Margaret Armstrong of the one part and William George Bailey of the other part, the lands premises and hereditaments therein and described and portion of which is intended to be hereby described were demised by the said Margaret Armstrong unto the said William George Bailey for the term of 999 years from 7 February 1901, subject to the yearly rent of £6 thereby reserved and to the covenants on the part of the lessee and conditions therein contained.

Take notice that the applicant, Sean Hoban, intends to submit an application to the county registrar for the county of the city of Dublin for the acquisition of the freehold interest and any intermediate interest in the aforesaid property, and any party or parties asserting that they hold the superior interest in the aforesaid property are called upon to furnish evidence of title in the aforementioned property to the below named within 21 days from the date of this notice.

In default of an such notice being received, Sean Hoban intends to proceed with the application before the county registrar for the county of the city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion to the property are unknown or unascertained.

*Date: 1 September 2006*

*Signed: Townley Kingston (solicitors for the applicant), 23 Mespil Road, Dublin 4*

**In the matter of the *Landlord and Tenant (Ground Rents) Acts 1967-1978, as amended, and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978: Paul Lynch and Peter Lynch (applicants); unknown and unascertained person being the successors in title to the interest of John GB Mathieson (respondents)***

Take notice that any person having any interest in the freehold estate or a superior interest in the premises: all that land and buildings known as KCR Garage and Stores, situate at 140 Terenure Road West, formerly Kimmage Cross Roads, in the parish of Rathfarnham and city of Dublin, held under indenture of lease dated 11 April 1929, Michael Norton (1), Royal Bank of Ireland Limited (2), George R McElanay (3), and Philip Waters (4), for a term of 500 years from 25 March 1929, subject to the yearly rent of £20 thereby reserved and to the covenants and conditions therein contained.

By conveyance dated 31 January 1941, the legal personal representatives of Michael Norton, deceased, conveyed the freehold reversion of the above property to John GB Mathieson.

Take notice that the applicants, Paul Lynch and Peter Lynch, being the persons entitled under sections 9 and 10 of the *Landlord and Tenant (Ground Rents) (No 2) Act 1978*, intend to submit an application to the county registrar for the county of the city of Dublin for the acquisition of the freehold interest (and any intermediate interests in the aforesaid property), and any persons asserting that they hold a superior interest in the aforesaid premises are called upon to furnish evidence of title to the aforementioned premises to the below named within 21 days from the date of this notice.

In default of any such notice being received, Paul Lynch and Peter Lynch intend to proceed with the application to the county registrar after 21 days hereof and will apply to the county registrar for the county of the city of Dublin for such directions as may be appropriate on the basis that the person or persons legally or beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are known or unascertained.

*Date: 1 September 2006*

*Signed: John J McDonald & Co (solicitors for the applicant), 13 Priory Hall, Stillorgan, Co Dublin*



# NOTICE TO THOSE PLACING RECRUITMENT ADVERTISEMENTS IN THE LAW SOCIETY GAZETTE

Please note that, as and from the August/September 2006 issue of the *Law Society Gazette*, **NO recruitment advertisements will be published that include references to years of Post-Qualification Experience (PQE).**

The *Gazette* Editorial Board has taken this decision based on legal advice, which indicates that such references may be in breach of the *Employment Equality Acts 1998 and 2004*.

## RECRUITMENT

**Assistant conveyancing/probate/litigation solicitor required** for legal practice in Laois area. Three days per week part-time/full-time. Please reply to **box no 71/06**

**M Roche & Co, Solicitors: conveyancing/probate solicitor required** for challenging role in our busy practice. Varied portfolio includes a number of exciting projects as well as general practice. Must be capable of working independently. Excellent salary offered commensurate with

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**Locum solicitor available** with particular experience in commercial/residential conveyancing, probate and family law. Please reply to **box no 73/06**

**Attention over-worked solicitors:** enthusiastic and highly motivated law graduate (LLB) available to start work as a trainee solicitor to share the workload. Graduated top of class in NUI Galway with first class honours. Recipient of university awards for outstanding academic record and winner of 2003 Butterworths Ireland law prize. Very hard working and ambi-

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**Locum solicitor required** for probate and conveyancing. Busy Dublin 3 practice. Full time from November 2006 for approximately six months. Excellent remuneration – commensurate with experience. Apply by email to john.plunkett@plunkett-kirwan.com

**Solicitor in retirement sought** to do assignments as necessary. Knowledge of property and company law together with litigation. Reply in first instance to thomaspphelan@eircom.net

## Highly motivated individual urgently seeks traineeship.

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**Litigation solicitor required** for expanding North Dublin city firm. Email: susan@martins.ie

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Publication of advertisements in this section is on a fee basis and does not represent an endorsement by the Law Society of Ireland.

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## New opportunity at the Law Society

### Policy Development Executive

The Law Society is seeking applications for the position of Policy Development Executive in its Department of Policy, Communication and Member Services.

The successful candidate will have a third-level qualification in law, business and law, or similar, exceptional organisational skills, an excellent command of written and spoken English and an ability to quickly grasp complex issues. Candidates will also be required to demonstrate some experience in legal research, report-writing and/or minute-keeping.

Reporting to the Deputy Director General, the appointee will have responsibility for the organisation of Council, Committee and General Meetings, preparation of briefing materials, reports and minutes. The appointee will also be required to liaise with other Law Societies and professional bodies, ensuring compliance with the Society's By-laws and such other executive duties as may be assigned from time to time. The appointee will be required to act as secretary to a number of the Society's Task Forces and Committees, carrying out legal research and sourcing materials for policy papers and reports. The successful candidate may also be required to deal with queries from members of the solicitors' profession in relation to specific policy issues. A more detailed job description is available on request.

Applications should be made to Maureen Seabrook, Human Resources Manager, Law Society of Ireland, Blackhall Place, Dublin 7.



[www.lawsociety.ie](http://www.lawsociety.ie)

Law Society of Ireland



### Comhairle Chontae na Gaillimhe GALWAY COUNTY COUNCIL

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- (c) possess a high standard of professional training and experience.

Application forms for these posts are available on our website at [www.galway.ie](http://www.galway.ie), or may be obtained by contacting the Human Resources Department, Galway County Council, Prospect Hill, Galway. Tel: 091 509303, e-mail [hr@galwaycoco.ie](mailto:hr@galwaycoco.ie). Closing date for receipt of completed application forms is **Tuesday, 19th September, 2006 @ 4pm** K. Kelly, Director of Services.

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#### CONVEYANCING - DUBLIN CITY CENTRE

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A leading Commercial Law firm in Dublin are now seeking a Commercial Conveyancing Solicitor with experience in commercial conveyancing. The successful candidate will have experience in large deal commercial transactions advising investors, developers and financial institutions and investigating title.

#### CORPORATE LAWYER - DUBLIN 2

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Opportunity exists to join this Dublin firm's Investment Funds team. Applications from candidates from both in-house and private practice are invited. Ideally, you will be experienced in advising institutional clients and in Irish Investment Fund law as well as ideally having multi-jurisdictional experience. However, newly-qualified solicitors with a strong interest in learning Investment Funds are invited to apply.

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€60K +

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### **Responsibilities include:**

- Advise on conduct of business and regulatory status of offices in the 11 countries where the International Division has a presence.
- Legal approval for marketing materials for all Pioneer entities in the International Division.
- Advise on and draft distribution agreements for offices in the International Division.
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**For more information and a detailed job description, please contact Mary O'Reilly on +353 (0) 1 480 2883 or email us at [careers@pioneerinvestments.com](mailto:careers@pioneerinvestments.com)**



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### Legal Manager

Ref: SR18133 to 6150,000

This is a fantastic opportunity to join one of the biggest asset management players in the market in a senior role. You will develop the product range, support the business units to resolve legal or regulatory issues and manage a multi-jurisdictional team to include company secretarial. Candidates will be Irish or common law qualified solicitors or barristers with a strong background in funds, corporate and commercial. This role requires excellent drafting and organisational skills.

### Legal Counsel - Banking

Ref: SR18145 to 6120,000

Our client is an international name in banking with a large operation based in Dublin. Your role will be to create the framework for policy & procedures and documentation across retail banking as well as providing advice to senior management on key issues. The successful candidate will be a solicitor or barrister with a strong knowledge of banking law, general corporate, contract and commercial law coupled with experience of managing staff.

### Legal Advisor

Ref: SR17700 to 6100,000

Our client is a specialist in investment, advisory and financial services around the world. You will be responsible for supporting existing structured lending and vendor finance teams, advising businesses based in foreign jurisdictions and assisting in developing and drafting internal policy documentation. The successful candidate will be UK or Irish qualified a strong banking/finance or commercial law background. Experience of debt structuring or leasing would be advantageous.

### In-house Lawyer

Ref: AW17917 to 665,000

Our client, a large technology and consultancy firm in Dublin currently require an in-house lawyer. This is a highly responsible position which involves provision of legal service on all contractual and compliance issues, IT/IP, employment law and any EU law affecting the business. Candidates should be a qualified barrister or solicitor with good experience in commercial law or previous in-house experience. There is an excellent package on offer to the successful candidate.

### Compliance Officer

Ref: AW16531 to 645,000

World leading accountancy firm currently require a compliance officer for their expanding Dublin office. The successful candidate will advise on all compliance issues, interpret and implement policies as dictated by the regulator and provide staff training on regulation issues. A good working knowledge of compliance guidelines and local regulatory rules is required.

### Listing Advisor

Ref: AW18126 to 650,000

Our client is a leading global financial institution. The role includes the review and listing of prospectuses and close liaison with international investment banks and advisors. You will develop an understanding of international bonds and apply listing rules to the debt products. The successful candidate will have a strong background in funds, investment or compliance.

## PRIVATE PRACTICE

### Banking

Ref: SR18184 to 690,000

Our client is a successful Irish law firm, who due to expansion, are currently recruiting for solicitors with experience in any of the following areas; corporate lending, acquisition finance, project finance, property finance and asset finance. You will be rewarded with a structured career path and definite partnership prospects.

### Funds

Ref: SR18201 to 690,000

Our client is a dynamic and well reputed Irish law firm who are currently looking for enthusiastic and professional lawyers to join their team. Working in the investment funds and regulatory Department, you will assist fund promoters and service providers to establish investment funds in Ireland as well as providing advice to a range of financial services clients on the regulatory framework. Candidates need not have a funds background but must have a strong corporate and commercial skill set.

### Commercial Property

Ref: SR18202 to 6100,000

Our client is a well respected niche Dublin firm who have an enviable reputation for commercial property transactions. Work will include residential and commercial developments, landlord and tenant and dealing with developers. The ideal candidate will have a strong commercial property background. Applicants should have excellent interpersonal skills and the ability to work on their own initiative.

### Funds

Ref: AW16683 to 665,000

One of the top 5 legal practices require a funds lawyer to work in their funds and financial services department. Working with national and international clients, this presents a great opportunity to develop specialist knowledge advising on all regulatory issues and dealing with all structured finance legal queries as well as provision of legal corporate banking services. Experience in banking or financial services and corporate/ commercial is required.

### Corporate/ Commercial

Ref: AW16682 to 665,000

Our client is one of the top 20 firms in Dublin. The successful candidate will be required to work on high profile and complex cases, M&A's, private equity and venture capital transactions as well as joint ventures and provision of general advice to high level clients. On the commercial side they will be required to draft licensing agreements, contracts and all relevant policies and procedures

### Company Secretary

Ref: AW16144 to 655,000

A Company Secretarial Assistant is required for one of the leading legal practices in Ireland. Working closely with a team, you will be responsible for your own portfolio of clients. Close liaison with the CRO is required and you will ensure all statutory changes are in compliance with IFSRA legislation. The successful candidate will be part or fully ICSA qualified and ideally have experience in a company secretarial environment.

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ANAGRAM:

# BOUNCIEST ERROR

Osborne Recruitment has been recruiting lawyers for the 10 years we have been in business. We don't make a big fuss about it as we know what lawyers want - professionalism, discretion and results. Our Legal Division is now run by Ms. Lisa Weston BL, who has recruited lawyers in Dublin for the past two years but prior to that practised law in London, specialising in commercial law.

Our aim is to be the best legal recruiter in Ireland. We already have an enviable track record in finding opportunities for lawyers. We deal with firms across the spectrum in Dublin and the major centres in Ireland. We work with some of the most prestigious firms in London and in other major international centres such as Hong Kong, Sydney and New York. We work on behalf of major corporates in the technology, financial and general commercial sectors. If you need a professional to do the hard work for you then it is worth your while talking to us.

We have extensive links to the legal world. We sponsor events run by the main representative associations and also provide support and assistance to student bodies. Legal recruitment is at our core and whether you are considering a new role or are looking for staff... please call us.



**Ms. Lisa Weston BL**

## PRACTICE

- **Professional Support Lawyer – Top tier firm**  
This leading firm seeking to appoint an experienced professional support lawyer. With a proven ability and a number of years solid experience in legal research and drafting you will provide an interesting range of legal know how across a number of different practice areas. €Excellent!
- **Financial Services Lawyers - €Excellent!**  
Looking for a varied challenge within a dynamic firm environment? We have a number of exciting opportunities for qualified lawyers at all levels with both domestic and international firms. With experience in financial services you will have experience in one of the following areas: asset management, general banking, corporate finance and aviation finance.
- **Commercial Property Lawyer**  
This top 20 firm with clients in both the domestic and international property markets has a fantastic opportunity for a Commercial Property Lawyer to join its well respected team. With a proven ability to handle high value transactions from inception to completion, the successful candidate can look forward to an unrivalled opportunity with an exceptional package.

## IN HOUSE

- **In House Counsel**  
This leading software company has an immediate vacancy for a talented lawyer to oversee its legal, compliance and contractual matters. With extensive experience gained in a similar in house environment or a top legal practice, you will be a Solicitor or Barrister looking for a varied and challenging working environment. You will have excellent organisational and interpersonal skills and be driven and ambitious.
- **Funds Lawyer – 9 month contract**  
Our client a leading global financial services firm is looking for an assistant lawyer or regulatory professional for its Funds/Regulatory division. Reporting directly to the departmental manager, you will have several years experience in the funds industry as a solicitor, legal executive or regulatory professional. Knowledge of company secretarial issues and the funds industry is a must. This is a rare opportunity to join an internationally respected company.

## INTERNATIONAL

- **Magic Circle – London/New York/Hong Kong/Dubai Corporate/Banking/Structured Finance**  
If you are a lawyer interested in working with one of the world's leading firms and have any level of experience in any of these practices we'd be delighted to hear from you. First class academics along with the drive to accelerate your career are mandatory requirements. Salary to €150K+. What are you waiting for?

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We will be in Ireland at the beginning of October to meet with lawyers interested in discussing opportunities with us.

You may be looking at a move now, or sometime in the next 12 months.

For a confidential chat about these opportunities and to discuss meeting us contact Dolman on 00 61 2 9231 3022 and ask for **Jonathan Walmsley** (A/H 00 61 434 532 530) or **Fiona Craig** (A/H 00 61 407 813 221) or contact them by email on [jonathan@dolman.com.au](mailto:jonathan@dolman.com.au) or [fiona@dolman.com.au](mailto:fiona@dolman.com.au)

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## Come and ask.

The London market is booming for lawyers at the moment and many firms are looking across the Irish Sea. So, if you joined a London firm, what could you really expect?

Over recent years, we have seen a number of Irish lawyers successfully make the transition to London to join us. Our multi-specialist practice has allowed them to continue with the broad variety of work they enjoy but our unrivalled client base and consistently high quality of work have provided them with the new challenges and opportunities that they were looking for.

We will be in Dublin during September and will be available for informal discussions with Irish lawyers who are thinking of coming to London. Come and have a discreet coffee with us - you can ask all the questions you need to and find out whether you might want to make a formal application. Erica Mackinnon and David Thomson of Taylor Root will be happy to discuss this further with you and make the arrangements. 00 44 131 226 0640 or [davidthomson@taylorroot.com](mailto:davidthomson@taylorroot.com)

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WE HAVE A NUMBER OF POSITIONS FOR ALL LEVELS OF LAWYERS AS WELL AS EXPERIENCED SUPPORT STAFF.

## CURRENT OPPORTUNITIES INCLUDE:

### Private Practice

#### ■ Corporate Lawyer – Mid Tier firm. Dublin. €75,000.

Experienced solicitor required for a Corporate Department of successful, highly regarded law firm. Role encompasses dealing with mergers and acquisitions, joint ventures etc. Must have outstanding client focus and strong business acumen. Experience in a medium/large firm a distinct advantage.

#### ■ Residential Conveyancing Solicitor – South Dublin. €55,000+

A very successful, friendly practice on Dublin's Southside has a vacancy for an experienced solicitor with solid Residential Conveyancing knowledge to take up a position within their small firm. Excellent support network and great location.

#### ■ Investment Funds Lawyer - Mid Tier firm. Dublin. €70,000+

A well-established large law firm has a rare vacancy for an investment funds lawyer with experience both advising on and establishing investment funds. This role offers an exceptional working atmosphere as well as very attractive benefits in this city centre location.

#### ■ Construction Lawyer – Top Tier firm. Dublin. €85,000+

Construction lawyer with experience in both contentious and non-contentious construction law, skilled at advising private developers and public sector bodies in all elements of construction law. Must be familiar with FIDIC type contracts and public procurement procedures. Genuine career development opportunities with this prestigious firm.

#### ■ Banking Solicitor – Leading Commercial firm. Dublin. €85,000+

Candidate with particular experience in property based commercial lending within the banking law sector required for this leading firm in Dublin. Candidate will have experience of structure and tax based lending transactions and in advising lenders. Must have good track record in this field. Excellent career advancement opportunities within this department.

#### ■ Conveyancing Solicitor – Carlow. €Negotiable

Progressive firm in Carlow seeking to hire a solicitor with mainly Residential Conveyancing experience. Commercial property experience a slight advantage. Genuine career progression prospects within this firm. Excellent opportunity for someone looking to move out of Dublin city.

#### ■ Litigation Solicitor – Donegal. € Market leading salary.

Progressive practice in Donegal looking to recruit a solicitor for a varied litigation position in its newly opened office. Solid litigation experience required for this busy practice. Strong client development skills necessary. Excellent salary

#### ■ Conveyancing Solicitor – North Co. Dublin €50,000 – €65,000.

Excellent opportunity for experienced Conveyancing solicitor looking to make a move from Dublin city. Modern offices, friendly working environment and market leading salary for this area.

### In House Roles

#### ■ In House Legal Advisor - Dublin City Centre. €55,000+

Common Law qualified Solicitor/Barrister with solid Corporate, Commercial or Financial Services background required for International Investments Manager in Dublin city centre. Experience of funds and asset management an advantage, although not a prerequisite. Excellent location, benefits and bonus scheme.

#### ■ In House Legal Manager - Dublin West. €90,000+

Rapidly expanding software company in Dublin City are looking for an experienced solicitor to provide legal counsel and contract administration services. Experience in drafting and negotiating complex commercial contracts, dealing with government contracts and dealing with IP agreements.

### Support Roles

#### ■ Legal Executives, Legal Secretaries, Company Secretarial.

We have a constant stream of support roles available with firms right across the Greater Dublin Area. These are with firms of all sizes from small practices to top tier firms. Market leading salaries and benefits packages.

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# Want to discuss some legal opportunities?



## **Legal Secretary,** ' 30k

Our client, a prestigious law firm located in modern offices in D2 is looking for an experienced Legal Secretary. The successful candidate will be supporting a partner in the litigation department and will also cover an element of conveyancing as well. You will need to be organised and be able to work in a busy yet friendly environment.

## **General Litigation Solicitor,** ' Neg

Our client, a growing and thriving general practice based in Rush, is looking for an experienced Litigation Solicitor. The successful candidate will be advising on various matters across a range of general sectors including family, property and personal injury. This is an excellent opportunity for someone who lives or wants to work out of the city centre to join a growing team.

## **Conveyancing Solicitor,** ' Neg

Our client, a firm located in Dublin, is looking for candidates with considerable experience in this area, for their small yet successful and busy practice. The successful candidate will be responsible for residential conveyancing cases and will be part of a growing team.

## **Banking Solicitor,** ' Neg

Our client, a leading firm, is looking for an experienced candidate to join their division. The successful candidate will be dealing with a range of corporate transactions, capital markets and banking regulatory work with a firm that has a portfolio of Irish and multi national companies.

## **Intellectual Property Lawyer,** ' 70k

Our client, a leading law firm, is searching for a solicitor with a proven track record in this area of law to work in their litigation department. The successful candidate will have specialist experience in Intellectual Property and advising on contentious and non contentious issues concerning trade marks, patents and copyright.

## **Commercial Property Solicitor,** ' 70k

Our client, a large corporation, is seeking to recruit a solicitor with considerable experience in Commercial Property. The successful candidate will provide a range of legal services to the Commercial Property Division and have experience of tax legislation and contract law. The role will involve drafting documents and contracts relating to commercial aspects of the business, negotiating with clients and other professionals to secure the desired objectives, researching documents and case history to ensure the accuracy of advice and procedure. The successful candidate will supervise the implementation of agreements and act on behalf of the company in formal legal issues.

## **Corporate Solicitor,** ' Neg

Our client, a leading law firm based in Dublin, is seeking to recruit a solicitor to work in their Corporate Department. The successful candidate will work on Mass, private equity and venture capital transactions and have an overall involvement in general advisory work.

## **Commercial Conveyancing Solicitor,** ' Neg

Our client, a leading law firm, is searching for a Solicitor for their Commercial Conveyancing department. The successful candidate will already be working within Commercial Conveyancing and will be undertaking responsibility for all associated projects.

## **Litigation Solicitor,** ' 60k

Our client, a modern and friendly practice based in Wexford town, is searching for a Litigation Solicitor who is ideally already working within a similar role. The successful candidate will be responsible for handling a caseload comprising Family Law, Personal Injury and Commercial cases.

## **Conveyancing / Probate Solicitor,** ' Neg

Our client is searching for candidates to work in a general practice. The successful candidate will have considerable experience in working for a conveyancing department where they will be responsible for mainly residential work. A knowledge of both these areas would be an advantage.

## **Legal Secretary,** ' 30k

Our client is searching for an experienced Legal Secretary to work in the commercial Conveyancing department. The successful candidate will be working alongside a senior partner and will have a mature responsible attitude and able to handle a large workload. Minimum audio typing speed 65wpm essential.

## **Private Client Lawyer,** ' 65k

One of our high profile clients is searching for an experienced solicitor to work within their Private Client department, advising on all aspects of wills, trusts, tax and estate planning for high net worth individuals and their families. The successful candidate will have relevant experience and/or a tax qualification.

## **Litigation Solicitor,** ' 65k

Our client, an established General Practice in the heart of Dublin, is searching for a Litigation Solicitor with proven experience to work within their busy department. The majority of the caseload will consist of Commercial and PI with elements of Family, Criminal and Conveyancing and would suit a candidate who is used to and likes variety. There are excellent long term prospects and remuneration will be based in line with the successful candidate's experience.

If you are interested in these or any other legal opportunities please  
contact Samantha Byrne [sbyrne@blueprintappointments.com](mailto:sbyrne@blueprintappointments.com).  
Tel 00353 | 6489900, Castle River House, 14-15 Parliament Street, Dublin 2.

[www.blueprintappointments.com](http://www.blueprintappointments.com)

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# Legal Opportunities

## In-House

### In-House Corporate Lawyer

Dublin €100,000 - €120,000

Our client is seeking an experienced Corporate Lawyer. Must have strong M&A experience with corporate reorganisations and restructurings; structuring management buy outs and buy ins; inward and outward investment; private equity participation; joint venture agreements; transfer of family interests; agency agreements etc. Ref: 22088

### Head of Off-Shore Funds

London £90,000 - £110,000

Our client is a leading brand in financial services seeking to hire a Head of Off-Shore Funds. This is a key appointment within the company and the candidate will manage a team of 10. This role is based in London. You will have a strong understanding of UCITS and also be familiar with the alternative investments market in Dublin. Ref: 25306

### Commercial Lawyer

Dublin South €70,000+

Our client requires an in-house solicitor to oversee their group's legal, contractual and compliance issues. The successful candidate will have experience in a top legal practice or in-house position, strong academics, excellent organisational, interpersonal and drafting skills and must be capable of working on his or her own initiative. Ref: 26149

### Legal Manager - Asset Management

Dublin City €65,000+

Managing an existing team of 2 experienced Asset Management lawyers, you will take responsibility for all legal issues associated with running a €100 billion front office from investment hubs in Dublin and abroad. Liaising closely with the Head of Institutional Business, you will assist in all aspects of this exciting initiative protecting the group's interests from the time the RFP is drafted until divestment of the assets. Ref: 26288

### Legal Advisor

Dublin €65,000+

The successful applicant will be a solicitor keen to make a major contribution to all of the legal aspects of our client's remit. The role calls for excellent analytical and drafting skills with an ability to assimilate complex legal and factual situations and provide clear, practical, "solutions based" advice. Must have a thorough grounding in EU law ideally in the communications or other regulated sectors. Experience of public and administrative law an advantage. Ref: 20652

## Practice

### Commercial Property Solicitor

Dublin City €75,000 - €85,000

This firm is looking to make an addition to an already very experienced commercial property department. The work will include hotels, retail developments and office developments as well as tax based property acquisition and development. This role offers excellent career progression and excellent quality of work. Ref: 18421

### Conveyancing Solicitor

Dublin South €55,000 - €60,000

This South Dublin firm requires a solicitor with solid residential conveyancing experience to join their busy practice. The firm offers a competitive salary and is based in stunning offices in a South Dublin suburb. This firm can also offer excellent support in regard to all support staff and IT facilities. Ref: 26117

### Employment Lawyer

Dublin City €52,000 - €60,000

An exciting position has arisen for an Employment Solicitor with experience to join a small Dublin City firm and establish an employment department. This role will require business development and although no prior business development experience is necessary, the will and general aptitude to develop business is an obvious prerequisite. Ref: 26278

### Financial Services Solicitor NQ

Dublin €45,000 - €55,000

A leading Dublin law firm with a reputation for excellence now seeks to appoint a Newly Qualified Solicitor to work within their financial services and banking team. The successful candidate will have exposure to some aspect of financial services in their traineeship. This is a fantastic opportunity to build a highly rewarding career within the financial services sector with endless prospects for the right individual. Ref: 25986

### Newly Qualified Solicitors Top 10 Firm

Dublin €45,000 - €55,000

One of Ireland's premier law firms seeks to appoint Newly Qualified Solicitors from various backgrounds to work as part of their team. This is a superb opportunity for you to build a profile with one of the most highly regarded law firms in Dublin. You will have an excellent academic background and a personality that will be the right fit for a corporate practice environment. Excellent salary and package on offer. Ref: 26143

36 Merrion Square, Dublin 2  
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Email: [dublin@brightwater.ie](mailto:dublin@brightwater.ie)



# Legal Opportunities

## Practice

### Conveyancing & Probate Solicitor

Co. Galway €65,000 - €75,000

This is an excellent opportunity for a solicitor with general practice experience, including strong conveyancing and probate skills, to join this busy firm in the midlands. This position offers superb career prospects and would suit candidates living in Athlone, Birr, Tullamore, Galway or Roscommon. Ref: 25719

### Family Lawyer

Cork €65,000 - €70,000

This Cork city firm prides itself on its innovative, flexible approach and excellent service delivery. Its wide ranging clients attest to its success. This position would be ideal for a candidate who would like to take their career as a Family Lawyer to the next level but still retain a work life balance. This is an excellent opportunity. Ref: 25269

### Commercial Solicitor

Cork City €65,000 - €75,000

The commercial team at this dynamic medium sized Cork city firm is looking to recruit an experienced Commercial Solicitor to join their ambitious team of lawyers. This progressive firm has a well deserved reputation for being an excellent place to work. Superb career progression potential for the right candidate. Ref: 24574

### Litigation Solicitor

Cork City €50,000 - €60,000

Strong medium sized firm with excellent partners and an outstanding reputation in Cork city, seeks quality solicitor to supplement their civil litigation and family law department. Must have a good academic background, be bright and hard working but also have excellent people skills to maintain a good working relationship with clients. Ref: 25764

### Commercial Litigation Solicitor

Cork County €65,000 - €75,000

Outstanding opportunity to join a progressive forward thinking practice currently advancing its profile in the market place. The firm seeks a "can-do" individual keen for a new challenge for whom the sky is the limit. Good knowledge of the local marketplace would be an advantage. Top level remuneration package available. Ref: 25748

### General Practice Solicitor

West Cork €50,000 - €60,000

A progressive West Cork based firm is seeking a bright and enthusiastic solicitor with experience in probate and residential conveyancing to join their team. The successful candidate will deal with a range of practice areas including conveyancing, probate as well as private client work. A competitive remuneration package will apply. Ref: 25886

### Commercial Solicitor

Cork County €65,000 - €75,000

Our client is seeking an experienced Commercial Solicitor for their vibrant and dynamic practice in West Cork. Relevant experience gained in a Dublin firm is desirable. This position offers a great variety of clients and an excellent remuneration package for a self motivated and energetic candidate. Ref: 25445

### Conveyancing Solicitor

Cork City €45,000 - €55,000

Qualified solicitor with some experience required for a busy medium sized practice in Cork city. The role will focus on all areas of conveyancing, including residential and commercial. This is an exciting opportunity to join an expanding firm which has a friendly and well-deserved excellent reputation in Cork city. Ref: 26312

### Commercial Conveyancing Solicitor

Cork City €65,000 - €70,000

Outstanding opportunity to join a progressive, forward thinking practice in Cork city. The firm seeks a motivated individual keen for a new challenge. Experience in commercial conveyancing is essential and experience gained from a Dublin firm is desirable. Excellent remuneration package available for the right candidate. Ref: 24298

### Junior Litigation Solicitor

Cork City €35,000 - €45,000

A busy Cork city based firm seeks a bright, ambitious newly qualified solicitor who wishes to specialise in litigation. The ideal candidate will have some experience in the District Court as well as an interest in family law. This role will suit a strong, confident individual capable of working on their own initiative. Ref: 23838

49 South Mall, Cork  
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Email: [cork@brightwater.ie](mailto:cork@brightwater.ie)

# Corporate Lawyer

## Dublin

Up to €100,000

Our Client is a leading law firm in Dublin. The firm has a reputation for excellence in the corporate sector, both domestically and internationally. This is truly an exceptional opportunity for a Corporate Lawyer looking for more autonomy, responsibility and recognition in their job.

### The Role:

- Manage a portfolio of corporate and commercial clients.
- Supported by and reporting to the department partner, you will work autonomously, advising and assisting clients on the transactions they are responsible for.
- Advise, draft and negotiate commercial agreements.
- Deal with transactions involving, inter alia, mergers and acquisitions; securitisations; MBOs; insolvency issues; re-organisations; and regulatory matters.

### The Person

- Qualified Lawyer with experience in corporate law.
- In-depth understanding of company law and corporate transactional legislation.
- Be a team player with an approachable and friendly personality.
- Ability to influence with exceptional negotiation skills.
- Experience in conducting due diligence and drafting legal opinions.

There are excellent career prospects and the successful candidate will shine in an environment where they are encouraged to readily understand the client's commercial objectives in any particular transaction and apply their skills and professionalism to those transactions.

Interested candidates should contact John Macklin in the strictest confidence on 01 662 1000 or alternatively send your CV to [j.macklin@brightwater.ie](mailto:j.macklin@brightwater.ie). All applications will be treated in strict confidence.



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Due to the continued growth of our tax practice, we are looking for bright and energetic professionals with strong stamp duty expertise to join our existing team. Working with some of the most respected tax advisors in the country, successful candidates will primarily focus on advising our domestic and global clients on a diverse range of stamp duty issues. As the role develops, you will gain greater experience working on Capital Acquisitions Tax, Capital Gains Tax, Income Tax, Corporate Tax and other projects including onshore and offshore property transactions.

As a qualified solicitor, you will be a strong team player and demonstrate a strong desire to attain greater responsibility, increase your knowledge and deepen your expertise in all areas of tax. This is an excellent opportunity to work within a stimulating environment where your talents will be recognised and thirst for experience satisfied.

**Act Now and Seize this Opportunity.** Interested candidates should forward their CV in the strictest confidence to: Philip Oxley, Human Resources, Ernst & Young, Ernst & Young Building, Harcourt Centre, Harcourt Street, Dublin 2 or e-mail [philip.oxley@ie.ey.com](mailto:philip.oxley@ie.ey.com)

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## In-House Opportunities:

### Senior Legal Counsel – Dublin €100,000 – €120,000

Our Client, a niche financial services organisation with a global presence, is now seeking to recruit a Head of Legal for their Dublin office. This is a key appointment and the successful candidate will be responsible for all European offices. You will have proven experience in a financial services institution where you have worked with front office teams and built strong relationships with the regulators. Superb negotiation skills are essential.

### Compliance Manager – Dublin €70,000 – €80,000

A prestigious financial services provider is seeking to recruit a compliance manager to manage all regulatory and compliance matters. You will have strong compliance experience in the funds industry and have previously managed a team of compliance personnel. You must be self assured and ambitious. Unique opportunity for a bright compliance specialist to join a highly successful organisation

### Corporate Legal Advisor - Dublin €55,000 – €65,000

Our Client, a prestigious financial institution wishes to recruit an in-house lawyer to join the well established legal and compliance team. This position is a very general and varied commercial one and needs a lawyer who has had previous experience in a commercial/corporate role either from a law firm or an in-house legal department within a large organisation. Exceptional career path and package on offer for the right candidate

## Private Practice Opportunities:

### Commercial Property Lawyer – Dublin €70,000 – €90,000

Our Client, a boutique law firm, with prestigious offices in Dublin 2, is seeking to recruit a strong commercial property lawyer. The successful candidate will have had in-depth exposure to all areas of property law to include development, leasing and investment. Sound drafting and negotiating skills are a prerequisite. Genuine partnership prospects for the right person.

### Corporate Lawyers – Dublin & Cork €50,000 – €90,000

Due to the current economic growth and subsequent business expansion, many of Ireland's highly regarded corporate divisions are actively seeking to recruit good corporate lawyers. Corporate Lawyers at all levels will be considered. Must have had hands on exposure to corporate transactions such as private equity, venture capital and M&A. You will have ambition to work in a driven environment and have sound client management skills.

### Financial Services Lawyers – Dublin €55,000 – €90,000

Our Client, a top tier law firm is seeking strong financial services lawyers at all levels. Experience in one or more of the following areas required: general banking, asset finance, structured finance, capital markets and funds. You will be self assured, well spoken and present yourself immaculately. Outstanding opportunities for bright lawyers keen to join one of Dublin's strongest banking teams

For more vacancies visit our website at [www.Keanemcdonald.com](http://www.Keanemcdonald.com)  
Interested applicants should contact Yvonne Keane in strict confidence on 01 8415614 or 087 6824591.  
Alternatively email your CV to [ykeane@keanemcdonald.com](mailto:ykeane@keanemcdonald.com)



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# outstanding legal opportunities

## In-House

### Chief Legal Counsel

#### €150k + Bonus and Benefits

A leading global FMCG producer seeks to appoint a Chief Legal Counsel for their European HQ in Dublin. Key accountabilities will include providing accurate and effective legal advice to the European HQ. This involves corporate governance, regulatory, compliance, corporate/commercial, EU & regulatory, environmental and employment law matters. The ideal candidate will be a senior lawyer with significant experience as a general counsel for a large corporate organisation and will have effective leadership, management and influencing skills.

Ref: JO424020

### In-House Derivatives Lawyer

#### €100k + Bonus and Benefits

This significant global treasury division of a large financial services organisation seeks to appoint an experienced lawyer. Strong banking law and credit derivatives experience is essential. The ideal candidate will come from a financial services or top law firm environment and wish to join a dynamic in-house team. This is a significant, career enhancing opportunity for an ambitious, business minded individual seeking a long-term career in a leading financial services organisation.

Ref: JO379030

### Assistant Legal Counsel

#### €60-80k + Bonus and Benefits

An international financial services company in the IFSC wishes to appoint an Assistant Legal Counsel for their fund treasury division. You should have experience in a leading legal practice or investment bank. Experience in funds, ideally fund documentation, is required as well as broad experience in commercial law. You will advise the bank on regulatory and corporate governance issues, carry out general due diligence, and research in relation to global risk and compliance issues.

Ref: JO260890

Interested candidates should forward their Curriculum Vitae to **Gemma Allen** at [gemma.allen@robertwalters.com](mailto:gemma.allen@robertwalters.com) or call (01) 633 4111.

**[www.robertwalters.com](http://www.robertwalters.com)**

### Senior Legal Counsel

#### €120k + Bonus and Benefits

Our client, a niche financial services company, seeks to appoint a Senior Legal Counsel for their Dublin operation. The ideal candidate will be a qualified solicitor or barrister with strong private practice or in-house experience. A general commercial or banking background is a prerequisite. Experience in equity, fixed income, options and futures markets is preferable, but not essential. This is an exciting opportunity to join an innovative company who are market leaders in their field.

Ref: JO966358

### In-House Legal Advisor

#### €70-80k + Bonus and Benefits

Our client, an international financial services company, requires an in-house Legal Advisor to join their Dublin office, based in the IFSC. The ideal candidate will come from a large law firm or in-house legal department with strong commercial experience and an ability to review fund custody, fund administration and related agreements. The successful candidate will work closely with investments and investment operations to provide advice on regulatory and licensing issues.

Ref: JO334290

### In-House Commercial Lawyer

#### €55-80k + Bonus and Benefits

This is an excellent opportunity to join the in-house legal department of a growing Irish software company. You must have relevant experience in a similar in-house environment or a leading law firm. Experience in commercial law, IT/IP and employment law, as well as a good working knowledge of drafting, negotiation and compliance issues is a prerequisite. As you will be working closely with sales managers and senior executives you will require strong communication and interpersonal skills, as well as the ability to work on your own initiative.

Ref: JO409960

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## Private Practice

### IT/IP Solicitor €65k + Bonus

This top five city centre law firm seeks a candidate with strong corporate law skills to join the IT/IP team within its corporate department. The role will involve advising clients in relation to issues such as data protection, outsourcing, franchising and EU compliance. The successful candidate will have a commercial approach, strong drafting skills and the ability to work to tight deadlines.

Ref: JO335933

### EU & Competition Solicitor €65k + Bonus

Our client, one of Dublin's most progressive, dynamic and innovative law firms, seeks to appoint a solicitor specialising in EU & regulatory law. You will advise a range of public and private clients on the firm's behalf. The successful candidate must have strong analytical and drafting skills, be a good communicator and have some solid experience in EU/ regulatory law from an in-house or private practice background.

Ref: JO314660

### Professional Support Lawyer €55k

An excellent opportunity exists for a lawyer to provide professional support services to fee earners in one of Ireland's leading law firms. You will be responsible for monitoring, researching and reporting on legal developments in Ireland and the EU. The successful candidate will have a litigation background, excellent written and presentation skills and good interpersonal and communication skills.

Ref: JO322825

### Insurance Solicitor €65k + Bonus

One of Dublin's most prestigious law firms, seeks a candidate with strong corporate law skills to join their insurance team. While our client would prefer someone with experience of insurance law, they will consider candidates with a strong commercial/corporate law background. This is an excellent opportunity to join a niche area and build your career in one of Dublin's leading practices.

Ref: JO335986

### Residential Property Solicitor €60k + Bonus

This is an excellent opportunity for an experienced Property Solicitor to join a dynamic Dublin city centre law firm. The successful candidate will demonstrate the ability to handle conveyancing transactions on behalf of residential developers including site purchase, scheme set up, way leave issues and local authority matters. The ability to work closely with a client on a one-to-one basis is a fundamental requirement for this role. An attractive salary commensurate with experience is on offer.

Ref: JO335933

### Energy Solicitor €50k + Bonus

A prestigious Dublin city centre law firm seeks a solicitor to join their Energy Group. Solicitors in this group are regularly involved in a wide range of legal and regulatory issues relevant to the energy sector, as well as varied transactions for its clients in the energy sector. The ideal candidate will either have experience in this area, or an interest in developing energy expertise through advising on legal transaction issues on behalf of industry leaders.

Ref: JO339754

Interested candidates should forward their Curriculum Vitae to **Miko Campbell** at [miko.campbell@robertwalters.com](mailto:miko.campbell@robertwalters.com) or call (01) 633 4111.

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## Corporate & Commercial

t 01 619 0400

## Dublin

### **Commercial (In House)** Vienna/London €120k+

Excellent opportunity to join this expanding team in one of the world largest financial institutions. Candidates should have a strong professional history along with excellent business acumen and fluency in German. Previous experience in East European commercial projects advantageous. Excellent salary and benefits package. (ref: 18173/2)

### **Commercial Property** Dublin

Solicitors required for this established and expanding team within leading law firm. You will have a broad knowledge and experience of commercial property including large developments. Ideally you will have significant experience in a similar environment. (ref: 16727/3)

### **Construction** Dublin

Experienced Construction Solicitor urgently required for the expanding banking practice of this top tier firm. A working knowledge of a wide range of non-contentious construction issues essential along with strong drafting skills. Excellent salary and benefits package offered to the right candidate. (ref: 15950/23)

### **Corporate** Dublin

Prestigious niche practice requires two Associate Corporate Solicitors to join their expanding practice. Working on a wide variety of high quality work for an outstanding client list, you should be able to demonstrate strong experience gained in a similar environment in the UK, Ireland or other leading jurisdiction. (ref: 16330/1)

### **Financial Services** Dublin

Prestigious law firm requires lawyers to join one of Ireland's leading Financial Services teams. This role will involve advising a wide range of clients including financial institutions, regulators and domestic and international corporations on a wide range of international financial services and banking law. (ref: 15866/5)

### **Funds** Dublin

Opportunity to join one of Ireland's leading law firms in their renowned funds team with an enviable client portfolio. Ideally you will have experience in a similar environment, but enthusiastic candidates from other practices will be considered. (ref: 15950/3)

### **Insurance** Dublin

Exciting opportunity to join this leading insurance practice advising the domestic and growing international insurance sector within Ireland. Interested candidates should have experience of establishing insurance companies, authorisation and regulation, M&A's and other corporate or insurance transactions. Excellent continued professional training and career prospects offered. (ref: 15950/6)

### **IP** Dublin

Prestigious top tier Irish law firm seeks an IP solicitor to work within their IT/IP practice. Covering a broad range of non-contentious and/or contentious IP work you will have an extensive working knowledge of a broad range of IP issues preferably gained in a similar environment. Excellent continued training programme and career prospects offered to the successful candidate. (ref: 15950/22)

### **IT** Dublin

Opportunity to join this leading practice within this leading law firm. Previous experience in a wide range of contentious and non contentious issues essential. Candidates should be ambitious, driven and looking to move to an Associate or Senior Associate position. Fantastic salary and benefits package above market rate offered as well as a defined career path. (ref: 15950/21)

### **M&A (In House)** London/Frankfurt €140k

Our client a leading financial services company requires an experienced M&A specialist to join their expanding legal team of almost 200 lawyers. Candidates will have worked for a leading corporate practice specialising in M&A's and other corporate areas. Fluency in German is essential as is a willingness to travel. Excellent salary and benefits package offered along with career progression. (ref: 18173/2)

### **Commercial Conveyancing**

Dublin city centre

An assistant solicitor is required by our client in Dublin 8. The role is for commercial conveyancing and candidates will ideally have experience in a similar role. This is an excellent opportunity to join an established team at a well regarded firm. Salary and benefits will be commensurate with the local market.

(Ref: 15873/1)

### **Conveyancing** Dublin

West Dublin law firm requires a motivated solicitor to join their expanding team. Candidates should be able to demonstrate strong residential conveyancing experience in a similar role. Excellent prospects and package available to the successful candidate.

(ref: 15961/2)

### **Conveyancing** Dublin City Centre

Progressive mid tier firm located in Dublin 7 require a qualified solicitor to join their expanding team. This role will suit candidates with extensive commercial/ conveyancing experience. The excellent package is commensurate with the local market.

(ref: 15803/1)

### **Conveyancing** North Dublin

North County Dublin general practice is looking for a conveyancing solicitor to join their team. Interested candidates will need to demonstrate strong residential conveyancing experience in a similar environment. This is a great opportunity to join a small progressive team. (ref: 16014/1)

### **Conveyancing** Dublin City Centre

Specialist residential property practice in Dublin city centre requires a qualified solicitor to join their expanding team. Previous experience is essential, but applications from all levels of experience will be given due consideration. Excellent opportunity for those looking to progress their career. (ref: 15826/1)

### **Conveyancing** West Dublin

An exciting opportunity has arisen for a solicitor in Dublin 18. Candidates must have strong experience in residential conveyancing. This is an excellent opportunity for self-motivated candidates to see their hard work rewarded. Salary and benefits are commensurate with the local market. (ref: 17416/1)



**t 01 619 0400**

## Regional Practice

**t 01 619 0400**

### Conveyancing & Litigation

#### South County Dublin

South County Dublin general practice requires an experienced solicitor for their expanding team. Candidates should be able to demonstrate a strong background litigation and conveyancing. Salary and benefits are commensurate with experience. (Ref: 16225/1)

### Conveyancing & Litigation North Dublin

This Northside general practice requires a solicitor to join their busy and expanding team. This role will involve a mix of conveyancing and litigation and would suit candidates who can demonstrate strong experience in a similar environment. (Ref: 16431/1)

### General Practice North County Dublin

Progressive north County Dublin general practice is looking for a solicitor to join their team. With an emphasis on conveyancing, this role will have a varied workload and newly qualified candidates will be considered. Salary and benefits are commensurate with the local market. (Ref: 16206/1)

### General Practice Dublin City Centre

General practice firm in Dublin 4 require an experienced solicitor to join their team. Candidates will have extensive experience in residential conveyancing, with the ability to run files from start to finish. Excellent package will be offered to the successful candidate. (Ref: 15894/1)

### General Practice Dublin City Centre

Our client in Dublin 4 requires a qualified solicitor to join their expanding team. The ideal candidate will have experience of residential and commercial conveyancing, and wills and probate. Newly qualified candidates will be considered. (ref: 16236/1)

### Litigation Dublin city centre

Excellent opportunity for a Litigation Solicitor to join the expanding team of our client in Dublin 7. This role will cover a wide variety of litigation including PI, RIA and Debt Collection work. Excellent prospects for the right candidate. (ref: 16429/1)

### Property Solicitor Westmeath

Our client in Westmeath is looking to recruit an experienced solicitor to join their expanding practice. You will need extensive knowledge of residential conveyancing and commercial property law. This is a mid-sized firm based in the east of Westmeath. The position offers a salary that is commensurate with experience and also steady career progression to the right candidate. (ref: 17654/1)

### Commercial Property Limerick

Our client, a busy Limerick firm, is looking for a Commercial Property Solicitor to join their growing team. Interested candidates should have strong experience in commercial property and residential conveyancing. This position offers great career progression to the right candidate. Salary is negotiable and commensurate with experience. (ref: 17430/1)

### General Practice Galway

Solicitor required for busy practice in the East of Galway. The ideal candidate will have previous experience in a general practice with a sound working knowledge of residential conveyancing and probate. Salary is commensurate with experience and market rate. (ref: 17502/1)

### General Practice Kildare

Mid-size general practice firm located in Co. Kildare requires an experienced solicitor to join their expanding team. Candidates will have a broad range of general practice experience with a particular emphasis on commercial property and probate. Excellent salary and benefits offered to the successful candidate. (ref: 17271/1)

### General Practice Meath

Our client, a County Meath practice requires an assistant solicitor for their general practice. The ideal candidate will have exceptional conveyancing experience, managing files from inception to post-completion along with some probate and litigation experience. This position offers an excellent salary, commensurate with experience and market rate. (ref: 16830/2)

### Litigation Waterford

One of the South East's largest and most prestigious firms is recruiting a new addition to their expanding litigation team. Previous experience in a similar environment is essential along with a broad working knowledge of a wide variety of litigation areas. Attractive remuneration package offered. (ref: 16725/5)

### Corporate/ Commercial Cork

Large Cork City firm seek an experienced Corporate/Commercial Solicitor to join their practice. This long-established firm requires an experienced solicitor to advise a wide range of financial institutions, both national and international, in all aspects of corporate and commercial law. This is a great opportunity to join this expanding and prestigious firm. (ref: 17825/1)

### General Practice Limerick

General practice firm in Limerick city centre seeks solicitor to add to their team. This position will require a candidate with extensive experience of general practice with a particular emphasis on family law and residential conveyancing. Competitive salary and benefits package offered to the right candidate. (ref: 17339/1)

### General Practice Donegal

This general practice based in Letterkenny has an opportunity for an experienced solicitor to join their expanding team. This is an excellent opportunity for candidates with experience in residential conveyancing, wills & probate and litigation looking for a fresh start or a return home. Excellent salary offered commensurate with local market. (ref: 17048/1)

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## A selection of opportunities for September 2006.

### IN-HOUSE APPOINTMENTS

#### In-house Commercial Lawyer – Associate to Senior Associate level IHNBO004

Our client, a successful Irish plc, has a vacancy for a talented professional to join its Legal Department. The successful applicant will be involved in a diverse range of legal activities, including commercial, banking and property law, contract drafting and review. A sound knowledge of EU and international trading law would be a distinct advantage.

#### In-house Commercial Lawyer – Associate to Senior Associate level IHNBO015

An exciting opportunity has arisen for an in-house lawyer to join this rapidly expanding organisation. You will work with the legal team to direct and monitor a broad array of legal matters including corporate and securities transactions, trading documentation, venture capital and private equity transactions and general business matters.

#### In-house EU/Competition/Regulatory Lawyer – Senior Associate level IHNBO016

Our client is a leading communications, distribution, logistics and financial related service network. The successful candidate will have substantial experience in the Regulatory or Competition arena, gained either in-house or in private practice. You will need to demonstrate a sound knowledge of the EU regulatory environment and its impact on public initiatives in addition to EU and Irish Competition law.

#### In-house Counsel – Associate to Senior Associate level IHNBO012

Our client is a progressive pharmaceutical company which has its headquarters in London. The legal function operates out of Dublin and requires an experienced Corporate/Commercial solicitor. This fast-paced role will suit a dynamic individual with some previous experience and prior exposure to Life Sciences work which would be a distinct advantage. First-rate remuneration and benefits package will apply.

For more vacancies, please visit our website or contact Michael Benson bcl solr. in strict confidence, at: Benson & Associates, Carmichael House, 60 Lower Baggot Street, Dublin 2, Ireland. T +353 (0) 1 670 3997 E [mbenson@benasso.com](mailto:mbenson@benasso.com)

### PRIVATE PRACTICE APPOINTMENTS

#### Banking Solicitor – Associate level PP0148

This front-ranking practice is seeking a high calibre banking solicitor. If you are seeking a new challenge, the prospects for advancing your career within a relatively short time are very promising. You will be dealing with an extensive range of transactions for a wide variety of clients, both domestic and international. You will also be involved with cutting edge developments in banking law, including innovative debt instruments, e-banking, project finance and securitisation.

#### Commercial Property Lawyer – Recently Qualified/Junior Assistant PP0143

This top-flight firm is in expansion mode in Dublin and now seeks to recruit an additional commercial property solicitor. You will advise a variety of clients on the full range of commercial property matters including multi-jurisdiction sales and acquisitions, sales and leasebacks, acquisitions and disposals, re-financings and investments.

#### Commercial Property Solicitor – Associate level PP0032

Well known mid-tier practice requires a solicitor to join an expanding department with a strong client base dealing with purchase, sale, leasing and development work. This role is geared towards solicitors craving more responsibility and autonomy in a friendly yet business-like environment.

#### Pensions Lawyer – Junior Assistant to Associate level PP0149

Our client is a Big 5 firm. An opportunity has arisen for an assistant to join their expanding Pensions team, which is one of the most highly respected in Ireland. You will be providing advice on all aspects of pensions law to a wide range of corporate clients, public sector and former public sector clients, pension scheme trustees and scheme members.

#### Newly Qualified Opportunities – Dublin

If you have a strong academic background and are interested in pursuing your career in one of Ireland's front-ranking practices then we would be delighted to hear from you.

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## **Medical Negligence Lawyer – Dublin**

This large firm based in the heart of Dublin city centre requires a Medical Negligence Lawyer to join their expanding Civil Litigation department. Salary is commensurate with experience. 0608-164

## **Commercial Property Solicitor – Dublin**

Opportunity for an ambitious Solicitor, with a number of years experience in Commercial Property to join this niche practice. Excellent salary and package on offer. 0608-156

## **PSL/Knowhow Lawyer – Dublin**

Leading law firm requires an Associate Solicitor to add to the level of expertise on offer in this crucial department. Experience of preparing legal update memoranda; conducting research and preparing memoranda in response to queries from individual fee earners; preparing articles and "Quick Guides" for use on the firm's web-site and reviewing and revising firm styles/templates. 0608-02

## **Corporate/Commercial Lawyer – Dublin**

This firm is enjoying a period of extensive growth and they require candidates with senior qualifications to liaise with the firm's enviable client base covering the breadth of commercial interests, from finance to entertainment, from technology to government and regulatory bodies. 80k plus bonus. 0608-155

## **Litigation Solicitor – Dublin**

My client is a highly respected firm offering quality litigation work, mentoring and career development opportunities. As well as litigation, you will also be required to assist with private client work. This firm is based in Dublin 7 and acts for both Plaintiffs and Defendants. On the defence side, the firm represents a number of Insurance Companies.

On the Plaintiff side, the Firm achieved the highest award for a personal injury claim a few years ago.

Strong communicator with relevant practice experience required. 0608-133

## **Locum Conveyancing Solicitor – Dublin**

Solicitor required for a locum position to cover maternity leave for a busy Solicitors practice to work primarily in the conveyancing department. 0608-59

- Dublin 15: Residential Conveyancing experience essential, some commercial conveyancing experience is a definite advantage. 0608-59
- Dublin 6: Predominantly Residential Conveyancing based although experience of dealing with developers would be a plus. 0608-100
- County Carlow: Residential Conveyancing experience essential, some commercial conveyancing experience a definite advantage. 0608-157
- County Longford: Wish to recruit a Solicitor with Commercial and Residential experience with the attitude to expand the Commercial experience. Top end package on offer. 0608-173
- County Louth: Solicitor required for General Practice in litigation, conveyancing and probate. Salary negotiable. 0607-189
- County Westmeath: General Practice Solicitor required. Experience in Conveyancing and Probate is essential. 0607-137

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# It's all about Laurence Simons

## Banking/Commercial Lawyer

Dublin €65k+

Our client, a major player in global aviation finance, requires a lawyer to join its team. You will be a banking/commercial lawyer. Experience in aviation finance is desirable but not essential. This role will support the Chief Legal Officer with transaction management, corporate governance and you will work closely with internal and external counsel. Good drafting skills are essential. An excellent opportunity to work in a cutting edge environment. Ref:12342. **Contact: Portia White.**

## In House Lawyer

Dublin €65k+

Our client, a leading IT consultancy company requires a lawyer to oversee the group's legal, contractual and compliance issues. The successful candidate will have excellent interpersonal and drafting skills and be capable of working on his/her own initiative. A fantastic opportunity for someone who wants to work in a varied and challenging environment. Ref: 14974. **Contact Portia White.**

## Investment/Pensions Lawyer

Dublin €65k+

Our client, requires an Investment/Pensions lawyer to join its legal team based in the city centre. You will provide legal advice to their large client base on pensions, employment and trust law as well drafting ancillary legal documentation. Relevant experience in pensions and employment law, gained either in-house or in private practice is highly desirable but not essential. Ref 11184. **Contact Portia White.**

## Employment Lawyer

Dublin €80k

Our client, a leading firm based in the city centre is looking to recruit an employment lawyer. You will work with national & multinational clients on both contentious and non contentious matters. Experience before tribunals and the EAT would be highly beneficial. Ref: 11313. **Contact: Justin Loughnane.**

## Litigation (Partner/Partner Designate)

Dublin €Excellent

Our client, a leading mid tier firm is seeking a strong commercial litigation lawyer for this team based environment. The role will involve providing pre-dispute advice, representation before the courts at every level and before a range of tribunals. Ref: 15014. **Contact: Justin Loughnane.**

## Litigation – Insolvency

Dublin €Excellent

Due to the continued growth of this global international law firm, two exciting opportunities exist for a litigation lawyer at associate and partnership level. Previous exposure to insolvency, restructuring and liquidation as well as advocacy would be an advantage. Outstanding opportunity to join a firm renowned for its understanding of cross border and multi jurisdictional work and for its commercial focus. Ref: 14498. **Contact: Sharon Swan.**

## In-House Banking Lawyer

Dublin €55k+

Our client, a leading representative body for the banking and financial services sector requires a lawyer to join the legal and regulatory affairs dept. Key responsibilities will include: Corporate governance banking regulation and compliance with emphasis on wholesale banking, EU financial services law and EU company law as it affects Financial Institutions, Capital markets and competition law. Ref:15068. **Contact Portia White.**

## Property

Dublin €Negotiable

A leading niche practice wishes to appoint a commercial property partner to grow and develop this unit. You will come from a leading firm and have experience in residential and commercial development, leases, tax, lending & landlord and tenancy. Excellent remuneration packages on offer with genuine opportunities for career development. Ref: 99984. **Contact Sharon Swan.**

## Residential Property Solicitor

Dublin to €90k

Our client, a leading mid tier firm is seeking a conveyancing solicitor with experience of dealing with all aspects of residential property development. You will have excellent interpersonal skills and an ability to work in a team environment. Ref: 14321. **Contact: Justin Loughnane.**

## Commercial Lawyer

Dublin €60k

Our client, a top 10 firm with a strong domestic & international focus is looking to recruit a commercial lawyer for this team based role. You will have experience in one or more of the following mergers and acquisitions, venture capital, joint ventures, privatisations and flotations. Ref: 14840. **Contact: Justin Loughnane.**

Sharon Swan Tel: +353 (0) 1 477 3066 email: sharonswan@laurencesimons.com  
Portia White Tel: +353 (0) 1 477 3063 email: portia@laurencesimons.com  
Justin Loughnane Tel: +353 (0) 1 477 3068 email: justin@laurencesimons.com

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