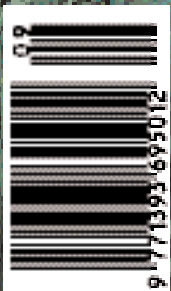


LAW SOCIETY Gazette

€3.75 Aug/Sept 2007

BRINGING HOME THE TAX BACON:

Are young trained farmers
on the pig's back?

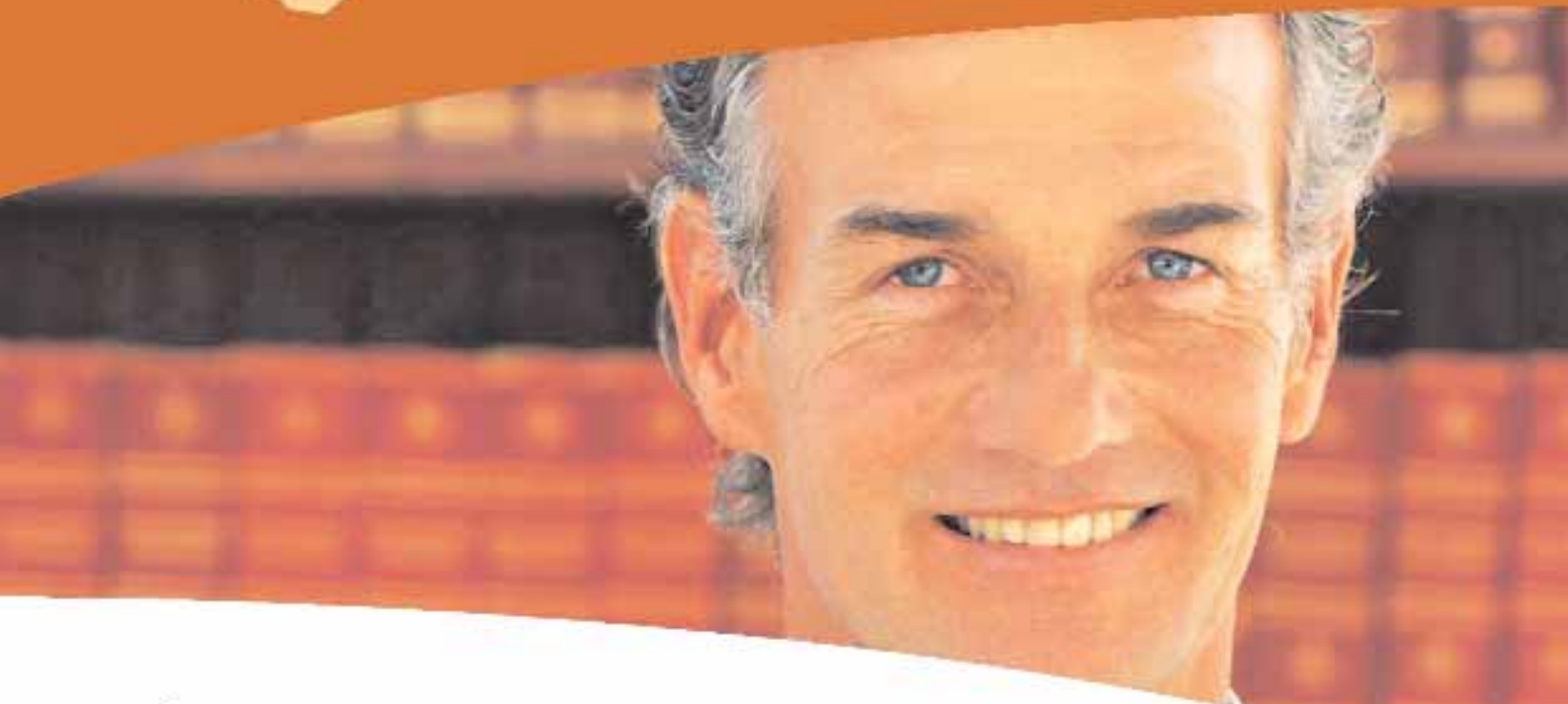


INSIDE: SOLICITORS ON THE BENCH • CRIMINAL JUSTICE ACT 2007 • COUNTY FOCUS • YOUR LETTERS

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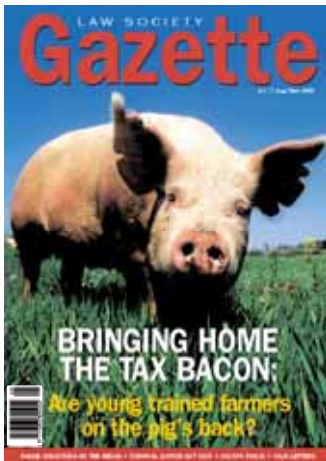
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On the cover

The 2007 *Finance Act* has introduced some new tax reliefs for young, trained farmers. So, are they now makin' bacon?

PIC: REX FEATURES



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The *Finance Act 2007* has updated the previous 'young trained farmer relief' and introduced other reliefs. Emmet Scully pulls on his wellies and digs the dirt

32 The right stuff

Only two appointments of solicitors directly to the superior courts have been made in the past five years, despite solicitors constituting 80% of all practising lawyers. Jennifer Carroll lifts the veil on what it takes to be a solicitor *and* sit on the bench of the Supreme and High Courts

36 And throw away the key

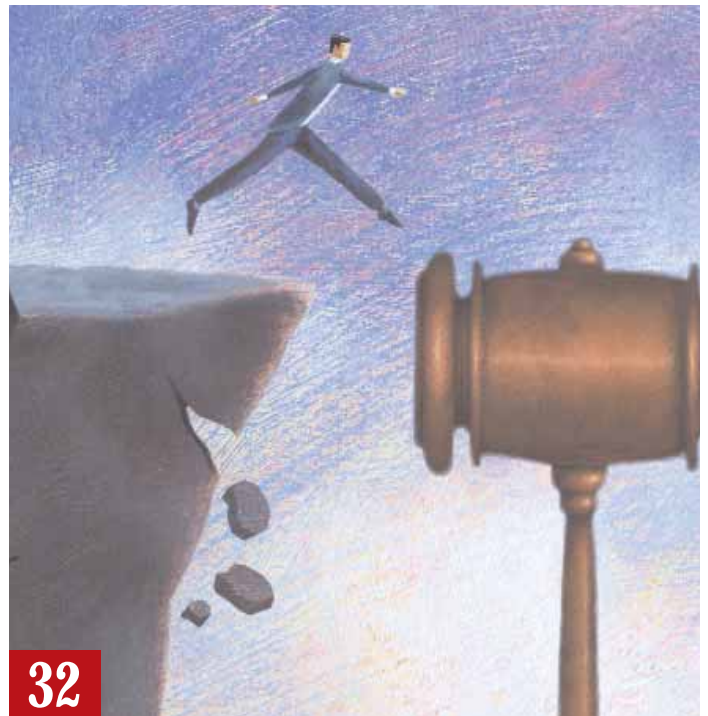
Apart from the right to silence, the *Criminal Justice Act 2007* makes a number of changes to other areas of law – principally bail, sentencing and detention. Diarmuid Collins picks the lock for practitioners

40 A question of trust

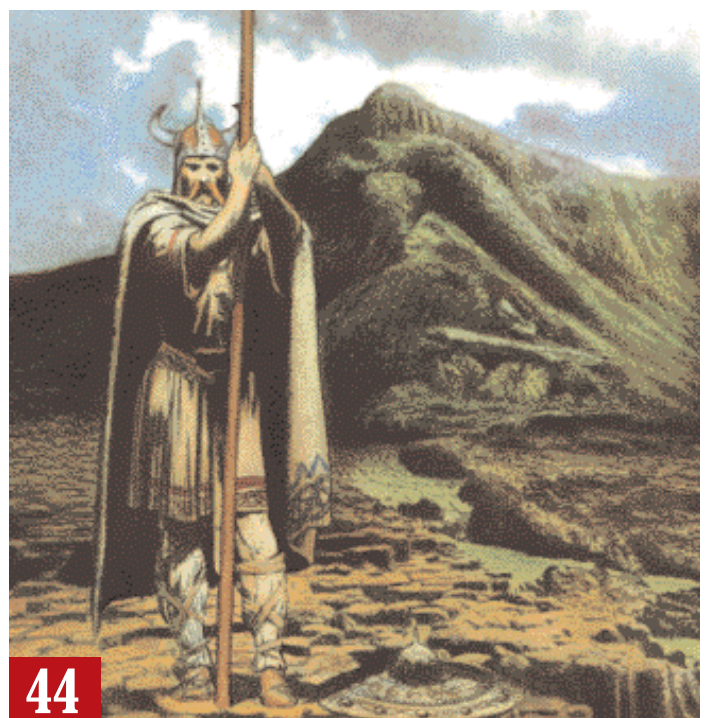
Parents concerned with setting up the most suitable type of inheritance for their children will wish to do so in the most tax-efficient manner – while also seeking to protect their offspring from inheriting at an immature age. Aileen Keogan provides some trusty advice on how solicitors can best ensure that their clients' desires are properly met

44 Birthplace of heroes

In the first of an ongoing series of profiles of bar associations around the country, Colin Murphy travelled to Dundalk for the *Gazette* to take the pulse of the Louth Solicitors' Bar Association



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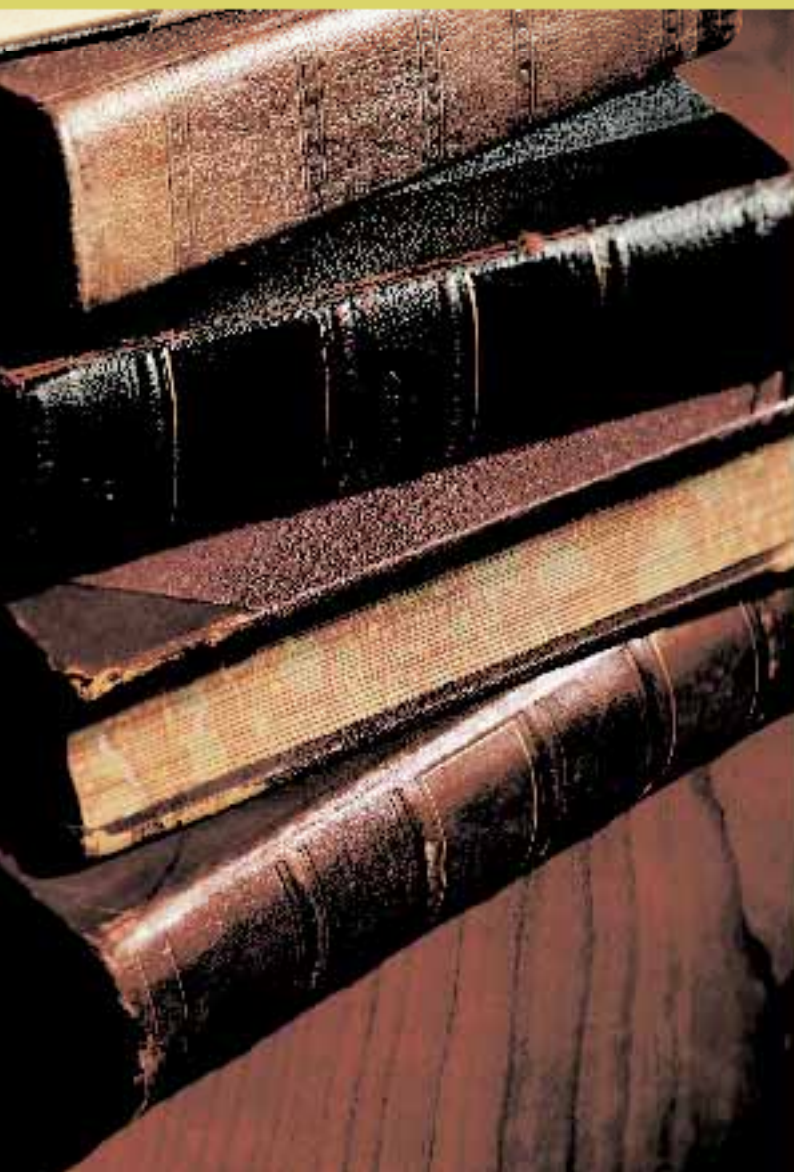


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
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Practice makes perfect

I heard a view expressed recently that, with the advent of 'e-conveyancing', one could expect a transaction to be completed within five days from offer to registration. The aim is, of course, to make the whole transaction simpler and quicker. It is likely that the requirements for compulsory registration of title will be expanded considerably in the near future. In order to facilitate this, colleagues may well be asked to certify title to a far greater extent than is currently the practice. This would enable the Property Registration Authority to complete registrations in a more timely manner. It may also happen that bodies, other than solicitors, will want to get involved in this kind of work.

We appear to be living in an age when supermarkets, airlines and others now offer a very wide range of financial services. Personally, I favour a situation where people stick to what they do best, and do it well. However, the onward march of globalisation looks like it is here to stay. There are very worrying trends from the American economy in relation to sub-prime lenders. It has been shown that our own economy is just as exposed to these harsh winds. Colleagues that practise in conveyancing will be aware of the growing number of financial services companies that offer mortgages that people have little or no prospect of repaying. The inducement of reduced fees or no fees is often a blatant lie.

In relation to the practice of litigation, apart from the obvious changes that have occurred in the last few years, there is great pressure now to engage in mediation and arbitration. These are skills that I would encourage colleagues to engage in and equip themselves with. Just as in conveyancing, where the trend is to make things simpler and quicker, the same pressures arise in relation to litigation. We will, sooner rather than later, begin to see documents being filed electronically, with a much greater use of technology than we have seen previously.

There is an opportunity for the government, when the *Civil Law (Miscellaneous Provisions) Bill* is re-introduced later in the year, to amend the legislation in this area. The jurisdictions of the US, Canada, England, Wales, Scotland and Northern Ireland all

provide facilities to partnerships to conduct their business affairs in this way. The failure to legislate in this area puts Ireland at a disadvantage towards its competitors.

All of this means that solicitors must be ready to adapt to the changing face of practice. We have always shown an ability to do this. Since the country has experienced increased prosperity, more and more of our work is related to the commercial sphere.

The position of the 'family solicitor' in society is going to change. To paraphrase Mark Twain, rumours of the death of the family solicitor have been greatly exaggerated. However, it is without doubt much more difficult for the smaller firm to compete in the marketplace and to attract increasingly specialised business. Many new solicitors who qualify today, while achieving very high marks in their exams, end up in very narrow areas of law, particularly relating to banking. I would urge every trainee and newly-qualified solicitor to ensure that, prior to specialisation, they acquire a detailed knowledge of the basic elements of private practice.

There are times, particularly with the advent of some piece of legislation, when the profession feels that a radical change of practice is about to take place. The reality is much less dramatic – substantial changes are occurring all the time, albeit quietly. Our challenge is to move with those changes and to urge our legislators to be innovative and take the best practice from other jurisdictions. These changes ought to be guided by the principle of what is right for the client, the preservation of the rule of law and the independence of the profession. **G**

Philip M Joyce
President



“Our challenge is to move with those changes and to urge our legislators to be innovative and take the best practice from other jurisdictions”

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■ MAYO

Proposed Ballina closure resisted

Colleagues throughout the county are unhappy with the proposals from the Courts Service to shut down the court office in Ballina, which would oblige practitioners from the town and neighbouring Killala to lodge their court papers in Castlebar. Speaking to the *Gazette* (in the absence of bar association president Pat O'Connor), Gareth Bourke assures us that practitioners in Mayo "fully support the resisting of attempts by the Courts Service to close down the Ballina office".

In Swinford, up to 30 colleagues gathered for the visit of President of the Law Society Philip Joyce and the director general, Ken Murphy.

Non-jury sittings of the High Court will take place in the autumn in Castlebar.

Mayo has recently joined Dublin and a number of other bar associations by launching its own website. The site can be viewed at: www.mayosolicitorsbarassociation.com.

■ LIMERICK

Going green

In June, the EU and International Affairs Committee of the Law Society hosted a seminar on EU environmental law and policy in Limerick. The half-day seminar was held in conjunction with the European Commission Representation in Ireland, the University of Limerick and Limerick City Council. It included talks on climate change and energy policy, the energy rating directive, waste and water policy and the introduction of criminal



The Roscommon Bar Association, with the support of the Longford and Leitrim Bar Associations, attended a CPD seminar on the Property Registration Authority in July

sanctions at EU level for breaches of environmental law. The seminar attracted a large audience of practitioners and local business people. The EU and International Affairs Committee hopes to organise similar talks in other locations around Ireland this autumn, including Galway in September.

■ ROSCOMMON

It's a '60s revival!

Pádraig Kelly of the Roscommon Bar Association is lauding the positive effects of CPD for local bar associations. Throughout the '80s and '90s, the sum total of bar association activity in Roscommon would have been the dress-dance function and annual dinner in the Silver Eel Hotel, Strokestown (hosted by the late Peter A Connellan, solicitor and judge – a legendary event that was always well supported). But then things started to languish. Pádraig attributes the revival of the association to the advent of the CPD courses. "We refuse to hold courses that cost more than €50 a pop. We seem to have no problem with numbers and the variety of topics," he says. He attributes much of this

newfound impetus to the CPD officer for the association, Mary Rose McNally. "She has great energy and hopes to organise at least two more seminars between now and the end of the year."

One of the more recent seminars included a well-attended CPD seminar and presentation by Catherine Treacy of the Property Registration Authority (PRA) and her staff at Roscommon in July. In view of the relocation of part of the PRA offices to the county, the seminar was opened also to local engineers. The Roscommon association, with the support of the Longford and Leitrim Bar Associations, has hosted a number of local seminars to ensure that members complete their CPD point-cycle locally.

■ DUBLIN

The 'Shelbourne factor'

The DSBA annual conference will take place in Ashford Castle in Cong, Co Mayo, from Thursday 18 (optional) to Sunday 21 October. Of course, DSBA President David Bergin is disappointed that Bordeaux didn't work out on account of the 'Shelbourne factor'. The

selected hotel in Bordeaux has been undergoing a substantial make-over and would not have been ready in time due to chronic overruns. However, following the global conferences of recent years, including Argentina, Russia, South Africa and mainland Europe, perhaps Mayo will prove to be just right in terms of ease of travel, allied with the beauty of the west and the luxurious surroundings of Ashford Castle.

John Glynn, who co-ordinates the DSBA website so successfully, reports on significant hits to the site in recent times. The website is packed with up-to-the-minute practical information and members and colleagues are encouraged to visit the site.

The DSBA wishes Aaron McKenna the very best as he takes up a new position in County Louth. Aaron has been a council member for a number of years and has proved a great asset to the association. His work in the litigation and human rights areas will be sorely missed. **G**

'Nationwide' is compiled by Kevin O'Higgins, principal of the Dublin law firm Kevin O'Higgins.

PIAB Bill attacked by opposition

A bill to amend the *PIAB Act* was subjected to a blistering attack by opposition deputies as it was introduced, effectively as emergency legislation, by the Minister for Enterprise, Trade and Employment, Micheál Martin, on 4 July 2007. Despite a barrage of opposition attacks, however, the government's majority ensured the bill was passed and is now law.

Introducing the bill, Minister Martin said that one of its main purposes was to provide that, in certain circumstances, where a claimant rejected a PIAB assessment that had been accepted by a respondent, and where he or she failed in any subsequent proceedings to get more than the amount of the PIAB assessment, he or she would not be entitled to legal costs. In addition, no legal costs in future would be allowed for the making of an application to PIAB.

The minister described these measures as "pro-consumer, in as much as they highlight the cost risks in taking legal proceedings and contribute to lower insurance costs".

He said that, prior to the bill, PIAB assessments were proceeding to litigation "for the sole purpose of securing costs" and that the original purpose of the *PIAB Act* was "being circumvented".

Fine Gael spokesman Phil Hogan TD was withering in his response. He pointed out that Fine Gael had supported the setting up of the Personal Injuries Assessment Board but



Micheál Martin: pushed *PIAB Bill*

was opposed to this new bill. He described it as "a serious step in terms of the rights of citizens, aiming as it does to restrict, through discouragement, the exercising of legitimate, democratic and legal rights". He argued that the government's focus of attention should be elsewhere, in that "in its rush to tackle the little guy, the government is ignoring the massive profit increases of insurance companies since the introduction of the PIAB".

Lucinda Creighton TD (Fine Gael) described the amendment bill as "attacking the freedom of equality before the law and equality of representation" and said that it was being pushed through by the government "in a style that is redolent of the Politburo in Soviet Russia". In her view, the bill "aims at narrowing the options available to members of the public who are seeking justice". She continued: "These people are not wrongdoers. They are innocent victims who



Lucinda Creighton: bill 'blatantly unconstitutional'

have been subjected to some form of personal injury, but it seems that the government now wants to punish them." She described the bill as "blatantly unconstitutional" and said that the minister's insistence on pushing the bill – regardless of the constitutional issues – was "remiss and arrogant".

Charles Flanagan of Fine Gael also criticised the guillotining of the bill in advance of the Dáil's summer vacation. He described the bill as giving PIAB further powers "in such a way as to stack the odds in favour of the insurance industry, of which the PIAB is nothing more than a puppet". The bill was "an attempt to muzzle the vulnerable and the voiceless".

Labour Party spokesman, Ruairi Quinn TD, pointed out that his party had also supported the introduction of PIAB, but he referred to "the legal opinion received from Mr Gerard Hogan, Ireland's most



Ruairi Quinn: asked for two amendments

esteemed constitutional lawyer on these matters" and he urged the minister to accept two Labour Party amendments designed, in effect, to ensure this legislation would be constitutional. He read the conclusions of Gerard Hogan's opinion into the record of the Dáil. He urged the minister to reconsider, adding: "This is a reckless way to proceed."

Deputy Willie Penrose of Labour said, "It is clear the major winner from the introduction of the Personal Injuries Assessment Board was the insurance industry."

He added: "This road is one-way. I am disappointed with the trade union movement. It represents workers in the industry and I have not heard a squeak out of them."

Deputies Michael Darcy and James Bannon of Fine Gael, and Kathleen Lynch of Labour, also spoke in opposition to the bill. Deputies Michael McGrath and Michael Kennedy of Fianna Fáil spoke in support of it.

HUMAN RIGHTS AND CRIMINAL LAW CONFERENCE

This year's annual joint conference between the Irish Human Rights Commission and the Law Society of Ireland will take place on Saturday 13 October at Blackhall Place, with a nominal charge for admission. The broad theme of this year's conference centres on *Human Rights and Criminal Law*. There will be a diverse range of both national and international speakers with expertise in the area of human rights and criminal justice.

The conference will focus primarily on the importance of incorporating human rights' standards into criminal justice policy, legislation and practice.

For further information, see the Law Society's website: www.lawsociety.ie ('Forthcoming events') or contact Anthea Moore at a.moore@lawsociety.ie or 01 672 4961.

Complaints section wins quality kudos from ISO

The National Standards Authority of Ireland (NSAI) has renewed the ISO 9001:2000 quality certification that the Society's Complaints and Client Relations section first achieved in May 2003.

Following their audit in July, the authority reports that all the appropriate regulatory requirements are being met, and that the section has in place a quality management system that is well managed. Their report concludes that the management system meets the requirements of all those making enquiries and complaints to this section of the Society, be they members of the public or the profession.

The Complaints and Client Relations section is committed to providing the highest quality of service to ISO 9001:2000

standards – including improving performance wherever possible. As this section of the Society investigates complaints made in relation to the entire profession, it is vital that its own house is in order.

The renewed certification demonstrates that the Complaints and Client Relations section is continuing to deliver a service that has been independently assessed and found to be of an internationally-recognised standard.



PIC: LENSEMEN

Just some of the staff in Complaints and Client Relations, celebrating their ISO achievement

As the CRO flies to Carlow

Since Friday 27 July, the receipt of the majority of postal filings and the registration of annual returns with the Companies Registration Office is being carried out in their new Carlow office. It should be pointed out that there is no public office in Carlow – the public office remains in Parnell Square.

Please note the postal address for Carlow: Companies Registration Office, O'Brien Road, Carlow.

The following submissions should be sent to Carlow:

- Annual returns;
- All resolutions and memorandums and articles;
- All liquidation, receivership and examinership documents;
- All prospectuses, documents to be lodged to open or

- update a customer account;
- All submissions to: change director/secretary information; change the registered office of a company; change share capital; change from or to single member company status; change auditor information; change the register of members, debenture holders, directors service contracts and so on.

Parnell House

Certain documents (outlined below) and all general correspondence should continue to be sent to Parnell House.

The envelope should clearly indicate the section of the office to which it is being submitted.

The following submissions should still be sent to Parnell House:

- All mortgage/charge submissions, including satisfactions of charge;
- All new company incorporation applications;
- All change of company name submissions;
- All re-registration of company-type documents;
- All business names documents;
- All submissions for external companies;
- All applications for electronic filing agents (J forms); and
- All requests for voluntary strike-off (enforcement section).

The postal address for Parnell House remains: Companies Registration Office, Parnell House, 14 Parnell Square, Dublin 1.

ABA on tour!

The Law Society and the Honourable Society of the King's Inns are inviting lawyers in Ireland to a meeting of the American Bar Association (ABA) International Section in Dublin, from 30 September to 2 October.

The programme on 1 October will take place at Blackhall Place and will include sessions on Irish and EC competition law, inward investment, financial services, and the rule of law in dispute resolution. Speakers will include the Minister for Enterprise Trade and Employment, Micheál Martin TD, the Director of Public Prosecutions James Hamilton, Carolyn Galbreath (Competition Authority), Professor Imelda Maher (Sutherland Professor of European Law), Rory Brady SC and Dr Martin Mansergh TD, among others.

On 2 October at the Honourable Society of King's Inns, sessions will explore the influence of US jurisprudence in Ireland, and a mock competition law trial. Speakers will include the Attorney General of Ireland Paul Gallagher SC, Mr Justice Liam McKechnie and leading senior counsel: Michael Collins SC, Donal O'Donnell SC and Paul Sreenan SC.

The full agenda can be viewed at: www.abanet.org/intlaw/fall07/agenda_dublin.html.

The rate for the full meeting is US \$250. Solicitors wishing to attend on Monday only can benefit from a rate of US \$175. To attend the Tuesday programme only, a rate of US \$90 is available. (Availability is limited.) To register, please log onto the 'forthcoming events' section of the Law Society website (www.lawsociety.ie) or contact Mary Jordan Mullinax by email at: mullinam@staff.abanet.org.

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Find the correct *Finance Act* certificates – online

Revenue has recently launched a new web-based method to help solicitors find the correct *Finance Act* certificates for stamp duty when drafting deeds. Members of the Society's Conveyancing Committee and Technology Committee, along with other practitioners, have worked with Revenue in the analysis and user-testing phases of this project and are happy to recommend it to the profession.

Any further suggestions for improvement or expansion of the routine, or in relation to e-stamping in general, should be directed to: Mick O'Hanlon, E-stamping Project, Revenue



Commissioners, Dublin Castle, Dublin 2, or by email to: mohanlon@revenue.ie.

The new method is now live on Revenue's website and can be accessed through the following link: www.revenue.ie/revguide/stampduty/stampduty-cert1.htm.

It can also be accessed from the home page, www.revenue.ie either on:

- The 'Stamp duty' page, by clicking on 'Tax & duty' (under 'Your guide' on the left-hand side of the home page), then on the links 'Duties'/'Stamp duties', and (scrolling down) 'Certificates to be included in deeds', or
- The 'Practitioners' page, by clicking on 'For practitioners' (under 'Information' on the left-hand side of the home page) and then (scrolling down) and clicking on 'Stamp duty certificates'.

Circuit Court trials jump by one-fifth

The number of criminal trials dealt with and disposed of in the Circuit Court has increased by over one-fifth (21%) in the past two years. In 2006, as many as 2,566 trials were dealt with in the Circuit Court – up from 2,118 in 2004.

The Circuit Criminal Court sits across the country and hears a broad range of serious crime – all except for murder and rape. Matters dealt with include fraud, serious charges of supply and possession of drugs, assault causing harm, manslaughter, abduction/holding against will/

kidnap, violent disorder (riot), and death by dangerous driving, among others.

The increase in cases heard is principally due to a reduction in the numbers of appeals against the verdicts and sentences of the District Court – down 44% – thus freeing up judges' time; extra judicial resources assigned to 15 Circuit Criminal Courts in cases expected to take long periods of time; and changes to court rules that have allowed county registrars hear a broader set of pre-trial motions in civil cases, again allowing more court

and trial time to judges.

As many as 2,039 defendants pleaded guilty in the Circuit Court, compared with 1,844 in 2005. A total of 153 defendants were convicted by juries, representing almost 7% of the total number disposed of – marginally higher than last year.

Waiting times for Circuit Court criminal trials are below six months in many areas, including Wexford, Meath, Offaly, Roscommon, Monaghan, Longford, Limerick, Galway, Clare, Louth and Cork.

Changes to student website access

From September 2007, the logon procedure for student access to the Law Society's website will change. The changes are being made in order to improve security and privacy for student data and traineeship records for the duration of training contracts.

The logon link will remain in the top right-hand corner of

the site, but will differ from the 'member' logon. Students will be prompted to enter their initial password and then asked to change their password. They will then be routed to the Law Society site and services, which will include access to the Law School's 'online utility'.

One of the new features will

be a 'Forgot my password' option, which will allow students to reset their password. This option will mail a new password to the student's Law School mail account.

For students in between PPCI and PPCII, please mail support@propc.ie for further details.

■ COUNCIL ELECTION DATES

As required by the Society's bye-laws, the Council has set Monday 24 September 2007 as the final date for receipt of nominations for the Council election 2007, and Thursday 1 November 2007 as the close-of-poll date.

■ LAWYERS UNDER STRESS

One in four lawyers in Britain want to leave the profession because of stress and long hours, according to a survey published by *The Lawyer* magazine. The poll of 2,500 lawyers also indicates that assistant solicitors – those who are not partners – are even more unhappy, with more than one-third wanting to give up their jobs. The survey confirms that there is widespread dissatisfaction with the work/life balance in law, despite record levels of pay. It also shows that one-fifth of managing partners – those in charge of firms – wish they were in another job. Most lawyers feel unable to move on, however, chiefly because of the cut in pay that would follow.

■ SINGLE EU LAW OFFICE?

Ireland is to oppose a move to appoint a single European prosecutor with powers to initiate investigations into serious cross-border crimes. The controversial proposal was put forward by EU Home Affairs Commissioner Franco Frattini.

Ireland, however, is opposing the plan with a group of other member states. The Department of Justice says that an EU prosecutor would undermine the independence of the Director of Public Prosecutions and would be incompatible with the Irish common law system.

■ RETIREMENT TRUST SCHEME

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Society launches winter programme

Autumn has begun (some would say two months ago!) and now is the time to start thinking about evening classes and up-skilling during the winter. The Law Society is offering a wide range of courses in its diploma programme. The commitment required is just one evening a week (or Saturday morning, depending on the course) over a six-month period. By next spring, you could have a Law Society diploma parchment hanging on your wall – while satisfying your CPD obligations in the process.

The Diploma in Trust and Estate Planning begins in September and is offered jointly by the Law Society of Ireland and the Society of Trust and Estate Practitioners (STEP). This course is designed to enable successful candidates to advise clients on all aspects of the creation of wills, the operation of trusts, tax implications that may arise and overall estate planning for clients.

Also starting in September is



the Diploma in Commercial Property, aimed at those already working in sphere of commercial property or those practitioners or trainees who are keen to develop their practice in this area. Topics include: planning and environmental law, key issues when acting for a developer, key issues in new schemes of development, design responsibility of contractors, commercial leases, commercial lending, tax, and commercial property and licensing.

The Law Society's base in Cork is introducing a Certificate in Applied

Conveyancing, which will be of interest to conveyancing solicitors who are eager to refresh their knowledge or inform themselves of recent developments. The course will focus on: acting for a developer, acting for a client who is purchasing a hotel or a licensed premises or agricultural holding, acting for clients who are lessors and lessees of commercial properties, and legal issues in relation to multi-unit and managed properties.

On offer in October are: a new Diploma in Family Law, the Diploma in Employment

Law (also by videolink to Cork) and a new course, the Diploma in Commercial Litigation. In November, the Diploma in Applied Finance Law begins. It is designed to provide participants with a solid and in-depth understanding of the law in relation to the provision of financial services.

In addition, a selection of language courses are on offer – the Diploma in Legal French, run in conjunction with the Alliance Française; the Certificate in Legal German, operated in conjunction with the Goethe Institut; and the Certificate in Spanish Law.

The complete 2007/08 programme and course timetables can be viewed online at: www.lawsociety.ie (click on 'Diploma programme'). Places are still available but, to avoid disappointment, it's recommended that you forward your application form and payment of €2,100 to the diploma team without delay. Email: diplomateam@lawsociety.ie, tel: 01 672 4802.

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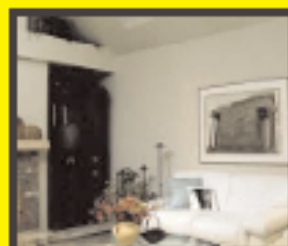
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SUPPORT SERVICES FOR MEMBERS

GOING IT ALONE

Answers to questions frequently asked by solicitors intending to practise on their own behalf or in partnership

Nicola Darby of the Society's Regulation Department deals with queries on Law Society requirements for setting up or retiring from practice. She has prepared the following helpful list of answers to questions frequently asked by solicitors intending to practise on their own behalf or in partnership.

1 What am I required to do from the Society's perspective?

Notify the Society, complete the Society's 'Commencement in Practice' form, available on request from Nicola Darby (see contact details below), and furnish confirmation that you have professional indemnity insurance cover in place. If you are not already the holder of a practising certificate, you must submit an application form for same, prior to setting up in practice. You should also provide a copy of your professional notepaper to the Society.

2 Where can I obtain professional indemnity insurance?

There is a list of qualified insurers providing professional indemnity insurance to the profession, which is available on the Society's website (www.lawsociety.ie). There is also a list of brokers who arrange such cover, available from the Society.

3 Is there a period during which I am required to practise as an employed solicitor prior to setting up in practice?

No, however the Society would strongly encourage all newly-qualified solicitors to obtain a minimum of one-year's experience in an established practice, prior to setting up in practice on their own.

4 May I practise under a name other than my own?

Any solicitor wishing to practise under a practice title where their name or the names of the partners in the practice are not reflected in the practice title should seek the permission of the Society to practise under that title (as provided by SI No 178 of 1996 (*Solicitors (Professional Names/Notepaper) Regulations 1996*)).

5 I am currently employed. What happens to my practising certificate when I leave that employment?

Your practising certificate travels with you to the new practice, as all practising certificates expire on 31 December each year. You may return your practising certificate to the Society with your 'Commencement in Practice' form and request a further certificate to issue, reflecting your new practice details.

6 If my employer paid for my practising certificate, do I have to reimburse the practice when I leave?

This is a matter for agreement between you and your former employer.

7 Am I required to have a town agent?

No.

8 Am I permitted to advertise my practice to the public?

Solicitors are permitted to advertise their services, but must do so within the limitations imposed by section 4 of the *Solicitors (Amendment) Act 2002* and by the *Solicitors (Advertising) Regulations 2002*, which specify, among other things, that advertisements shall not be in bad taste, misleading or contrary to public policy. In particular, solicitors should be aware that advertisements designed to



encourage personal injury claims are prohibited, and any breaches of the regulations may be regarded as a disciplinary matter.

9 I have a relative who is an accountant. Can he or she be my reporting accountant in respect of the *Solicitors' Accounts Regulations*?

No, objectivity is a fundamental principle of the ethical guide for members of the accountancy profession. The Society would be concerned that a close relationship between a solicitor and his/her reporting accountant would be a threat to the objectivity of the accountant and, in the absence of safeguards to protect that objectivity, it would not be appropriate for your relative to act as your reporting accountant.

10 When will my first accountant's report be due to be filed with the Society?

When completing the Society's 'Commencement in Practice' form and the annual declaration made to the Society for the purpose of obtaining a practising certificate, you are required to nominate an accounting date that is the last date of the

practice accounting period in each practice year. Many solicitors nominate a date one year from the date they started in practice. Your first accountant's report is due to be furnished with the Society not later than six months after the accounting date in each practice year.

11 May I continue to work out my notice with my current employer and simultaneously practise on my own behalf?

Yes, provided you notify the Society accordingly and provide documentary evidence that you have professional indemnity insurance in place for your new practice. You should also ensure that your employer has approved this arrangement.

12 I am setting up in partnership with another solicitor. Do both of us have to complete a 'Commencement in Practice' form?

No, one solicitor may complete the form on behalf of the other partner(s) in the new partnership.

13 I am taking over an already existing practice. Am I still required to complete a 'Commencement in Practice' form?

Yes, you are required to complete this form. **G**

Nicola Darby of the Society's Regulation Department can be contacted at Blackhall Place, Dublin 7, tel: 01 672 4972 or email: n.darby@lawsociety.ie. For information in relation to any of the Law Society support services for its members, contact the Society's support services executive, Louise Campbell, tel: 01 881 5712 or email: l.campbell@lawsociety.ie.

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The title time bomb and the competition fuse

From: Richard McDonnell, Ardee, County Louth.

I am greatly concerned that we, as a profession, are building up a conveyancing time bomb that will cost us dearly in future insurance premia and reputation (such as it is!). It is evident from a significant proportion of titles we receive to both existing and new properties that the vendors' solicitors, and other solicitors through whose hands such titles have passed, have not properly, or at all, scrutinised the title or the relevant planning and building regulations documentation submitted by them with contracts. Such carelessness can, in some instances, be staggering. Contracts occasionally arrive with almost comically incomplete or defective titles.

This situation is being greatly exacerbated by the totally unreasonable and insistent demands of an increasing number of clients to close purchases and sales within days (if not hours) of verbal agreements being reached. While it is, of course, possible to complete a purchase within days if you drop everything else and devote particular attention to the transaction (and your opposite number is prepared to do the same), this has created an expectation by clients that this kind of speed can be applied to every conveyance, which simply adds to the pressure to get transactions done without their titles being properly investigated and secured. It is so unfair: people will, with equanimity, accept a three-month delay in delivery of their new car or an

appointment with a medical consultant, but if their solicitor won't complete a purchase or sale within an absurdly short time, all hell breaks loose. I have personally been told by some colleagues that they are under such pressure nowadays that they don't even bother to read titles any more but just sign certificates of title and bespeak a loan cheque just to get the clients off their backs.

It is clear that large numbers of our colleagues are doing unexamined conveyor-belt conveyancing and so long as the solicitor acting for a purchaser doesn't bother either, all will be well. Hopefully, there are still enough solicitors still doing

what they are paid to do, namely, to detect often-fatal flaws in titles presented. However, when these are drawn to the attention of a vendor's solicitor, the usual response is bluster and threats and the next thing you know your client is blaming *you* for ongoing delay – because that's what he's being told by the auctioneer and the vendor who, in turn, is being told that by his solicitor – and then *you* are left in an intolerable position because you are the only one who is bothering to properly examine the title and do the job you are being paid to do.

While it is not invariably the case, the degree of scrutiny of titles seems to me to be directly

proportionate to the fee being charged by the solicitor. While I have no objection to competition, it seems to me grossly unfair that we are not competing on a level playing field. Conveyancing solicitors still doing their job properly are expected to compete with solicitors who don't bother, or are too pressured to do their job, or who are charging fees that would be simply uneconomic for a solicitor doing his job properly. The headlong rush to earn fees and attract clients by taking short cuts, which is, no doubt, making lots of money for some colleagues, will have grave repercussions for the future.

Insuring with the farmers' choice

From: Greg Ryan, Ryan Smyth & Co, Solicitors, Upper Kilmacud Road, Dublin 14

I am delighted to report that I have been a member of the group scheme for some time now. I was surprised to learn last year that the scheme was being taken over by AA from the existing brokers.

My surprise was even greater this year, when my premium rose dramatically to the sum of €1,500 – a tripling of premium. Now, before any reader attributes that to the purchase of a DB9, or being the cause of a 15-car collision, I am still driving my same humble jalopy and my 12-year no-claims bonus remains intact. A quick search on the internet revealed three companies with quotes starting

from €580 and finishing at €660 with FBD Insurance. I might add that the policy with FBD offered more benefits than my previous policy had done. Needless to say, my car

is now insured with the farmers' choice!

Let this be a word of warning to all colleagues who don't bother checking the value of their premiums.

Politic points

From: David Soden, Villiers Road, Dublin 6

It was interesting to read about the election of solicitors and barristers to the 30th Dáil in the July 2007 edition of the *Gazette*.

Mention should have been made, however, of barrister Lucinda Creighton (FG), elected in Dublin South-East in place of Michael McDowell SC – though admittedly upon election she announced her intention to leave

the bar and take up politics on a full-time basis.

Moreover UCD law graduates of the early 1980s were lectured by two members of the current cabinet: new Attorney General Paul Gallagher SC and Minister for Defence Willie O'Dea (FF), who came second only to Brian Cowen in the number of first preferences cast nationally and indeed out-performed him in quota terms. **G**

PIAB: 'unnatural influence

The new, rushed-through PIAB legislation proves the power that the PIAB zealots wield over government – but real justice for claimants can only be achieved in court, argues Stuart Gilhooly

Clichés have developed something of a bad name of late. It shouldn't be forgotten, though, that a cliché tends to be an overused truism, and it's for that reason that I make no apologies for dragging out the hoariest, greyest, most recycled of them all – in the heel of the hunt, a week's a long time in politics.

The *Personal Injuries Assessment Board (Amendment) Act 2007* demonstrates this sentiment almost to the hour. On 28 June 2007, word reached us that the newly-formed government, which had barely warmed the seats of the Dáil chamber after a gruelling general election campaign, was taking steps to ensure the safety of the state by passing this piece of emergency legislation. As one of only four pieces of legislation passed between the election and the summer break, it proved beyond any shadow of a doubt the power that the zealots of PIAB wield in government chambers.

The world is not enough

When describing it as emergency legislation, I do so without a hint of sarcasm. For that is how it was treated, as one week later, on 5 July 2007, it had passed all stages of both houses. In fact, it was introduced to the Seanad on the evening of Tuesday 3 July and was through the Dáil by lunchtime on the Thursday.

What makes it all the more galling is that the Minister for

Enterprise, Trade and Employment, Micheál Martin, and the new Attorney General, Paul Gallagher, were in possession of an opinion from Gerard Hogan SC that cast huge doubts on the constitutionality of at least one of the new sections.

This opinion was obtained by the Law Society and faxed to both Minister Martin and the attorney general before the cabinet meeting on 3 July and long before it went to the Seanad. It seems extraordinary that the government, notwithstanding this potentially incendiary information, proceeded to rush the legislation through in the same cavalier fashion as they had originally intended.

The new legislation was signed into law by the President on 11 July and came into effect immediately. It adds two new sections to the *PIAB Act 2003*, namely sections 51A and 51B. The effect of the act is twofold.

- Section 51A states that, in respect of any award of damages made by PIAB that is rejected by a claimant *and* accepted by a respondent, if that award of damages is not exceeded in subsequent proceedings either by way of court order or agreed settlement, then the following applies:
 - No award of costs may be made to the claimant;
 - a) The court may exercise its discretion to award costs against the claimant.
 - b) These provisions do *not*



"No, Mr Bond. I expect you to accept"

apply if a lodgement or tender is made in any sum *or* if a section 17 formal offer is made in a sum that is not equal to the amount of the PIAB award.

- Section 51B states that, in any proceedings issued following an application to PIAB, whether or not an assessment has been made or accepted, then no amount in respect of fees or expenses will be allowed on taxation in connection with the PIAB application, other than those fees already referred to in sections 35, 44 or 45.

It is the latter section that attracted the interest of Gerard Hogan, but both provisions have potential constitutional weaknesses.

Dr No

In the case of section 51A, consider this: an infant has an

accident, breaks his arm and sustains psychological injuries, and makes an application to PIAB through his solicitor. The PIAB doctor feels that the infant has made a good recovery and awards €25,000. The infant's own doctors, however, feel that it's too early to say. So, the next friend refuses to accept the award. A year later, the infant has indeed made a good recovery, brings his case in the Circuit Court and encounters one of the less generous judges, who is not and cannot be aware of the PIAB award. He is awarded €22,500 damages. As a result of section 51A, the infant cannot receive his costs. The costs must therefore be paid out of his award.

Prior to the advent of PIAB, if a tender or lodgement had been made, the infant would have received the protection of section 63 of the *Civil Liability Act 1961* and thereby ensured that the infant would not be out-of-pocket either way. The *PIAB Act* will only allow the award to go before a judge if it is accepted, so a fundamental unfairness towards the infant is exposed by section 51A. The purpose of section 63, which of course still exists but applies only to tenders and lodgements and not to PIAB awards, was to protect the infant from the poor decision-making of his parents. So, with one stroke of the Oireachtas pen and not a great deal of concern for the citizen, the infant's rights have been hugely limited. No doubt this will

viewpoint



on government'?

result in a challenge, sooner rather than later.

Of course, a greater onus now rests on the solicitor to advise all claimants on the implications of section 51A. While it is necessary to warn all claimants of the pitfalls of refusing an award, over-caution would be dangerous. It is our obligation to ensure that the claimant receives the maximum award possible, and it is clear that every award must be judged on its merits. If you have a concern that an award might not be beaten in court, then it should not need section 51A to persuade you to encourage the claimant to accept the award. Equally, if the award is patently too low, it is doing a great disservice to the claimant to persuade them to accept it when the overwhelming likelihood is that a better result will be achieved in court.

Section 51B has different effects but the same outcome – bad news for the claimant. Most of the county registrars had been awarding PIAB application costs, but this section ensures that the claimant must be personally responsible for this portion of its costs. Gerard Hogan expresses the view that, in the light of the *McMenamin* decision in *O'Brien v PIAB*,

this provision may be unconstitutional. You may take it as inevitable that an out-of-pocket claimant will test this opinion in the very near future.

In the meantime, it is worth including PIAB application costs as a heading of special damage. It remains to be seen whether a court will award it, but it only takes one judge to do so for a precedent to be put in place.

Casino royale

If we have learned one lesson from the unnatural influence that PIAB seems to exert over government, it is that real change and justice for claimants can only be achieved in court. This was demonstrated very shortly before the new legislation was passed.

A client of mine was delighted with a PIAB award received on behalf of his infant son, but was understandably very annoyed when I explained to him that he would be liable for the balance of the €245 that he had to pay for his son's medical report, as PIAB had only awarded him €150, despite an application being made under section 44 of the *PIAB Act* for the balance as an expense reasonably and necessarily incurred.

He instructed us to seek



Stuart Gilhooly: shaken, not stirred

judicial review of this decision, for which leave was granted. Approximately three weeks after papers were served on PIAB, they agreed to settle my client's case. A matter of days later, they announced a total change in the manner in which they would award fees for medical reports, which, in typically disingenuous terms, they claimed was due to a review of their policy.

They will now consider the fee for each medical report on its merits, so invoices for all reports should be sent to them prior to the award being made. Limited experience to date has demonstrated that this latest, expensive lesson has been learned by PIAB.

While on the theme of expensive lessons, all practitioners need to be aware

of the lacuna in the *PIAB Act* for maritime and on-airplane accidents and claims against the estates of deceased persons. They must all be the subject of PIAB application but, unlike most PIAB claims, section 50 does not operate to stop the statute running, as their time limits are not governed by the *Statute of Limitations*. Therefore, any such application should be brought before PIAB as soon as possible and be accompanied by a letter demanding their immediate release.

If the statute has nearly run, then an immediate response should be sought, and if an authorisation is not received in a timely manner, a judicial review application is a necessity to protect your client's interests.

PIAB is well aware of the difficulties with these claims and potential injustice to certain injury victims but, when attempting to protect the state from attack by injured claimants, chose not to seek a simple amendment to section 50 that would have cured this anomaly.

A French cliché springs to mind: *plus ça change, plus c'est la même chose*. **G**

Stuart Gilhooly is a partner in the Dublin law firm HJ Ward & Co.



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Law reform 'a journey of

The Third Programme of Law Reform will be introduced early next year. Anna Bowen attended the Law Reform Commission's public consultation at Dublin Castle to find out what can be expected

Prominent Australian High Court judge and self-confessed "mothball law reformer", Michael Kirby, used his keynote address at the annual conference of the Law Reform Commission to commend and encourage Ireland's initiative on law reform.

The former chairman of the Australian Law Reform Commission drew on his professional experience and personal encounters of discrimination to urge the 300-strong public audience assembled at Dublin Castle to be "confident and bold" in their contribution to Ireland's Third Programme of Law Reform. His candid and enthusiastic address extolled "The Top Dublin Virtues of Law Reform":

Awareness

Be aware of the fundamental institutional flaw of governance to which law reform is targeted. For the law to remain relevant, it must keep up with the evolution of different cultures, values and societies. As Justice Kirby pointed out in his speech, it is the stable, economically prosperous countries that can often lack the impetus for active law reform, so an awareness of how quickly laws can become outdated is crucial to the law-reform approach.

Justice Minister Brian Lenihan, while unable to attend the conference, later added his views on the matter. "The effect of the Irish constitutional provisions has been to provide, as it were, a filter through which pre-independence British laws (indeed, all statute and common law) can be screened and



Justice Michael Kirby: "Law reform takes time"

interpreted by the courts in suitable cases," he said.

Furthermore, where judicial development of law might rely on chance factors, and parliamentary legislation on political motivations, the Law Reform Commission offers an even broader scrutiny of our laws.

Be independent

As an independent statutory body, the commission has

played a vital role in the reform and modernisation of Irish law. Despite the political conflicts, resource shortages and political apathy that often challenge the process, the commission has established an active law reform programme responsive to social change.

According to commission president and former Supreme Court judge Catherine McGuinness, 70% of the recommendations made to

government in its Second Programme of Law Reform (2000-2007) have been, or are being, implemented. Significant achievements include changes to land and conveyancing law and to laws regarding the treatment of vulnerable adults.

In a recent interview, Mrs McGuinness said: "As a Law Reform Commission, you can either fiddle around with small areas of the law that need to be corrected or you can take a broader view and say that we should be looking at legal issues that affect society."

Be consultative

The public consultations held in Galway, Cork and Dublin this year, to prepare for the Third Programme of Law Reform 2008-2014, demonstrate the collaborative approach to law reform in Ireland. At Dublin Castle, views and recommendations on a variety of areas of law were shared by a mixed audience that included lawyers, teachers, students, health service workers, religious leaders, business representatives, trade union activists, senior citizens, members of government, and local community and social welfare groups.

Speaking at the conference, Attorney General Paul Gallagher SC expressed gratitude to the audience for its participation in the programme, supporting Justice Kirby's endorsement of a rational process that includes disagreement. It is good for people to have "bees in their bonnets", said Justice Kirby, because it awakes us from apathy.

Be international

Justice Kirby's attendance at the conference reflected the



Attendees complained of the time-lag between law reform and policy change; between legislation and implementation

enlightenment'

commission's commitment to regarding law reform from an international and comparative perspective. Lessons have been, and continue to be, learned from foreign jurisdictions, while international bodies develop principles that are relevant to and easily incorporated into domestic law.

Despite this, the commission's second programme recommendation for the government to ratify the 1993 *Hague Convention* on inter-country adoption remains unmoved. The aim was to provide safeguards preventing the sale or abduction of children and to establish a system of co-operation for inter-country adoptions. While the issue appears to have fallen short of political interest, it may be revisited in future law reform discussion.

Be patient

Attendees complaining about the time-lag between law reform and policy change, and between legislation and implementation, were reminded by Justice Kirby that "law reform takes time".

One audience member suggested that, before law

BE EMPIRICAL

The public consultation at Dublin Castle demonstrated the importance of examining law beyond the statute books. The exchange of views and experiences revealed a range of issues existing in current law, covering areas including employment law (harassment and bullying, employment equality), family law, criminal law, environmental law, housing and human rights. Feedback also reflected dissatisfaction with Children's Court processes, coroner's inquests, sentencing, the jury system, handling of divorce settlement challenges, compensation assessments in compulsory property acquisitions and, more generally, the accessibility of the law.

More specific proposals included: a shared, international register of people working with vulnerable adults and the elderly; legal aid for coroner's inquests; proper and accessible tribunals to make legally enforceable decisions in unfair dismissal claims; protection from discrimination for teachers; transposition of environmental conventions to law; statute recognition of collaborative law; modernisation of laws regarding guardianship, custody and proprietary ownership; privacy protection for alleged child-abusers until prosecution; liability protection for charity employees; financial protection for carers; simplification of debt-recovery processes; protection of prisoners' rights and fair treatment for prison visitors; free advice; and provisions for victims of abuse and sexual offences.

The Law Society added its own proposals, which included clarification of law for end-of-life issues, comparative analysis in the law of restitution, a statutory framework for witness protection, a framework for the collection and dissemination of sentencing data, better access to court records, consideration of remedies in intellectual property law, and strict liability offences comparable with constitutional concepts of fair trial and human rights.

reform is sought, perhaps the priority should be to consolidate existing laws. Areas where he considered this to be required included

codes of evidence, enforcement of judgments, contempt of court, and succession law. The same was said for areas in which several

legal codes exist and cause confusion – namely employment and family law.

Be confident and bold

According to Justice Kirby, who has faced heavy criticism over his homosexuality, "If you've never felt discrimination ... if you haven't felt that sting, you don't realise how important it is to have law reformers who are strong, courageous and bold."

The audience seemed to agree, making a number of requests on behalf of a variety of minority groups seeking better social inclusion and legal recognition. They included transgender people and Travellers. "Law derives from the people – all the people, in all their variety," commented Justice Kirby. **G**

Written submissions for the Third Programme of Law Reform closed at the end of July. A draft of recommendations is being submitted to the Attorney General's Consultative Committee in September. In October, the government will introduce them into parliamentary debate, before seeking approval for them early next year.



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Child care the focus in *Family Law Matters II*

Child care issues hit the headlines this summer with the release of the second *Family Law Matters* report. Anna Bowen reviews the research

Last year the Courts Service appointed respected family law reporter Dr Carol Coulter to steer its 12-month pilot project aimed at informing legal practitioners, researchers, media and the public about family law proceedings previously embargoed under the *in camera* rule. Enabled by the enactment of section 40.3 of the *Civil Liability and Courts Act 2004*, the project facilitates the dissemination of information on family law applications while maintaining the privacy of those involved in family law litigation.

Welcoming the second volume of *Family Law Matters*, Justice Minister Brian Lenihan commented on the “immense value” of the research. “Reporting of general trends in family law cases must, of necessity, be based on a considerable number of such cases and this will take time to emerge. However this report, alongside other research currently in progress, is the start of an information flow on family law cases and will greatly assist future policy formulation in the family law area.”

Circuit Court procedures

While the first volume of *Family Law Matters* focused on the application of family law in different court jurisdictions, the second report goes further in examining Circuit Court procedures, particularly in issues of custody and access. The report also concentrates on the law on child care, with



(L to r): Chief Justice John Murray, Dr Carol Coulter and Minister for Justice, Equality and Law Reform Brian Lenihan pictured at the launch of *Family Law Matters*

special comments from Dublin Metropolitan District Court Judge, Conal Gibbons.

An excerpt from Judge Gibbons' paper to the Judicial Studies Institute reveals that neglect by parents is the major reason children are taken into care by the Health Service Executive (HSE).

In his paper, Judge Gibbons also highlights the responsibilities shared by the HSE and the judiciary in ensuring the adequacy of the child-care system and the levels of care provided. Drawing similarities with Britain's overburdened system, he suggests that “social workers are dealing with impossibly large caseloads, in a climate of scarce resources and crisis management”.

Following the launch of the report, Jennifer Gargan, Director of the Irish

Association of Young People in Care, added to the debate with criticism of the way children's views are handled in family law litigation. In a radio interview she relayed the frustrations of children not being adequately heard by the courts and urged for due consideration to be given to children's views.

Absence of a structured framework

While Dr Coulter acknowledged the absence of a structured framework to ensure representation of children's views, she did attest to the courts' commitment to ascertaining the views of children, wherever possible, particularly in cases involving older children.

While child care has become the emblematic issue of the family law report, Dr

Coulter's research covers a range of family law subjects. The information is helpfully divided into reports, judgments, and statistics and trends. Circuit Court reports are thematically organised under headings of custody and access, the family home, conduct and delay.

The statistical analysis comes from Cork, which has the second-busiest Circuit Court dealing with family law in the country. It reported an even higher rate of settlement in divorce and separation cases than those revealed in previous research from Dublin.

Commenting on the *Family Law Matters* reports, the Courts Service says: “The second issue, aided by an extended period of examination, marks a further significant stage in building up a body of material, of enabling a wide audience to have a greater understanding of the vast range of problems and issues presented to the family law courts.”

Minister Lenihan added that an integrated approach to child welfare was currently being considered by the Minister for Children. He said that the relevant services and professionals would be built around the District Courts, which will also be the focus of the third issue of *Family Law Matters*. **G**

The reports Family Law Matters are accessible on the publications (general information) page of the Courts Service website: www.courts.ie.

PHOTO: ALBERT GONZALEZ/PHOTOCALL IRELAND

Religious rights and the case

As courts across Europe struggle to deal with issues of religious identity, what does the ECHR have to say about it? Elaine Dewhurst investigates

Lydia Playfoot is a 16-year-old devout Christian who, until very recently, attended a non-denominational girls' secondary school in West Sussex, England. In June 2004, Ms Playfoot chose to wear a 'purity ring' to school, known as a 'Silver Ring Thing'. The Silver Ring Thing is an evangelical American Christian movement that encourages teenagers to make a pledge of chastity. Ms Playfoot felt that the wearing of the ring was an expression of her personal faith that sexual activity outside of marriage is wrong. However, the school's uniform policy does not allow any jewellery to be worn at school. The school requested that Ms Playfoot desist in wearing the ring. She refused to comply, arguing that the school's actions breached her right to freely manifest her beliefs as guaranteed by article 9 of the *European Convention on Human Rights*. The school governors disagreed, stating that the ring was representative of a moral stance and not a necessary symbol of the Christian faith. The High Court of England and Wales found that, whatever the ring

was intended to symbolise, it was "a piece of jewellery" and the school had not breached the rights of Ms Playfoot by refusing to allow her to wear it to school.

Article 9, *European Convention on Human Rights*

Article 9 provides that everyone has a right to freedom of thought, conscience and religion. This right is absolute. Article 9 also protects the right to freely manifest one's religion or beliefs. However, this right is not absolute and article 9 does not protect every act motivated or inspired by a religion or belief. The European Court of Human Rights has consistently held that, in democratic societies, where several religions coexist, it may be necessary to place restrictions on the freedom to manifest one's religion or belief in order to balance the interests of the various groups and to ensure that everyone's beliefs are respected.

Wearing a purity ring: a manifestation of a belief?

Supperstone QC, sitting as deputy judge of the High Court, was very clear in his determination of this issue. The



wearing of a purity ring was not a necessary part of the Christian faith. Ms Playfoot was not under an obligation to wear the ring nor did she perceive that she was under an obligation to do so. In arriving at this decision, Supperstone QC examined the decisions of the European Court of Human Rights in this area. However, he noted that there was much inconsistency in the decisions of the court. Some cases required that the action be a necessary part of the practice of that belief, while in others no such necessity existed. The High Court preferred the reasoning of the House of Lords in *R (Williamson) v Secretary of State for Education and Employment*, where Lord Nicholls held that if

"the belief takes the form of a perceived obligation to act in a specific way, then, in principle, doing that act pursuant to that belief is itself a manifestation of that belief in practice". In such cases, the act will therefore be "intimately linked" to the belief and considered a manifestation of that belief. Supperstone QC held that no such obligation or perceived obligation arose in this case and, therefore, the wearing of the ring was not intimately linked to the Christian faith. Therefore, article 9 was not engaged in this case.

Was there an interference with the right?

Once again, the High Court was certain that the school had not interfered with Ms Playfoot's right to manifest her beliefs. The court examined two specific factors in coming to this decision: did Ms Playfoot voluntarily accept the school policy relating to the wearing of jewellery, and were there alternative means available to her to manifest her belief?

In examining the voluntary nature of Lydia Playfoot's actions, Supperstone QC noted that the school had been Lydia's

ONE TO WATCH: NEW LEGISLATION

Child Care (Amendment) Act 2007 (No 26 of 2007)

On 23 July, 2007 certain provisions of the *Child Care (Amendment) Act 2007* were brought into force by the *Child Care (Amendment) Act 2007 (Commencement) Order 2007* (SI no 509 of 2007). This act makes a

number of significant amendments to both the *Child Care Act of 1991* and the *Children Act of 2001*.

Reporting

Section 3 of the 2007 act, which amends section 29 of the *Child Care Act 1991*, represents a significant departure from the

general rule that certain cases involving family matters be held otherwise than in public and allows for limited reporting of such decisions under certain specified circumstances. Section 29 relates only to proceedings involving the protection of children in emergency situations, care

proceedings and children in the care of the Health Service Executive. Under section 29, such proceedings are held other than in public. The 2007 act, however, allows for the preparation and publication of reports or the decisions of the court in such proceedings by certain specified

human rights watch

of the chastity ring



first preference, despite the fact that there were other schools in the area that did allow jewellery to be worn. The uniform policy had been in operation since 1990 and had been publicised and explained to all prospective students and their parents, including Ms Playfoot, before they started school. The dress code was also referred to in a 'Code of Conduct' contained in all student diaries. Therefore, Ms Playfoot had voluntarily accepted the rule.

The High Court admitted that it was difficult to establish that an interference with the right was established in a case where a viable alternative was available. In this case, the High Court found many alternatives were available to Ms Playfoot. The court noted that the Silver Ring Thing group offers other options such as key chains, badges and stickers that Lydia could also have utilised. The school had encouraged her to make a contribution and share her views in her PSHE and other classes. In the alternative, despite the inconvenience that it may have caused, she could always have sought transfer to another school that would allow her to wear her ring.

As Ms Playfoot's actions were voluntary and could be

ECHR decisions:

Kalaç v Turkey (1997) 27 EHRR 552

Kokkinakis v Greece [1993] 17 EHRR 397

Cha'are Shalom Ve Tsedek v France, Application No 27417/95, judgment of 27 June 2000

Hasan and Chaush v Bulgaria [2002] 34 EHRR 1339

Sahin v Turkey, Application No 44774/98, judgment of 29 June 2004

Svyato-Mykhylivska Parafiya v Ukraine, (Application No 77703/01), judgment 14 June 2007

UK decisions:

R (Williamson) v Secretary of State for Education and Employment and Others [2005] 2 All ER 1

R (Begum) v Head Teacher and Governors of Denbigh High School [2006] 2 All ER 487

exercised by alternative means, the court could not establish that her right to manifest her beliefs had been interfered with.

If there was an interference, was it justified?

In short, the court held that, even if there had been interference, the actions of the school were justified. Firstly, the school rules were plainly prescribed by law, as schools have a statutory power to determine their own rules on uniform. Secondly, the rule was necessary in a democratic society, as it had a legitimate purpose and was proportionate. The court noted that the school uniform policy helps to foster the identity of the school and an

atmosphere of allegiance, discipline, equality and cohesion. The rule allows students to learn in an environment that minimises the pressures that result from differences on grounds of wealth and status and, as such, reduces the risk of bullying at school. Such a rule also assists in promoting the highest standards of achievement. The court remarked further on the valuable health and safety reasons that necessitated the ban on jewellery. The school had also shown considerable foresight in recognising exceptions to the rule, such as allowing Muslims to wear headscarves and Sikhs to wear bangles, as well as making

exceptions to the rule for health reasons or other exceptional grounds.

The effect in Ireland

This decision highlights the issue of the wearing of religious or other symbols in schools or in places of employment. The recent refusal by An Garda Síochána to accommodate a Sikh reserve garda who wished to wear his turban is just one example of the changes occurring in Irish society and the challenges that will be presented to our courts in the future. The courts will face the difficult task of reconciling the right to manifest one's beliefs with other rights and freedoms. Although the judge in the present case expressly limited the decision to its particular facts, the judgment appears to set a high standard for any claimant in such cases to show, firstly, that the wearing of a symbol is a manifestation of their belief within the meaning of article 9; secondly, that this freedom to manifest their belief has been interfered with; and finally, that such interference cannot be justified in a democratic society. **G**

Elaine Dewhurst is the Law Society's parliamentary and law reform executive.

persons, provided that the report or decision does not contain any identifying information. The only people who are entitled to make such reports under the act are barristers or solicitors, people authorised in writing by the Children Acts Advisory Board after consultation with the minister, and

other people granted such authority by regulation. Such people are entitled to attend at the proceedings and have access to any relevant court documents subject to any directions that the court may make. However, section 29, as amended, does confer some discretion on the court to

direct that access be denied where special circumstances exist.

Children in care

Section 4 of the 2007 act inserts section 43A into the *Child Care Act 1991*. It applies to all children in the care of the Health Service Executive, whether in care under

section 4 (voluntary care) or section 18 (care order) of the *Child Care Act 1991* and whether the child has been placed with a foster parent or a relative.

The provision allows the court to grant an order giving foster parents or relatives, who have been taking care of a child for a

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continuous period of five years, greater autonomy in relation to the care of that child. The court must be satisfied that four conditions are met before they will grant such an order:

- 1) The best interests of the child will be served by the granting of the order.
- 2) The Health Service Executive has consented in advance to the granting of the order.
- 3) The Health Service Executive, in the case of a child in care under section 4, has obtained the consent of a parent or person *in loco parentis* having custody of the child at the relevant time to the granting of the order on behalf of the foster parent or relative. In the case of child in care under section 18, the Health Service Executive must give notice of the application by the foster parent or relative to the parent or person *in loco parentis* having custody of the child at the relevant time. The requirement that the Health Service Executive gets the consent of the parent or person *in loco parentis* does not apply if the court is satisfied that he or she is missing and cannot be found, or the court, having regard to the welfare of the child, decides to waive this requirement.
- 4) The wishes of the child have been given due consideration, having regard to the age and understanding of the child.

The court can authorise foster parents and relatives to have the same control over the child as if they were the child's parent, or to do what is reasonable for the purposes of safeguarding and promoting the child's health, development or welfare. In particular, the court can authorise foster parents or relatives to give consent to any necessary medical treatment or psychiatric examination, treatment or assessment of the child. In addition, consent can also be given to the issue of a

passport or other passport facilities for the child to enable the child to travel abroad for a limited period. In the same manner, the court may also impose restrictions or conditions on the order as it thinks fit in the circumstances.

The order may be varied or discharged. This may be done on the application of any of the following persons:

- a) The Health Service Executive,
- b) A foster parent or relative to whom the order was granted,
- c) A parent having custody of the child concerned at the relevant time,
- d) A person acting *in loco parentis* to the child concerned, or
- e) A person who in the opinion of the court has a *bona fide* interest in the child concerned.

Similarly, the order will cease to be effective once certain conditions are met. These are:

- a) If the child concerned is in care under section 4, when care of the child is resumed;
- b) If the child concerned is in care, under section 18, when the order is discharged or ceases to have effect;
- c) If the child concerned is removed from the custody of the foster parent or relative, immediately on the child's removal;
- d) If the foster parent or relative requests the Health Service Executive to remove the child concerned from his or her custody, when the child is removed; or
- e) When the child concerned attains the age of 18 years or marries.

Amendments to the *Children Act 2001*

Part 3 of the *Child Care (Amendment) Act 2007* provides for a number of amendments to be made to the *Children Act 2001*, which is now fully in force from 23 July 2007 by virtue of the *Children Act 2001 (Commencement) (No 3) Order 2007* (SI no 524 of 2007).

The 2007 act repeals section

16 of the 2001 act only to the extent that it provides for the insertion of section 23D into the *Child Care Act 1991*. This relates to the right of An Garda Síochána to deliver a child into the custody of the Health Service Executive.

The 2007 act also amends section 77 of the 2001 act as previously amended. Section 77 relates to the referral of juvenile justice cases to the Health Service Executive. It now provides that, where a child is charged with an offence and it appears to the court that it is appropriate for a care order or a supervision order to be made, the court may adjourn proceedings and direct the Health Service Executive to convene a family welfare conference in respect of a child "if in the court's view it is practicable for the Health Service Executive to hold such a conference having regard to the age of the child and his or her family and other circumstances". The power of the court to make emergency care orders or supervision orders pending the outcome of the conference under the *Child Care Act 1991* in such cases has been removed.

Children Acts Advisory Board

Perhaps the most significant amendment made to the *Children Act 2001* by the 2007 act is the amendment made to section 226. The 2007 act changes the name of the Special Residential Services Board to the *Children Acts Advisory Board*. The board has been given much broader functions under the 2007 act to carry out a wider range of activities. Mr O'Leary, the deputy chief executive of the CAAB, has commented that "children will benefit from the enhanced and integrated services available as a result of our facilitation; inter-agency working, research and co-operative style of operation in bringing various services together to achieve better outcomes for at risk children". The functions of the board will now include:

- Advising the minister on policy issues relating to the delivery of services under the *Children Act* and the *Child Care Act*;
- Publishing guidance on the qualifications, criteria for appointment, training and role of any guardian *ad litem* appointed for children in proceedings under the *Child Care Act*;
- Preparing and publishing criteria in consultation with the Health Service Executive for the admission to and discharge from special care of children, subject to special care orders and interim special care orders;
- Authorising, in writing, a class or classes of persons representing the board to prepare reports for the purposes of the 2007 act;
- Giving its views on any proposal of the HSE to apply for a special care order under part IVA of the *Child Care Act*;
- Reporting on the level and nature of residential accommodation using published information;
- Supporting services for children detained in children detention schools and special-care units;
- Promoting and enhancing interagency cooperation, including the sharing of information under the *Children Act* and the *Child Care Act*;
- Promoting, organising and taking part in meetings, seminars, conferences, lectures and demonstrations;
- Conducting or commissioning research; and
- Collecting, maintaining and evaluating statistics and other data relating to its functions.

The schedule to the 2007 act provides for all the acts and statutory instruments detailed in part 1 and part 2 of the schedule to be amended to reflect the change in name of the board. **G**

Elaine Dewhurst is the Law Society's parliamentary and law reform executive.

MAKING *hay*

WHILE



The *Finance Act 2007* has updated the previous 'young trained farmer relief' and introduced other reliefs. Emmet Scully pulls on his wellies and digs the dirt

The *Finance Act 2007* resulted in the introduction of an updated version of the previous 'young trained farmer relief' and the introduction of a new form of farm consolidation relief that will provide relief where a farmer sells farmland and purchases other land in order to consolidate that farmer's holding. The act also introduced a new relief for certain transfers of farmland from a child to a parent.

Section 81AA of the *Stamp Duties Consolidation Act 1999* (SDCA) replaces the existing section 81A for instruments executed on or after 2 April 2007. The new section includes new educational criteria with certain transitional arrangements for some pre-*Finance Act* educational qualifications and a simplified refunds procedure for situations where the relief is claimed by way of repayment of stamp duty already paid.

Buying the farm

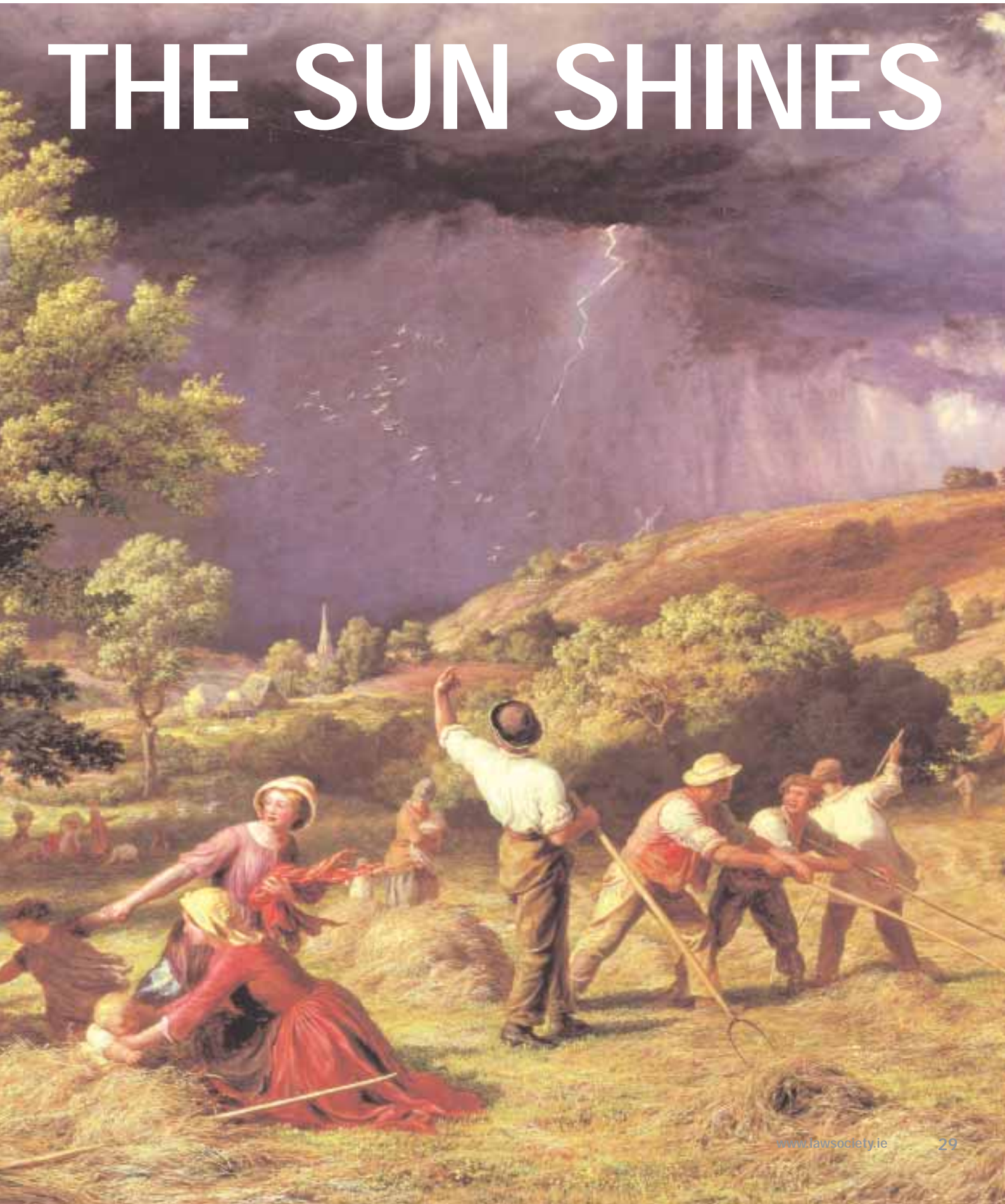
Section 81AA provides relief from stamp duty on sales or gifts of land to suitably qualified persons, subject to meeting certain conditions. 'Land', for the purpose of this relief, is agricultural land, and includes farm buildings, farmhouses and mansion houses of a character appropriate to the land. The interest transferred may be freehold or leasehold, but the relief does not apply to the creation of a leasehold interest. The land cannot be transferred subject to any power to revest the property in the transferor (or any person on behalf of the transferor), though the Revenue Commissioners have confirmed (in relation to the earlier section 81A relief) that this does not prevent the retention by the transferor of rights of residence, support and maintenance.

To qualify as a 'young trained farmer', the transferee (or, if there is more than one, each of them) must be under 35 on the date of execution of the instrument of transfer. However, where land is being transferred into the joint ownership of a young trained farmer and his/her spouse, the spouse does not need to be a young trained farmer and,

MAIN POINTS

- Transfers to 'young trained farmers'
- Procedure for claiming relief
- Farm consolidation relief

THE SUN SHINES





Prize porker hams it up

therefore, does not have to satisfy the age requirement.

Under section 81AA, a young trained farmer is required to hold one of the educational qualifications set out in schedule 2B of the SDCA, which are listed on pages 8-11 of the Revenue Commissioners' leaflet SD2B.

Relief under section 81AA will also be available in certain circumstances for the holders of qualifications under previous versions of the relief specified in schedules 2 and 2A SDCA. There is a requirement for these qualifications to be supplemented by further farm-management and agricultural/horticultural courses of certain minimum durations. The qualifications specified under the transitional arrangements must be obtained before 31 March 2008.

People with restricted learning capacity will be able to satisfy the educational qualification requirement where he or she obtains a letter from Teagasc confirming satisfactory completion of a Teagasc-approved course of training for those who are, in the opinion of Teagasc, restricted in their learning capacity due to physical, sensory or intellectual disability or mental health.

Counting your chickens

Under section 81AA, for instruments executed after 2 April 2007, where the transferee meets all of the requirements for the relief except holding the required qualifications, the transferee can claim the relief provided that the required qualification is obtained within four years from the date of execution of the instrument transferring the property. In such situations, the stamp duty must be paid on transferring the property and a claim for repayment of the stamp duty can be made within four years from the date of attaining the educational qualification. Under the section 81A relief, the transferee had to have completed at least one academic year of the relevant course at the date of

execution of the instrument transferring the property and must have completed the course within three years thereafter. Repayment claims under section 81A had to be made within six months of attaining the relevant qualification.

The transferee(s) must furnish a declaration that it is his/their intention to retain ownership of the land for a period of five years from the date of acquisition of the property, or, in the case of a repayment claim, for a period of five years from the date the repayment claim is submitted to the Revenue Commissioners.

The transferee(s) must also furnish a declaration that it is his/their intention to spend not less than 50% of his/their normal working time farming the land.

Ee-aye-ee, I owe

The relief is subject to clawback if the land is disposed of within five years of the date of execution of the instrument whereby the property was acquired (or within five years of the date of submission of a repayment claim), and the proceeds of sale are not fully re-invested in land within one year of such disposal. If only part of the land is disposed of, then the clawback will relate only to the portion disposed of. The clawback is structured as a penalty proportional to the duty that would have been paid if the relief did not apply. Interest is payable on the penalty at the rate of 0.273% per day or part thereof from the date of disposal (or part disposal) up to the date on which the penalty is paid. The creation of a joint tenancy by a young trained farmer with his/her spouse, or the disposal from one joint owner to another joint owner, does not trigger a clawback.

Where any declaration made in claiming the relief or any certificate included in the instrument of transfer is untrue in any material particular that would have resulted in the relief not being granted, and was made or included knowing same to be untrue or in reckless disregard as to its truthfulness, then a clawback by way of penalty of 125% of the duty that would otherwise have been payable will apply. Interest is payable on the penalty at the rate of 0.273% per day or part thereof from the date of execution of the instrument (or, in the case of a repayment claim, the date on which the claim is submitted) to the date on which the penalty is paid.

Eggs in one basket

Adjudication is essential in order to claim the relief. The instrument of transfer should contain a certificate in the following terms: "It is hereby certified that section 81AA (young trained farmers) of the *Stamp Duties Consolidation Act 1999* applies to this instrument."

The application for relief must be accompanied by the application form, which is contained in leaflet SD2A, signed by the transferee (and where there is more than one joint owner, an application form must be signed by each of them). The application form

CREAM OF THE CROP

Section 101A SDCA provides an exemption from stamp duty on the sale, transfer or other disposition of a single farm payment entitlement. The exemption was introduced by the *Finance Act 2006* for instruments executed on or after 1 January 2005. The Revenue Commissioners regarded single farm premium entitlements as stampable at non-residential property rates until the introduction of the exemption in the *Finance Act 2006*. There is, accordingly, the possibility that some people may be entitled to refunds for duty paid on transfers executed on or after 1 January 2005 and before the exemption introduced by *Finance Act 2006* clarified the position. Claims for refunds should be made within four years from the date of stamping.

Where an instrument relates to both a payment entitlement and other chargeable property, the consideration must be apportioned on a just and reasonable basis between the payment entitlement and the other property. Only the portion of the consideration referable to the latter is chargeable to stamp duty.

LOOK IT UP

Legislation:

- *Finance Act 2006*
- *Finance Act 2007*
- *Stamp Duties Consolidation Act 1999*
- *Taxes Consolidation Act 1997* (amended)

contains the declarations referred to above in the paragraph entitled 'Other conditions'. The application must be supported by copies of the relevant qualifications. Where an application is being made under the transitional arrangements, this fact should be stated in the application and the qualification(s) in question should be clearly identified and copies of such qualification(s) should be provided in support of such an application.

Brand new combine harvester

Section 81C SDCA provides a new relief from stamp duty on the purchase of land effected for the purpose of consolidation. Land for the purposes of this relief is agricultural land (including lands suitable for occupation as woodlands on a commercial basis) and such farm buildings as are of a character appropriate to the relevant land, but not including farmhouses or mansion houses unless derelict and unfit for human habitation. Section 81C SDCA replaces the relief contained in section 81B SDCA, which expired on 30 June 2007. The previous relief applied where there was an exchange of land for the purpose of consolidation, whereas the new relief applies to a sale and purchase of lands effected for the purpose of consolidation. The new relief requires a commencement order from the Minister for Finance and, subject to the making of same, the new relief will apply to instruments executed on or after 1 July 2007 and on or before 30 June 2009 ('relevant period').

The relief is available where there is a sale and purchase of land within 18 months of each other that meet the conditions of consolidation. Stamp duty will only be paid on the purchase to the extent that the value of the land that is purchased exceeds the value of the land that is sold. If the purchase takes place first, stamp duty must be paid and, on the subsequent sale, the stamp duty on the earlier purchase can be reclaimed. Where the sale occurs before the purchase, then relief is available at the time of purchase. The purchase must be made by a farmer, being a person who spends not less than 50% of that person's working time farming. A company is expressly excluded from claiming the relief.

To qualify for the relief, the applicant must obtain a certificate from Teagasc certifying that Teagasc is satisfied that the sale and purchase of the relevant lands (which must both occur within the relevant period and within 18 months of one another) complies with guidelines that are yet to be issued by the Department of Agriculture and Food.

The applicant(s) must furnish a declaration that it

is his/their intention to remain a farmer and to farm the relevant land for a period of five years from the date on which the first claim for relief was made.

Where the purchased land is disposed of within five years from the date on which the first claim for relief was made, the relief will be clawed back. Clawback does not apply to land that is compulsorily purchased, though in such circumstances no further relief will be allowed on the purchase of land arising out of the sale occurring on foot of the compulsory acquisition. The clawback is structured as a penalty equal to the difference between the duty that would have been payable if the relief did not apply and any duty actually paid. A disposal of land by a farmer during the five-year retention period to a spouse for the purpose of creating a joint tenancy does not trigger a clawback.


Clawback will arise if any declaration or certificate was untrue in any material particular that would have resulted in the relief not being granted, and which was made or included knowing the same to be untrue or in reckless disregard as to its truthfulness. Clawback will also arise where a consolidation certificate furnished to the Revenue Commissioners is not valid as at the date of application for the relief.

Adjudication is essential in order to claim the relief. The instrument of transfer should contain the following certificate: "It is hereby certified that section 81C (farm consolidation relief) of the *Stamp Duties Consolidation Act 1999*, applies to this instrument." The application must be accompanied by a valid consolidation certificate and the written declarations referred to above. The Revenue Commissioners are empowered to specify the form of the declarations.

Sowing wild oats

Section 83B SDCA is a new relief introduced by the *Finance Act 2007* and is applicable to transfers of farmland from a child to a parent where it is made as part of an arrangement to which the new capital gains tax relief contained in section 599(1)(d) of the *Taxes Consolidation Act 1997* (as amended) applies. The new capital gains tax relief provides that where a parent transfers certain farmland to a child and, in consideration, the child transfers land to the parent, no gain arises on the disposal by the child.

Under section 83B SDCA, no stamp duty is chargeable on the transfer of the land from the child to the parent.

Adjudication is essential in order to claim the relief. The instrument of transfer should contain the following certificate: "It is hereby certified that section 83B (certain family farm transfers) of the *Stamp Duties Consolidation Act 1999* applies to this instrument." 

"Where the purchased land is disposed of within five years from the date on which the first claim for relief was made, the relief will be clawed back"

Emmet Scully is a partner in LK Shields Solicitors.

the RIGHT stuff

Only two appointments of solicitors directly to the superior courts have been made in the past five years, despite solicitors constituting 80% of all practising lawyers. Jennifer Carroll lifts the veil on what it takes to be a solicitor *and* sit on the bench of the Supreme and High Courts

Judicial appointments in Ireland are increasingly scrutinised for their content and political flavour. The role of political patronage continues to be a dominant theme in discussions about how judges are chosen in Ireland – whether it is still operative since the creation of the Judicial Appointments Advisory Board (JAAB) and whether it would even matter in a system where judges were free from government influence in their decision-making.

Of more immediate concern to the Law Society is the actual content of judicial appointments and, more particularly, the number of solicitors being appointed to the superior courts in Ireland. Here, the Law Society has raised its concern about the number of solicitors appointed by the government to the superior courts, making the case through its president that there is an element of bias in the government in favour of the experience of the candidate as a barrister (*Gazette*, June 2007, p5). Concern was expressed that, since the enactment of legislation allowing solicitors to be appointed directly to the superior courts, there has only been one such appointment in the intervening five-year period – despite solicitors constituting 80% of all practising lawyers. At the time of the article's publication, the number was increased to two, with the direct appointment to the High Court of Mr Justice Sheehan.

Perhaps some bias is operative in judicial appointments by the government, but there are other structural barriers to entry for solicitors in the judicial appointments process before their name ever reaches the government for consideration for superior court positions. The ambiguous wording in

section 8 of the *Courts and Court Officers Act 2002* has led to a lack of confidence among solicitors in applying for senior judicial posts. This has been demonstrated by the dramatic reduction in the number of solicitors applying.

Limiting and ambiguous

The *Courts and Court Officers Act 2002* provides for the direct appointment of solicitors to the superior courts. This statute is an important development in the analysis of the judicial appointments system in Ireland as, in theory, it considerably widens the pool of individuals entitled to apply to the JAAB for consideration for appointment to the superior courts.

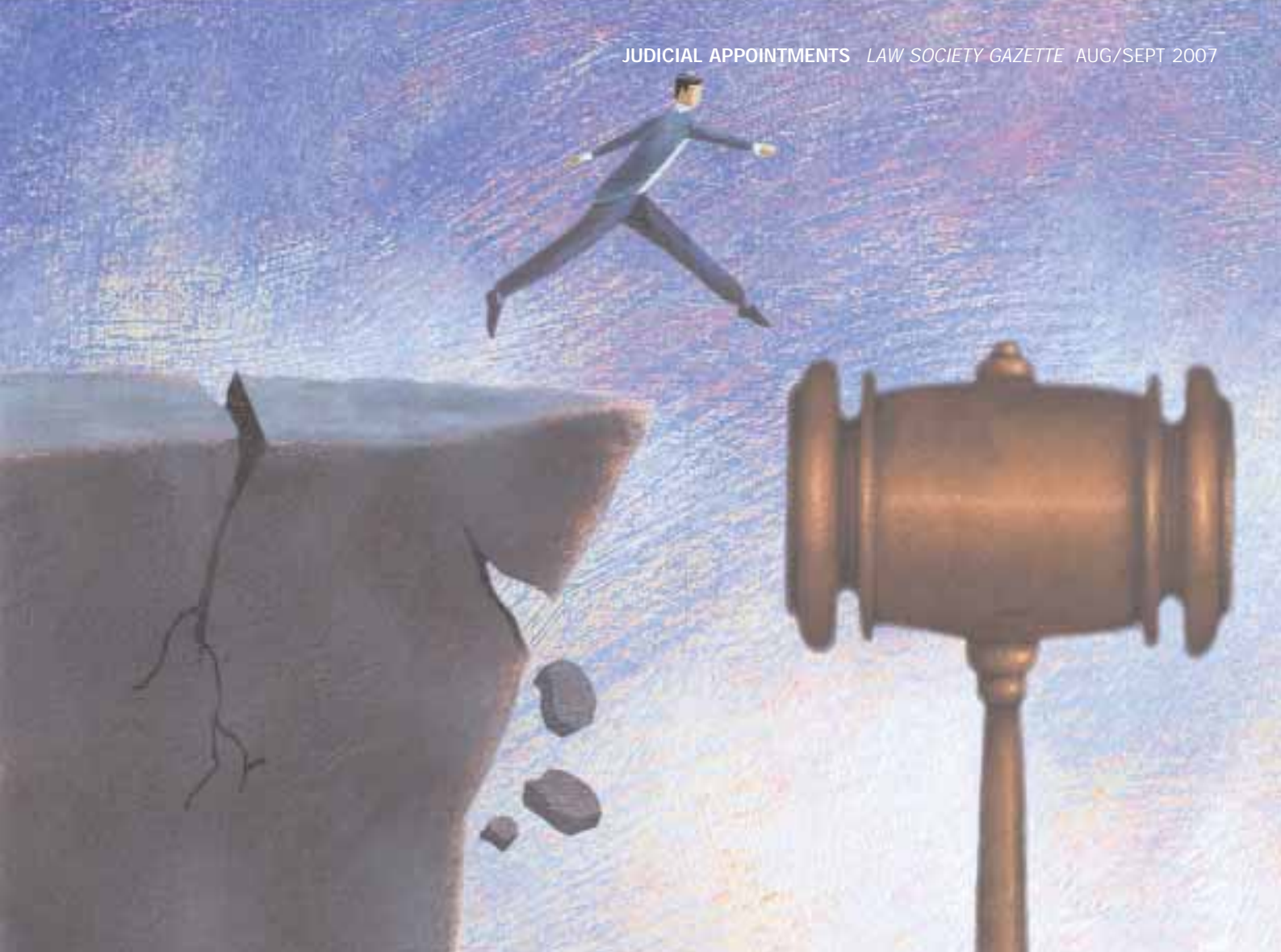
In practice, however, it is limited by section 8 of the 2002 act, which requires that the candidates that are recommended to the minister by the JAAB are individuals who have “an appropriate knowledge of the decisions, and an appropriate knowledge and appropriate experience of the practice and procedure, of the Supreme Court and the High Court”.

Section 8(7)(b)(ii) spells out this requirement by instructing the JAAB to, in determining whether such an appropriate knowledge exists, have regard to the nature and extent of the practice of the person concerned, insofar as it relates to his or her personal conduct of proceedings in the Supreme Court and the High Court, whether as an advocate or as a solicitor instructing counsel in such proceedings, or both.

In its 2006 annual report, the JAAB states at page ten that the purpose of this provision seems to be to ensure that solicitors appointed to the Supreme and High Courts are sufficiently conversant with practice and procedure in the superior courts. The requirement of relevant experience is obvious. After

MAIN POINTS

- Judicial appointments and the solicitor
- Structural barriers to entry for solicitors
- Ambiguous wording of the *Courts and Court Officers Act 2002*



all, one wouldn't employ an oncologist to perform a heart transplant. The trouble is in how "appropriate knowledge and appropriate experience" is defined, by whom it is defined, and how the definition is applied to the different branches of the legal profession. At the moment, all of these questions are decided by the JAAB. None have ever been reported by the JAAB, and there is no formal rule (nor informal precedent of which I am aware) of the JAAB to guard against a change in the personalities of the board materially affecting this essentially subjective definition over time.

Other guidance is provided by section 16 of the *Court and Court Officers Act*, which provides that the JAAB should recommend candidates who have displayed in their respective practice a "degree of competence and a degree of probity appropriate to and consistent with the appointment concerned". But, quite correctly, the JAAB interprets this as only a minimum standard and so does not provide any additional assistance for the solicitor making the decision to apply.

Therefore, once the explicit qualification in section 8 of the 2002 act is applied, the number of solicitors who may be eligible for appointment is dramatically reduced and certainly would not come close to 80% of practising lawyers. The issue for individual solicitors is being confident that they will fit the bill

before applying. It is clear that both solicitor advocates and solicitors instructing counsel in the High Court are eligible. Does that mean one need never say a word in court and be appointed to the High Court? What does "nature and extent" of the practice of the person in the superior courts actually mean? Is there a rule of thumb that can be applied to a solicitor's conduct of proceedings in the court – if I have instructed counsel in 30 personal injuries cases a year for the past 15 years in the High Court, am I eligible? If I am the dedicated solicitor advocate with a large firm of solicitors and appear before the High Court every day for motions and hearings across a range of High Court lists, am I eligible? If I am a senior employment litigation specialist, always run my own cases in the Employment Appeals Tribunal, but the nature of practice does not require regular High Court appearances, am I eligible?

Therefore, the actual effect of section 8 is that its ambiguity may operate as a disincentive to apply, and act to restrict the pool of potential superior court candidates beyond its original purpose. It will continue to do so until either:

- The legislation is amended;
- There is an authoritative interpretation of this provision that would remove any ambiguity as to what constituted "appropriate knowledge and



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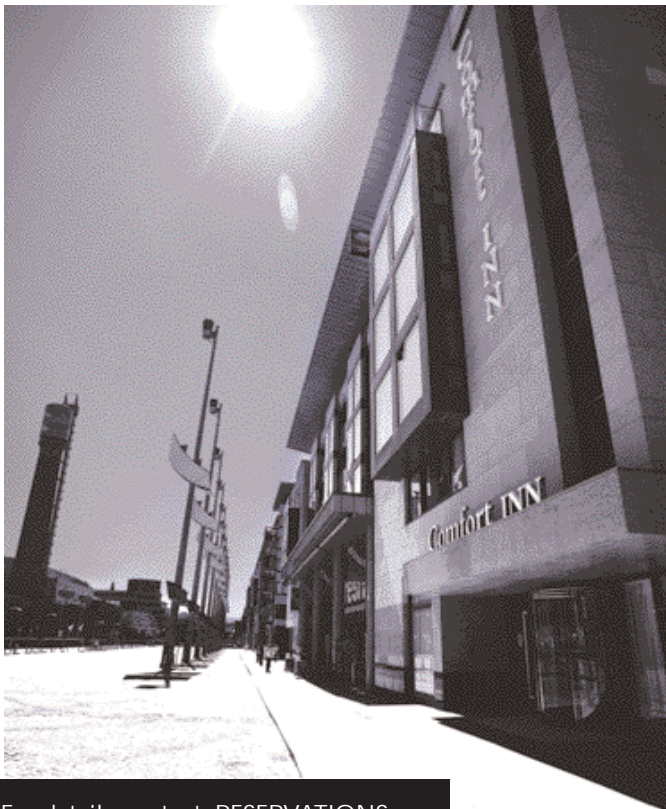
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appropriate experience of the practice and procedure of the Supreme Court and the High Court”; or

- A greater number of solicitors are seen to exercise their rights of advocacy in the superior courts in the manner currently perceived by the JAAB to be necessary for the purposes of the fulfilling the requirements of section 8.

Too few applicants

I believe it is this ambiguity that explains the disproportionately low number of solicitors applying for senior judicial vacancies. The JAAB publishes the statistics of the applicants for judicial vacancies on a court-by-court basis in its annual reports. An examination of the five JAAB annual reports published since solicitors could be directly appointed in 2002 shows that the proportion of solicitors applying for senior judicial vacancies is considerably less than their barrister counterparts. For example, in the period 2002-2006, there were three vacancies on the Supreme Court considered by the JAAB, all of which were filled by the promotion of High Court judges (promotions between courts are outside the remit of the JAAB). There were six applications to the JAAB for these vacancies – two-thirds from solicitors. Statistically, however, there is little value in applying for a direct appointment to the Supreme Court, as the positions are almost exclusively filled by promotions from the High Court (which, for the time being, is primarily comprised of former practising barristers).

What is to be done?

Any residual uncertainty surrounding the judicial appointments process in Ireland will operate to discourage the very best legal practitioners, as rational actors, from applying for these already difficult positions. This is entirely contrary to the public interest and the public confidence in the contemporary judicial institutions. There are two initial steps I believe can be taken by the Law Society to overcome the barriers of section 8 and promote its members’ interests in the superior court appointment process.

Externally, the Law Society should campaign for better transparency in what the JAAB perceives to constitute “appropriate knowledge and appropriate experience” of superior court practice and procedure.

LOOK IT UP

Legislation:

- *Courts and Court Officers Act 1995*
- *Courts and Courts Officers Act 2002*

Literature:

- *Judicial Appointments Advisory Board Annual Reports 2002-06*

ASSESSING THE CURRENT POSITION

It is the content of the High Court applications that are more relevant for assessing the current position of solicitors in senior judicial appointments. During the period 2002-2006, there were 11 vacancies on the High Court for which the JAAB considered candidates. In total, there were 14 appointments to the High Court in this period, and the other three were made by the promotion of a Circuit Court judge or the direct appointment by the government of individuals who had not applied to the JAAB as judicial candidates. This practice is permissible so long as the government publishes a notice in *Iris Oifigiúil* to that effect. All such direct appointments by the government have been barristers.

Of the 102 applications for these positions, only 35 (34%) came from solicitors. Of those 35, 22 (63%) were applications made in 2002, when there was an initial flurry of applications by solicitors, who accounted for 42% of the total applications to the JAAB for High Court positions in that year. Since then, solicitors have been demonstrably disillusioned with their prospects in the senior judicial appointments process, accounting for only 23%, 28% and 26% of the applications to the JAAB for High Court positions in 2004, 2005 and 2006 respectively. (The JAAB did not seek any applications for vacancies on the High Court in 2003, when two positions were filled by a promotion from the Circuit Court and the direct appointment of a barrister by the government.) There is no published data on what proportion of the candidates recommended by the JAAB to the government were solicitors. We are left to assume that it is commensurate with the proportion of solicitors applying to the JAAB in the first instance.

It is really very difficult to determine the real position of solicitors in relation to senior judicial appointments without some clarification beyond the minimum standard set in the 1995 act and the secret, subjective and potentially periodically variant barometer applied by the 2002 act.

Internally, the Law Society should actively promote judicial careers among their members. On reaching the requisite number of years of practice experience, the Law Society could, as a matter of course, send a reminder to its members about their eligibility in respect of the different courts and a guide to the application process. The Law Society could also offer a discreet application-assistance programme to members who are considering applying to the JAAB.

In respect of superior court appointments, the Law Society should make an effort to determine, as best it can, what proportion of its members exercise their right of advocacy in a manner consistent with being eligible for appointment under section 8 of the act. Once that figure is established, the proportion of eligible candidates actually submitting applications can be determined, and possibly compared with the proportion of eligible barristers making similar applications. It is through establishing these figures that the Law Society will be in a stronger position to advocate on its members’ behalf and develop the institutional culture and supports to encourage solicitors to apply for senior judicial office. **G**

Jennifer Carroll qualified as a solicitor in 2007 and is currently a Government of Ireland PhD Scholar in the School of Politics and International Relations, UCD.

MAIN POINTS

- *Criminal Justice Act 2007*
- Changes to bail, sentencing and detention
- New mandatory sentences for second convictions for certain offences

Apart from the right to silence, the *Criminal Justice Act 2007* makes a number of changes to other areas of law – principally bail, sentencing and detention. Diarmuid Collins picks the lock for practitioners

Apart from the right to silence, dealt with in the July *Gazette*, p22, the *Criminal Justice Act 2007* introduces a number of changes to other areas of law, principally bail, sentencing and detention, which practitioners should familiarise themselves with.

The changes that will have perhaps the biggest immediate impact on practitioners are those relating to bail. Primarily, people charged with serious offences applying for bail may have to provide a statement setting out certain matters, including: previous convictions; bail history, including terms and compliance therewith; sources of income over the previous three years; and any property (including cars) owned by them with a value in excess of €3,000. If the application is made in the Circuit or High Court the statement must be furnished to the prosecutor with the notice of the application. If in the District Court, it must be furnished as soon as reasonably practicable before the bail application is made. The court can extend time for the production of the statement or may dispense with the requirement altogether if there is good and sufficient reason for so doing. The parties can also consent to it not being required – and it is not required if the prosecution indicates that it is going to consent to bail.

It doesn't pay

Whereas the legislation has been in force since 1 July, at the time of writing the 'prescribed form' mentioned in the act has yet to be produced. However, the DPP is now requiring compliance with the section in the High Court in any event, and defence solicitors have been providing the information in an *ad hoc* form. In any event, practitioners might write to prosecutors asking them to indicate if they are consenting to bail, the basis for their objections if they are not, and whether they will require production of this statement. Neither applicants nor their legal advisors may be able to fully account for their previous convictions, so it may be appropriate to ask the gardaí to provide a PULSE printout of such matters. PULSE will not, however, cover bail history (unless the defendant was convicted for non-attendance), so it may prove useful to maintain a record of bail granted to recidivist clients. An alternative will be to request the gardaí to account for bail history.

Once the statement is required, practitioners will have to exercise caution to ensure that its contents do not conflict with anything in any statement of means produced for the purposes of obtaining legal aid, as it

is a criminal offence to knowingly provide false or misleading information in either form. If inaccuracies do find their way into the statement, practitioners should ensure that a court does not infer dishonesty, and therefore an increased likelihood of flight, into what might be an innocent failure to include a previous source of income or conviction. Another risk is that a court might improperly infer from unexplained property that the applicant is a professional criminal and should therefore be refused bail. The purpose of the statement of means, enacted pursuant to a recommendation of the Supreme Court in *DPP v Broderick*, is to provide a court with a basis to assess the amount bail should be set at, *not* whether it should be granted at all.

The principal effect of this provision will be to place the onus on the applicant to prove they are impecunious and deserving of a small bail bond. However, it seems likely that this provision will be used tactically by prosecutors to seek to delay bail and perhaps extract assistance from the applicant. Detainees might be told that if they do not provide information, the statement will be required of them and they may be refused bail and have their house or car seized by CAB. But verification of matters in the statement will also represent a drain on garda resources, so by writing early and formally asking for garda assistance in completing the form, thereby invoking the extra garda workload, applicants may be able to avoid delays and perhaps discourage them from insisting on production of the statement at all. It may be that it is only where the CAB is already monitoring an applicant that the means statement will be vigorously contested.

Discipline and punish

Another provision in the act allows for the opinion of garda superintendents – that a refusal of bail is necessary in order to prevent commission of further serious offences – to be admissible as evidence in bail applications. It might be argued that this class of opinion evidence is already given in every contested bail application, and thus this provision may have represented no more than pre-election bluster. However, it might come into play in a situation where an applicant has no previous convictions or breaches of bail, but the gardaí nonetheless believe he is a major criminal who will commit further serious offences on bail. In the absence of any objective basis for the garda opinion – that is, antecedents – a court in such a situation should not refuse bail on the basis of the opinion alone. This provision may allow a court to do



AND THROW AWAY THE KEY

FIG. RICHARD GARDNER/REX FEATURES

just this, though obviously such a refusal would be treading a fine line of constitutionality. Weight will be key and, by analogy with membership cases, if the applicant is prevented from challenging the superintendent's opinion because he claims privilege over the sources of his information, it is to be presumed that fair procedures require that less weight be put on such an opinion.

The act also contains further changes to the law on bail and recognisances generally, principally the introduction of a prosecution appeal against a grant of bail or its terms. The Circuit Court can also, upon the order of the High Court, be given jurisdiction to hear bail appeals, which, if invoked, might go some way to reducing the overcrowded list in Cloverhill. There are also some welcome reforms allowing a court, and indeed gardaí granting station bail, to do so without attaching monetary conditions, thereby allowing poorer applicants to take up bail more easily. A court will also now be able to order estreatment of all or part of a recognisance rather than just all or nothing, as is currently the situation. One interesting new measure provides that, where someone is appealing

the imposition of a custodial sentence by the District Court, one of the conditions of the recognisance shall be that they prosecute the appeal. Presumably aimed at those applicants who appeal purely for the purposes of remaining at large, it is to be hoped that this provision will not result in people being forced to fully pursue pointless appeals for fear of losing cash recognisances if they withdraw them prior to hearing. There are also further provisions relating to electronic monitoring, though at the moment the introduction of tagging seems neither technologically, economically nor politically viable.

If you can't do the time

Sentencing forms the subject matter of the major creation of the act, a new series of mandatory sentences of 75% of the maximum (or ten years where the maximum is life) for second convictions for certain scheduled offences. This provision (section 25) has been substantially watered down since its initial proposal, in that simple burglary has been removed from the schedule and the sentences have been put on a discretionary footing. Judges need

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not now impose the prescribed sentence if they feel it is disproportionate in all the circumstances of the case, a different and altogether more appropriate test than the 'exceptional and specific circumstances' proviso that pertains with section 15A drugs offences. As such, the provision will be of much less impact since it is essentially discretionary, and anyone convicted of a second serious offence, having been sentenced to five years for a previous serious offence, would already expect a lengthy sentence. Nonetheless, practitioners will have to be able to advise as to when it applies, that is, on a second conviction for a scheduled offence (murder, assault causing serious harm, threatening to kill or cause serious harm, false imprisonment, certain serious explosives and firearms offences, aggravated burglary, drug trafficking offences, blackmail and the 'gangland' offences created by the 2006 act). The first offence must have resulted in a non-suspended sentence of at least five years, and the second offence must have been committed within seven years of the first (exclusive of any period spent in custody) and, in any event, after 18 May 2007. Both offences must be prosecuted on indictment. With any conviction for a scheduled offence, first or otherwise, a court must also consider whether it is appropriate to make the offender subject to monitoring or protection orders, lasting up to seven years after release, requiring them to notify gardaí of their movements and limiting their interaction with victims.

A key effect of this provision, and a perennial criticism of mandatory sentencing generally, is that it replaces the discretion of the sentencing judge with that of the prosecutor. For instance, in deciding whether to proceed on indictment with a prosecution for possession of drugs for sale or supply where the provision applies to an accused, the prosecutor can now change a potential sentence from a maximum of one year when tried summarily, to a presumptive *minimum* of ten years on indictment. The threat of proceeding on indictment as a bargaining chip to induce defendants to provide them with assistance. In this regard, practitioners should be aware that the scheduled drug trafficking offences are broadly defined and include production and simple section 15 offences, that is, possession of amounts with a value less than €13,000.

It is helpful, then, to review the sentencing regimes now in place for drugs offences (see panel).

Jailhouse rock

Part 9 of the act creates a new power of detention for up to one week for certain scheduled offences (murder involving a firearm or explosives, capital murder, possession of firearms with intent to endanger life and false imprisonment). This follows a scheme of referral to senior gardaí and District Court judges similar to the week-long power of detention already existing under drug trafficking legislation. Gardai are also to be given a new power

LET THE PUNISHMENT FIT THE CRIME

The act 'clarifies' and re-enacts the so-called mandatory sentences applying to certain drugs and firearms offences, but does not change the law. The restatement merely explains the purpose of the provisions and can only be seen as an indication from the Oireachtas, if one were needed, that it is unhappy with the way the provisions are being employed. The current position is that first convictions for section 15A offences (drugs in excess of €13,000 worth) carry a presumptive minimum of ten years, subject to the controversial exceptional circumstances and material assistance provisos. Second convictions for section 15A carry the only *actual* mandatory sentence for drugs offences, a minimum of ten years. First convictions for simple section 15s (less than €13,000) carry a maximum of one year tried summarily and life on indictment, but no mandatory minimum. Second convictions on indictment for a section 15 (or after any previous scheduled offence where the provision applies) carry a presumptive minimum of ten years, subject to the proviso that that sentence not be disproportionate. Though the bill contained a proposed actual mandatory sentence in respect of first-time possession of more than €500,000 worth of drugs, this did not find its way into the enacted legislation.

to forcibly take photos or fingerprints (the taking of which must be videotaped), or to take them again where the first set have been lost or are imperfect. There is also a removal of the presumption in favour of destruction of samples taken – the person must now apply to the Garda Commissioner to have them destroyed, with appeals lying to the District and Circuit Courts. Another change is the removal of the blanket entitlement to a video of interview – you must now have been charged with an offence and get a court order (a 'section 56 order') to receive the video. There is also no longer a requirement on gardaí to take notes during a recorded interview, which should speed up questioning.

Most practitioners have yet to come to grips with the 2006 act and have now been presented with another tome. The dangers of over-legislating are evident in this act, in that an insertion into section 15(2) of the *Criminal Justice (Theft and Fraud Offences) Act 2001* has abolished an offence (of being in possession of an article made or adapted for use in the course of commission of an offence) that previously existed under that section. As such, any prosecution for this offence allegedly committed after 18 May 2007 is null and void, so some gardaí understandably unable to keep pace with these changes are still prosecuting this, and there has already been at least one successful *habeas corpus* application in respect of a defendant who was in custody pending trial for such an offence. Notwithstanding the expressed intention of the previous minister to codify the criminal law into a single volume, the principal effect of these two opuses has been to bamboozle practitioners. It remains to be seen whether the new minister is quite so industrious. **G**

Diarmuid Collins is a Dublin-based barrister.

LOOK IT UP

Cases:

- *DPP v Broderick* [2006] 1 IR 629

Legislation:

- *Criminal Justice (Theft and Fraud Offences) Act 2001*

Literature:

- *Guidance Paper for Criminal Justice Legislation 2006-2007*, Tony McGillicuddy BL, available for purchase from the author (tel: 01 817 5980)

A QUESTION OF TRUST

Parents concerned with setting up the most suitable type of inheritance for their children will wish to do so in the most tax-efficient manner – while also seeking to protect their offspring from inheriting at an immature age. Aileen Keogan provides some trusty advice

There is an age-old problem presented by clients in relation to how to provide for their children on their deaths, where the parents wish an inheritance to pass to their offspring in a tax-efficient manner, yet they wish to protect their children from inheriting at an immature age. Typically, the parents wish to provide that, after provision has been made for the surviving spouse, the children should not inherit until each is aged 25.

The implications of taxes and protection for children have not been considered in any great detail to date as, fortunately, it is rare for both parents to die when their children are young. Now, however, because of separation or divorce, a sole parent might wish to provide for his children on his death alone. Also, clients with significant wealth often wish to provide that their spouse will only take part of their estate on death, with part passing to the children while the spouse is still alive. There are now more instances of young children inheriting on the death of one parent only.

Baring all

The most tax efficient method of taking an inheritance is to give it to the child so that he or she takes it absolutely. This is held in a bare trust when the child is still under the age of 18.

Legal effect. The legal effect of this for a child is that, as the child cannot give a valid receipt to the executor until he ‘comes of age’ at 18, the inheritance is protected from the child in a bare trust until that age. However, once 18, the child is entitled to call on the bare trustee to hand over the inheritance. Most parents would be concerned that a child is not sufficiently mature at that age to receive an unrestricted inheritance.

Tax effect. The tax effect of this is that, for capital

acquisitions tax (CAT), capital gains tax (CGT) and income tax purposes, the child is deemed to inherit the asset at the date of death of his parent, and is taxed accordingly. For CAT purposes, the usual tax-free threshold (€496,824 in 2007) is applied to the value received, and the balance is subject to inheritance tax at 20%. At age 18, the inheritance is handed over to the child.

Advantage. The principal advantage to this type of inheritance is the fact that the tax is paid immediately.

Disadvantage. The principal disadvantage to this method of providing for a child is the fact that there is no restriction in legal terms on the child taking (and spending) his inheritance at age 18. Many young adults are not sufficiently mature at that age to handle an inheritance of significant value.

Using your discretion

Despite the fact that discretionary trusts are considered to be tax-avoidance structures, they are in fact the best way of protecting children from taking an inheritance until each child is sufficiently mature to do so.

Legal effect. Under such trusts, the parents select trustees whom they trust to make the judgement call on the level of maturity of each child. The trustees will appoint trust assets to the children at their absolute discretion.

Tax effect. The tax effect of this is that the child is deemed to inherit the asset at the date of the appointment of the trust assets to him, on the exercise by the trustees of the discretion, and the child is taxed accordingly. The usual tax-free threshold (€496,824 in 2007) is applied to the value received by the child, and the balance is subject to inheritance tax at 20%.

Once the youngest child who can benefit under the trust reaches his 21st birthday, if the trust is still in place, or to the extent the trust still applies to certain

MAIN POINTS

- Children and inheritance
- Different types of trust
- The legal and tax effects
- Advantages and disadvantages



PIC: ALEXANDRA CAMINADA/REX FEATURES

assets, discretionary trust levies apply (6% initial and 1% per annum thereafter, with a refund of 3% if the trust is wound up totally within five years).

The appointment from the trust to the child is a taxable event for CGT purposes, although usually there is a credit available for the CAT paid.

Advantage. The inheritance is protected from the child in a discretionary trust until the trustees exercise their discretion. While the assets remain in the discretionary trust, the trustees can apply capital and income for the benefit of the child, for example, for living expenses, education, and so on.

Disadvantage. Parents can hope that older children in the family will have shown sufficient maturity by the time the youngest child reaches his 21st birthday, so that the trustees will have appointed out the older children's share of the inheritance to them and thus avoid levies on their shares. However, the youngest child is unlikely to have reached sufficient maturity before the age of 21 to enable the trustees to be confident in appointing his share to him. Therefore, his share is most likely to remain in the trust and be subject to the additional tax cost of the levies.

Quick fix

Parents may take the view that there will come a time when their child should have achieved maturity. Many wills, therefore, provide that a child should take his

inheritance at a particular age – the typical age being 25. Where parents instruct that they would like their child to inherit at a particular age, it should be explained to them that reaching a particular age is not necessarily a guarantee of maturity. There are also 'hidden' taxes that make this form of trust quite inefficient for tax.

Legal effect. The legal effect of a fixed trust is that the inheritance is protected from the child until the selected age. Only at that stage is the child entitled to call on the trustees to hand over the inheritance to him.

Depending on how the will is drafted, while the child is under the age of 18, the trustees can or must apply the income of the inheritance for the benefit of the child. If the trust does not allow the accumulation of income, the income not yet applied to the child at regular intervals to age 18 (from the date of death of the parent) must be paid out in a lump sum at age 18. All future annual income must be paid out to the child at regular intervals from age 18 onwards.

Tax effect. The tax effect depends on the version of the fixed trusts that applies. Assuming the selected age is 25, the following applies.

Power to accumulate: where the trustees have power to accumulate income, the trust is deemed to be a discretionary trust for CAT and income-tax purposes (section 2(1), *Capital Acquisitions Tax Consolidation Act*



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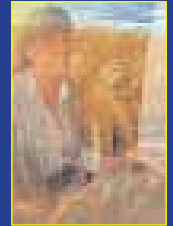
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2003). On the child's 21st birthday, if there are no other principal objects in the trust, discretionary trust levies will arise (6% on the child's 21st birthday and 1% per annum thereafter, albeit that 50% of the 6% levy will be refunded on the 25th birthday). On the child's 25th birthday, the child is deemed to inherit the asset at that date and is taxed accordingly. The usual tax-free threshold is applied to the value received and the balance is subject to inheritance tax at 20%. The difference between this trust and the discretionary trust is that the trustees here do not have the flexibility to amend the trust to avoid the levies. Again, the winding up of the trust on the 25th birthday is a taxable event for CGT purposes, although usually there is a credit available for the CAT paid.

No power to accumulate: where the trustees do not have power to accumulate income, it is Revenue's view that the child is deemed to inherit an interest in possession for CAT purposes on the death of the parent. In such a case, assuming the child survives to age 25, this inheritance is ultimately taxed as a limited interest calculated by subtracting from 25 the age of the child at the parent's death to arrive at a calculation of a 'period certain' (and then applying the rules in schedule 1, part 1, paragraph 6, to arrive at the taxable value). The usual tax-free threshold is applied to the value received, and the balance is subject to inheritance tax at 20%. On the child's 25th birthday, the child is deemed to inherit a further absolute interest in the trust fund, at the value at that date of the trust fund for CAT purposes. The child's earlier fixed interest is aggregated with the absolute interest now taken. The usual tax-free threshold is applied to

the value received and the balance is subject to inheritance tax at 20%. In effect, there is a double charge to CAT on the same assets in the trust. This tax treatment is, however, uncertain as it rests on the Revenue's interpretation of the legislation in light of the case of *Jacob (Brigid Kathleen) v Revenue Commissioners*, which was settled without fully determining the issue of value. Again, the winding up of the trust on the 25th birthday is a taxable event for CGT purposes, although usually there is a credit available for the CAT paid.

Disadvantage. The effect of this is that the typical fixed trust is quite tax inefficient, either because of the discretionary trust levies or because of the risk of double taxation for CAT. In any event, it does not afford real protection for a child should that child still be immature at the selected age. Also income may need to be apportioned out before the child is mature.

Balancing act

While at first sight it may seem sensible to advise parents to take the 'balanced' view between protection and tax efficiency by adopting a fixed-trust structure, such a structure does not afford the tax efficiency that one would assume. Also, given the nature of a fixed trust, the protection is only available until a particular age, whether a child is in fact mature at that age or not. It is, therefore, more appropriate to suggest to the parents that their assets be divided into certain asset types – those suitable to put into a tax-efficient bare trust, and those that should be held back in a protective discretionary trust.

Assets suitable for bare trusts include those that are restricted in some other way – including investment assets held in joint names with others, where their consent is required to sell, or assets that are subject to mortgages that require the bank's consent to sell. **G**

Aileen Keogan is a solicitor with McCann FitzGerald and is co-author of 'The Law and Taxation of Trusts' (Tottel, 2007).



Bear trustees are a lot different to bare trustees. If you get the wrong one, just play possum

LOOK IT UP

Cases:

- *Jacob (Brigid Kathleen) v Revenue Commissioners* 1984 III ITR 104

Legislation:

- *Capital Acquisitions Tax Consolidation Act 2003*

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Companies Act 1990: A Digest of Cases 1995-2006

Restriction and Disqualification of Directors details the most important cases on the restriction of directors of insolvent companies pursuant of section 150 of the Companies Act 1990, as well as disqualification orders under section 160. The author, Paul R Dobbins, provides an insightful summary of the development of the relevant case law, giving clear guidance as to what conduct the courts consider contravenes sections 150 and 160.

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RESTRICTION AND
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OF DIRECTORS

Companies Act 1990: A Digest of Cases 1995-2006

PAUL R DOBBINS

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Birthplace of HERO

In the first of an ongoing series of profiles of bar associations around the country, Colin Murphy travelled to Dundalk for the *Gazette* to take the pulse of the Louth Solicitors' Bar Association

“What’s your phone number?” Donal O’Hagan barks across the table at Sheila Maguire. Before she can answer, he’s reciting numbers. “065”, he finishes, with an air of quiet triumph. “Sixty-five.”

There’s a lot of acting being done hereabouts, but this isn’t a performance from *Rain Man*. Donal O’Hagan is president of the County Louth Solicitors’ Bar Association. And Sheila Maguire is a newly qualified solicitor at Daniel O’Connell & Son. If she is bemused by this apparent eccentricity, she doesn’t show it. For there is method in O’Hagan’s seeming madness.

Dundalk phone numbers at first consisted of just two digits. The phone number of Daniel O’Connell & Son was, at one time, just ‘65’ – theirs was the 65th

line installed in the town. O’Hagan recites other phone numbers – solicitors’ firms that were among the first businesses in Dundalk to get phone lines. From a phone number, O’Hagan can tell a little bit of a firm’s history. And, reciting them, he’s telling this outsider something about the profession here: that it is a collegial one, and that it is one that has a sense of its own history.

I’m in Dundalk to take the pulse of one of Louth’s bar associations for the first in what is to be an ongoing series of profiles of bar associations around the country for the *Gazette*. The town itself has many of the characteristics of almost any provincial town in Ireland today: traffic, construction sites, new office blocks, estate agents on the main street, beautiful foreign waiting staff in the local café. It is marked, though, by this sense of history.

The town is dominated by two historic buildings,



Fergus Mullen (PRO, LSBA), Sheila Maguire and Donal O’Hagan

MAIN POINTS

- Largest town in the ‘Wee County’
- Collegial profession
- Strategic alliances

ES

St Patrick's Church, known locally as 'the cathedral', and the courthouse. Curiously, both are based on much older structures elsewhere: the cathedral on the 16th century King's College Chapel, Cambridge, and the courthouse on the ancient Temple of Theseus in Athens. But there is more history in the hinterland. From the window of his new office, Fergus Mullen, PRO of the bar association, points out a motte and bailey to the northwest of the town known as Cúchulainn's Castle. Dundalk takes its name from Dún Dealgan, reputed to be the birthplace of Cúchulainn.

No provincial mindset

Dundalk is the largest town in Ireland, larger than some of the smaller cities. It received its charter from Richard II in 1383, and became established as the court town for the county around that time (according to local historian Harold O'Sullivan). A key site in Irish mythical history, later the town marking the limits of the Pale, and, in more recent history, a border town exactly equidistant from Dublin and Belfast, Dundalk has a well-established identity.

"If the definition of a 'provincial' is 'someone who thinks the centre is elsewhere', then no one from Dundalk has a 'provincial' mindset," says Fergus Mullen.

With a long history of law being practised here, it's fitting that its practitioners speak of it being a collegial profession. And that collegiality must be also a result of the peculiar nature of Dundalk's solicitors' firms. The largest firm in Dundalk has six solicitors; of the 37 firms in the bar association, just seven of them have more than three solicitors. With many small and single-solicitor firms, "it's very important that there are good relations," says Donal O'Hagan. "We all depend on one another for getting business done."

Fergus Mullen elaborates. "It's not as cut-throat. There's a great deal of cooperation. [The ideal] is not fighting everything tooth and nail, but trying to resolve things."



Lugh of the Long Arm, from whom the county derives its name

"It's not as cut-throat. There's a great deal of cooperation. [The ideal] is not fighting everything tooth and nail, but trying to resolve things"

There is a strong emphasis on settling cases, which leads to the Dundalk High Court having the highest throughput of cases, proportionally, in the country, according to O'Hagan. "We get on with the business," he says.

Strategic alliances

With the courthouse at the centre of the town, there is effectively a small legal quarter around it, with many of the local firms housed on Francis Street and Jocelyn Street. "It's all on our doorstep," says Fergus Mullen. Mullen's own firm, Woods Ahern Mullen, is in the process of moving from their old premises on Francis Street to a new office block on Market Square – equally central, but with the advantages of modern premises and room for expansion. Mullen thinks commercial pressure will ultimately lead to mergers and firms expanding. For O'Hagan, this is one of the challenges facing the profession in Dundalk.

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“Given the size of firms, they tend to be general in practice. Because of the rate of change in the law – there’s been a massive increase in government regulation – it’s impossible to keep abreast of everything. There’s a risk of losing business to Dublin, where firms are more specialised.” This will lead, he says, to “a push to greater firms and greater specialisation.” Fergus Mullen sees the possibility of “strategic alliances” forming between large Dublin-based firms and provincial firms.

For a newly qualified solicitor, however, “one of the attractions of working in Dundalk is the opportunity to get an all-round view,” according to Sheila Maguire. Her first job was with a law firm in the US, but instead of finding herself in *Ally McBeal*, she found, to her disappointment, “it was all insurance claims”. She came home, apprenticed with James H Murphy & Son, one of the oldest firms in Dundalk (phone number ‘37’, Donal O’Hagan points out), and is now with Daniel O’Connell & Son. With many of her Blackhall classmates going into the large firms in Dublin, she is grateful for the broader opportunity she has had through working in Dundalk. A ‘first generation’ lawyer, she notes that the status of the profession locally is changing. Though the profession still “feels very conservative”, she says, “people aren’t nearly so in awe of solicitors any more – people don’t mind saying anything to you”. This, she hastens to add, is a good thing.

As with the profession as a whole, the Louth Solicitors’ Bar Association is currently engaged in organising continuing professional development lectures and seminars. Given the inconvenience for Dundalk’s solicitors of travelling to Dublin for CPD events, the bar association started organising its own seminars last year, with sessions on banking, conveyancing and state property, and computerisation.

Stage left

Collegiality is promoted through the North Eastern Lawyers’ Golfing Society, organised by the bar association, which hosts an annual competition every September. (This year, it’s in Baltray.) There are annual home and away soccer fixtures against their counterparts in Drogheda and a long list of other extra-curricular activities in which local solicitors are prominent. Perhaps foremost among these is drama. Appropriately for a PRO, Fergus Mullen is a handy actor, and took a ‘Best Actor’ gong at the All-Ireland Drama Festival in Athlone for his performance in Frank McGuinness’s *Someone Who’ll Watch Over Me*. Another ‘Best Actor’ cum legal eagle is Tim Ahern, brother of the minister for foreign affairs. Perhaps it would be impolitic to suggest that there might be an overlap between the vocations of actor and lawyer; suffice to say that Fergus Mullen’s comment while showing me one of the original court rooms, known as the Red Court, is: “I’ve often thought it’d be great to stage a play here.”

LEGENDARY LOUTH

Covering an area of only 317 square miles, Louth is Ireland’s smallest county and is affectionately referred to as ‘The Wee County’. It runs northwards from the River Boyne to the dramatic scenery around Carlingford Lough. The county’s name is derived from that of the ancient Celtic mythological figure Lugh.

Steeped in legend and lore, Louth was part of the ancient kingdom of Oriel – the mystical domain in which many mythological tales are based. Indeed, it was around the north of the county and in the Cooley Peninsula that the legends of Cúchulainn were set. One of Ireland’s most famous heroes, Cúchulainn took centre stage in the story of the *Táin Bó Cuailgne*.

Centuries later, it was the Anglo-Norman invaders who were responsible for the development of Dundalk and the founding of Drogheda, which grew from the union of two towns built either side of the Boyne.

The county now has a population of over 111,000 and is served by more than 60 solicitors’ firms and two bar associations, the County Louth Solicitors’ Bar Association and the Drogheda Bar Association.

And it would – it is an impressive and elegant court in a grand courthouse. There are two such courts on either side of the atrium, the ‘Red’ and ‘Green’ courts, so called after the colour of the Victorian livery that adorns each of them. An OPW refurbishment and extension project completed in 2003 added two further courts and modern office space to the complex, while preserving its classical lines and sense of openness to the public.

‘Absolute legend’

And it appears that there is something of a tradition of performance in the legal profession locally, at least as far as one of its more distinguished local sons was concerned. Former president of the Circuit Court, Frank Roe, who died in 2003 aged 83, was 30 years on the bench and “an absolute legend”, according to Fergus Mullen.

One of the more senior members of the profession locally, Don McDonough of McDonough, Matthews & Breen, recalls a case Frank Roe had as a barrister before a Judge Deale. There was a question mark over the proper procedure being used in recording the death of a party to the case and the judge, who was a stickler for procedure, was giving Frank Roe a hard time. “Well, Mr Roe,” he said, “there’s a way of proving your man is dead. Do you have a death certificate?” Frank Roe didn’t, but he determined that there was a way the death could be established with sufficient rigour. He called the dead man’s son.

“Did you see him die?”, he asked the son. Yes, was the answer. “Did you see him placed in the coffin?” Yes. “Did you see the coffin buried?” Yes.

The judge was getting the point, and attempted to intervene. “Just one other question”, insisted Frank Roe. “Have you seen him since?” **G**

The series will continue next month. Bar associations that are interested in participating should contact the Gazette at: gazette@lawsociety.ie or tel: 01 672 4826.



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Real legal eagles take flight

From legal practice by day to rocky cliff ledges by night, Ronan Hannigan is a commercial lawyer soaring to new heights, as Anna Bowen reports

Few lawyers would expect their professional experience to make a difference in the restoration of Ireland's natural heritage. But a conservation award from An Taisce in 2003 recognised 43-year-old commercial solicitor Ronan Hannigan as the exception.

Hannigan – chairman and co-founder of the Golden Eagle Trust Limited and a partner with Noel Smyth & Partners in Dublin – has pioneered environmental restoration projects in Ireland for 20 years. The group's work was most recently celebrated with the return of the white-tailed sea eagle, last bred in 1898.

Hannigan flew to Norway where, accompanied by professional climbers, he collected 15 chicks for release in Kerry. They will not breed until 2012 but, as Europe's largest eagle, their revival will be worth the wait.

Night-time feeds

Another triumph this year was in Wicklow, with the return of the red kite – a raptor extinct here for the last 250 years. The team brought 30 chicks over from Wales, and Hannigan made regular night-time feeding trips to Wicklow before the kites were released from their pens. He can't wait to see them punctuating next summer's skies and, in just three years, breeding again.

One returned species, which bred earlier this year, was the golden eagle. It had been absent since 1910, prior to which more than 420 traditional nesting sites had been scattered across the north-west coast. After two failed breeding attempts in 2005 and 2006, two chicks hatched in Donegal in spring. Not unexpectedly, only one



Ronan with a white-tailed sea eagle, which returns to Kerry after an absence of 109 years

survived, prompting Hannigan to head to Scotland for another five chicks. Collections are restricted to nests accommodating at least two chicks and will continue for another couple of years.

"It's been an exciting year but we're not finished," says Hannigan. "Ireland's still missing a lot of important birds." He lists ospreys, goshawks, marsh harriers, cappercaile, cranes and bittern, which thrive in other parts of Europe but largely remain lost to Ireland.

Besides restoration, Hannigan is also focused on strengthening existing populations. As director of the Grey Partridge Conservation Project, he helped set up a site in County Cork this year for the preservation of this farmland game bird.

Native tree-planting is another compulsion, which he shares with his three children. "Walking through the woodlands now, which are semi-mature and full of wildlife, there's nothing more pleasurable," says Hannigan, who has helped lead tree-

planting projects in 17 counties since 1985.

Propelling Hannigan's journey to devoted conservationist was a book he received from his father when he was just seven years of age. The story told of the demise of the golden eagle, lost to Ireland as a result of hunting and habitat loss. "We have the most impoverished bird of prey population in any European country," laments Hannigan. "Ireland was in the *Guinness Book of Records* for being the only country in the world to wipe out its own golden eagle species and, in addition, the white-tailed eagle."

The story upset Hannigan, who was developing a keen interest in wildlife thanks to his dad's enthusiasm for the outdoors. Growing up, Ronan and his sister delighted in an array of unusual pets, including badgers, barn owls and fox cubs, which their father would bring home and place in their care.

When he finished school, Hannigan applied to study veterinary science, but missed

out by a point. Influenced by his uncles, who were solicitors, he opted for a degree in law. "I ended up in legal practice and I've never regretted it," he says. "It's an interesting career and it's challenging and keeps you going."

In terms of his work with the Golden Eagle Trust, Hannigan's legal experience has been invaluable. "In essence, most of my life is spent trying to bring people together, trying to find common ground, to find a solution to a problem."

Through the commitment of groups like the Golden Eagle Trust and the National Parks and Wildlife Services, Ireland is fulfilling its obligations to the United Nations *Convention on Biological Diversity*. It is also safeguarding the environment for future generations, beginning with Hannigan's own son. "He's the only six-year-old I know who has picked up an eagle at his age. Bottom line is, you're here for a very short time and the environment is something that's a very long-term thing." 



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Galway solicitors 'let themselves go'!

On Monday 30 July, the Galway Solicitors' Bar Association organised a day at the races for 160 of its members and friends, *writes James Seymour*. The weather gods smiled upon us as we enjoyed glorious sunshine at Ballybrit racecourse for the first day of the Galway Races.

We assembled in all our finery at Galway Courthouse, from which three coaches conveyed us to the racecourse. A reserved section in the upper level of the Millennium Stand gave us a prime vantage point,

from where we watched our horses romp past the winning post. Our special guests included Circuit Court judges Raymond Groarke, Gerald Keyes and Carroll Moran.

After the race meeting, coaches took us to the Radisson Hotel for a buffet supper and refreshments in the newly-revamped Verandah Room.

A great day was followed by a great night and the socialising went on into the wee hours. A special word of thanks to our sponsor, AIB.

ALL PICS: STAM SHIELDS



Sisters and solicitors – Sorcha and Ailbhe Burke



Edwina Lynch, Jenny Prendergast and Maeve Joyce



Sarah Cannon, Olivia Traynor, Tina Savage, Joan O'Brien and Cáit O'Donnell



James Seymour (PRO), Kayanne Horgan and Valerie Corcoran (treasurer)



Judge Raymond Groarke, Judge Carroll Moran and Judge Gerard Keyes



Mayo goes online

In Swinford, up to 30 colleagues gathered for the visit of the President of the Law Society Philip Joyce and director general Ken Murphy on 3 July. The bar association has launched a new website, www.mayosolicitorsbarassociation.com

New head of Investigations and Compliance



The Pensions Board has named a solicitor, Mary Hutch, as the new head of Investigations and Compliance. The Investigations and Compliance Unit monitors compliance with the requirements of the *Pensions Act*.

Mary was previously head of Information and Training with the Pensions Board. She is a former president of the Irish Institute of Pensions Managers, a member of the Association of Pension Lawyers in Ireland and a member of the Technical Committee of the International Organisation of Pensions Supervisors.

Society listens to '21st century solicitors'



(Front, l to r): Ann Henry, senior vice-president James MacGuill, president Philip Joyce, director general Ken Murphy and Claire O'Regan. (Second row): Louise Rouse, Rachel Minch, Patrick O'Riordan, Jill Callanan, deputy director general Mary Keane and Philip Nolan. (Back row): Paul Madden, Aisling Kelly, Gareth Bourke, Emer O'Sullivan and Loughlin Deegan

The Society recently hosted a unique meeting and dinner with solicitors, all of whom had come on the Roll since 2000. The purpose of the evening was that senior officers of the Society could hear the views, concerns and ideas of more recently qualified solicitors, with a view to seeing how the Society could be of more assistance to them.

On the date of the evening in July, there were 10,421 solicitors on the Roll. Of those, 3,406 (about 30%) had come on the

Roll since the year 2000.

The solicitors invited had all been either class representatives or involved in debating or event organisation when they were on the Professional Practice Course. They represent a cross-section of the modern profession in terms of where they are engaged in practice, namely in large, medium and small private practice firms and also, in the case of two of them, working as solicitors in the public service. They also

represent modern entrants to the profession, in that the majority of them are female.

"It was a most interesting, illuminating and successful evening," said director general Ken Murphy. "We will undoubtedly do it again. 21st century solicitors do have some different perspectives from their 20th century predecessors, although not surprisingly, and like the profession as a whole, they tend to have a variety of views on many issues."

Society sips victory in Connolly Cup

The legal profession's finest went head to head in the Defence Forces' grounds in the Phoenix Park on 14 June, writes *Craig Kenny (Beauchamps)*, where a sizeable crowd viewed an enthralling Gaelic match. The Law Society enjoyed the better of the earlier exchanges, with the steady hands of Conor Kenny, Brian O'Rourke and Marcus O'Buachalla providing the supply to scoring forwards like Ciaran Leavy and Craig Sowman. Thanks to an Eddie Johnston goal, the solicitors went in at half-time leading by two points on the scoreline of 1-4 to 0-5. The Law Library just managed to keep in touch thanks to the accurate kicking of Liam Dockery.

Despite the strong wind at their backs at the resumption, the Law Library failed for some time to capitalise on its advantage. The Law Society's Conor Connelly, ably assisted by Richard Young, began to secure the upper hand at midfield. This allowed the forward unit to flourish and a number of chances were converted into five unanswered points. Conor O'Doherty gave the Law Library the kick-start it needed by producing a sublime goal 15 minutes into the second half – it was the Law Library's signal to go on



Making their point: the Law Society team

the rampage. The story of the second half was its fight-back.

The deficit was reduced to a minimum until Greg Rogers kicked a precious point to leave the Law Society in front by a brace of points entering the final stages of the contest. The Law Society was grateful for the goal-keeping skills of Micheál Grace, who restricted the Law Library to one point in the closing period of the game. When time was called, the difference between the teams remained a single point: 1-10 to 1-09.

Law Society team captain Conor Connelly was a happy man to receive the Patrick Connolly Trophy and paid tribute to the performance of both teams.

Thanks to all who made the event possible, in particular: the officials of the Defence Forces, Cillian MacDomhnaill (Law

Society), the Law Library, Beauchamps, Arthur Cox and Robert Walters.

Law Society team: Aidan Healy, Craig Kenny, Conor Connelly, Greg Rogers, Conor Kenny, Brian O'Rourke, Ciaran Leavy, Edward Johnson, Marcus

O'Buachalla, Craig Sowman, Deaglán Ó Siothchain, John Gill, Micheál Grace, Gary Daly, Richard Young, Emmet O'Grady, John Gill, David Burke, Alan Heuston, Padraig Brennan.

Law Library team: Brian Conroy, James Egan, Micheál O'Scanail, Conor Dignam, David Kavanagh, Conal Ellis, Frank Crean, Darach MacNamara, David Lennon, Liam Dockery, Eoghan Foley, Seamus Breen, Micheál Munnely, Cian Carroll, Tom Horan, Conor O'Doherty, Alan Dodd, Alan Crann, Viv Lavan, Ronan Cosgrove, Eoghan Hardiman, Ciaran Smith. The management team was Seamus Wolfe SC and Eamon Marray.

What's in a name?

Ah, nostalgia for the good ol' days. The venerable and much-loved (in all conceivable senses) Students' Bar, in the basement of the Blackhall Place headquarters, is undergoing a timely revamp and refurbishment as we go to press.

While the bar is officially known as the Law Club of Ireland, bar manager Alan Greene is asking for professional input as to what moniker the new, sleeker premises should trade under.

Naturally, we in the *Gazette* favour 'The Watering Hole'. But that's simply because of the comic potential that is inherent in the inevitable phrase: "Hey Liam, you going to the Hole tonight?"

Sensible suggestions from students of the law – past, present and, indeed, future – are welcome at a.greene@lawsociety.ie.

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student spotlight



Did we build it? Yes, we did!

Despite all the preparation we did for our trip to Zambia with Habitat for Humanity, none of us really knew what to expect when we arrived in Nkawzi, the small northern village where the build would take place, writes *Clodhna Guy, Erika O'Leary and Íde O'Neill*. Children swarmed from every direction while a choir of local women led our bus to our houses, singing and dancing.

The accommodation was basic and cultural differences were immediately obvious, with females being ushered in one direction and males in the other. There was no electricity and no plumbing. The 'bathroom' was a little building at the back of our house divided into two rooms – a shower room and a toilet or 'longdrop'.

The children were a huge part of our time in the community. We were a novelty and our whiter-than-white skin, as well as our freckles, were fascinating to them! Apart from first thing in the morning or after dark, children waited outside our doors, where they



Lining up for some conveyancing business



Blackhall builders on a visit to local government offices in Noola

would compete with each other to hold our hands.

Days started early in Nkawzi. On the first morning we discovered devotions, which

consisted of lots of singing, dancing and a short prayer. A brilliant way to start the day and better than a triple espresso for waking you up!



A crowd gathers for an official opening



Houses by Habitat. No, not *that* Habitat

It's one thing to build a house – but another entirely to build one by first having to make your own bricks! Each house and outhouse required 3,500 handmade bricks. The men on our team were sent to dig out an anthill in order to obtain the sand and mortar required. It was the role of the community and the girls to make the bricks. Once dry, the brick-laying began.

The families who would be living in the houses and the local community worked alongside us to contribute their 'sweat equity' to the project. Local contractors were also paid by Habitat to help with the building so that it wasn't all up to us and our plumb lines. We learned quickly and (like all budding solicitors) were soon inexpertly advising the experts! In the end, we completed two houses that were handed over at a grand opening ceremony to the new owners. A third house was completed as far as roof height – easily exceeding our two-house target.

A special thanks to all our sponsors: Arthur Cox, BCM Hanby Wallace, Bowman Franks, Connolly Sellors Geraghty Solicitors, Hugh J Campbell & Co Athlone, LK Shields Solicitors and William Fry, among others. Thanks to our families and friends who attended events and gave so generously – and to the team members who gave of their time and effort and worked so hard to make the trip an unforgettable experience. We are grateful, too, to Jane Moffatt who initiated and organised the trip and without whom it never would have happened. 



council report

Report of Law Society Council meeting held on 13 July 2007

Motion: Report of Professional Indemnity Insurance Task Force

"That this Council approves the report of the Professional Indemnity Insurance Task Force and adopts the regulations proposed."

Proposed: Niall Farrell

Seconded: Dan O'Connor

The Council received a presentation from the chairman and vice-chairman of the PII Committee, Niall Farrell and Dan O'Connor, and the chairman of the PII Task Force, Joe Brosnan, in relation to the report of the task force and proposed draft regulations. The Council noted that the task force had benefited from expert legal advice and expert insurance advice.

Joe Brosnan said that the task force had been established in November 2005 to conduct a fundamental review of the Society's professional indemnity insurance regime and had been guided by four principal considerations – (a) to protect the public, (b) to protect the profession, (c) to place the Law Society in a strong and tenable position in relation to professional indemnity insurance, and (d) to have a healthy competitive market. Its existence for two-and-a-half years reflected the complexity of the issues and the fact that the task force had made it a priority to engage in comprehensive consultations with the insurers and the SMDF.

The task force was not proposing any radical replacement of the existing system, whereby there was a mix of provision by the SMDF and the other insurers. However, a

number of changes were proposed to the existing system, including changes to the run-off cover requirements, a no-avoidance, no-cancellation provision, a general default mechanism for coverage and a change to the minimum level of cover in the assigned risks pool.

The task force had been advised that the proposals were not so onerous as to inhibit new entrants to the market or to encourage existing insurers to leave the market. In relation to the cost of premiums, Mr Brosnan said that the task force had been advised that, as the pricing of policies by the insurers was based on the profitability of the market and the level of competition for business, the current competitive climate should mean that the proposed changes would not justify a significant increase in premium, especially given that the insurers were accustomed to these conditions in England and Wales.

Mr Brosnan said that the proposed changes would greatly enhance the level of public protection and would also benefit the profession by improving the quality of PII cover provided. In addition, the enhanced cover provided to the profession would improve customer confidence in, and thereby the reputation of, the profession as a whole.

The motion was unanimously approved by the Council. (For more details, see the practice note on page 57 of this *Gazette*.)

e-Conveyancing Task Force

Dan O'Connor briefed the Council on the work of the e-

Conveyancing Task Force, which had been established by the Society to engage with the other key stakeholders in the e-conveyancing initiative being led by the Law Reform Commission and including the Property Registration Authority, the Revenue Commissioners, the Irish Banking Federation and the Department of Justice, Equality and Law Reform. The key role of solicitors in the conveyancing process had been recognised by the appointment of a Law Society representative onto the steering group. It was the view of the task force, and others, that this key role should be maintained and, if possible, enhanced in an electronic conveyancing environment.

Mr O'Connor noted that electronic conveyancing could occur in one of two ways:

- By 'electronifying' the current conveyancing systems, processes and standards; or
- By 're-engineering' the current system to make it efficient, cost-effective, transparent and electronic.

The latter approach provided the opportunity to shape a new conveyancing process, initiate new standards and new systems, which would allow for a uniformity of documentation, standards and processes to be agreed with each stakeholder.

It was the view of the task force that the Law Society should be closely involved in driving the process forward and that dedicated executive support should be provided for this task.

PIAB (Amendment) Act 2007

The Council noted that the *PIAB (Amendment) Act 2007* had been passed by the Oireachtas, despite strong opposition being voiced in the Dáil and despite the existence of a senior counsel's opinion expressing doubts about its constitutionality, which had been provided by the Society to the Attorney General and the Minister for Justice, Equality and Law Reform. It now appeared clear that no opposition to any element of the operation of PIAB, no matter how reasoned, would be entertained by the law-makers.

Council election dates 2007

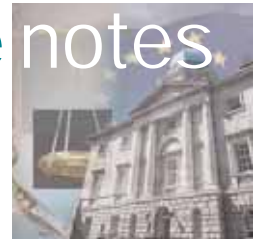
As required by the Society's bye-laws, the Council set Monday 24 September 2007 as the final date for receipt of nominations for the Council election 2007 and Thursday 1 November 2007 as the close of poll date.

National Property Services Regulatory Authority

The Council approved the nomination of James O'Sullivan to the Appeals Board of the National Property Services Regulatory Authority.

Media advertising campaign

The Council discussed the recent media advertising campaign. It was agreed that the Council should receive a presentation from Behaviour & Attitudes, an independent market research company, which had conducted a qualitative survey of public attitudes to the campaign. **C**



NOTICE TO ALL PRACTISING SOLICITORS: NEW PROFESSIONAL INDEMNITY INSURANCE REGULATIONS

The Council of the Law Society established a Professional Indemnity Insurance Task Force in November 2005 to conduct a fundamental review of the Society's professional indemnity insurance regime. The task force proposed new regulations governing the minimum terms and conditions of professional indemnity insurance for solicitors, which have been approved by the Council and come into operation on 1 November 2007.

The task force has taken expert insurance advice to ensure that the new regulations accommodate the commercial reality and workings of the insurance market. Over the last year, insurers competed vigorously for business with advance knowledge of the proposed changes, and this is not expected to change.

The main changes are:

- 1) Firms rather than individual solicitors will be covered.
- 2) Firms can agree any level of self-insured excess with the insurer. In the event of a claim, where the firm does not pay the amount of the excess to the client, it is paid by the insurer and then recovered from the firm.
- 3) There will be a uniform renewal date of 1 December from 2008 onwards.
- 4) The defence costs of the solicitors for the insurer for dealing with a claim will no longer be limited. Such costs had been limited to

€130,000, but will now simply form part of the overall cover provided without any limit.

- 5) Run-off cover will be for a six-year period, rather than two years as at present, and must be provided automatically by the last insurer, with the run-off cover premium terms for each year being set out in quotations and renewal notices for the normal cover. (Run-off cover is coverage that includes the minimum terms and conditions for a firm that has ceased to carry on practice where there is no succeeding practice.)
- 6) Insurers cannot repudiate a policy on any grounds, including fraud or misrepresentation. They must cover claims but may pursue the firm subsequently.
- 7) Statutory compensation or restitution to clients, such as may be ordered by the Solicitors Disciplinary Tribunal, will be covered.
- 8) Any firm that, for whatever reason, fails to have insurance will be covered by the assigned risks pool for €2,500,000 (the current minimum level of cover) for each and every claim rather than that amount in aggregate for all claims. If a firm enters the assigned risks pool by default (having failed to arrange insurance), the firm can be pursued directly by the assigned risks pool if any claims are made. (The assigned risks pool is the

pooling arrangement participated in by each qualified insurer through which firms not covered by the market may be granted coverage that incorporates the minimum terms and conditions.)

- 9) Insurers are currently members of the Professional Indemnity Insurance Committee. They will now be represented on a separate Qualified Insurers Liaison Committee to avoid a conflict of interest.

The benefits for clients are:

- 1) Situations whereby clients do not have access to professional indemnity insurance cover will be prevented;
- 2) Clients will be automatically covered for a six-year period after a solicitor ceases practice, rather than two years as at present;
- 3) Statutory compensation or restitution to clients will be covered;
- 4) Where the assigned risks pool covers a firm, each claim will have its own limit of €2,500,000.

The benefits for solicitors are:

- 1) The insurance of firms rather than individual solicitors will simplify renewal particularly for those who might be moving firm,
- 2) Firms can negotiate the level of their own self-insured excess,
- 3) There will be no limit on defence costs, and
- 4) Firms are assured that their

clients will be covered by insurance in situations where previously there was a risk of no cover.

The attention of all practising solicitors is particularly drawn to the following practical considerations:

- Cover must be renewed with effect from 1 December each year from 2008, and this date will not be negotiable. New practices should obtain cover from the date of commencement to 30 November. During the transitional period, firms due to renew cover on 1 November 2007 should renew cover for a 13-month period to 30 November 2008, and firms due to renew cover on 1 January 2008 should renew cover for an 11-month period to 30 November 2008.
- Confirmation of cover in designated form must be furnished to the Law Society within ten working days after the due date for renewal each year. During the transitional period, firms due to renew cover on 1 November 2007 must confirm cover by 14 November 2007 and firms due to renew cover on 1 January 2008 must confirm cover by 15 January 2008, **in both cases earlier than the previous deadline of 1 February**. Normally, the broker provides confirmation of cover, but the obligation is on each firm to procure that this is done.
- Any firm that is unable to obtain cover in the market

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should, before the renewal date, apply to be admitted to the assigned risks pool. A proposal form should be obtained from the Law Society. The manager of the assigned risks pool will set an appropriate premium.

- Any firm for which confirmation of cover is not received within the ten-working-day period and that has not applied, and been admitted, to the assigned risks pool will be classified as a 'defaulting firm'. The assigned risks pool will automatically provide such firms with professional indemnity insurance cover as a defaulting firm. The manager of the assigned risks pool will set an appropriate premium, which is expected to be much higher than that available in the market. If claims should arise while a defaulting firm is being provided with cover by the assigned risks pool, such claims will be met by the assigned risks pool, but the assigned risks pool will then have recourse against the firm for recovery of the amount of the claim.
- It is expected that the Law Society will seek a High Court

order compelling any defaulting firm, which does not regularise its position swiftly, to cease practice. Obviously, it is in the interests of all firms to avoid becoming a defaulting firm.

- Firms providing legal services relating to the laws of any other jurisdiction should note that the minimum terms and conditions do not cover legal services relating to the laws of other jurisdictions. They should therefore arrange to put additional cover in place if they consider it appropriate.
- Solicitors providing legal services solely outside the jurisdiction will not be required by the Law Society to have professional indemnity insurance cover in place.
- Where a firm ceases practice and there is no succeeding practice, run-off cover for six years from the end of the then-current indemnity period must be provided by the last insurer. Sole principals are strongly recommended to consider and plan for the cost of run-off cover should it be triggered.
- The existing exemption for in-house solicitors providing

legal services only to their employer will continue to apply.

What firms should do with regard to the renewal of professional indemnity cover or run-off cover:

- Firms should endeavour to renew their cover as early as possible for the coming year in order to ensure that the Law Society is provided with confirmation of cover within the required ten-working-day period.
- If a firm is deemed to be a defaulting firm, such a firm should endeavour to ensure that their cover, when renewed, is effective from the date of expiry of their previous cover, with a view to mitigating the adverse consequences of defaulting firm status.
- Firms, and in particular all sole principals intending to cease practise, should pay particular attention to the information relating to premium terms for run-off cover contained in quotations or renewal notices. All quotations and renewal notices are required to contain the following notice: **Notice to proposers for insurance: you should be aware**

that by accepting a quotation and taking out a policy, this insurer becomes obliged, should your practice cease during this policy year without a successor practice, to provide run-off cover for a six-year period at the premium rates calculated in accordance with the provisions of this policy. Consequently, you should ensure that the run-off premium terms are satisfactory to you before entering into a policy.

For further information, please refer to the Law Society's website, www.lawsociety.ie, under 'Society committees', 'Professional indemnity insurance', for the designated form for confirmation of cover and the full text of the new professional indemnity insurance regulations.

Any queries relating to the professional indemnity insurance regulations should be addressed to the Law Society executive responsible for professional indemnity insurance, Rosemary Fallon, at 01 672 4856 or r.fallon@lawsociety.ie.

John Elliot, Registrar of Solicitors and Director of Regulation

BANK OF IRELAND UNDERTAKING FOR BRIDGING LOAN FOR 100% MORTGAGES

Bank of Ireland has a standard form of undertaking for use by solicitors acting for Bank of Ireland borrowers who are taking out a bridging loan to fund the deposit in cases where the borrower will be getting a 100% mortgage from the bank. Practitioners should note that Bank of Ireland has agreed that paragraph 2 of this standard

undertaking should read as follows:

"In the event that my/our client(s) decide not to proceed with the purchase of the property, or if the purchase of the property does not proceed for any reason, **prior to the exchange of contracts**, to return the entire proceeds of the personal loan directly to

Bank of Ireland, [*name of branch*]. In the event that my/our clients decide not to proceed with the purchase of the property after the exchange of contracts, and the contract deposit is not forfeited but is returned to my firm, to return the entire proceeds of the personal loan directly to Bank of Ireland, [*name of branch*]."

Bank of Ireland has also agreed to print an endorsement on the face of this undertaking that facilitates the signature of an irrevocable client authority to the granting of the undertaking to the bank by the solicitor.

Earlier versions of the above form of undertaking should no longer be used.

Conveyancing Committee

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Gazette readers can access back issues of the magazine as far back as Jan/Feb 1997 right up to the current issue at lawsociety.ie. You can also check out: current news; forthcoming events; employment opportunities; the latest CPD courses, as well as lots of other useful information.

PLANNING FOR EMERGENCIES IN A SOLE PRACTITIONER'S/ PRINCIPAL'S FIRM

A sole practitioner/principal who is planning prudently for the future of his/her firm needs to make a will and also to execute three deeds, as set out below:

- Agreement for management,
- Power of attorney,
- Enduring power of attorney.

The will obviously will cover the situation where the solicitor dies in practice. The three deeds are needed to cover eventualities during the solicitor's life that might prohibit him/her from practising.

Will

It goes without saying that all sole practitioners/principals should make a will appointing a solicitor as one of their executors to deal with the disposal of the practice after their death.

Solicitors should be aware that, with regard to the period between a solicitor's death and the issue of the grant, the *Solicitors Acts* provide that a solicitor may be appointed to the practice with the consent of the Law Society, on a temporary basis, pending the issue of a grant of probate or administration. However, non-legal family members might not have the experience or expertise to recruit a suitable solicitor without the assistance of a solicitor executor.

Suggested clauses for a solicitor's will were published in the October 2005 *Gazette*, p29, available at www.lawsociety.ie/Gazette/oct05.pdf.

Agreement for management – to be used if the solicitor is likely to return to practise

In this scenario the practitioner/principal continues to hold a current practising certificate and continues to be responsible for

all matters relating to the firm.

A precedent is offered below (see panel, page 56). As with any precedent, it can be amended freely to suit individual circumstances. At a minimum, it will operate as a useful checklist for matters that may need attention.

The agreement is a simple agreement for management services. Under this agreement, there is no question of the manager having power to sell or wind up the practice. The agreement would cover temporary absences from the office, where the solicitor is likely to return to the practice and resume as sole practitioner/principal.

This agreement would cover illnesses, both physical and mental – for instance, long stays in a general hospital or long stays in a mental hospital recovering from, for example, depression, alcoholism, and so on. It would not cover a situation where the solicitor had permanently lost mental capacity. It would also cover unexplained absences or abandonment. However, solicitors are reminded that reckless abandonment may have serious repercussions in terms of regulatory action being taken by the Law Society against the solicitor or negligence actions being taken by clients who suffer a loss.

The agreement, suitably amended, could also be used by sole practitioners/principals who are going on maternity leave. For instance, the manager might be an assistant solicitor in the firm who is asked to take charge during the maternity leave period.

In most circumstances, it will not be difficult to trigger the commencement of the agreement. However, it is recognised that there are some situations where it would be difficult to do so.

The *Solicitors Acts* provide

that the High Court may appoint another solicitor to carry on a practice in the event of the incapacity or bankruptcy of a sole practitioner or the abandonment by a sole practitioner of his/her practice. However, this is an expensive and cumbersome alternative to having a detailed management agreement in place, which has been agreed by both the solicitor and the manager and which reflects the wishes of both.

Power of attorney – to be used if the solicitor will not, or is unlikely to, return to practise in his/her former role

The power of attorney will be used only if the practice is to be sold, to give the attorney the necessary powers to do this. A standard deed can be used.

Without a power of attorney, the practice cannot be sold by another solicitor. The power could be exercised where the solicitor is *compos mentis* but too ill to attend to, or does not wish to attend to, business affairs. In this scenario, the sole practitioner/principal might or might not hold a current practising certificate.

Again, the sole practitioner/principal will continue to be responsible for all matters relating to the practice.

It is recommended that the powers given in this deed are limited to matters relating to the sale of the practice. While the named attorney might also be the named manager in an agreement for management, the management arrangement is best dealt with separately in the detailed agreement for management.

Enduring power of attorney – to be used if the solicitor is not *compos mentis* and will not, or is unlikely to, return to practise

In this scenario, the presump-

tion would be that the solicitor is no longer in practice and no longer *compos mentis*. The enduring power of attorney would be used to sell the practice and to do any acts necessary to facilitate this.

The standard Law Society precedent can be used. This can be accessed on the members' area of the Law Society website, www.lawsociety.ie.

Who should be selected to be the executor/manager/attorney?

Many solicitors may decide to have a reciprocal arrangement with another sole practitioner, and this may be appropriate for them. However, it should be remembered that the duties being undertaken may be onerous. In some situations, a better alternative would be to make an arrangement with a medium-to-large firm to give a professional service should the need arise. The cost of doing this would have to be taken into account.

The solicitor selected should have sufficient experience and time to manage the practice, as well as continuing with his/her existing commitments.

Remuneration for manager

The precedent agreement for management below sets out a formula for remuneration, which is to be an average hourly rate that an assistant solicitor of ten years' standing would be paid. Solicitors might wish to negotiate a different formula. However, this formula is suggested in the context of a reciprocal arrangement being made between two solicitor friends/colleagues.

Budgeting for the new situation

It is clear that if a sole practitioner cannot attend at his/her offices, there may be additional

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expenses incurred. Solicitors should be aware that not only do they need to plan for the emergencies, but they also need to budget for them. For instance, if there is a decision to wind up the practice, rather than sell it, this can be a very expensive exercise. It is labour intensive, and significant costs may have to be paid. Files that can be destroyed may have to be destroyed professionally. Another solicitor's firm may have to be paid to take all the files not distributed to clients.

In situations where a locum solicitor will be employed, this too is an additional cost. Locum solicitors are expensive to employ and are unlikely to bring in the level of fees that the solicitor himself/herself would have brought in, so that there will be less money than usual available to pay for overheads.

Insurance policies

Solicitors could consult with their brokers to check out whether an income protection insurance (known as permanent health) policy or 'keyman' insurance policy should be put in place as part of the emergency plan. Some premiums may be tax deductible.

Inform the Law Society, a member of staff and a member of the family

It is important that the Law Society, a member of staff and a member of the solicitor's family should be informed of the arrangements that a solicitor has made for emergencies.

As all solicitors know, making a will and not telling anyone about it can prove to have been a futile exercise, if the will is never found after a person's

death. Likewise, if no-one is aware of the arrangements that have been put in place for emergencies, there will be needless upset and inconvenience to all concerned if an emergency does occur.

Objectives

The objective of having a plan for emergencies is to minimise the disruption to clients' affairs. The position of staff will also be secured. It is also to ensure that the practice can continue, if this is what the solicitor and/or his family wish. However, if the wish is that the practice be sold, then the powers are in place to do so.

In the event that there is a vacuum, then it is likely that the Law Society will have to become involved, and the only option may be for the Society to require that the firm cease trading. It would

then be closed and the clients asked to nominate new solicitors. This might not be in accordance with what the solicitor would have wished, particularly if the likelihood is that he/she will return to practice. In addition, it is likely that all expenses incurred by the Society in the exercise of its statutory duty, including the salaries of personnel involved in carrying out the function, will be charged to the solicitor or his estate.

Authority to operate bank account

There are some situations where the full emergency plan would not need to be triggered, but the emergency might be met by having an authority in place simply to operate the firm's bank accounts.

Guidance and Ethics Committee

AGREEMENT PROVIDING FOR THE TEMPORARY MANAGEMENT OF A SOLICITOR'S FIRM DURING THE INCAPACITY OF A SOLE PRACTITIONER/PRINCIPAL

THIS AGREEMENT is made on the ____ day of ____ BETWEEN [AB – insert name of sole practitioner/principal] (hereinafter called The Practitioner, which expression shall include his personal representatives and assigns) of the first part AND [XY/XY firm – insert name of practitioner/firm] (hereinafter called The Manager) of the second part AND [PQ/PQ firm – insert name of substitute/firm] (hereinafter called The Substitute) of the other part.

WHEREAS

1. The Practitioner is carrying on the practice of solicitor at ____ (hereinafter called The Practice).
2. The Manager is carrying on the practice of solicitor at ____.
3. The Substitute is carrying on the practice of solicitor at ____.
4. The Practitioner wishes to

make arrangements to ensure that The Practice continues during any period of his/her temporary incapacity, on the terms and conditions set out below.

5. The Manager has agreed to act as manager during any such period as defined below.
6. The Substitute has agreed to act as manager during any such period as defined below, if The Manager is unavailable because of his/her own temporary incapacity or other circumstances arise, because of which The Manager cannot reasonably be expected to act. In the event that this happens, The Substitute shall be deemed to be The Manager as referred to throughout this agreement.
7. Prior to the execution of this agreement, The Practitioner and/or The Manager have taken the prior steps set out in

the schedule below.

8. The Practitioner has agreed to keep The Manager updated in relation to any changes to the information provided, as necessary, and at least on an annual basis.

THIS AGREEMENT WITNESSES as follows:

COMMENCEMENT OF MANAGEMENT

- (i) This agreement shall take effect in any one of the following circumstances:
 - a) The Practitioner is incapacitated, whether through illness, physical or mental, accident or otherwise from properly and effectively carrying on The Practice AND The Practitioner furnishes a written request to The Manager to commence managing the practice OR
 - b) The Practitioner is certified by a medical practitioner,

whether at the request of The Manager, or any other person, as being incapable of carrying on his/her practice AND

The medical practitioner(s) also confirms that the incapacity is likely to remain for a period of not less than four weeks, but is likely to be temporary AND

The Manager is furnished with a copy of the medical certificate.

- (ii) The Manager is hereby authorised to make the request for a medical certificate.
- (iii) On receipt of the written request from The Practitioner, referred to above, or receipt of the medical certificate referred to above, The Manager shall commence to manage The Practice, provided that both The Practitioner's professional indemnity insurers and The Manager's professional indem-

nity insurers provide such cover as may be necessary.

- (iv) The business of The Practice shall be carried on under its existing name and all reasonable steps shall be taken to preserve the goodwill of the firm.
- (v) The Manager shall not accept instructions in his/her own firm from any client of The Practice in relation to any matter, during the period of management.
- (vi) The Manager shall not be permitted to make any drawings.
- (vii) The Manager may, but will not be required to, attend to the day-to-day work of the firm personally.

MANAGER'S AUTHORITIES

The Manager shall have authority to do all acts necessary for the proper operation of The Practice, including the following:

- (i) To act as an employed locum solicitor.
- (ii) To employ such staff as may be necessary, including a locum solicitor, or a bookkeeper, for the purpose of carrying on the business of The Practice.
- (iii) To take new instructions from clients.
- (iv) To operate the client accounts of The Practice in relation to clients' monies received, held or paid.
- (v) To operate the office accounts of The Practice to pay necessary overheads, operating within approved overdraft limits, if any.
- (vi) To pay The Practitioner's spouse and/or dependants necessary amounts to fund day-to-day and other appropriate expenses from the office account of The Practice, subject to funds being available and in consultation with the firm's accountants.
- (vii) To negotiate additional loan facilities for the firm.
- (viii) Having exercised reasonable professional care, to sign letters, give undertakings and cer-

tify title.

- (ix) To deal with all disciplinary matters relating to staff, up to and including dismissal.

STEPS TO BE TAKEN BY THE MANAGER AT THE COMMENCEMENT OF THE MANAGEMENT

The Manager shall take the following steps at the commencement of the management period:

- (i) Notify the Law Society of the commencement of the management.
- (ii) Notify The Practitioner's professional indemnity insurers of the commencement of the management and seek written confirmation of such cover as may be necessary.
- (iii) Notify The Manager's professional indemnity insurers of the commencement of the management and seek written confirmation of cover as may be necessary.
- (iv) Obtain any necessary extension of professional indemnity insurance to cover any additional employees.
- (v) Notify The Practitioner's banks of the commencement of The Practice.

KEEPING THE OWNER INFORMED

If The Practitioner is in a position to be involved, The Manager shall keep him/her reasonably informed about the affairs of The Practice.

REMUNERATION

The Manager shall be entitled to remuneration for all work done in connection with the management of The Practice.

- (i) When The Manager commences to manage The Practice, The Manager will be paid an hourly rate based on an average current salary of an assistant solicitor of ten years' standing.
- (ii) The Manager will also be entitled to be reimbursed all expenses reasonably incurred in connection with the manage-

ment of The Practice, subject to the expenses being properly vouched. This will include any additional professional indemnity insurance premiums, which he/she incurs on his/her own insurance policy, as necessary.

- (ii) In the event of a dispute relating to the remuneration of The Manager or reimbursement of his/her expenses, The Practitioner's accountants will make a decision in relation to the matter, taking into account all such circumstances as they deem relevant. If this is not accepted by The Manager, the matter will be dealt with in accordance with the provisions for disputes at Clause 10 below.

BOOKS OF ACCOUNT

- (i) The Manager shall take all reasonable steps to keep the books of account and all the existing records of The Practice up to date.
- (ii) The Manager shall take all reasonable steps to ensure that the annual reporting accountant's report is submitted to the Law Society on time.
- (iii) The Manager shall take all reasonable steps to make arrangements to ensure compliance with The Practitioner's obligations under the *Taxes Acts*, to include the filing of VAT, PAYE and PRSI returns and the discharge of liabilities incurred. For the avoidance of doubt, The Manager shall not be responsible for filing The Practitioner's personal income tax returns or for making pension contributions.

INDEMNITY

- (i) The Practitioner agrees that he, as owner of The Practice, will continue to be fully responsible for compliance with the *Solicitors Acts*, regulations and all other matters relating to the practice and indemnifies The Manager for any loss arising

because of breaches.

- (ii) The Practitioner also indemnifies The Manager in respect of any breaches of the *Solicitors Acts* or regulations that occurred prior to the commencement date.
- (iii) This indemnity shall operate, provided that The Manager acts in good faith. It shall not operate if The Manager acts recklessly or manifestly in error.

TERMINATION OF MANAGEMENT

- (i) The period of management shall terminate by either party giving one calendar month's notice in writing to the other party or such other period as is agreed.
- (ii) In exceptional circumstances, notice of immediate termination can be given by either party.
- (iii) The Manager shall give all reasonable assistance and explanations for the proper handing back of the management of the firm.
- (iv) The Law Society shall be informed of the termination of the management period.

MANAGEMENT PERIOD NOT TO CONTINUE IF THE PRACTITIONER'S PRACTISING CERTIFICATE IS NOT RENEWED

If The Practitioner's practising certificate expires during the period of the management and The Practitioner is not in a position to renew his/her practising certificate, this management agreement will not continue beyond the date of the expiry of the practising certificate.

DISPUTES

Any dispute arising between the parties to this agreement shall be settled by AA [*here name the individual*], who is to act as expert and not as arbitrator and his/her decision is to be binding on the parties. If AA is not available, an alternative expert shall be

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appointed by agreement between the parties.

CONFIDENTIALITY

The existence of this agreement, and its terms, are confidential and none of the parties may disclose anything about this agreement except to the Law Society, or, in confidence, to the parties' professional advisers, or if required by law to do so.

SIGNED _____

SCHEDULE OF PRIOR STEPS TAKEN

1. The Practitioner has given general information to The Manager with regard to The Practice, its organisation and staff.
2. The Practitioner has confirmed all locations at which files of The Practice, current or closed, are held.
3. The Practitioner has given The Manager a full set of keys to the office premises.

4. The Practitioner has given The Manager a sealed envelope containing all passwords to The Practitioner's computer system, including the password for the principal's level. All changes in passwords will be placed in a sealed envelope and left with The Practitioner's current secretary.
5. The Practitioner has given The Manager a comprehensive list of the firm's service

providers, with contact details.

6. The Practitioner and Manager have arranged with the relevant banks that The Manager is to be a signatory on all client accounts and also on office accounts, as necessary.
7. The Practitioner has given The Manager information about The Practitioner's history of regulatory investigations and the outcome of these.

SYSSOCIETY OF YOUNG SOLICITORS
IRELAND**Brightwater**
recruitment specialists

SOCIETY OF YOUNG SOLICITORS IRELAND

AUTUMN CONFERENCE 2007

16 – 18 NOVEMBER 2007 AT MOUNT JULIET ESTATE, THOMASTOWN, CO KILKENNY

Friday 16 November

20.00 – late: Registration, followed by welcome drinks in the President's Bar

Saturday 17 November

- 10.00 – 12.00: Lectures*
- Brightwater Recruitment Specialists: *Current Trends in Legal Recruitment*
 - Deborah McHugh, Senior Associate, Mason Hayes+Curran: *Overview of Pensions Law and Corporate Due Diligence*
 - Claire Waterson, Senior Associate, William Fry: *Developments in Competition Law*

- Laura McGowan, Pupil Barrister, Carmelite Chambers, London: *Corporations and the Criminal Law*
- 14:00: Health centre, swimming, beauty treatments, golf and other activities, see www.mountjuliet.ie for details.
- 19.30 – 20.00: Pre-dinner drinks reception
- 20.00 – late: Gala dinner, band (Spring break) and DJ.
Dress code: black tie

Sunday 18 November

12.00: Check out

NOTES

1. Persons wishing to attend must apply through SYS. Accommodation is limited and will be allocated on first-come, first-served basis, in accordance with the procedure set out below.
2. Conference fee is €310.00 p.p.s. for two nights' accommodation (with breakfast), pre-dinner drinks reception, gala dinner and conference pack. Application forms, enclosing cheque(s) payable to SYS, in the sum of €620.00 and a self-addressed envelope, to be sent to: Catherine Allen, Mason Hayes+Curran, South Bank House, Barrow Street, Dublin 4. One application must be submitted per room per envelope.
3. All applications must be sent by ordinary prepaid post and only applications exhibiting a postmark dated **FRIDAY 28 SEPTEMBER, 2007** or later will be considered.

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

4. Names of delegates to whom the cheque(s) apply must be written on the back of the cheque(s).
5. Cancellations must be notified to callen@mhc.ie on or before Friday, 26 October, 2007. Cancellations after that date will not qualify for a refund.
6. There are a limited number of twin rooms and/or double rooms. Please tick one of the above options for your preferred room type (the SYS cannot guarantee that delegates will be allocated their preference). If no preference is indicated, rooms will be allocated at the SYS's discretion.

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 €620 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 lectures may be counted towards your CPD requirements

legislation update



19 June – 20 August 2007

Details of all bills, acts and statutory instruments since 1997 are on the library catalogue – 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

Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007

Number: 32/2007

Contents note: Confirms the powers, functions and responsibilities of the Minister for Community, Rural and Gaeltacht Affairs. Amends the *Freedom of Information Act 1997*, the *Western Development Commission Act 1998*, the *Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003*. Repeals the *Arramara Teoranta (Acquisition of Shares) Acts 1949 to 2002* following the transfer of the state shareholding in Arramara Teoranta to Údarás na Gaeltachta, and provides for related matters.

Date enacted: 9/7/2007

Commencement date: 9/7/2007

Finance (No 2) Act 2007

Number: 31/2007

Contents note: Amends section 92B (residential property first-time purchase relief) of the *Stamp Duties Consolidation Act 1999* to provide an exemption from stamp duty for all owner-occupying first-time purchasers of houses and apartments, whether new or second-hand. Applies to instruments executed on or after 31/3/2007

and provides for the repayment of stamp duty where it has already been paid in respect of instruments executed on or after 31/3/2007.

Date enacted: 9/7/2007

Commencement date: 9/7/2007

Ministers and Secretaries (Ministers of State) Act 2007

Number: 33/2007

Contents note: Amends section 1(1) of the *Ministers and Secretaries (Amendment) (No 2) Act 1977* to increase the maximum number of ministers of state that may be appointed by the government from 17 (inserted by the *Ministers and Secretaries (Amendment) Act 1995*) to 20.

Date enacted: 9/7/2007

Commencement date: 9/7/2007

Personal Injuries Assessment Board (Amendment) Act 2007

Number: 35/2007

Contents note: Amends the *Personal Injuries Assessment Board Act 2003* by the addition of two new sections, ss51A and 51B. Section 51A provides in certain circumstances that, where a claimant rejects a PIAB assessment that has been accepted by a respondent and where he or she fails in any subsequent proceedings either by way of court order or agreed settlement to get more than the amount of the PIAB assessment, no award of costs may be made to the claimant and the court may exercise its discretion to award costs against the claimant. Section 51B provides that, in any proceedings issued following an application to

PIAB, whether or not an assessment has been made or accepted, no amount in respect of fees or expenses will be allowed on taxation in connection with the PIAB application, other than those fees or expenses referred to in sections 35, 44 or 45 of the *Personal Injuries Assessment Board Act 2003*.

Date enacted: 11/7/2007

Commencement date: 11/7/2007

Roads Act 2007

Number: 34/2007

Contents note: Amends the *Roads Act 1993* to provide the statutory basis to facilitate the implementation of free-flow open-road tolling or 'barrier-free' tolling on toll-based national road schemes through the provision of deterrents for non-payment of tolls, to provide for the redesignation of certain high-quality dual carriageways as motorways, and to provide for service and rest areas on the national road network. Amends the *Taxi Regulation Act 2003* and certain provisions of the *Road Traffic Acts 1961 to 2006* and provides for related matters.

Date enacted: 11/7/2007

Commencement date: 11/7/2007

SELECTED STATUTORY INSTRUMENTS

Carriage of Dangerous Goods by Road Regulations 2007

Number: SI 288/2007

Contents note: Revoke and replace the *Carriage of Dangerous Goods by Road Regulations 2006* (SI 405/2006). Apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road, includ-

ing the packing, loading, filling and unloading of the dangerous goods in relation to their carriage. Apply the provisions contained in annexes A and B to the *European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) 2007*. Implement or re-implement the following EC directives: directive 94/55; directive 2000/61 amending directive 94/55; directive 2006/89, which amends annexes A and B to directive 94/55 in order to incorporate annexes A and B of the 2007 edition of the ADR.

Commencement date: 13/6/2007

Child Care (Amendment) Act 2007 (Commencement) Order 2007

Number: SI 509/2007

Contents note: Appoints 23/7/2007 as the commencement date for sections 1, 2, 3 and 4; part 3 (ss14-21, 'Consequential and other amendments to the *Children Act 2001*') and the schedule to the act.

Children Act 2001 (Commencement) (No 2) Order 2007

Number: SI 510/2007

Contents note: Appoints 23/7/2007 as the commencement date for part 2 (ss7-15, 'Family welfare conferences') of the act, insofar as part 2 is not already in operation.

Children Act 2001 (Commencement) (No 3) Order 2007

Number: SI 524/2007

Contents note: Appoints 23/7/2007 as the commencement date for all sections of the act not already in operation.

Commission of Investigation (Death of Gary Douch in Mountjoy Prison) Order 2007
Number: SI 371/2007

Contents note: Establishes a commission to investigate and report on matters relating to and surrounding the death of Gary Douch while a prisoner in Mountjoy Prison.

Commencement date: 2/5/2007

Commission of Investigation (Leas Cross Nursing Home) Order 2007

Number: SI 304/2007

Contents note: Establishes a commission to investigate and report on matters relating to the management, operation and supervision of Leas Cross Nursing Home.

Commencement date: 6/6/2007

Criminal Evidence Act 1992 (Section 13) (Commencement (No 2) Order 2007

Number: SI 572/2007

Contents note: Appoints 20/8/2007 as the date on which a provision of the *Criminal Evidence Act 1992*, which allows a witness to give evidence through a live television link in cases involving physical or sexual abuse, comes into operation for the District Court sitting in District No 9 and for the Circuit Court sitting in the Midland Circuit.

Electricity Regulation (Amendment) (Single Electricity Market) Act 2007 (Commencement of Certain Provisions) Order 2007

Number: SI 287/2007

Contents note: Appoints 18/6/2007 as the commencement date for sections 1, 2, 3, 6, 7, 8, 12, 13, 16 and 20 of the act; appoints 18/6/2007 as the commencement date for sections 9 and 10 of the act, except insofar as these sections relate to the single electricity market committee.

Energy (Miscellaneous Provisions) Act 2006 (Commencement of Section 8) Order 2007

Number: SI 266/2007

Contents note: Appoints 23/5/2007 as the commencement date for section 8 of the act. Section 8 deals with electricity interconnectors.

Energy (Miscellaneous Provisions) Act 2006 (Commencement of Section 19) Order 2007

Number: SI 292/2007

Contents note: Appoints 1/7/2007 as the commencement date for section 19 of the act. Section 19 deals with a gas shipper and supplier of last resort.

European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007

Number: SI 289/2007

Contents note: Apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road, and complement the provisions of the *Carriage of Dangerous Goods by Road Regulations 2007* (SI 288/2007). The regulations contain provisions on an EC harmonised approach to the road checks aspect of their enforcement. Also implement certain exemptions that are in addition to those contained in annexes A and B to the *European Agreement concerning the*

International Carriage of Dangerous Goods by Road (ADR) 2007. Implement or re-implement relevant elements of directive 94/55 (as amended by directive 2000/61 and directive 2006/89) and directive 95/50 (as amended by directive 2001/26 and directive 2004/112), which were not otherwise implemented by SI 288/2007.

Commencement date: 13/6/2007

European Communities (Implementation of the Rules of Competition laid down in Articles 81 and 82 of the Treaty) (Amendment) Regulations 2007

Number: SI 525/2007

Contents note: Designate the Commission for Communications Regulation (ComReg) as a national competition authority responsible for the implementation in the state of the public enforcement provisions of regulation (EC) 1/2003 as amended by regulation (EC) 411/2004 as respects functions only related to the provision of an electronic communications service or electronic communications network or associated facilities. Neither the Competition Authority nor ComReg will be able to withdraw the benefit of a block exemption in relation to an electronic communications service or electronic communications network or associated facilities without the concurrence of the other. Amend the *European Communities (Implementation of the Rules of Competition laid down in Articles 81 and 82 of the Treaty) Regulations 2004* (SI 195/2004).
Commencement date: 27/7/2007

European Communities (Insurance and Reinsurance Groups Supplementary Supervision) Regulations 2007

Number: SI 366/2007

Contents note: Revoke and consolidate the *European Communities (Supplementary Super-*

Circuit Court Rules (General) 2007

Number: SI 312/2007

Contents note: Contain various amendments to the *Circuit Court Rules 2001* (SI 510/2001), as follows: amend the 'Interpretation of terms' and the 'Annulment of existing rules' provisions; amend orders 1, 5, 6, 11, 13, 14B (inserted by the *Circuit Court Rules (Service in Member States of Judicial and Extra-Judicial Documents in Civil or Commercial Matters) 2004*, SI 883/2004), 18 ('County registrars'), 26, 27, 29, 50, 51, 53, and 56 by the substitution of a new order 56, 'Planning', 57 by the substitution of new rules 1-5 and 7-8 in order 57, 'Employment', 59, 61A (inserted by the *Circuit Court Rules (Jurisdiction and the Recognition and Enforcement of Judgments in Civil or Commercial Matters) 2004*, SI 882/2004), 63, 63D (inserted by the *Circuit Court Rules (Equal Status Act 2000)* 2004 (SI 879/2004) by the deletion of order 63D, 69; and substitute and delete certain forms. Amend the following: *Circuit Court Rules (No 4) (Restoration of Companies to the Register Pursuant to Section 12 of the Companies Act 1982 as inserted by Section 46 of the Companies (Amendment) (No 2) Act 1999)* 2003 (SI 615/2003); *Circuit Court Rules (No 2) (Section 39, Criminal Justice Act 1994)* 2004 (SI 448/2004); *Circuit Court Rules (Protection of Employees (Part Time Work) Act 2001)* 2004 (SI 721/2004); *Circuit Court Rules (Equal Status Act 2000)* 2004 (SI 879/2004); *Circuit Court Rules (European Arrest Warrant Act 2003)* 2005 (SI 57/2005).

Commencement date: 20/7/2007

Circuit Court Rules (Health (Repayment Scheme) Act 2006) 2007

Number: SI 446/2007

Contents note: Insert a new order 72A in the *Circuit Court Rules 2001* (SI 510/2001) to prescribe procedures in respect of applications to the Circuit Court under the *Health (Repayment Scheme) Act 2006*.

Commencement date: 6/8/2007

vision of Insurance Undertakings in an Insurance Group) Regulations 1999 (SI 399/1999) and the *European Communities (Supplementary Supervision of Insurance Undertakings in an Insurance Group) (Amendment) Regulations 2004* (SI 731/2004). Give effect to directive 98/78 on the supplementary supervision of insurance undertakings in an insurance group and give effect to directive 2005/68 on reinsurance in order to ensure that reinsurance undertakings in an insurance or reinsurance group are subject to supplementary supervision in the same manner as insurance undertakings that are currently part of an insurance group.

Commencement date: 1/6/2007

**Health Act 2007
(Commencement) Order
2007**

Number: SI 226/2007

Contents note: Appoints 15/5/2007 as the commencement date for the following provisions of the *Health Act 2007*: (a) part 1 (except the definition of 'designated centre' in s2(1) of that part and except s2(2) of that part), part 2 (except ss8(1)(c) and (d), 9 and 11 of that part), parts 3, 4, 5, 6, 11 and 12; (b) ss40, 43 and 44 of part 7; (c) s104(2) and (3) of part 15; (d) s105 of part 15 (except for the purposes of part 1 of schedule 2, itemising certain amendments to the *Child Care Act 1991*, item 3 of part 3 of schedule 2, itemising certain amendments to the *Freedom of Information Act 1997*, item 1 of part 4 of schedule 2, itemising certain amendments to the *Health Act 2004*, and part 5 of schedule 2, itemising certain amendments to the *Civil Registration Act 2004*); (e) the following schedules: (i) schedule 1, part 2; (ii) schedule 2, part 2; (iii) schedule 2, part 3 (except item 3); (iv) schedule 2, part 4 (except item 1); (v) schedule 2, part 6; (vi) schedule

District Court (Children) Rules 2007

Number: SI 408/2007

Contents note: Amend order 37 of the *District Court Rules 1997* (SI 93/1997) to provide forms in respect of sections of the *Children Act 2001* and amend order 96C to include proceedings under part 12A (ss257A-257H, 'Behaviour Orders under the *Children Act 2001*') of the *Children Act 2001*, as inserted by the *Criminal Justice Act 2006*.

Commencement date: 27/7/2007

District Court (Community Service) Rules 2007

Number: SI 313/2007

Contents note: Substitute a new sub-rule 3 of rule 3 of order 30 of the *District Court Rules 1997* (SI 93/1997) to provide that a summons served under rule 3 can be served by registered post.

Commencement date: 20/7/2007

District Court (Criminal Justice Act 2006, Part 11) Rules 2007

Number: SI 314/2007

Contents note: Insert a new order 96C, 'Civil orders under the *Criminal Justice Act 2006*, part 11' into the *District Court Rules 1997* (SI 93/1997) to provide forms and procedure in connection with section 115 of the *Criminal Justice Act 2006*, which provides for application to court for a civil order in respect of anti-social behaviour.

Commencement date: 20/7/2007

District Court (Road Traffic) Rules 2007

Number: SI 564/2007

Contents note: Substitute a new rule 5 in order 97 of the *District Court Rules 1997* (SI 93/1997) to provide for applications made under section 29 of the *Road Traffic Act 1961*, as substituted by section 7 of the *Road Traffic Act 2006*.

Commencement date: 24/8/2007

District Court (Summonses) Rules 2007

Number: SI 418/2007

Contents note: Substitute a new form 15.2, 'Courts (No 3) Act 1986, section 1, summonses', in schedule B of the *District Court Rules 1997* (SI 93/1997).

Commencement date: 1/8/2007

2, part 7. These provisions provide for the establishment of the Health Information and Quality Authority and the Office of the Chief Inspector of Social Services.

Health Information and Quality Authority (Establishment Day) Order 2007

Number: SI 227/2007

Contents note: Appoints 15/5/2007 as the establishment day for the Health Information and Quality Authority under the *Health Act 2007*.

Irish Medicines Board (Miscellaneous Provisions) Act 2006 (Commencement) (No 2) Order 2007

Number: SI 543/2007

Contents note: Appoints 22/7/2007 as the commencement date for the following provisions of the act: (a) parts 1, 4 and 6; (b) part 3 (other than subparagraph (iii) insofar as it relates to cosmetic products and subparagraphs (iv) and (v) of section 11(a) insofar as part 3 is not already in operation. The order commences

those parts of the act that amend the *Irish Medicines Board Act 1995*, the *Control of Clinical Trials Act 1987* and that make consequential amendments to regulations made under section 32 of the *Irish Medicines Board Act 1995*.

National Oil Reserves Agency Act 2007 (Remaining Provisions) (Commencement) Order 2007

Number: SI 565/2007

Contents note: Appoints 1/8/2007 as the commencement date for the sections of the act not already in operation.

Prisons Act 2007 (Commencement) (No 2) Order 2007

Number: SI 370/2007

Contents note: Appoints 1/10/2007 as the commencement date for part 3 (ss11-16, 'Prison discipline') and section 42(a) of the act. Section 42(a) repeals section 3(3) of the *Prisons (Visiting Committees) Act 1925*.

Private Security Services Act 2004 (Section 37 (Part)) (Commencement) Order 2007

Number: SI 306/2007

Contents note: Appoints 1/4/2007 as the commencement date for section 37 of the act for the purposes of its application in relation to a door supervisor (licensed premises) or security guard (static) (who guards property for the purposes of preventing loss, damage or waste by crime, fire, carelessness or flood).

Registration of Deeds and Titles Act 2006 (Section 66) (Commencement) Order 2007

Number: SI 537/2007

Contents note: Appoints 1/9/2007 as the commencement date for section 66 of the act. Section 66 substitutes a new section 108, 'Priority of certain applications for registration', in the *Registration of Title Act 1964*.

Road Traffic (Recognition of Foreign Driving Licences) Order 2007**Number:** SI 527/2007**Contents note:** Recognises certain foreign driving licences for driving licence exchange purposes under section 23A of the *Road Traffic Act 1961* (inserted by section 8 of the *Road Traffic Act 2006*).**Commencement date:** 18/7/2007**Safety, Health and Welfare at Work (General Application) Regulations 2007****Number:** SI 299/2007**Contents note:** Revoke and replace: (a) those provisions of the *Safety, Health and Welfare at Work (General Application) Regulations 1993* (SI 44/1993) (other than part X and the 12th schedule relating to the notification of accidents and dangerous occurrences, which remain in place) that were not already revoked under the *Safety, Health and Welfare at Work (General Application) Regulations 2005* (SI 392/2005) following their incorporation in the *Safety, Health and Welfare at Work Act 2005*; (b) the *Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2001* (SI 188/2001). Also revoke and replace a number of other regulations or parts thereof – see SI for full list.**Commencement date:** 1/11/2007**Land Registration Rules 2007****Number:** SI 568/2007**Contents note:** Amend rules 44, 57, 103, 158, 160, 164, 169, 170, 191, 192, 193, 194 of the *Land Registration Rules 1972* (SI 230/1972) and forms 17, 68, 95, 104, 105 and 106 of the schedule of forms to those rules. Rescinds rules 155, 156, 157, 161, 166, 167, sub-rule (5) of rule 168, rules 171, 172, and 173 of the *Land Registration Rules 1972* and rule 5 of the *Land Registration Rules 1986* (SI 310/1986) and deletes forms 92, 93, 104A and 105A of the schedule of forms to the *Land Registration Rules 1972*.**Commencement date:** 1/9/2007**Rules of the Superior Courts (Charging Orders) 2007****Number:** SI 416/2007**Contents note:** Substitute a new rule 1 in order 46 of the *Rules of the Superior Courts 1986* (SI 15/1986) to align the procedure for making applications for orders charging stocks or shares under order 46, rule 1, with sections 23 and 24 of the *Debtors (Ireland) Act 1840* and sections 132 and 133 of the *Common Law Procedure Amendment Act (Ireland) 1853*.**Commencement date:** 1/8/2007**Rules of the Superior Courts (Jurisdiction, Recognition, Enforcement and Service of Proceedings) 2007****Number:** SI 407/2007**Contents note:** Insert a new rule 8A in order 11A of the *Rules of the Superior Courts 1986* (SI 15/1986) to provide for the extension to the Kingdom of Denmark of regulation (EC) 1348/2000 on service of judicial and extrajudicial documents in civil and commercial matters and regulation (EC) 44/2001 on jurisdiction, recognition and enforcement of judgments in civil and commercial matters.**Commencement date:** 29/6/2007**Rules of the Superior Courts (Transfer of Sentenced Persons) 2007****Number:** SI 417/2007**Contents note:** Insert a new order 128 and forms in the *Rules of the Superior Courts 1986* (SI 15/1986) to prescribe the procedure to be followed under the *Transfer of Sentenced Persons Act 1995* and the *Transfer of Execution of Sentences Act 2005*.**Commencement date:** 1/8/2007**Safety, Health and Welfare at Work Act 2005 (Repeals) (Commencement) Order 2007****Number:** SI 300/2007**Contents note:** Appoints 1/11/2007 as the commencement date for section 4(2) insofar as it applies to the repeal of sections 33, 34, 35, 115 and 116 of the *Factories Act 1955* and to the repeal of sections 28 and 29 of the *Safety in Industry Act 1980*.**Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007****Number:** SI 412/2007**Contents note:** Revoke all previous regulations and consolidate the regulatory provisions governing supplementary welfare allowance.**Commencement date:** 2/7/2007**Value Added Tax (Amendment) Regulations 2007****Number:** SI 272/2007**Contents note:** Amend regulations 15 and 16 of the *Value Added Tax Regulations 2006* (SI 548/2006) and insert a new regulation 16A, 'Adjustments for bad debts and for early determination of hire purchase transactions', into the 2006 regulations.**Commencement date:** 11/6/2007 **G**Prepared by the
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Solicitors Disciplinary Tribunal

This report of the outcome of a Solicitors Disciplinary Tribunal inquiry is 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 John J Kilraine, a solicitor practising as Kilraine & Company, Nile Lodge Corner, Galway, and in the matter of the *Solicitors Acts 1954-2002* [6868/DT85/06]

Law Society Of Ireland

(applicant)

John J Kilraine

(respondent solicitor)

On 22 May 2007, the Solicitors Disciplinary Tribunal found the respondent solicitor guilty of misconduct in his practice as a solicitor in that he:

a) Was in serious delay in pro-

gressing an action on behalf of his client;

b) Notwithstanding that the claim arose on 28 February 2000, did not issue proceedings until 27 February 2003;

c) Failed to take steps to enter into settlement negotiations when invited to do so by letter dated 18 August 2004 from a solicitor for one of the defendants;

d) Failed to enter into settlement negotiations despite repeated assurances given to the Society that he would do so;

e) Failed to answer correspondence from the complainant;

f) Breached section 68(1) of the *Solicitors (Amendment) Act 1994* for failing, on taking instructions or as soon as practicable thereafter, to provide in writing the information prescribed by the section;

g) Failed to inform the solicitors for the defendants that an offer made in October 2001 was not acceptable until February 2004;

h) Failed to reply to numerous letters from the Society;

i) Failed to provide monthly progress reports on his client's case, as directed by

the Complaints and Client Relations Committee at its meeting on 23 March 2005;

j) Obstructed the Society by his conduct in carrying out its statutory obligation of investigating complaints.

The tribunal ordered that the respondent solicitor:

a) Do stand censured,

b) Pay a sum of €6,000 to the compensation fund,

c) 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. **G**

FINANCE ACT CERTIFICATES FOR STAMP DUTY

The Law Society is pleased to see that Revenue has recently launched a new web-based routine to help solicitors find the correct Finance Act certificates for stamp duty when drafting deeds.

Members of the Society's Conveyancing Committee and Technology Committee along with other practitioners have worked with Revenue in the analysis and user-testing phases of this project and are happy to recommend it to the profession.

Any further suggestions for improvement or expansion of the routine, or in relation to e-stamping in general, can be directed to Mick O'Hanlon, E-stamping Project, Revenue Commissioners, Dublin Castle, Dublin 2, or by email to mohanlon@revenue.ie

The new web routine is now 'live' on Revenue's website and can be accessed through the following link:

<http://www.revenue.ie/revguide/stampduty/stampdutycert1.htm>
It can also be accessed in the following two ways from the home page www.revenue.ie

- on the Stamp Duty page by clicking on "TAX & DUTY>>" (under "Your Guide ..." on the left hand side of the home page) and then clicking in turn on the links "Duties", "Stamp Duties", and (scrolling down) "Certificates to be included in Deeds", or

- on the Practitioners' page by clicking on "... for PRACTITIONERS" (under "Information ..." on the left hand side of the home page) and then (scrolling down) clicking on "Stamp Duty Certificates".



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Compiled by Flore Bouhey for FirstLaw

COMMERCIAL LAW

Trademarks

Trade Marks Act 1996 – whether there was a likelihood of confusion between the plaintiff's trademark and the second-named defendant's trademark.

The plaintiff, who was the registered proprietor of the trademark 'TOPPITS', appealed against the decision of the first-named defendant (the controller) dismissing its opposition to the application by the second-named defendant to register 'TUB-ITS' as a trademark. The plaintiff submitted that the application for registration should have been rejected having regard to s10(2)(b) of the 1996 act, as its trademark was an earlier trademark that was similar to the second-named defendant's trademark, it related to goods that were either identical or similar to the goods for which the second-named defendant sought registration, and consequently the registration of the second-named defendant's trademark was likely to cause confusion on the part of the public. The goods in question were essentially low-cost plastic resealable containers for general household or kitchen use.

Finlay Geoghegan J disallowed the appeal, holding that the visual impact of the hyphenated and non-hyphenated words comprising the two trademarks was different, and the dominant visual impact of each mark being associated with 'tub' and 'top' respectively appeared quite distinctive and not likely to lead to confusion. Conceptually, the marks did not appear to be similar in the English language. Furthermore, the plaintiff's

trademark did not have any particularly inherent distinctiveness such as to justify the granting to it by the court of a higher level of protection. Consequently, there was not a likelihood of confusion between the earlier trademark 'TOPPITS' and the trademark 'TUB-ITS' sought to be registered by the second-named defendant.

Cofresco Frischhal Terprodukte GmbH & Co KG v The Controller of Patents, Designs and Trade Marks & Reynolds Metals Company, High Court, Miss Justice Finlay Geoghegan, 14/6/2007, 2007 No 103 SP, 2007 No 52 COM [FL14064]

CRIMINAL LAW

Constitutional law

Case stated – improperly obtained evidence – extraordinary excusing circumstances – fingerprints – burglary charge – separation of powers – whether court could admit illegally obtained fingerprints – Criminal Justice Act 1984 – Criminal Justice Act 2006 – European Convention on Human Rights. The fingerprints from the accused were taken illegally from him and not in accordance with the provisions of the Criminal Justice Act 1984 or the Criminal Justice Act 2006. The fingerprints matched those taken at the scene of a burglary. The issue arose, among other things, as to whether the improperly obtained evidence could be used in the prosecution or whether it had destroyed the legality of the arrest.

Charleton J held that a system of exclusion of improperly obtained evidence had to be implemented on the basis of a

balancing of interests in light of articles 6 and 8 of the *European Convention on Human Rights*. The entire rationale for the exclusionary rule had been replaced. Evidence resulting from a detention based upon a suspicion that could not be proved as entirely lawful was not for that reason unlawful. The district judge had to assess all of the evidence. The decision of the Supreme Court in *The People (DPP) v Kenny* ([1990] 2 IR 110) was not to be extended. **Director of Public Prosecutions (Walsh) (prosecutor) v Cash (accused), High Court, Mr Justice Charleton, 28/3/2007, 2005 No 1088 SS [FL13794]**

Delay

Sexual offences – judicial review – whether real risk of unfair trial – whether failure of victims to complain was result of alleged conduct. The applicant sought an order restraining the DPP from prosecuting him on a number of indecent assault charges and charges of buggery and gross indecency, on grounds of delay.

Hanna J refused the relief sought, except in the case of OB, holding that there was no real or serious risk of an unfair trial. On the balance of probabilities with regard to the complainants, the failure of the victims to complain, with the exception of OB, was a result of the alleged conduct complained of.

D(A) (applicant) v DPP (respondent), High Court, Mr Justice Hanna, 17/1/2006, 2003 No 443 JR [FL13820]

Evidence

Duty to seek out and preserve evidence – whether real risk of unfair trial.

The applicants applied by way of judicial review for, among other things, orders prohibiting the prosecution from taking any further steps in the prosecution of the applicants on the grounds that, by virtue of the failure of the gardaí to seek out and preserve video evidence available, this resulted in each of the applicants being deprived of access to evidence that would assist their defence.

Feeny J refused the application, holding (*ex tempore*) that the court was satisfied that a fair trial could occur and all or any matters concerning the nature and extent of the video evidence could be dealt with at the trial.

O'Sullivan, O'Herlihy and Moore (plaintiffs) v DPP (defendant), High Court, Mr Justice Feeny, 30/3/2007, 2006 279JR, 2006 244JR, 2006 290JR [FL13793]

Extradition

Charge of alleged rape – warrant for arrest – request made from Jersey – whether affidavits supporting request for extradition properly sworn – whether delay of the prosecution in Jersey in seeking extradition prejudiced the respondent – Extradition Act 1965, part 11.

The applicant received a request to extradite the respondent to face a charge of rape in Jersey, Channel Islands. The respondent claimed (a) the request the minister received is not a request where communicated by a diplomatic agent, (b) affidavits supporting the request were not properly sworn, (c) section 25(1)(a) of the act was

not satisfied, and (d) the respondent was prejudiced by the delay of the prosecution in Jersey.

Pear J ordered the release of the respondent, holding that the provisions of s23 of the *Extradition Act 1965* had not been strictly complied with and the extradition had not been "duly requested" for the purposes of s29(1)(a) of the act (*O'Rourke v Governor of Cloverhill Prison*, Supreme Court, 3 May 2004).

Attorney General (applicant) v Q(MP) (respondent), High Court, Mr Justice Peart, 13/12/2006, 2006 No 64 Ext [FL13853]

FAMILY LAW

Custody

Children – article 40 jurisdiction – lawfulness of detention of children by HSE through agency of foster carers – custody – Child Care Act 1991, s4 – Constitution of Ireland, article 40.4.

This was an application by the father of three children who had been taken into care by the HSE. The applicant made the application on behalf of the children under article 40.4 of the Constitution in relation to having an enquiry conducted into the lawfulness of the alleged detention by the HSE, through the agency of the foster carers, of the three children.

Abbott J held that, having arrived in foster care for welfare considerations, even if these considerations were not firmly legally based, the court should enquire into the children's welfare. The children should not be released to the day-to-day care or otherwise of the applicant, but the situation warranted the direction of the court to the HSE to prepare a welfare report in respect of all three children to be furnished to the court, and the matter would be put in for the

consideration of the court.

O'H v HSE, High Court, Mr Justice Abbott, 19/2/2007, 2007 No 113 SS [FL14006]

Guardianship

Removal of child from jurisdiction – best interest of child – Hague Convention – economic circumstances – distances – Guardianship of Infants Act 1964 – Status of Children Act 1987 – Family Law (Maintenance of Children) Act 1976.

The applicant, an Australian national and wife of the respondent, sought to return to Australia and take the child with her on a permanent basis, away from its natural father, an Irish citizen. The issue arose as to what was in the best interests of the child and what the welfare of the child required.

Judge McMahon refused the orders sought, holding that it would be difficult for the respondent to remain in touch with the child if it was taken to Australia. The cost and distance of the travel entailed that the father would be able to make only limited trips to Australia. The economic prospects of the applicant were sketchy. Removing the child would permanently deprive the child of a relationship with its father.

F(G) (applicant) v C(D) (respondent), Circuit Court, Judge McMahon, 10/5/2007, 174/2006 [FL14031]

PLANNING AND DEVELOPMENT

Unauthorised development

Section 160 of the Planning and Development Act 2000 – whether the replacement of a mobile home with another mobile home constituted a fresh development – whether the respondent had carried out unauthorised works/development.

The applicant sought an order, pursuant to section 160 of the 2000 act, restraining the respondent from carrying

out or continuing to carry out any development at a particular site owned by the respondent and directing the respondent to remove forthwith all unauthorised development carried out by him on that site, namely the erection of a mobile home. The respondent had previously removed a mobile home and concrete base from the site pursuant to a court order. That home had been placed on the land by way of replacement for a mobile home that had existed on the site since 1974. However, in 2005, he replaced that structure with a smaller mobile home on a gravel base, and it is that home that the applicant sought to have removed. The respondent submitted that the replacement of the mobile home with the current mobile home amounted to a continuation of the same user of the site and, further, that the applicant was prevented from seeking this relief by virtue of s160(6)(a)(i) of the 2000 act.

O'Neill J allowed the application, holding that the construction of the mobile home and new gravel base in 2005 constituted works within the meaning of section 3(1) of the 2000 act, and consequently it amounted to development that required planning permission. Furthermore, the mobile home was properly to be regarded as a structure as defined in section 2 of the act. When the original mobile home was removed, that amounted to a permanent change and therefore any immunity from action under section 160 that had accrued in relation to that structure was abandoned by the respondent.


Sligo County Council (applicant) v Gavin Martin (respondent), High Court, Mr Justice O'Neill, 24/5/2007, 2006 No 147 MCA [FL13931]

TORT

Breach of duty

Exemption from civil liability – interpretation of section – plain meaning of words – functions of the fire authority – s36, Fire Services Act 1981.

A fire occurred at the first defendant's property, which was adjoined to the plaintiff's property. The fire was dealt with that morning, but in the afternoon a fire occurred at the plaintiff's premises, which the plaintiff's allege was caused by the failure of the local fire service to adequately examine or inspect the plaintiff's premises after the fire at the first-named defendant's premises that morning, and also a failure to inquire as to previous smoke escaping into the plaintiff's premises. The issue was whether section 36 of the *Fire Services Act 1981* provided the third-named defendant with exemption from civil liability, not only on the basis of breach of statutory duty but also negligence.

Mr Justice Feeney held that the third-named defendant was entitled to a correct statutory interpretation of section 36 of the 1981 act. The plaintiff's action against the third-named defendant was incapable of success by reason of the immunity in section 36 of the *Fire Services Act 1981*. He dismissed the plaintiff's action. **Moran (plaintiff) v O'Donovan and Cork County Council (defendants), High Court, Mr Justice Feeney, 27/3/2007, 1998 No 9756 P [FL13868]** 

The information contained here is taken from FirstLaw's Legal Current Awareness Service, published every day on the internet at www.firstlaw.ie. For more information, contact bartdaly@firstlaw.ie or FirstLaw, Merchant's Court, Merchant's Quay, Dublin 8, tel: 01 679 0370, fax: 01 679 0057.



News from the EU and International Affairs Committee

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

Recent developments in European law

July's 'Eurlegal' piece, 'Repackaging and relabelling pharmaceutical products', was written by Dorit McCann, a senior associate with A&L Goodbody. The attribution was omitted.

EMPLOYMENT

Case C-278/05, *Carol Marilyn Robins and Others v Secretary of State for Work and Pensions*, 25 January 2007. Ms Robins and 835 others were employees of ASW Ltd, which went into liquidation in April 2003. They were members of final salary pension schemes, funded by ASW. The schemes were terminated in July 2002 and are being wound up. Actuarial valuations disclosed that there are insufficient assets to cover all the benefits of all members, and the benefits of non-pensioners will therefore be reduced. Under British legislation, the claimants will not receive all the benefits to which they were entitled. Two of the claimants will receive only 20% and 40% respectively of those benefits. The claimants argued that British legislation did not provide them with the level of protection required by Directive 90/987/EEC, which relates to the protection of employees in the event of the insolvency of their employer. They claimed compensation for the losses they had suffered. The English High Court referred three questions to the ECJ for a preliminary ruling. It asked whether member states are

required to fund the rights to old-age benefits and, if they are, to what level they are required to fund them. It asked whether the British legislation was compatible with the directive and for guidance on the liability of Britain in the case of incorrect transposition of the directive. The court held that the directive does not oblige the member states themselves to fund the rights to old-age benefits. It states in a general manner that member states "shall ensure that the necessary measures are taken", but this leaves some latitude as to the means to be adopted to ensure protection. A member state may impose, for example, an obligation on employers to insure or provide for the setting up of a guarantee institution in respect of which it will lay down the detailed rules for funding, rather than provide for funding by public authorities. The court held that the directive cannot be interpreted as demanding a full guarantee of the rights in question. It does no more than prescribe in general terms the adoption of the measures necessary to "protect the interests" of the persons concerned. The directive gives member states considerable latitude on the level of protection and thus excludes an obligation to guarantee in full. The ECJ then considered the compatibility of British legislation with the directive. According to figures communicated by Britain in 2004, about 65,000 members of pension schemes suffered the loss of more than 20% of expected benefits and 35,000 suffered losses exceeding 50%

of those benefits. Even if no provision of the directive contains elements that make it possible to establish with any precision the minimum level of protection required, a system that may, in certain cases, lead to a guarantee of benefits of less than half of that entitlement cannot be considered to fall within the definition of the word "protect" used in the directive. The British system is incompatible with EC law. The court finally looked at the liability of member states in the case of incorrect transposition. In the context of the directive, a member state's liability is conditional on a finding of manifest and serious disregard by that state for the limits set on its discretion. In order to determine whether that condition is satisfied, the national court must take account of all the factors that characterise the situation put before it. In this case, those factors include the lack of clarity and precision of the directive with regard to the level of protection required, and a commission report of 1995 concluding that Britain appeared to have met the requirements of the directive. This report may have reinforced Britain's position with regard to the transposition of the directive into domestic law.

JURISDICTION

7E Communications Ltd v Vertex Antennentechnik GmbH, 26 February 2007, High Court (England and Wales). The applicant is a company incorporated in England and the defendant is a company incor-

porated in Germany. In May 2002, they agreed on the purchase by the applicant from the defendant of a number of antennae and hard cases for €82,235.40, excluding transport, taxes and other charges. The defendant had given a quotation, incorporating its general terms and conditions, which included a jurisdiction clause giving exclusive jurisdiction to the court having jurisdiction at the defendant's headquarters, namely Duisburg in Germany. The defendant did not send a copy of the terms and conditions to the claimant. The claimant replied by a fax, entitled 'purchase order', ordering the goods set out in the quotation at the price quoted. The goods were delivered in England and the claimant sought to reject them, arguing that they were defective. The claimant commenced proceedings in England seeking damages for breach of contract. The defendant applied for a declaration that the English courts had no jurisdiction, arguing that there was a valid jurisdiction clause recognised by article 23 of the *Brussels Regulation*. The claimant argued that England had jurisdiction under article 5(1)(b) of the regulation, as England was the place where the goods were delivered under the contract. It did not agree to the jurisdiction clause contained in the terms and conditions. The court held that the quotation and the purchase order together formed the contract between the parties. The contract was subject to the defen-

dant's terms and conditions, including the jurisdiction clause. The court held that the claimant had given its consent to the jurisdiction clause and that it did so even though it did not have a copy of the general terms and conditions. The claimant argued that the parties had not signed a written contract, as required by article 23(1)(b). The court held that there was no clear distinction between one document being signed and two. If both parties had signed the quotation or the claimant had signed the quotation and faxed it back to the defendant, the requirements of article 23(1)(b) would have been met. Thus, it made no commercial or other sense to hold that the position is different because, instead of signing the quotation, the claimant accepted the offer by signing the purchase order and sending it back to the defendant. In both cases, there would be a guarantee of real consent on the part of the claimant and the consensus between the parties would be established. No distinction is to be drawn between a case in which a contract is contained in one document signed by both parties and a case in which a contract is contained in or evidenced by two documents, one of which is signed by one part and one by the other, and a case like this, where an offer is made in writing signed by the offerer, and the offer is accepted in writing signed by the offeree.

MONEY LAUNDERING

Case C-305/85, *Ordre des barreaux francophones et germanophones and others v Council of Ministers*, 26 June 2007. In June 2007, the ECJ ruled in a case concerning the obligations of lawyers under the 2001 *Anti-Money-Laundering Directive*. Under this directive, lawyers are subject to obligations of information and coop-

eration (including reporting suspicious transactions) only insofar as they participate in specified types of financial and real estate transactions. Even in these areas, the directive provides that member states may decide not to apply the reporting obligations to lawyers in respect of information received in the course of ascertaining the legal position for the client or defending or representing that client in judicial proceedings. In 2004, a number of bar associations in Belgium brought proceedings before the *Cour d'Arbitrage* seeking annulment of provisions in a 2004 law transposing the directive as they related to lawyers. It was argued that the reporting obligations unjustifiably impinged on the principles of professional secrecy and the independence of lawyers, that the distinction between activities covered and not covered was untenable and legally uncertain, and that the reporting obligations destroyed the relationship of trust between lawyer and client. Before ruling on the compatibility of the national provisions with the Belgian constitution, the Belgian court asked the ECJ to rule on whether the directive itself was lawful. Strictly adhering to the terms of reference, the ECJ limited its review to the question of legality by reference to the right to a fair trial, as guaranteed by article 6 of the ECHR and article 6(2) of the TEU. In holding that the relevant obligations on lawyers did not infringe this right, the ECJ stated that, while the precise extent of these obligations was "not entirely unambiguous", preference should be given to an interpretation that rendered the provisions consistent with the *EC Treaty*. It held that the right to a fair trial could arise only in a context where there was a link to judicial proceedings. The existence of obligations in relation to the

specified areas where there was no such link could thus not prejudice the right to a fair trial. Section 6(3) allowed for the non-application of the reporting obligations where there was such a link and the right to a fair trial was thereby respected. The national court must now decide how to apply national constitutional rules in the context of a legally-valid directive. That directive has since been replaced by a 2005 directive that, as regards lawyers, contains the same provisions.

REFERENCE TO ECJ

Cases C-354/04 P and C-355-04 P, *Gestoras Pro-Amnistía, Jan Mari Olano and Julen Zenarain Enarrasti v Council of the European Union Segi, Araitz Zubimendi Izaga and Aritaz Galarraga v Council of the European Union*, 27 February 2007. In 2001, the Council of the EU adopted a common position on the application of specific measures to combat terrorism. A list of persons, groups or entities involved in terrorism was annexed to the common position. It was drawn up on the basis of information supplied by the police or judicial authorities of the member states. In June 2004, the CFI rejected the actions brought by the applicants claiming damages for harm suffered as a result of two organisations being included in this list. They then appealed the decision of the ECJ seeking to have those orders set aside. They argued that they had no means to challenge the inclusion of these two organisations in the list and that the order of the CFI prejudices their right to effective judicial protection. The ECJ pointed out that the EU is founded on the principle of the rule of law and it respects fundamental rights as general principles of EC law.

In the sphere of police and judicial cooperation in criminal matters (the third pillar), the council may adopt common positions. The *EU Treaty* does not enable national courts to refer questions to the court for a preliminary ruling on a common position, as common positions are not supposed to produce legal effects in relation to third parties. In contrast, the council may adopt decisions and framework decisions intended to produce legal effects in relation to third parties. Those may be the subject of a reference for a preliminary ruling. Given that the procedure enabling the ECJ to give preliminary rulings is designed to guarantee observance of the law in the interpretation and application of the treaty, the right to make a reference for a preliminary ruling in the context of the third pillar must therefore exist in respect of all measures adopted by the council (whatever their nature and form) that are intended to have legal effects in relation to third parties. A national court hearing a dispute that indirectly raises the issue of the validity or interpretation of a common position adopted in the context of the third pillar, and that has serious doubt whether that common position is really intended to produce legal effects in relation to third parties, may ask the ECJ to give a preliminary ruling. It would then fall to the ECJ to find, where appropriate, that the common position is intended to produce legal effects in relation to third parties, to accord it its true classification and to give a preliminary ruling. Thus, the court held that the appellants had not been deprived of effective judicial protection and that the orders of the CFI did not prejudice their right to such protection. ■

LOST LAND CERTIFICATES

Registration of Deeds and Title Acts 1964 and 2006

An application has been received from the registered owners mentioned in the schedule hereto for an order dispensing with the 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. The land certificate will be dispensed with 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.

Property Registration Authority,
Chancery Street, Dublin 7
(Published 7 September 2007)

- Regd owner: Myles Carroll (deceased); folio: 8658; lands: Busherstown and barony of Carlow; **Co Carlow**
- Regd owner: William G Connolly; folio: 3281F; lands: Ballyellin and Tomdarragh and barony of Idrone East; **Co Carlow**
- Regd owner: Sean Fennelly; folio: 8141F; lands: Kilcarrig and barony of St Mullin's Upper; **Co Carlow**
- Regd owner: Grangeford Precast Ltd; folio: 638F; lands: Grangeford and barony of Carlow; **Co Carlow**
- Regd owner: Daniel McClean; folio: 4939F; lands: Myshall and barony of Forth; **Co Carlow**
- Regd owner: Brendan Duggan, Drumkeen, Ballyhaise, Co Cavan; folio: 16987F; lands: Drumkeen; **Co Cavan**
- Regd owner: Patrick O'Keeffe (Pdraig O'Caomh), Gerard Arthurs (Gearoid MacAirt), Thomas P O'Reilly (Tomas P O'Raghallaigh) of Ballyconnell, Co Cavan and Peadar Doyle (Peadar O'Dubhgail) of Ballyhillan, Crossdoney, Co Cavan; folio: 24622; lands: Drumkeen Beg and Corr (Tullyhunco); **Co Cavan**
- Regd owner: Andrew Clarke and Mary Clarke, Cran, Cootehill, Co Cavan; folio: 730; lands: Cran; **Co Cavan**
- Regd owner: John Conolin; folio: 22539; lands: townland of Knockaskeheen, Ardeamush, Poulagun, Ballyvoe and Glasha Beg and barony of Burren and Cocomroe; **Co Clare**
- Regd owner: Thomas Joseph Hynes; folio: 20528F; lands: townland of Cahermacnaghten and Ballymahony and barony of Burren; **Co Clare**
- Regd owner: Patrick Skehan; folio: 6382; lands: townland of Cappalahaen and Tulla Lower; area: 14.8640 hectares; **Co Clare**
- Regd owner: Michael Donnellan, Carrownagry South, Mullagh, Co Clare; folio: 4293; lands: Carrownagry South; **Co Clare**
- Regd owner: Stephen Sheedy; folio: 15326; lands: townland of Lismulbreeda; and barony of Islands; area: 30.2502 hectares; **Co Clare**
- Regd owner: James Hehir; folio: 15492F; lands: townland of Clonroad Beg and barony of Islands; **Co Clare**
- Regd owner: Francis Morgan; folio: 7214; lands: townland of Shallee and barony of Inchiquin; area: 12 acres, 2 roods and 26 perches; **Co Clare**
- Regd owner: Timothy Dineen; folio: 21397; lands: plot of ground situate in the townland of Milleen and barony of Muskerry West in the county of Cork; **Co Cork**
- Regd owner: John Finnerty and Margaret Finnerty; folio: 51667; lands: plot of ground situate in the townland of Shean Upper in the barony of Muskerry East in the county of Cork; **Co Cork**
- Regd owner: Frinailla Limited (limited liability company); folio: 57842; lands: plot of ground situate in the townland of Ballincollig in the barony of Muskerry East in the county of Cork; **Co Cork**
- Regd owner: Vivian Healy and Lorraine Healy; folio: 103606F; lands: plot of ground known as no 18 Woodview, situate in the townland of Churchtown and barony of Orrery and Kilmore in the county of Cork; **Co Cork**
- Regd owner: Eilish Horgan; folio: 6789F; lands: plot of ground situate in the townland of Ballinlusk and barony of Kerrycurrihy in the county of Cork; **Co Cork**
- Regd owner: Denis Murphy; folio: 65622F/67412F; lands: plot of ground situate in the townlands of (1) Ballinphelic, (2) Ballynaberna and barony of (1) Kerrycurrihy, (2) Kinalea in the county of Cork; **Co Cork**
- Regd owner: Elizabeth Murphy (deceased); folio: 55108; lands: plot of ground situate in the townland of Slip and barony of Bantry in the county of Cork; **Co Cork**
- Regd owner: Leo O'Driscoll and Teresa O'Driscoll; folio: 65293F; lands: plot of ground known as 6 Sunningdale, situate in the townland of Ballincollig in the barony of Muskerry East in the county of Cork; **Co Cork**
- Regd owner: Nicholas Swanton; folio: 56698; lands: plot of ground situate in the townland of Grange (ED Douglas) in the barony of Cork in the county of Cork; **Co Cork**
- Regd owner: Timothy O'Sullivan and Anne O'Sullivan; folio: 8075F; lands: plot of ground situate in the townland of Curabeha in the barony of Muskerry East in the county of Cork; **Co Cork**
- Regd owner: Arthur Philpott and Helen Philpott; folio: 54835F; lands: plot of ground known as no 19 de Valera Drive, Sean O'Brien Park, situate in the townland of Carrignagroghera and barony of Condons and Clangibbon in the county of Cork; **Co Cork**
- Regd owner: Timothy Duggan (deceased); folio: 26507; lands: plot of ground situate on the north side of Coomlogane Street in the town of Millstreet, being part of the townland of Coomlogane in the barony of Muskerry West in the county of Cork; **Co Cork**
- Regd owner: Ruth Bennett; folio: 108230F; lands: plot of ground situate in the townland of Miles and barony of Carbery East (East Division) in the county of Cork; **Co Cork**
- Regd owner: Catherine and Jerry Cronin; folio: 82497F; lands: plot of ground known as no 2 North Horsemount, being part of the townland of Horsemount North in the barony of Muskerry West and county of Cork; **Co Cork**
- Regd owner: Michael Crossan and Thomas Crossan, Ballyrairie, Letterkenny, Co Donegal; folio: 32426; lands: Cullion; **Co Donegal**
- Regd owner: Shane Bonner and Garrett Bonner, Lackenagh, Burtonport, Co Donegal; folio: 16836F; lands: Roshin Acres and barony of Boyleagh; area: 0.382 hectares; **Co Donegal**
- Regd owner: Sydney Gibson, Moneyyreggan, Newtowncunningham, Co Donegal; folio: 38034; lands: Moneyyreggan; **Co Donegal**
- Regd owner: Neil Gordon, Sallaghgraine, Letterkenny, Co Donegal; folio: 41764; lands: Ballyrairie; **Co Donegal**
- Regd owner: Harold Hennigan and Noleen Hennigan, Tullycleave, Ardara, Co Donegal; folio: 15040F; lands: Tullycleave More; **Co Donegal**
- Regd owner: John McKelvey and Mary T McKelvey, Tor, Crolly PO, Co Donegal; folio: 34848; lands: Tor; **Co Donegal**
- Regd owner: William J McMahon, Gortavern, Kerrykeel, Co Donegal; folio: 37214; lands: Gortavern; **Co Donegal**
- Regd owner: Hugh O'Leary, Springhill, Ballindrait, Lifford, Co Donegal; folio: 2728F; lands: Ballybofey; **Co Donegal**
- Regd owner: Frederick Baikie, Ardcrone, Annagry, Co Donegal; folio: 4927F; lands: Meenderryowan; **Co Donegal**
- Regd owner: John Clinton, Ballylar, Letterkenny, Co Donegal; folio: 35470; lands: Kinnalough; **Co Donegal**
- Regd owner: John Clinton, Ballylar, Letterkenny, Co Donegal; folio: 36409; lands: Kinnalough; **Co Donegal**
- Regd owner: William F Bowers; folio: DN15149; lands: property situate in the townland of Rathcoole and barony of Newcastle; **Co Dublin**
- Regd owner: Christopher Byrne and Barbara Byrne; folio: DN71167L; lands: property situate in the townland of Templeogue and barony of Uppercross; **Co Dublin**
- Regd owner: Roisin Cleere; folio: DN56493F; lands: property known as 17 Friarsland, situate in the townland of Friarsland and barony of Rathdown; **Co Dublin**
- Regd owner: county council of the county of Dublin; folio: DN3149F; lands: property situate in the townland of Toberstown and barony of Balrothery East; **Co Dublin**
- Regd owner: Leo Finlay and Anita Finlay; folio: DN71728L; lands: property situate in the townland of Carrickhill and barony of Coolock; **Co Dublin**
- Regd owner: James Finnerty; folio: DN8698L; lands: property situate in the townland of Rathcoole and barony of Newcastle; **Co Dublin**
- Regd owner: Kevin Joseph and Patricia Dowling; folio: DN2105; lands: property situate in the townland of
- Milverton and barony of Balrothery; **Co Dublin**
- Regd owner: Hubert Thomas Jarrett; folio: DN1186L; lands: property situate on the west side of Sydenham Road, Dundrum, in the townland of Dundrum and barony of Rathdrum; **Co Dublin**
- Regd owner: Maurice Martin and Emily Martin; folio: DN137902F; lands: property known as 55 Ellenfield Road, Whitehall, in the parish of Clonturk and in the district of Clonturk and in the county borough of Dublin; **Co Dublin**
- Regd owner: Patrick Mulligan and Mary Mulligan; folio: DN10394; lands: property situate in the townland of Farranboley and barony of Rathdown; **Co Dublin**
- Regd owner: Ian Nish and Primrose Nish; folio: DN2316F; lands: property situated in the townland of Robswalls and barony of Coolock; **Co Dublin**
- Regd owner: Deirdre O'Connor; folio: DN90898F; lands: property known as 1 Shanowen Avenue, situate in the parish of Santry and district of Santry; **Co Dublin**
- Regd owner: Ann O'Keeffe; folio: DN50499F; lands: property known as 53 Mellowes Avenue, situate in the parish of Finglas and district of Finglas North; **Co Dublin**
- Regd owner: Brian Reid and Rita Reid; folio: DN51981F; lands: property situate on the south side of the coast road in the town of Malahide, situate in the townland of Robswalls and barony of Coolock; **Co Dublin**
- Regd owner: Donal Saunders and Grainne Saunders; folio: DN99831L; lands: the property being an apartment known as no 19 Ground Floor, Block B, Cois Trá, Kilbush, Rush, in the parish of Lusk and town of Rush; **Co Dublin**
- Regd owner: Joseph Tansey and Kathleen Tansey; folio: DN56691F; lands: property situate in the townland of Dundrum and barony of Rathdown; **Co Dublin**
- Regd owner: Thomas Hughes and Sheila Hughes; folio: DN13989F; lands: property situate in the townland of Knocklyon and barony of Uppercross; **Co Dublin**
- Regd owner: Barbara (otherwise Bradley) Naylor; folio: DN57428L; lands: property known as 54 Dingle Road, situate in the parish of Grangegorman and district of North Central; **Co Dublin**
- Regd owner: Patrick Timothy; folio: 12312; lands: townland of Glinsk and barony of Ballymoe; **Co Galway**
- Regd owner: Mary P Doran; folio: 52340; lands: townland of Lisdoonaun and Townparks and barony of Longford; **Co Galway**
- Regd owner: John Fallon; folio: 26078; lands: townland of Ballywataire and barony of Ballymoe; area: 36.2724 hectares; **Co Galway**
- Regd owner: Michael Ferron; folio: 24259; lands: townland of Roundstone and barony of Ballynahinch; area: 0.1372 hectares; **Co Galway**
- Regd owner: Martin Greaney; folio: 22581; lands: townland of Bunnavevelly and Glenrevagh (Clare

By) and barony of Clare; **Co Galway**
 Regd owner: Michael Healy; folio: 47810; lands: townland of Carrowmannagh (Moycullen By) and barony of Moycullen; **Co Galway**
 Regd owner: Marion O'Neill; folio: 22413; lands: townland of Oughtagh and barony of Ballymoe; area: 8.1822 hectares; **Co Galway**
 Regd owner: Coilin Lydon; folio: 4908F; lands: townland of Barraderry and barony of Moycullen; **Co Galway**
 Regd owner: Veronica McDonagh; folio: 7701F; lands: townland of Killeany and barony of Aran; **Co Galway**
 Regd owner: Martin Shaughnessy and Beatrice Shaughnessy; folio: 72F; lands: townland of Cuscarrick and barony of Loughrea; **Co Galway**
 Regd owner: Bhim Rao Dakoji and Davayani Rao Dakoji; folio: 27480F; lands: townland of Doon East and barony of Iraghticonnor; **Co Kerry**
 Regd owner: Cornelius Carroll; folio: 1750F; lands: townland of Kilmaniheen West and barony of Trughanacmy; **Co Kerry**
 Regd owner: Jean Paul Hautecoeur; folio: 16884; lands: townland of Teer and barony of Corkaguiny; **Co Kerry**
 Regd owner: Catherine Lane; folio: 29390; lands: townland of Glantaunluskaha and barony of Trughanacmy; **Co Kerry**
 Regd owner: Mary McSwiney; folio: 17894; lands: townland of Cloon Beg; and barony of Trughanacmy; **Co Kerry**
 Regd owner: John Murphy; folio: 86; lands: townland of Killonecaha and barony of Iveragh; **Co Kerry**
 Regd owner: Henry Musgrave; folio: 29564 and 32020; lands: townland of Ralappane and barony of Iraghticonnor; **Co Kerry**
 Regd owner: Michael Cannon; folio: 25295F; lands: townland of Ballymany and barony of Offaly East; **Co Kildare**
 Regd owner: Concrete Pipes Limited; folio: 7159; lands: townland of Maudlings and barony of Naas North; **Co Kildare**
 Regd owner: Jean O'Connor, Ballaghmoon, Carlow; folio: 830; lands: townland of Knocknagee and barony of Kilkela and Moore; **Co Kildare**
 Regd owner: Laurence W Rentes; folio: 24768F; lands: townland of Ballynadrumny and barony of Carbury; **Co Kildare**
 Regd owner: Kevin Smith, 56 South Main Street, Naas, Co Kildare; folio: 6915; lands: the parish of Naas, situate to the north of Craddockstown Road in the townland of Naas East, in the barony of Naas North, in the electoral division of Naas Urban; **Co Kildare**
 Regd owner: Michael Allen and Margaret Allen of Derryoughter East, Kildangan, Co Kildare; folio: 23620F; lands: townland of Derryoughter East and barony of Offaly West; **Co Kildare**
 Regd owner: John Cooke; folio: 12868; lands: Shankill and barony of Gowran; **Co Kilkenny**
 Regd owner: Michael McGrath and Bridget McGrath; folio: 709F; lands: Castlegarden, Kilfane East, Sugarstown, and barony of Gowran; **Co Kilkenny**
 Regd owner: Patrick Minogue; folio: 6482; lands: Ballylarkin and barony of

LAW SOCIETY Gazette

PROFESSIONAL NOTICE RATES

RATES IN THE PROFESSIONAL NOTICE SECTION ARE AS FOLLOWS:

- **Lost land certificates** – €132 (incl VAT at 21%)
- **Wills** – €132 (incl VAT at 21%)
- **Title deeds** – €132 per deed (incl VAT at 21%)
- **Employment/miscellaneous** – €132 (incl VAT at 21%)

HIGHLIGHT YOUR NOTICE BY PUTTING A BOX AROUND IT – €31.50 EXTRA

ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. CHEQUES SHOULD BE MADE PAYABLE TO LAW SOCIETY OF IRELAND. Deadline for October *Gazette*: 20 September 2007. For further information, contact Catherine Kearney or Valerie Farrell on tel: 01 672 4828 (fax: 01 672 4877)

Crannagh; **Co Kilkenny**
 Regd owner: Patrick O'Shea; folio: 12893; lands: Ahanure and barony of Kells; **Co Kilkenny**
 Regd owner: James Walsh; folio: 16813F(LC11304); lands: Shankill and barony of Gowran; **Co Kilkenny**
 Regd owner: Mary Young; folio: 12279F; lands: Cappalough and barony of Tinnaninch; **Co Laois**
 Regd owner: Michael Crossan and Pauline Crossan, Glebe Street, Mohill, Co Leitrim; folio: 6443; lands: Cornashamsoge; **Co Leitrim**
 Regd owner: James Flynn, Driney, Drumcong PO, Carrick-on-Shannon, Co Leitrim; folio: 18995; lands: Driny and Kiltubbrid; **Co Leitrim**
 Regd owner: Joseph Conway; folio: 22195; lands: townland of Herbertstown and barony of Smallcounty; **Co Limerick**
 Regd owner: Joseph Conway; folio: 8205; lands: townland of Herbertstown and barony of Smallcounty; **Co Limerick**
 Regd owner: James Downes; folio: 19312F(part 25239) Co Limerick; lands: townland of Pallas and barony of Kenry; **Co Limerick**
 Regd owner: Thomas Heaphy; folio: 10190; lands: townland of Scarteen and barony of Coshlea; **Co Limerick**
 Regd owner: John Shorten; folio: 14389F; lands: townland of Clonconane and barony of North Liberties; **Co Limerick**
 Regd owner: Laurence Fyfe; folio: 10705F; lands: townland of Castlegarde and barony of Coonagh; **Co Limerick**
 Regd owner: Michael O'Brien; folio: 5264L; lands: parish of St Patrick's, electoral division of Singland A; **Co Limerick**
 Regd owner: Edmond Fraher and Kathleen Fraher; folio: 3968F; lands: townland of Brackley and barony of Coonagh; **Co Limerick**
 Regd owner: Oliver Caffrey and Rosemary Caffrey, Old Golf Links Road, Blackrock, Dundalk, Co Louth; folio: 12206; lands: Haggardstown, **Co Louth**

Regd owner: Teresa McShane, Bellurgan, Dundalk, Co Louth; folio: 12846F; lands: Bellurgan; **Co Louth**
 Regd owner: Eamonn Morgan, Main Street, Dunleer, Co Louth; folio: 1385F; lands: Battsland; **Co Louth**
 Regd owner: Dermot Finnegan and Anne Finnegan, 1 Grange Rise, Drogheda, Co Louth; folio: 1893F; lands: Yellowbatter; **Co Louth**
 Regd owner: Christopher Moran; folio: 19179F; lands: Togher, Stonepark, Cloonagappoge and barony of Kilmaine, Carra; **Co Mayo**
 Regd owner: Michael Kelly and Bernadette Kelly; folio: 7135F; lands: Cornageeha and barony of Gallen; **Co Mayo**
 Regd owner: Francis Joseph Lennon; folio: 12401F; lands: Lurga Upper and barony of Costello; **Co Mayo**
 Regd owner: Bridget McGuire; folio: 1027; lands: townland of Lisbaun East; barony of Costello; area: 2.3749 hectares; **Co Mayo**
 Regd owner: John McNally and Kathleen McNally; folio: 10575; lands: townland of Drummin East, Oughty and Glenlaun and barony of Murriss; **Co Mayo**
 Regd owner: John Desmond O'Toole; folio: 48003; lands: townland of Doolough and barony of Erris; **Co Mayo**
 Regd owner: Patrick O'Toole; folio: 21997F; lands: townland of Mullauns and barony of Tirawley; **Co Mayo**
 Regd owner: Ciaran Hallinan and Christine Browne, 35 Supple Park, Dunshaughlin, Co Meath; folio: 30678F; lands: Dunshaughlin; **Co Meath**
 Regd owner: Brian Mervyn Clarke, Suncroft, Derver, Kells, Co Meath; folio: 26163F; lands: Derver; **Co Meath**
 Regd owner: John Donohoe and Deirdre Wright, Cannon Row, Navan, Co Meath; folio: 41210F; lands: Rathcoon; **Co Meath**
 Regd owner: James Fagan, Clondoogan, Summerhill, Co Meath; folio: 174; lands: Clondoogan; **Co Meath**
 Regd owner: Cormac Keating and Lisa

Keating, 106 St Brendan's Avenue, Malahide Road, Dublin 5; folio: 34877F; lands: Blackfriary; **Co Meath**
 Regd owner: Denis P Murphy and Margaret McBrearty, 6 Bourne View, Ashbourne, Co Meath; folio: 1870L; lands: Killeglend; **Co Meath**
 Regd owner: Martin O'Donoghue, Starinagh, Collan, Co Louth; folio: 19747; lands: Starinagh; **Co Meath**
 Regd owner: Matthew Reynolds, Possextown, Enfield, Co Meath; folio: 8064F; lands: Ballynaskea; **Co Meath**
 Regd owner: Liam Rowley and Anne Rowley, Strawberry Beds, Chapelizod, Dublin 20; folio: 15903F; lands: Brownrath; area: 1.688 acres; **Co Meath**
 Regd owner: Robert Spooner and Niamh Spooner, 8 Beech Lawn, Johnstown Wood, Navan, Co Meath; folio: 36510F; lands: Alexander Reid; **Co Meath**
 Regd owner: Brendan Treacy and Aideen Murray, Drumree, Co Meath; folio: 14063F; lands: Knockmark; **Co Meath**
 Regd owner: Mary Rosaleen Dickieson, 30 Bachelors Walk, Dublin 11; folio: 7575; lands: Ninch; **Co Meath**
 Regd owner: Thomas Kiernan, Raferagh, Carrickmacross, Co Monaghan; folio: 4617; lands: Raferagh; **Co Monaghan**
 Regd owner: Kevin Minnock and Marion Minnock; folio: 8177F; lands: Kildangan and barony of Ballycowan; **Co Offaly**
 Regd owner: Thomas Murphy and Sinead McLoughlin; folio: 14315F; lands: Rathcobian and barony of Warrenstown; **Co Offaly**
 Regd owner: Mary Lavin Guihen and Kieran Guihen; folio: 9742F; lands: townland of Greagh and barony of Boyle; area: 0.3601 hectares; **Co Roscommon**
 Regd owner: Patrick Carlos; folio: RN429; lands: townland of Rooaun and barony of Ballintober North; area: 1.113 hectares; **Co Roscommon**
 Regd owner: Catherine Coyle; folio: 6408F; lands: townland of Bredagh (ED Rockhill) and barony of Athlone

South; **Co Roscommon**
 Regd owner: Patrick Cunningham; folio: 1985; lands: townland of Corramore and barony of Athlone South; area: 1.2890 hectares; **Co Roscommon**
 Regd owner: Mary Anne Gallagher; folio: 6325; lands: townland of Termon and barony of Boyle; **Co Roscommon**
 Regd owner: Martha McKeon; folio: 6974F; lands: townland of Lecarrow, Carrowmore and Portobello and barony of Frenchpark and Boyle; **Co Roscommon**
 Regd owner: Brendan Rigney; folio: Culligh; lands: townland of Culligh Beg and barony of Moycarn; area: 0.2954 hectares; **Co Roscommon**
 Regd owner: Sean Walsh; folio: 833F; lands: townland of Crannagh Beg and barony of Athlone South; **Co Roscommon**
 Regd owner: Margaret Convey; folio: 911; lands: townland of Carrownagilly and Ummeryroe and barony of Tirerrill; **Co Sligo**
 Regd owner: James Hallinan; folio: 22836; lands: townland of Cloonkeelan and Carns (Tireragh barony) and barony of Tireragh; **Co Sligo**
 Regd owner: Edward Joseph Smith and Sheila Smith; folio: 3678F; lands: townland of Drumbeg West and barony of Tirerrill; **Co Sligo**
 Regd owner: Michael J Woods; folio: 5443; lands: townland of Cloontyprocklis and barony of Carbury; area: 3.0098 hectares; **Co Sligo**
 Regd owner: Thomas Fogarty; folio: 8976F; lands: townland of Pallas More and barony of Owey and Arra; **Co Tipperary**
 Regd owner: Mary O'Connor; folio: 2624F; lands: townland of Cloneygowny and barony of Owey and Arra; **Co Tipperary**
 Regd owner: Gerard Tobin; folio: 25459; lands: townland of Magowry and barony of Middlethird; **Co Tipperary**
 Regd owner: James Fitzgerald (deceased); folio: 9921; lands: plot of ground situate in the townland of Windgap in the barony of Decies-without-Drum in the county of Waterford; **Co Waterford**
 Regd owner: Michael Mahony and Clara O'Sullivan Mahony; folio: 16388F; lands: plot of ground situate in the townland of Callaghane and barony of Gaultiere in the county of Waterford; **Co Waterford**
 Regd owner: Michael John Walsh; folio: 1748 and 10763F; lands: plot of ground situate in the townlands of (1) Bridgequarter, (2) Rincrew and barony of Coshmore and Coshbride in the county of Waterford; **Co Waterford**
 Regd owner: Helen Blom, 39 Hillcourt, Cartronroy, Athlone, Co Westmeath; folio: 666L; lands: Cartronroy; **Co Westmeath**
 Regd owner: Kathleen Glynn, Grattinstown, Killucan, Co Westmeath; folio: 15884; lands: Riverstown and Higginstown; **Co Westmeath**
 Regd owner: Joseph C Leavy, The Strand, Walshestown North, Mullingar, Co Westmeath; folio: 12224F; lands: Walshestown North; **Co Westmeath**
 Regd owner: Sean Slevin, Creeve, Streamstown, Mullingar, Co Westmeath; folio: 14009F; lands: Killeenboy; **Co Westmeath**

Regd owner: Richard Michael Sloane and Maire Sloane, Shancurragh, Coosan, Athlone, Co Westmeath; folio: 10060F; lands: Hillquarter; area: 0.431 hectares and 0.235 hectares; **Co Westmeath**
 Regd owner: Patrick Coughlan and Theresa Coughlan; folio: 8299F; lands: Glaslacken and barony of Scarawalsh; **Co Wexford**
 Regd owner: Vincent Egan; folio: 21140; lands: Yoletown and barony of Shelburne; **Co Wexford**
 Regd owner: Nicholas Furlong; folio: 17332; lands: Whitehouse and barony of Forth; **Co Wexford**
 Regd owner: Liam Galvin and Lisa Galvin; folio: 6948F; lands: Carrigmannon and barony of Shelmaliere West; **Co Wexford**
 Regd owner: Glanbia Foods Society Ltd; folio: 14426F; lands: Dumbrody and barony of Shelburne; **Co Wexford**
 Regd owner: Patrick Murphy and Annie Murphy; folio: 16985; lands: Aughnagally and barony of Ballaghkeen; **Co Wexford**
 Regd owner: Jean O'Sullivan; folio: 15029F; lands: Bridgetown South and barony of Bargo; **Co Wexford**
 Regd owner: Jane Pauline Cleary of Bowden Cottages, Esplanade, Bray, Co Wicklow; folio: 9215; lands: parish of Bray, situate in the townland of Oldcourt in the barony of Rathdown in the electoral division of Kilmacanogue; **Co Wicklow**
 Regd owner: Joseph Coleman and Helen Coleman, 70 Herbert Road, Bray, Co Wicklow; folio: 2067F; lands: townland of Kilbride and barony of Rathdown shown as plan(s) 249, edged red on the registry map (OS map ref(s) 3568/22); **Co Wicklow**
 Regd owner: William Dickenson and Mary Dickenson of 48 Castle Street, Wicklow, Co Wicklow; folio: 6662F; lands: the parish of Killpoole, situate in the townland of Corporation Lands, known as 48 Castle Street, Wicklow, in the barony of Arklow, in the electoral division of Wicklow Urban; **Co Wicklow**
 Regd owner: Alan Keyes (company director) of 21 Kilquade Hill, Kilquade, Co Wicklow and Elaine Jerrard of 21 Kilquade Hill, Kilquade, Co Wicklow; folio: 16741F; lands: townland of Kilquade and barony of Newcastle, shown as plan(s) 176, edged red on the registry map (OS map ref(s) 13/10); **Co Wicklow**
 Regd owner: Frank Lenehan of Woodside House, Sandyford, Co Dublin; folio: 6480; lands: townland of Kindlestown Lower and barony of Rathdown, shown as plan(s) 14, 191, BE3V3; **Co Wicklow**
 Regd owner: John Moran; folio: 3888; lands: situate in the townland of Ashtown or Ballinafunshoge and Toger More and barony of Ballinacor North and county Wicklow; **Co Wicklow**
 Regd owner: William Cole and Samuel Cole of Ballard, Kilbride, Wicklow; folio: 125; part of the townland of Ballinameesda Lower and barony of Arklow; **Co Wicklow**
 Regd owner: Eastern Health Board, 1 James Street, Dublin 8; folio: 5823F; lands: parish of Arklow, situate in the townland of Abbeylands, known as

Castle Park, Arklow, Co Wicklow, situate to the south of Main Street in the barony of Arklow in the electoral division of Arklow no 1 Urban; **Co Wicklow**

WILLS

Brophy, Margaret (née St John) (otherwise Margaret Ryan). Would any person having knowledge of a will made by the above-named deceased, late of Glengoole, Thurles, Co Tipperary. Replies to Butler Cunningham & Moloney, Solicitors, Thurles, Co Tipperary; tel: 0504 21857, fax: 0504 22230

Coates, John (deceased) (company director), late of 69 Lakelands, Naas, Co Kildare. Would any person having knowledge of a will made by the above-named deceased, who died on 22 April 2007, please contact Mullany, Solicitors, 29 Fitzwilliam Place, Dublin 2; tel: 01 662 0245, email: trevor@mullany solicitors.com

Conway, Bridget (deceased), late of Dowra, Ballygawley, Co Sligo, who died on 1 March 2007. Would any person having knowledge of a will of the deceased please contact Johnson & Johnson, Solicitors, Ballymote, Co Sligo; ref: KVJ/MH/C003390002

Corry, Mary Kathleen Bridget (otherwise known as Mary Corry) (deceased), late of 2 Walshtown, Kiltimagh, Co Mayo. Would any person having knowledge of a will made by the deceased, who died on 5 February 2006, please contact Gilmartin & Murphy, Solicitors, Main Street, Kiltimagh, Co Mayo; tel: 094 938 1204, fax: 094 938 1226

Dunne, John Raymond (otherwise Jim) (deceased), late of 15 Margaret Place, off Bath Avenue, Ringsend, Dublin 4, retired journalist, who died on 25 June 2007. Would any person having knowledge of a will made by the above-mentioned deceased please contact Fitzsimons Redmond, Solicitors, 18 Herbert Street, Dublin 2; tel: 01 676 3257, fax: 01 661 2448, email: kdunne@fitzsimonsredmond.ie

Farmer, Raymond (deceased), late of 87 Pearse Brothers Park, Rathfarnham, Dublin 16 and also of Cashel, Glencolumkille, Co Donegal. Would any person having knowledge of a will made by the deceased, who died on 5 August 2007, please contact Taylor & Buchalter, Solicitors, 45/47 Cuffe Street, Dublin 2; tel: 01 478 2966, fax: 01 478 2776

Farrell, Thomas (deceased), late of 89 Mourn Road, Drimnagh, Dublin 12. Would any person having knowledge of the whereabouts of the will dated 23 May 1972, executed by the above-named deceased, who died on 25 July 2000, please contact Nelson & Co, Solicitors, Templeogue Village, Dublin 6W; tel: 01 490 0159, fax: 01 490 4899

Gibbons, Thomas (deceased), late of Ryevale Nursing Home, Leixlip, Co Kildare and formerly of 50 Eaton Square, Terenure, Dublin 6 and formerly of 3

Moorestown Park, Swords, Co Dublin and formerly of Emlagh, Louisburgh, Co Mayo. Would any person having knowledge of a will made by the above-named deceased, who died on 15 May 2007, please contact Oliver P Morahan & Son, Solicitors, James Street, Westport, Co Mayo; tel: 098 25075, fax: 098 26084, email: dermot@morahans.ie

Holden, John (deceased), late of 31 Fairview, Graignamanagh, Co Kilkenny. Would any person with any knowledge of a will executed by the above-named deceased, who died on 10 February 1991, please contact O'Shea Russell Solicitors, Main Street, Graignamanagh, Co Kilkenny

Lynch, Peter (deceased), late of 18 Upper Condren's Lane, Arklow, Co Wicklow. Would any person having knowledge of the whereabouts of a will made by the above-named deceased, who died on 25 February 1995, please contact Richard Cooke & Co, Solicitors, Wexford Road, Arklow, Co Wicklow

McKenna, James Joseph (otherwise known as Jamesie) (deceased), late of Killybeg, Navan, Co Meath. Would any person having knowledge of a will executed by the above-named deceased, who died on 25 May 2007, please contact Audrey Kavanagh, Gillstown, Kells Road, Athboy, Co Meath; tel: 046 943 2031/086 325 4176, or email: lauramckenna@eir-com.net

McLoughlin, Edward (deceased), formerly of 86 Ludford Drive, Ballinteer, Dublin 16 and 56 Mary Street, Dublin 1. We are acting in the administration of the estate of the late Edward McLoughlin, who died on 25 April 2007. We are presently in the process of trying to locate any will the deceased may have made. Please contact David Doyle of Doyle Associates, Solicitors, Main Street, Rathfarnham at tel: 01 490 6577 or email: david.doyle@doyleassoc.net with any information you have pertaining to same

Martin, Roderick (deceased), late of 30 Aylmer Park, Naas, Co Kildare, who died on 27 January 2007. Would any person having knowledge of the whereabouts of any will made by Roderick Martin please contact O'Brien Ronayne, Solicitors, The Stonehouse, Old Blessington Road, Tallaght, Dublin 24; tel: 01 462 1160, fax: 01 462 1113

Morgan, Joan (deceased), late of 274 Sundrive Road, Crumlin, Dublin 12. Would any person having knowledge of the whereabouts of any will made by the above-named deceased, who died on 29 October 2006, please contact John Nolan & Co, Solicitors, 11 Parliament Street, Dublin 2; tel: 01 677 0743, fax: 01 679 8420, email: info@jmolanco.ie

O'Gorman, Martin (deceased), late of North Main Street, Youghal, Co Cork, with previous addresses in Mallow, Co Cork. Would any person having any knowledge of the whereabouts of a will made by the above-named deceased, who died on 4 November 2006 at St Patrick's Hospital, Wellington Road, Cork, please contact Paddy Cadell, solicitor, Butler Cunningham & Moloney, Solicitors,

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O'Leary, Thomas (deceased), late of Taulaght, Fenit, Co Kerry. Any person having knowledge of a will executed by the above-named deceased, who died on 13 August 1968, please contact Wilkinson & Price Solicitors, Main Street, Naas, Co Kildare; tel: 045 897 551, fax: 045 876 478

O'Malley, Kathleen (deceased), late of 6 Glen Downs, Stradbally Road, Portlaoise, Co Laois, also of 6 Melrose House, Chantiere Gate, Portlaoise, Co Laois and formerly of 162 James's Street, Dublin 8. Would any solicitor holding or having knowledge of a will made by the above-named deceased, who died on 13 May 2007, please contact Tom O'Grady BCL, solicitor, Market Square, Mountrath, Co Laois; tel: 057 873 2214, email: ogradyt@eircom.net

O'Reilly, Fr Páraic PP (deceased), late of Killanny, Carrickmacross, Co Monaghan. Would any person having knowledge of a will made by the above-named deceased, who died on 10 March 2007, please contact the office of Brendan Larney & Co, Solicitors, at Farney Street, Carrickmacross, Co Monaghan; tel: 042 966 3444, fax: 042 966 3445

Quinn, Patrick (deceased), late of 57 Sundrive Road, Crumlin, Dublin 12, who died on 2 March 1993. Would any person having knowledge of the whereabouts of a will executed by the above-named deceased please contact Madigans, Solicitors, 167 Lower Kimmage Road,

Dublin 6W; tel: 01 492 1111, fax: 01 492 1348, email: info@madigans.ie

Quinn estates – attention solicitors in the areas of Ballygar, Mountbellew, Ballinasloe, Roscommon areas, re: administration of Quinn estates, Liscuill West and Creeveroe (Ffrench), Newbridge, Ballinasloe, Co Galway: **James Quinn**, Creeveroe, Newbridge, Ballinasloe, Co Galway, who died 6 June 1937; **Bridget Quinn**, Liscuill West and Creeveroe, Newbridge, Ballinasloe, Co Galway, who died 10 February 1977; **Bridget Quinn**, Creeveroe, Newbridge, Ballinasloe, Co Galway, who died 5 July 1987; **Margaret Quinn**, Liscuill West and Creeveroe, Newbridge, Ballinasloe, Co Galway, who died 16 May 2006; **Thomas Quinn**, Liscuill West and Creeveroe, Newbridge, Ballinasloe, Co Galway, who died 18 April 2003; **Mary Jane Quinn**, Creeveroe, Newbridge, Ballinasloe, Co Galway, who died 31 October 1986. Would any person having knowledge of the whereabouts of any will made by the above persons please contact Joseph Brophy & Co, Solicitors, Patrick's Court, Tullamore, Co Offaly; tel: 057 934 1957

Strain, Vera (deceased), late of 5 Mercer House, Brennanstown, Dublin 18 (formerly of 27 Cambridge Terrace, Dun Laoghaire, Co Dublin), who died on 27 July 2007. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact Aidan T Stapleton & Co, Solicitors, 38 Parliament Street, Dublin 2; tel: 01 679 7939, fax: 01 679 2494, email: info@astapleton.com

Tyrrill, Thomas Senior (deceased), late of Patrick Street, Mullingar, Co Westmeath. Would any person having knowledge of a will made by the above deceased, who died on 4 May 2007 at St Mary's Hospital, Mullingar, Co Westmeath, and formerly of Patrick Street, Mullingar, Co Westmeath, please contact the Office of the General Solicitor for Minors and Wards of Court, Courts Service, 15-24 Phoenix Street North, Smithfield, Dublin 7. Reference: PH/1551; tel: 01 888 6231, fax: 01 872 2681

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& Co, Solicitors, Dungloe, Co Donegal; tel: 074 952 1115; fax: 074 952 1628; email: info@patrickjsweeney.com

TITLE DEEDS

Bolger, Thomas Joseph (deceased), late of 1 South Dock Place, Ringsend, Dublin 4. Would any person having knowledge of the whereabouts of the original title documents relating to the above property please contact PJ Walsh & Co, Solicitors, 12 Upper Fitzwilliam Street, Dublin 2; tel: 01 661 1215

Redmond, James/Costigan, Mary. Would any person holding or knowing the whereabouts of the title deeds of the above-named persons, they being the registered owners since 1995 to Falmore House, Carndonagh, Co Donegal, described in folio 37023F of the register, Co Donegal, please contact Mr E Johnston, Ballynarry, Buncrana, Co Donegal; tel: 074 932 2628

In the matter of the Landlord and Tenant 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 Damien Torsney

Any person having a freehold estate or any intermediate interest in all that and those that plot or piece of ground known as Unit 1, Greenhills Industrial Estate, Walkinstown, Dublin 12, the subject of an indenture of lease dated 31 August 1973 between Walkinstown Estates Limited of the one part and Beech

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Eugene O'Sullivan, Poe Kiely Hogan, 21 Patrick Street, Kilkenny
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Property Company of the other part, whereby certain premises at Greenhills Industrial Estate, Walkinstown, Dublin 12, including but not confined to lands registered in folio 75256L, Co Dublin, were leased to Beech Property Company for a term of 480 years from 1 November 1972 at a rent of £100 per annum.

Take notice that Damien Torsney, being the person currently entitled to the lessee's interest under the said lease, 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 property are called upon to furnish evidence of title to same to the below named within 21 days from the date of this notice.

In default of any such notice being received, Damien Torsney 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 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 interests including the freehold reversion in the aforesaid premises are unknown or unascertained.

Date: 7 September 2007

Signed: Mangan O'Beirne (solicitors for the applicant), 31 Morehampton Road, Dublin 4

In the matter of the Landlord and Tenant (Ground Rents) Act 1967-1994 as amended and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of an application under section 17 of the Landlord and Tenant (Ground Rents) Acts 1967

Description of the property: all that and those the plot of ground with dwelling house or tenement thereon, being part of the lands at 199 Kimmage Road West, Terenure in the city of Dublin: an application by Terence Carroll and Teresa Carroll.

Take notice that the applicants intend to submit an application to the county registrar for the county of the city of Dublin for acquisition of the freehold interest in the aforesaid property, held under indenture of lease dated 9 July 1897 and made between James Valentine Nolan as lessor of the one part and Edmund Smith of the other part, which lease commenced on 1 May 1897 and was demised for a term of 200 years, subject to

a yearly rent of £35 and to the covenants and conditions contained therein.

Take notice that any party asserting to hold a superior interest in the aforesaid premises are called upon to furnish evidence of the 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 and city of Dublin for such directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or unascertained.

Date: 7 September 2007

Signed: Killilea Reynolds & Whelan (solicitors for the applicants), 201 North Circular Road, 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 and in the matter of premises known as 43b Chamber Street, Dublin 8

Take notice that any person having any interest in the freehold estate of the following property: all that and those the hereditaments and premises known as number 43b Chamber Street in the parish of St Catherine and city of Dublin, held under an indenture of lease dated 22 September 1965 and made between Abraham Lipschitz of the one part and Whitecross Agency Group Limited of the other part for a term of 250 years from 1 April 1965 at a yearly rent of £8 and subject to the covenants and conditions therein contained.

Take notice that the applicants, Dr Bill Twomey, Conor Twomey, Ciaran Twomey, Barry Twomey, Lorcan Twomey, Siobhan Trainor, Miriam Twomey and Bronagh Sparrow (the applicants), 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 city of the county of Dublin for the acquisition of the freehold interest and any intermediate interests 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 the title to the aforementioned premises to the below within 21 days 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 city of the county of Dublin for such 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: 7 September 2007

Signed: Maples and Calder (solicitors for the applicants), 75 St Stephen's Green, 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: an application by T Kiernan & Sons Limited

Take notice that any person having an interest in the freehold estate of or any superior interest in the following property: all that and those part of the lands of Birches Farm and Salcockwood, together with the premises erected thereon, and known as Homestead, Quarry Road, Cabra in the parish of Grangegorman, barony of Coolock and county of the city of Dublin, held under an indenture of sub-sublease made 18 October 1946 (the sub-sublease) between Leonard Edward Ging, Patrick A McNally and Hubert McNally of the one part and Homestead Limited of the other part for the term of 500 years from 16 October 1946, subject to the yearly rent of £43 thereby reserved and the covenants on the part of the lessee and the conditions in the sub-sublease contained.

Take notice that the applicant, T Kiernan & Sons Limited, 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 superior interests in the aforesaid premises, 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 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 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 interests including the freehold reversion in the premises aforesaid are unknown or unascertained.

Date: 7 September 2007

Signed: Gerard O'Shea (solicitors for the applicant), Meridian House, 13 Warrington Place, Dublin 2

In the matter of the Landlord and Tenant 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 Philip Craughwell

Any person having a freehold estate or any intermediate interest in all that and those the premises known as 12 and 12A Manor Street, situate on the east side of Manor Street in the parish of Grangegorman and city of Dublin, the subject of an indenture of sublease dated 14 September 1989 between Bernadette

Brophy of the one part and Michael Reilly and Patrick Reilly of the other part for a term of 99 years from 29 September 1966 at a rent of £27.25 per annum

Take notice that Philip Craughwell, having entered into a contract to acquire the leasehold interest in the said premises, intends to apply to the Dublin county registrar to acquire the fee simple and any intermediate interests in the said property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title to same to the below named within 21 days from the date of this notice.

In default of any such notice being received, Philip Craughwell 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 such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests including the freehold reversion in each of the aforesaid premises are unknown or unascertained.

Date: 7 September 2007

Signed: Hughes Murphy Marcus Lynch (solicitors for the applicant), 13 Wellington Quay, Dublin 2

In the matter of the Landlord and Tenant 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 Philip Craughwell

Any person having a freehold estate or any intermediate interest in all that and those the premises known as no 20 Stoneybatter, together with the small paddock at the rear thereof, being portion of the premises the subject of an indenture of lease dated 21 May 1888 between the Hon William Francis Baron Mount Temple of the one part and John Keogh of the other part for the term of 150 years from 25 March 1886 at a rent of £50 per annum.

Take notice that Philip Craughwell, having entered into a contract to acquire the leasehold interest in the said premises, intends to apply to the Dublin county registrar to acquire the fee simple and any intermediate interests in the said property, and any party asserting that they hold a superior interest in the aforesaid property is called upon to furnish evidence of title to same to the below named within 21 days from the date of this notice.

In default of any such notice being received, Philip Craughwell 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 such directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests including the freehold reversion in each of the aforesaid premises are unknown or unascertained.

Date: 7 September 2007

Signed: Hughes Murphy Marcus Lynch (solicitors for the applicant), 13 Wellington Quay, Dublin 2

In the matter of the Landlord and Tenant Acts 1967-2005 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978: an application by Sidney Lewis and Norma Lewis

Any person having a freehold estate or any intermediate interest in all that and

those the property known as number 1 Manor Street and comprising 1a, 1b and 1c Manor Street in the city of Dublin, held under an indenture of sublease dated 5 March 1974, made between Bernadette Brophy, Evelyn McAuley and Mary Clare (otherwise Claire) Beattie of the one part and Michael Connolly of the other part for a term of 99 years from 29 September 1966 at the yearly rent of £25.

Take notice that Sidney Lewis and Norma Lewis, being the persons currently entitled to the lessees' interest in the said premises, intend to apply to the county registrar for the city of Dublin for the acquisition of the freehold interest and all intermediate interests in the aforesaid premises, 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 same to the below named within 21 days from the date of this notice.

In default of any such notice being received, Sidney Lewis and Norma Lewis 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 such 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: 7 September 2007

Signed: *Taylor & Buchalter (solicitors for the applicants), Greenside House, 45/47 Cuffe Street, Dublin 2*

In the matter of the Landlord and Tenant Acts 1967-1994 as amended and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of an application under section 17 of the Landlord and Tenant (Ground Rents) Act 1967

Description of the property: all that and those the plot of land with dwelling house or tenement thereon being part of the lands of Kerrymount in the barony of Rathdown in the county of Dublin and now known as Laurel Lodge, Kerrymount Avenue, Foxrock, Dublin 18: an application by Peter Lynch and Teresa Rio Lynch.

Take notice that the applicants intend to submit an application to the county registrar for the county of the city of Dublin for acquisition of the freehold interest in the aforesaid property, held pursuant to a fee farm grant dated 29 December 1961 and made between the Joyce Housing Society Limited as grantor of the one part and John J Smith of the other part, with the full benefit of all matters and things accepted and reserved to the grantors, and also held pursuant to the fee farm grant of easements dated 29 December 1961 and made between the Joyce Housing Society Limited of the one part and John J Smith of the second part and Toirleach de Valera of the third part.

Take notice that any party asserting that they hold a superior interest in the aforesaid premises are called upon to furnish evidence of the 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 of the city of Dublin for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid premises are unknown or unascertained.

Date: 7 September 2007

Signed: *Kilcullen & Associates (solicitors for the applicants), 30 Ardlagh Grove, Blackrock, Co Dublin*

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of an application by Arthur Molloy of Ardcarrick, Carrickhill Road, Portmarnock, Co Dublin (hereinafter called the applicant)

Take notice that any person having any interest in the freehold estate of the following property: all that and those part of the lands of Elphin with the house and premises erected thereon, situate in the parish of Elphin barony and county of Roscommon, as described in an indenture of assignment dated 24 December 1957 and made between Luke Dolan of the one part and Gerald Collins of the other part.

Take notice that the applicant intends to submit an application to the county registrar for the county of Roscommon 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 (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 Roscommon 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: 7 September 2007

Signed: *CE Callan & Co (solicitors for the applicant), Crescent House, Boyle, Co Roscommon*

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of sections 9 and 10 of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of sections 8 and 17 of the Landlord and Tenant (Ground Rents) Act 1967 and in the matter of an application by Maura Needham and in the matter of premises at Achill Sound, townland of Sraheens, barony of Burrishoole and county of Mayo

Take notice that any person having any interest in the freehold estate or other superior interest in the following premises: all that and those the premises firstly and secondly hereinbefore described, that is to say the plot of land situate in the townland of Sraheens in the barony of Burrishoole and county of Mayo, containing in the whole one rood and 20 perches statute measure, together with the two dwellinghouses and out-offices thereon, as now in the occupation of the

assignor and John Kilbane, son of said assignor, respectively held by the assignor from the said representatives of Mary Emily Todd Pike aforesaid and, secondly, all that and those that plot of land with the buildings thereon immediately on the west adjoining the premises firstly hereinbefore mentioned and as held by assignor from the said representatives of Mary Emily Todd Pike as aforesaid.

Take notice that the applicant, Maura Needham, being a person entitled under sections 9 and 10 of the Landlord and Tenant (Ground Rents) (Number 2) Act 1978, intends to submit an application to the county registrar for the county of Mayo for the acquisition of the freehold interest and any 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 or the aforementioned premises to the below within 21 days from the date of this notice.

In default of any such notice being received, Maura Needham 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 Mayo for such 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 and on or ascertained.

Date: 7 September 2007

Signed: *Patrick J Durcan & Co (solicitors for the applicant), James Street, Westport, Co Mayo*

In the matter of the Landlord and Tenant 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 Joseph Gavin and Derek Dunne of 27 Grand Parade in the city of Cork

Take notice any person having interest in the freehold estate of the following property: 5 Ardcairn Cottages, Churchyard Lane, in the city of Cork. Take notice that Joseph Gavin and Derek Dunne intend to submit an application to the county registrar for the county of Cork for the acquisition of the freehold interest and all superior interests in the aforementioned property, and any party asserting that they hold a superior interest in the aforesaid property are called upon to furnish evidence of title to the aforementioned premises to the below named.

In particular, such persons or person who are entitled to the interest of Christopher John Keays, deceased, pursuant to a lease of 13 April 1841 between Christopher John Keays and Philip Barry for a term of 200 years from 29 September 1839 in lands described as two lots of ground being part of Marble Hill, situate in the South East Liberties of the city of Cork, should provide evidence of their title to the below named.

In default of any such notice being received, the applicants, Joseph Gavin and Derek Dunne, intend to proceed with the application before the county registrar and will apply to the county registrar for the county of Cork for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest including

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the freehold in each of the aforesaid premises are unknown or unascertained.

Date: 7 September 2007

Signed: *Edward O'Mabony & Co (solicitors for the applicants), 22 Tuckey Street, Cork*

In the matter of the Landlord and Tenant (No 2) Acts 1967-1994 and the Landlord and Tenant (Ground Rents) (No 3) Act 1978

Take notice that any person having an interest in the freehold estate in the property known as 8 Charleville Avenue, North Strand, in the city of Dublin, the subject of an indenture of lease dated 22 February 1900 and made between Robert Barker of the one part and John Smyth and Charles Smyth of the other part for a term of 150 years from 1 November 1899, subject to then yearly rent of £8.

Take notice that Albert Glynn and Bernadette Glynn, being the persons currently entitled to the lessee's interest under the said lease, intend to apply to the county registrar of the county and city of Dublin for the acquisition of the freehold interest and all intermediate inter-

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01 6788 490
dr@outsource-finance.com

ests 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 same to Hunter & Company Solicitors (solicitors for the applicants) within 21 days from 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 city of Dublin for such directions as may be appropriate on the basis that the person or persons beneficially entitled to any such superior interest including the freehold reversion in the aforesaid property are unknown or unascertained.

Date: 7 September 2007

Signed: Hunter & Co Solicitors (solicitors for the applicant), Olympia House, 61-63 Dame Street, Dublin 2

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 65 O'Connell Street, Dublin 1: an application by Danske Bank A/S

Take notice that any person having an interest in the freehold estate or in any superior interest in the property known as 65 Upper O'Connell Street, Dublin 1, being the property comprised in a lease dated 4 October 1860 from John Rose Byrne and Benjamin Tilly to William Thomas Thomson, trustee for and on behalf of the Colonial Insurance Company.

Take notice that the applicant, Danske Bank A/S, intends to submit an application to the county registrar for the city of Dublin at Áras Uí Dhálaigh, Inns Quay, Dublin 7, for the acquisition of the fee simple interest in the aforesaid property and that any party asserting that they hold a superior interest in the aforesaid property are called upon to furnish evidence of title to the below named within 21 days from the date of this notice.

In default of any such notice being received, Danske Bank A/S intends to proceed with the application before the said county registrar at the end of 21 days from the date of this notice and will apply to said county registrar for the city of Dublin for such directions as may be

appropriate on the basis that the person or persons beneficially entitled to the superior interest including the fee simple in the aforesaid property are unknown and unascertained.

Date: 7 September 2007

Signed: Matheson Ormsby Prentice (solicitors for the applicant), 70 Sir John Rogerson's Quay, Dublin 2

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 Marius Catering Limited

Take notice any person having any interest in the freehold estate of the following properties: 105 and 107 Terenure Road North, Dublin 6W.

Take notice that Marius Catering Limited 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, Marius Catering Limited 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: 7 September 2007

Signed: Crowley Millar (solicitors for the applicant), 15 Lower Mount Street, Dublin 2

In the matter of the Landlord and Tenant Acts 1967-2005 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) 1978: an application by Patrick O'Connor

Take notice that any person having an interest in the freehold estate of or any superior interest in the property situated at Grattan Street in the town of Youghal in the parish of St Mary, barony of Imokilly and county of Cork, being a portion of the hereditaments and premises comprised in the demised fine indenture of lease made 16 September 1913 and made between Justin Condon, lessor, of the one part and Jane Adelaide Blackwood, lessee, of the other part for a term of 99 years from 25 March 1913 for the yearly rent of £10 (12.70).

Take notice that Patrick O'Connor of 49 North Main Street, Youghal, Co Cork, being the person entitled under part 2 of the 1978 act, intends to submit an application to the county registrar for the county of Cork for the acquisition of the freehold and any intermediate interest in the aforesaid property, and any party or parties asserting that they hold a superior interest in the aforesaid property are called upon to furnish evidence of title in the aforementioned property to the party named below within 21 days from the day of this notice.

In default of any such notice being received, the applicant, Patrick O'Connor, intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice to vest in him the fee simple interest and all intermediary interests, if any such exist, in the property set out above and will apply to the county registrar for the county of Cork 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 property aforesaid are unknown or unascertained.

Date: 7 September 2007

Signed: Mary T Ronayne (solicitors for the applicant), The Brewery, Shandon, Dungarvan, Co Waterford

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 an application by Leslie Young and in the matter of the property known as Youngs, Main Street and corner of St Patrick's Park, Celbridge, county of Kildare

Take notice that any person having an interest in the freehold estate or any intermediate interests of the property known as Youngs, Main Street and corner of St Patrick's Park, Celbridge, Co Kildare, held under an indenture of lease made 13 June 1822 between Matthew Dignum of the one part and James Rourke of the other part (hereinafter 'the lease') for a term of lives and for a consecutive term of 199 years from date of death of the survivor of the lives named in the said lease, at the annual rent of £5.5s.0d sterling and subject to the covenants and conditions therein contained.

Take notice that Leslie Young intends to submit an application to the county registrar for the county of Kildare at The Courthouse, Naas, in the county of Kildare, for the acquisition of the freehold interest and all intermediate interests in the aforesaid property and that any party asserting that they hold the fee simple or any intermediate interest in the aforesaid property are called upon to furnish evidence of title to the said property to the below-named solicitors within 21 days from the date of this notice.

In default of any such notice being received, Leslie Young 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 city of Dublin for directions as may be appropriate that the person or persons beneficially entitled to the intermediate interests, including the fee simple, in the aforesaid property are unknown or unascertained.

Date: 7 September 2007

Signed: Messrs James V Tighe & Co (solicitors for the applicant), Main Street, Celbridge, Co Kildare

In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2004 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of premises situate at 40 Hill Street, Dublin 1: an application by John Kelly of 'Huntersmoon', Kilquade, Co Wicklow, on behalf of Orrwear Limited of 40-42 Hill Street,

Dublin 1

Take notice that any person having any interest in the freehold estate of or any superior or intermediate interest in the hereditaments and premises situate at 40 Hill Street, Dublin 1, previously known as 36a and 36b North Great Georges Street (which said premises are held by the applicant under indenture of lease dated 29 April 1784 between Alexander Nixon, Sarah Archdall, Robert Archdall, Richard Archdall, Nicholas Archdall, Edward Archdall, James Byrne, Catherine Byrne, Reverend Jonathan Bruce and James Dalbiac of the one part and Hampden Evans of the other part) between should give notice to the undersigned solicitors.

Take notice that the applicant, John Kelly, on behalf of Orrwear Limited, intends to apply to the county registrar for the county of Dublin for the acquisition of the freehold interest and all intermediate interests in the above-mentioned property, and any party asserting that they hold an interest superior to the applicant in the aforesaid property is called upon to furnish evidence of title to same to the under-named solicitors within 21 days from the date hereof.

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 city of Dublin for such directions as may be appropriate on the basis that the person or persons beneficially entitled to any such superior interest, including the freehold reversion, in the aforesaid property are unknown or unascertained.

Date: 7 September 2007

Signed: Thomas Byrne & Company (solicitors for the applicant), Unit 4, 78 Walkinstown Road, Walkinstown, Dublin 12

In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2004 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and the matter of premises situate at 41 Hill Street, Dublin 1: an application by John Kelly of 'Huntersmoon', Kilquade, Co Wicklow, on behalf of Orrwear Limited of 40-42 Hill Street, Dublin 1

Take notice that any person having any interest in the freehold estate of or any superior or intermediate interest in the hereditaments and premises situate at 41 Hill Street, Dublin 1 (which said premises are held by the applicant under indenture of lease dated 14 December 1773 between Sarah Archdall, Luke Sterling, Alexander Nixon, Richard Hall and Samuel Baker of the one part and Thomas Oldham of the other part) should give notice to the undersigned solicitors.

Take notice that the applicant, John Kelly, on behalf of Orrwear Limited, intends to apply to the county registrar for the county of Dublin for the acquisition of the freehold interest and all intermediate interests in the above-mentioned property, and any party asserting that they hold an interest superior to the applicant in the aforesaid property is called upon to furnish evidence of title to same to the under-named solicitors within 21 days from the date hereof.

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 city of Dublin for such directions as may be appropriate on the basis that the person or persons beneficially entitled to any such superior interest, including the freehold reversion, in the aforesaid property are unknown or unascertained.

Date: 7 September 2007

Signed: Thomas Byrne & Company (solicitors for the applicant), Unit 4, 78 Walkinstown Road, Walkinstown, Dublin 12

In the matter of the Landlord and Tenant (Ground Rents) Acts 1967-2004 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and the matter of premises situate at 42 Hill Street, Dublin 1: an application by John Kelly of 'Huntersmoon', Kílquade, Co Wicklow, on behalf of Orrwear Limited of 40-42 Hill Street, Dublin 1

Take notice that any person having any interest in the freehold estate of or any superior or intermediate interest in the hereditaments and premises situate at 42 Hill Street, Dublin 1 (which said premises are held by the applicant under indenture of lease dated 16 June 1785 between Francis Ryan of the one part and John Moore of the other part) should give notice to the undersigned solicitors.

Take notice that the applicant, John Kelly, on behalf of Orrwear Limited, intends to apply to the county registrar for the county of Dublin for the acquisition of the freehold interest and all intermediate interests in the above-mentioned property, and any party asserting that they hold an interest superior to the applicant in the aforesaid property is called upon to furnish evidence of title to same to the under-named solicitors within 21 days from the date hereof.

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 city of Dublin for such directions as may be appropriate on the basis that the person or persons beneficially entitled to any such superior interest, including the freehold reversion, in the aforesaid property are unknown or unascertained.

Date: 7 September 2007

Signed: Thomas Byrne & Company (solicitors for the applicant), Unit 4, 78 Walkinstown Road, Walkinstown, Dublin 12

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 all that and those the property known as 74 North Circular Road, including the mews premises to the rear of no 74 North Circular Road, situate in the parish of Grangegorman and city of Dublin

Take notice that any person having any interest in the freehold estate of the following property: all that and those the property known as 74 North Circular Road, including the mews premises to the rear of no 74 North Circular Road, situate in the parish of Grangegorman and city of Dublin.

Take notice that Garrett Cooke of 6 Holmeleigh, Porterstown, Dublin 15, intends to submit an application to the county registrar for the county of the city of Dublin for acquisition of the freehold interest in the aforesaid properties, and any party asserting that they hold a superior interest in the aforesaid premises are called upon to furnish evidence of the 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 the city of Dublin for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the freehold reversion in each

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*.

of the aforesaid premises are unknown or unascertained.

Date: 7 September 2007

Signed: HJ Ward & Co (solicitor for the applicant), 5 Greenmount House, Harolds Cross Road, Dublin 6W

In the matter of the Landlord and Tenant 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 Timothy O'Driscoll, Daniel O'Connell and Martin Twomey

Take notice that any person having an interest in the freehold estate or any superior interest in the property known as all that and those the hereditaments and premises known as 376A Blarney Street in the parish of Saint Mary Shandon city of Cork, being portion of the hereditaments and premises comprised in and demised by an indenture of surrender and lease dated 28 April 1937 made between Harry Franks of the one part and Elizabeth Murphy of the other part, held for the term of 100 years from 29 September 1936, subject to the yearly rent of £12 and to the covenants and conditions on the part of the lessee therein contained.

Take notice that Timothy O'Driscoll, Daniel O'Connell and Martin Twomey intend to submit an application to the county registrar of the city of Cork for acquisition of the freehold interest and any intermediate interest in the aforesaid

property, and any party or parties asserting that they hold a 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 any such notice being received, Timothy O'Driscoll, Daniel O'Connell and Martin Twomey 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 Cork 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 aforementioned property are unknown or unascertained.

Date: 7 September 2007

Signed: HV O'Donoghue (solicitors for the applicants), 8 South Mall, Cork

RECRUITMENT

Conveyancing solicitor - FB Keating and Company, Limerick and Shannon, require an assistant conveyancing solicitor. Experience in residential and commercial conveyancing an advantage but not essential. Good career opportunities and salary. Apply in writing to Fionnuala Keating, FB Keating & Company, 91 O'Connell Street, Limerick

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Law Society of Ireland

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■ PRACTICE POSITIONS – DUBLIN

Corporate Solicitors, Senior Level

Dublin CC - PFC065

This highly successful law firm is seeking experienced solicitors to join the Corporate Department. You will be involved in all aspects of corporate and commercial law advising both Irish and international public and private companies in a relation to a broad range of corporate transactional and advisory work. You will have the ability to project manage complex transactions as well as managing junior personnel.

Litigation Solicitor – Contentious IT/IP Associate level

Dublin CC - PFC063

This top-ranked Dublin-based law firm is seeking an experienced commercial litigation practitioner to join the team. You will have relevant post-qualification experience with a bias towards Intellectual Property work, to include patents, trademarks and copyright.

Commercial Lawyers, Assistant to Associate level

Dublin CC - PFC055

“Big 5” firm seeking Corporate/Commercial lawyers to join a first-rate department. Candidates will have gained experience at a well-respected law firm. You should have experience in one or more of the following areas: mergers and acquisitions, management buyouts, capital markets, financial services, joint ventures and project finance.

Employment Solicitor, Assistant to Associate level

Dublin CC - PFC053

Our client is seeking an employment practitioner to join its expanding department. Ideally, candidates will be from well-established practices who are technically sound and commercial in their approach. This represents an exceptional career opportunity for the successful candidate. You will have gained relevant post-qualification experience dealing with a range of employment matters.

Banking & Finance, Assistant to Associate level

Dublin CC - PFC069

An exciting opportunity has arisen for an ambitious banking and finance practitioner to join this major Dublin law firm. You will be dealing with a broad range of banking and finance work which will include acting for lenders as well as borrowers. You will work on drafting, negotiation, transactions and business development activities.

Construction, Assistant to Associate level

Dublin CC - PFC070

Our client is a leading Irish law firm whose construction team has an established reputation for excellence. An opportunity has arisen for a solicitor to join the team. You should have a genuine interest in the construction industry and experience in drafting, negotiating and advising upon the full range of construction contracts, services, agreements, professional appointments, warranties, bond and guarantees and related funding and property related documentation.

Capital Markets, Assistant to Associate level

Dublin CC - PFC071

This first-rate Irish law firm seeks a capital markets specialist to join the expanding team. The team offers expert advice on a full range of capital markets and structured finance transactions and derivatives. Candidates should ideally have a mixture of experience in some or all of High Yield Bonds, Plain Vanilla Bonds, securitisation, repackagings, CDOs and derivatives.

IT/IP Paralegal

Dublin CC - PFC058

This leading Dublin law firm seeks to recruit a paralegal to join its expanding IT/IP Department. You will provide support to the solicitors in the department in all aspects of their transactions. The successful candidate will be a bright, enthusiastic individual with experience in IT/IP. Competitive salary and benefits package applies, commensurate with experience.

Company Secretary

Dublin CC - PFC057

This top-flight firm Dublin law firm seeks to recruit an experienced Company Secretary to join the busy Funds Department. The ideal candidate will be fully or part way through ICSA exams. Competitive remuneration applies, commensurate with experience.

Corporate/M&A Lawyer, Junior level

Dublin CC - PFC061

An opportunity has arisen for an M&A lawyer to join the Corporate Department of this leading Dublin law firm. The team offers a variety of top quality corporate and M&A work with a truly international flavour. You will benefit from training and mentoring whilst encouraged to work independently and develop your career.

For more information on these and other vacancies, please visit our website or contact Michael Benson bel solr. in strict confidence at:
Benson & Associates, Suite 113, The Capel Building, St. Mary's Abbey, Dublin 7.
T +353 (0) 1 670 3997 E mbenson@benasso.com

Recognising talent's one thing... finding a truly successful fit is another

■ IN-HOUSE POSITIONS – DUBLIN

Associate Director, Wealth Management Consultancy Dublin – HN8003

Due to rapid expansion an opportunity has arisen with this wealth management consultancy. You will provide advice to individuals and corporate clients on a range of issues including the development and implementation of comprehensive personal and business solutions incorporating legal, tax and pensions issues. The ideal candidate will have a tax qualification or equivalent experience as well as previous experience in managing a client portfolio. Negotiable remuneration, depending on experience.

In-house Counsel, Software Company

Dublin CC – HN80031

This software company is seeking an experienced lawyer to join the legal team. You will deal with a broad range of issues including commercial contracts, corporate governance, compliance, SEC regulations and project related matters concerning EU and Employment law. You will have had some IP exposure as well as exposure to general corporate work. Excellent salary and benefits package, commensurate with experience.

Senior Legal Counsel – Derivatives

Dublin CC – HN80033

Our client, the derivatives hub of a diversified services, technology and services company, is seeking to appoint a high calibre legal counsel who will be responsible for domestic and international legal and compliance aspects of the company's operations. You will have a demonstrable ability to develop and manage standard documentation process and have gained significant experience negotiating and drafting Derivatives, Repurchase and Collateral Documentation. Experience with Credit Default Swaps and Structured Finance is desirable. A highly attractive salary and benefits package will be offered to the successful applicant.

Legal Advisor, Bank – Assistant to Senior Associate Level

Dublin CC – HB0003

This first-rate Irish bank seeks a qualified solicitor to join the legal team, working on the Securities side of the business. You will be a solicitor with significant post-qualification experience in the funds industry. You will have good interpersonal skills and strong business acumen coupled with the ability to build strong relationships within the business and across the legal function. A highly competitive salary and benefits package applies.

Legal Advisor, Bank – Assistant to Senior Associate Level

Dublin CC – HB0004

The Corporate Banking arm of this highly regarded national bank seeks a Legal Advisor to join the legal team. The position reports to the Head of the Legal Department. You will be an experienced Solicitor or Barrister with strong people skills and the ability to develop relationships at all levels. You will have a thorough understanding of the banking sector and familiarity with Market practice coupled with a proven track record of providing legal advice in a corporate context. You will be familiar with current legal and regulatory developments in the sector. A competitive salary and benefits package applies.

■ PRACTICE POSITIONS – LONDON

Corporate/M&A Solicitor, Associate level

London – FP0262

This highly-regarded London law firm seeks an experienced M&A lawyer to join the team. You will have solid corporate experience with strong exposure to M&A transactions. You will have strong interpersonal skills as well as the ability to work independently.

Corporate/Private Equity Lawyer, Junior level

London – FP0259

An opportunity has arisen for a Private Equity lawyer to join the Corporate Department of this prestigious London law firm. You will be an ambitious lawyer with some prior exposure to Private Equity work. Outstanding newly qualified candidates will also be considered. You will have first class interpersonal skills and will be given the support and training you need to flourish.

Corporate/Private Equity Solicitor, Associate level

London – FP0260

Due to expansion, an opportunity has arisen for an experienced Private Equity lawyer to join the Corporate Department of this prestigious London law firm. You will be an ambitious lawyer with a solid corporate background, including exposure to Private Equity. You will have good post-qualification experience, outstanding interpersonal skills and the ability to work independently.

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MAKE THE RIGHT MOVE

S O L I C I T O R S

BCM Hanby Wallace is one of Ireland's largest and fastest growing commercial law firms. To support our continued growth we are currently seeking experienced solicitors for the following key positions:

Corporate Solicitors

Senior corporate lawyers required for both transactional and advisory roles. Successful candidates will have relevant post qualification experience in advising Irish and international public and private companies, with the ability to communicate effectively and work closely with our clients.

Commercial Property Solicitors

Experienced and highly motivated solicitors are required with in-depth knowledge of all aspects of property transactions including acquisition/disposal of properties, leasing, landlord and tenant issues and site development. Strong inter-personal skills, the ability to work as part of a team and to work closely with clients is essential.

So, if you are looking to make the right move where you will be given responsibility, independence and direct access to clients, together with outstanding career opportunities, then forward your CV in confidence to Patricia Barr, HR Director, at pbarr@bcmhw.com or call Patricia on 01 418 6440. For further information on the above roles see our website www.bcmhanbywallace.com/careers.

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COMMERCIAL/CORPORATE LAWYERS – DUBLIN, BELFAST & CORK €70-120K
 Top law firms in Dublin, Belfast and Cork are now looking for commercial solicitors. You will have experience in some of the following areas: M & A, commercial restructuring, commercial advice on SHA/SPAs, securities, private equity, fundraising, commercial contracts and compliance. These firms offer great opportunities for career development.

IN-HOUSE LEAD COMMERCIAL COUNSEL – DUBLIN 3 €80-100K
 A software company based in East Point Business Park is now looking for in-house legal counsel. Dealing with all legal affairs and functions for the group of companies throughout Europe, the incumbent will take an active and pivotal commercial role in providing strategic commercial legal advice and protecting the intellectual property and trademarks of the company. Strong experience in IP and commercial contract negotiation is required.

COMMERCIAL CONVEYANCING – DUBLIN CITY CENTRE €80K+
 A leading Commercial Law firm in Dublin are now seeking a conveyancing solicitor with experience in commercial conveyancing. The successful candidate will have experience in conveyancing transactions advising investors, developers and financial institutions and investigating title.

ASSOCIATE AND JUNIOR BANKING SOLICITOR – DUBLIN 2 €80K+
 One of Dublin's leading commercial law firms requires a Banking Solicitor at Associate and Junior level to join its growing team. The successful Associate candidate will have a number of years' experience working in the banking and financial services sector, either in-house or in practice and the Junior candidate should have some experience in banking.

IP/IT SOLICITOR – DUBLIN 2 €50K+
 A boutique practice with a growing reputation and increase in employees are now looking for an experienced IP/IT solicitor to advise its clients on IT and on related commercial matters. You should have good drafting skills, a commercial approach and the ability to work relatively independently.

EMPLOYMENT SOLICITOR - DUBLIN 2 €65K+
 Excellent opportunity has arisen for an employment solicitor to join a prestigious employment law team. The ideal candidate will have strong non-contentious employment law experience in advising clients in matters of equality/discrimination, employment contracts, health and safety statements, staff handbooks, etc

TAX SOLICITOR – DUBLIN 2 €70K+
 Excellent opportunity has arisen for a Tax solicitor with AITI qualification to join a leading commercial law team working between its corporate and commercial property team. The ideal candidate will have the ability to draft/review tax based legal documentation, advising on the tax consequences of corporate acquisition and restructuring projects, etc

PROJECTS LAWYER – DUBLIN CITY CENTRE €60K+
 An opportunity now exists to join an expanding team within a top tier firm. The team has experienced a high level of involvement in a wide range of PPP projects dealing with private and public sector clients. The successful candidate would gain exposure to high profile projects. Experience of working within a Projects or Construction department in another law firm is required.

CAPITAL MARKETS – DUBLIN €70-90K
 Leading Irish law firm requires experience capital markets lawyers to join their leading established practice. Working directly with partners and clients you will have previous experience in a similar environment. Excellent career progression and financial package offered to the successful candidate.

Position: Director of Legal Affairs, EMEA.

Location: Galway, Ireland Reporting to: Vice President and General Counsel Reporting to the VP & General Counsel of APC MGE, this person will lead the EMEA legal team and will provide professional legal advice and support in Europe, Middle East and Africa, on a wide range of legal issues and transactions including advising and managing corporate legal issues, litigation, compliance, coordinating and supervising external lawyers, as well as other general commercial matters. This person will also serve as a creator and advocate of sound legal and business process throughout the company. Functions:

- Provide legal services and support to all aspects of the company's operations in region, including sales, marketing, engineering, manufacturing operations, finance and human resources.
- Assist with regional corporate governance and regulatory compliance matters.
- Support in region litigation as needed.
- Work with corporate contracts counsel to promote the corporation's contracting policy, including the provision of in-region instructional seminars.
- Draft and negotiate all aspects of in-region contracts including, sales contracts, real property leases, warehousing and logistic agreements and manufacturing and supply agreements, as required.
- Periodical travel to key manufacturing and sales facilities to provide legal advice and consultation to develop working relationships with key players.
- Manage provision of services by outside counsel within budget and in accordance with departmental policies.
- Organize and maintain an accurate and secure in-region legal department file system. Requirements:
- Law Degree from accredited law school with excellent academic credentials
- Extensive background in drafting and negotiating commercial contracts, technology licenses, service agreements, leases and other agreements.
- Good business judgement, strategic thinking with keen attention to legal and business details
- Superior English language written and oral communication skills
- Experience with and knowledge of litigation and human resources issues in Europe.
- A second European language is an advantage Physical/Mental Demands
- Willingness to assume significant responsibility, manage multiple tasks and work independently
- Ability to analyse situations and take appropriate action consistent with company policies and with minimal supervision
- Willingness to travel in region on a periodic basis to manufacturing/sales facilities in region and to other locations, including corporate headquarters in the US, as needed.

For more information, please contact Claire Hanley on 00353 91 702991 or e-mail claire.hanley@apcmge.com / claire.hanley@apcmge.com

Please submit all applications via the below link

<http://www.careerlink.com/careers/CE/applyJob.asp?jobid=1001001001&site=EMEA> / <http://www.apcmge.com/apply>





Legal Recruitment With Guaranteed Solutions

Lex Consultancy is a unique recruitment company which operates in a specialised niche market, offering a full recruitment service for all levels of legal staff both in private practice and corporate entities within Ireland. Merging the needs of both our clients and candidates, we offer a discreet, confidential and the highest standard of service that produces results that exceed expectations.

Please contact Michelle Nolan, Jo McAndrew and Marguerite Morgan and they will be delighted to assist you in your job search.

■ Intellectual Property – Senior Associate // Dublin

The highly regarded IP practice group of this Irish law firm is looking for a Senior Associate to join the team. This role has come about purely through growth of work. Assembling a leading partner in the field, you will be managing a team working on commercial IP transactions. The work spans a range of industries such as biotech, pharmaceutical, media / advertising and IT. The team has an enviable client base from small start-ups through to large research institutions and international companies which means great variety in your practice. You'll also have outstanding opportunities for career progression as this is a very profitable law firm.

Ref: 906

■ Construction Lawyer // Dublin

Joining this down to earth mid tier firm, you will have the opportunity to work within a friendly team, specialising in construction, both litigious and contracts / advice related work. As such you will be able to gain knowledge and experience in a new area or build on what you already know to forge a specialised career in a booming area for the future. With fantastic firm benefits and the opportunity to expand on your experience within a pleasant environment, what have you got to lose!

Ref: 903 - 65k + Benefits

■ Commercial Conveyancing Solicitor // Dublin

Lex Consultancy's client is an impressive mid tier law firm that prides itself on their cohesive and friendly culture, low staff turnover and continual flow of interesting work. They are currently seeking a junior commercial property lawyer to join their ranks. You will work in a large, friendly and down to earth team of one Partner, two Senior Associates and two Paralegals. You will also have access to support staff. This role also offers career progression and the opportunity to specialise your expertise in acquisitions and due diligence.

Ref: 239 - 55k + Bonus & Benefits

■ Corporate/Commercial Solicitor // Cork

This progressive Cork city practice is currently looking to secure the services of a focused and career-driven Company Commercial specialist to continue developing and promoting this busy part of the firm. This is an important strategic appointment and swift career progression is assured for a candidate with the requisite client-handling and technical skills. The successful candidate will be working alongside the existing Commercial partners and will be given first-rate opportunities for personal and professional development. Salary + healthy commission will be awarded to reflect current billings, skills and experience.

Ref: 296 - Neg + Bonus & Benefits

■ Banking Solicitor // Dublin

Join this firm and act for major Irish/international banks and financial institutions in funding/finance structures. You will strive on assisting clients with their general banking and finance matters including, lending, trusts, securities and prospectus work together with some insurance matters. Team is tight knit, dynamic, bubbly with good level of communication skills and social personality. Seize this opportunity to develop your existing banking and finance law skills further, although full training is provided.

Ref: 904 - 35k + Bonus & Benefits

■ Lex Consultancy // Michelle Nolan

Michelle Nolan is your Professional Legal Staff Recruitment Consultant. Michelle is from Dublin and is a graduate of University College Dublin and has also completed a number of FEI's. She ensures that an advisory and friendly relationship is enjoyed by all the clients and candidates with whom she works with.

■ Lex Consultancy // Support Roles

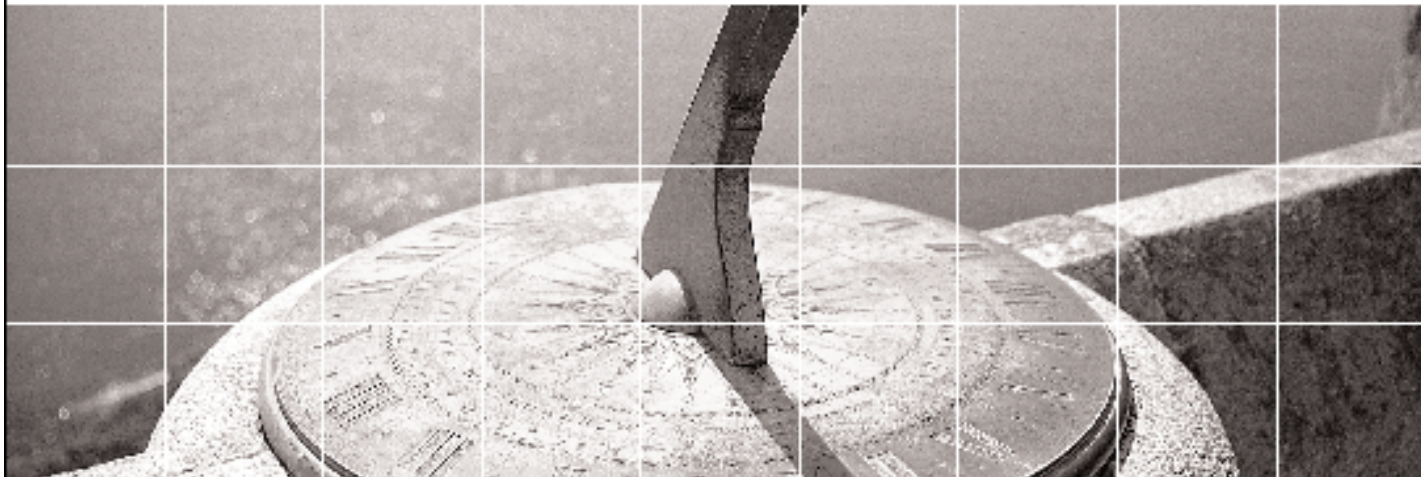
Lex Consultancy currently have a large number of temporary / contract and permanent legal secretarial and paralegal vacancies.



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Please contact – Michelle Nolan, Jo McAndrew or Marguerite Morgan regarding legal employment opportunities.
p: + 353 1 669 0643 // f: + 353 1 661 5200 // e: michelle@lexconsultancy.ie // www.lexconsultancy.ie

outstanding legal opportunities



In-House

Legal Counsel

€110k + Bonus and Benefits

A leading financial services organisation seeks a commercial lawyer to join their legal team in Dublin. Our client is one of the largest securities trading organisations in the United States. Ideally you will be a lawyer with a background in either commercial or corporate work. Knowledge of derivative products is not required as our client will provide full training. Ref: J066829

Legal Advisor

€85k + Bonus and Benefits

Due to continued growth, the corporate banking division of a major bank wishes to appoint a solicitor. The division provides professional legal advice and support to management and staff across the corporate banking division. The ideal candidate will be a qualified solicitor with a corporate, commercial or litigation background – either in private practice or in-house. Ref: J065488

Commercial Lawyer

€75k + Bonus and Benefits

Our client is a highly successful global telecommunications organisation. They now wish to appoint a solicitor who will play a key role within their commercial team. The ideal candidate will possess either corporate or commercial experience, ideally within private practice. This is an exceptional opportunity to develop a challenging and rewarding in-house career. Ref: J065820

Interested candidates should forward their Curriculum Vitae to Claire Connolly at claire.connolly@robertwalters.com or call (01) 633 4111.

These are just a selection of legal roles we have at the moment, to view a comprehensive list of current opportunities visit our website www.robertwalters.ie or call our specialist team today on +353 (0) 1 633 4111.

Robert Walters is a leading global recruitment specialist with 28 offices in 18 countries. Our Dublin legal division provides a high quality, proactive and professional service in both the private practice and in-house markets to meet your career needs in Ireland. Robert Walters, Riverside House, 21-23 City Quay, Dublin 2. Web: www.robertwalters.ie

Private Practice

Corporate Lawyer

€70-80k + Bonus

Our client, a well-established law firm located in south Dublin, seeks a Corporate Lawyer to join its firm. The role involves an element of commercial property law and buying and selling of companies both within Ireland and abroad. You should have a background in commercial law. Experience dealing with banks and financial institutions is an added advantage. Ref: J066828

IT/ITP Solicitor

€70k + Bonus and Benefits

An exceptional opportunity exists within a Top 5 firm for a qualified solicitor with IT/ITP experience. This is a unique opening for an individual who wants to work in a prestigious firm. You will have some experience in copyright, data protection as well as negotiating and drafting contracts and other documentation in relation to all IT and e-commerce matters. Ref: J067480

Junior Tax Solicitor

€70k + Bonus and Benefits

A leading law firm urgently requires a Tax Solicitor to join its successful tax practice. The role involves advising on acquisitions and company mergers, corporate investments as well as project finance. Ideally you may have the requisite tax qualifications (A.I.T.I) or extensive experience within a tax environment. The position is within a growing team and offers huge scope for career progression. Ref: J065828

Interested candidates should forward their Curriculum Vitae to Greg Rogers at greg.rogers@robertwalters.com or call (01) 633 4111.

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Consistently award and with excellent educational qualifications, you'll need relevant post-graduate qualifications preferably coupled with excellent in-house experience.

Retail Markets *R2113*

With financial services or general banking experience you'll be familiar with CFC and COA licence.

Capital Markets *R2110*

From a capital markets background you'll be familiar with Treasury products and HFD.

Corporate Banking *R2123*

Experienced in Corporate Banking, you'll need to be familiar with loan/lease/asset securitisation and transaction structuring as well as relevant legislation including CFC, COA and the Companies Act.

Amanda Johnstone,
Legal Recruitment Co-ordinator,
George's Quay Dublin.

To apply please visit our website www.ulsterbank.com/careers or you can find out more information on the group at www.ulsterbank.com

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Make it happen

Opportunity at the Law Society

Solicitor

The Law Society is the professional body for the solicitors' profession. We are inviting applications for the position of Solicitor in our Complaints and Client Relations section.

You will be a member of the team responsible for investigating and resolving complaints about solicitors and for handling a wide range of related queries from members of the public and the profession. Part of your job will be to carry out the functions of executive secretary to a division of the Society's Complaints and Client Relations Committee. You will also play a key role in disciplinary proceedings arising from complaints.

You must be an experienced solicitor. We are looking for someone with patience, common sense and a confident manner. Good interpersonal skills and sound judgement are essential.

The position will be initially on a two-year, fixed-term contract basis.

Please write, quoting reference **R/C07**, enclosing your curriculum vitae, to be received no later than Friday 28 September 2007, to:

Maureen Seabrook
Human Resources Manager
Law Society of Ireland
Blackhall Place
Dublin 7



Law Society of Ireland

www.lawsociety.ie

Opportunity at the Law Society

Course Executive

The Law Society of Ireland provides pre-qualification training courses for trainee solicitors (Professional Practice Courses) and continuing professional development (CPD) seminars and courses for qualified solicitors. The Law Society of Ireland wishes to recruit for the position of Course Executive, which will be based in Cork.

Duties will include the co-ordination and running of selected course subjects on the Professional Practice Courses, engaging and providing guidance to teaching teams, mentoring and assisting students, organising assessments, invigilating examinations and assisting with the design and provision of seminars and courses for qualified solicitors (CPD). The course executive will be expected to contribute to the teaching of the course subjects, correct assessments and organise extra-curricular skills competitions. The role will involve attending regular meetings with staff at the Law Society in Dublin.

The successful candidate will have a legal background (preferably as a practising solicitor with commercial law experience) and an interest in education. He/she will be able to assume a varied workload, be computer literate, have excellent organisational skills and be flexible to adapt to organisational requirements.

Terms and conditions will reflect the qualifications and experience of the successful candidate. The appointment will be made on a one-year, fixed-term contract basis.

Letters of application and full curriculum vitae, quoting reference **E097**, to be sent to Mr TP Kennedy, Director of Education, Law School, Law Society of Ireland, Blackhall Place, Dublin 7, to arrive by Friday 14 September 2007.



Law Society of Ireland

www.lawsociety.ie

PATENT ATTORNEY - DUBLIN

Competitive plus benefits

NCR Corporation (NYSE: NCR) is a leading global technology company helping businesses build stronger relationships with their customers. NCR's ATMs, retail systems, Teradata data warehouses and IT services provide Relationship Technology solutions that maximize the value of customer interactions and help organisations create a stronger competitive position. NCR is the global leader in ATM's for almost 20 years. We are the largest developer of point-of-sale software solutions and we are a leader in the latest retail self-service checkout technology. Based in Dayton, Ohio, NCR (www.ncr.com) employs approximately 28,000 people worldwide.

We are currently recruiting for a Patent Attorney in our Dublin branch in Swords. We offer a competitive salary along with an excellent benefits package to make sure your work-life balance is at its best.

POSITION PURPOSE:

To provide Intellectual Property ("IP") support to NCR's business units to stimulate, secure, manage, assert and defend the company's IP rights.

STATEMENT OF THE JOB:

Working under the supervision of a Senior IP Attorney, you will provide IP services for NCR's business units. The IP services will focus primarily on preparing and prosecuting patent applications and engaging with inventors in NCR's business units to stimulate innovation. The position will also involve providing occasional support, as needed, to NCR's patent litigation and licensing groups. Although the position is located in Dublin, some travel to the UK (less than 10% of your time) will be required to support the Financial Self-Service business unit.

QUALIFICATIONS:

The successful candidate will have the following minimum qualifications:

- 1) Qualified (or nearly qualified) European Patent Attorney;
- 2) Undergraduate degree in engineering or related field;
- 3) Appropriate experience in preparing and prosecuting patent applications;
- 4) Experience in managing docket and workflow for a patent portfolio;
- 5) Experience in rendering opinions on patentability and intellectual property enforcement and infringement matters;
- 6) Good technical knowledge and communication skills.

CORE COMPETENCIES AND PERFORMANCE MEASURES:

The candidate must be self-motivated and disciplined, able to work with minimal supervision and to provide high quality intellectual property services. The role has a high degree of autonomy in managing work-load and client interaction. The candidate must be able to work cooperatively with colleagues in the Law Department and must be able to deal effectively with people at all levels in the organisation. The candidate must be comfortable providing support to, and being supervised by a person in a remote location and must have excellent organisational and communication skills. Performance measures will include patent preparation and prosecution targets.

To apply please send your CV to: NCR FSG Ltd, Staffing Department, Kingsway West, Dundee, DD2 3XX or e-mail a copy of your CV to Agnes Callanan: ac250051@ncr.com before 28th September 2007.

For any enquiries please contact
 Rory MacLeod
 on 0044 1577 830078.



Senior Corporate Lawyer, Dublin

The Company:

Our Client is a global financial services provider offering large corporates tailored global and domestic solutions for risk transfer, risk financing and corporate risk management. The solutions and services they provide range from traditional insurance propositions through to general insurance products and services as well as risk engineering services.

The Role:

Due to recent business expansion and further growth plans, an opportunity has arisen within the Irish arm of this global operation for a senior corporate lawyer to manage all legal corporate and commercial affairs. The successful applicant will join the group as a senior member of a highly efficient and successful legal team, reporting into the General Counsel. Main duties will include:

- Providing timely and accurate advice and services to support the control and management of legal risk
- Responsibility for all aspects of company, contract, commercial, trust and EU law
- Assisting with documentation review and contractual certainty
- Drafting, negotiating and amending commercial agreements
- Policy interpretation
- Participating in and managing specific projects for both local and group businesses
- Conducting training and providing "know how" to all employees
- Developing and maintaining systems to ensure efficient delivery of service to client

The Person:

- Qualified Solicitor or Barrister with extensive experience from a leading law firm or the legal department of a global corporation
- Strong company and corporate law experience within the Irish domestic market
- Thorough knowledge of Irish and EU regulations surrounding contract drafting and general company law
- An understanding of the Life Assurance and Pensions Business preferable but not essential
- Ability to train and update department and clients on new laws and regulations
- Strong reporting and presentation skills
- Keen to join a cutting edge, customer centric and results driven environment

An excellent remuneration package will reflect the importance of this role.

Interested applicants should contact Yvonne Keane of Keane McDonald on +353 1 6415614 or email your CV in strict confidence to yvonne@keanemcdonald.com



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Dublin 2
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For a confidential discussion on any of the opportunities below, please call Sarah Kelly, Stephen Kelly or Denise Abbey on 01 63 77 012. Email: sarahk@thepanel.com, stephen@thepanel.com or denise@thepanel.com



THE Legal PANEL

IN HOUSE

Business & Legal Manager - Aviation

Ref: SKJ23012 to €130,000

Our client, a leading and highly acquisitive aviation leasing organisation is actively recruiting a Legal and Business Manager for their expanding Dublin office. You will be expected to perform a senior project management role, with a focus on execution, completion and compliance aspects of transactions relating to the fleet of modern passenger aircraft, together with higher management responsibilities within the Business & Legal group. This role involves a high degree of four letter contact. Experience in aircraft leasing is highly desirable, however other experience in managing finance or commercial cross border transactions will be considered.

Structured Finance Lawyer - Corporate Services

Ref: SKJ23239
€70,000 - €90,000

Our client, a leading player in the funds industry, is currently looking to recruit a Lawyer for their Corporate Services division. A challenging and exciting role which will entail management of a range of legal aspects of structured finance transactions. You will act as the chief legal point of contact and liaise with clients and local and international counsel. Candidates should have experience in Structured Finance or other sophisticated transactions, gained from a leading law firm, financial institution or other service provider.

Legal Counsel - IT Sector, Pk organization

Ref: SKJ21185 to €90,000

Our client, a leading player in the funds industry, is currently looking to recruit a Lawyer for their Corporate Services division. A challenging and exciting role which will entail management of a range of legal aspects of structured finance transactions. You will act as the chief legal point of contact and liaise with clients and local and international counsel. Candidates should have experience in Structured Finance or other sophisticated transactions, gained from a leading law firm, financial institution or other service provider.

Assistant Company Secretary

Ref: DA 23003
€30,000 - €40,000

This candidate is required to assist the Group Company Secretary to provide and coordinate services to the company's other departments, in particular the legal and finance departments as well as coordinate administrative and secretarial matters with more than 24 offices worldwide. The successful candidate will have solid experience in a similar role and a working knowledge of Company Acts.

Legal Affairs Support

Ref: DA 22497 to €47,000

This role is to support the commercial affairs area by reviewing and advising on contracts and general review and advice on all other legal matters. It will be necessary to review or negotiate property leases, licenses, IT software contracts or disputes etc as well as liaising with clients and Board of Directors. The ideal candidate will have a legal background, paralegal experience and commercial contracts and negotiation skills are essential.

In-house Legal Advisor

Ref: DA 22914
€55,000 - €70,000

Serving as a Legal Advisor to a City Centre based PLC, providing solution focused and value added legal advice on a range of communications and regulatory issues including the implementation and operation of the EU regime governing this sector. The role also involves the preparation and drafting of regulatory instruments and handling of disputes. You will be a solicitor or barrister with experience in the requisite areas.

Business & Legal Services Executive

DA 23011 to €70,000

This candidate is required to assist the Business & Legal Services team in dealing with transactions relating to a fleet of modern aircraft. The role would suit candidates with experience in the aviation area or a number of years' paralegal experience and negotiation skills.

PRIVATE PRACTICE

Commercial Property Lawyer - Top Tier Firm

Ref: SKJ19588 - €negotiable

One of Ireland's leading law firms is actively looking to expand their commercial property team. You will have appropriate commercial property experience and will ideally be coming from a mid - top tier firm. With a large and diverse range of Irish and international clients, this position is suited to candidates who are open to a challenging role within a top law firm.

Corporate/ Commercial Lawyer

SKJ14953 - to €85,000

One of Ireland's Top 20 firms requires a lawyer to join their expanding commercial team. The successful candidate will be required to work on high profile and complex cases, M&A's, private equity and venture capital transactions. You will also deal with joint ventures and provide general advice to high level clients. On the commercial side you will be required to draft licensing agreements, contracts and all relevant policies and procedures.

Locum Family Law Solicitor

SKJ23004 - €negotiable

A renowned Dublin law firm has a vacancy for a locum family law solicitor for a 6-9 month position. You will be fully conversant in all aspects of Family Law and be able to take over a heavy caseload. Salary will be commensurate with experience.

Banking & Financial Services Lawyer - Mid Tier Firm

Ref: SKJ19588 - €negotiable

The successful candidate will report to the Head of the Unit and the position will involve a broad range of responsibilities including, but not limited to: Advising on corporate lending generally, advising lenders on acquisition financing, advising banks / borrowers in relation to secured / unsecured bilateral and syndicated loans. Clients include multinationals, financial institutions, owner managed businesses as well as public bodies and regulatory authorities.

Projects/PPP Lawyer

Ref: SKJ25673
€70,000

A Top Tier firm located in centre of Dublin city has a vacancy for an ambitious, bright and enthusiastic solicitor in their Projects Group. You will have experience dealing with both public and private sector clients in a similar environment as well as strong analytical and drafting skills. This is a challenging and very rewarding role and an excellent opportunity for someone looking for that next step in their career.

Conveyancing Solicitor - West Dublin

Ref: SKJ22241 - €negotiable

A very busy practice in North / West Dublin has a vacancy for an experienced solicitor to join their firm. You will have solid experience dealing with both Residential and Commercial Conveyancing, be able to handle a diverse caseload and have excellent client facing skills. This is a busy practice in a beautiful part of Dublin and may be perfect for someone looking for a position closer to home on the North/Westside of the city.

Litigation Solicitor - Donegal

Ref: SKJ21867 - €negotiable

Large practice in the North/West has a vacancy for a solicitor with solid litigation experience. The ideal candidate will have good District and Circuit Court knowledge as well as Family law. Having worked in Employment law would also be an advantage, although this is by no means a prerequisite. As this firm has a large client base with a large workload you will be expected to work as part of a successful team as well as deal with clients individually.



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Dealogic has ranked us Australia's top *Legal Advisor in Global Project Finance* deals for the last three years and second in Asia in 2007. Our M&A team was named *Australian Deal Team of the Year* at the 2007 *Australasian Legal Business Awards*. We were also named *Best Large Professional Services Firm* in the 2006 *BRW-St. George Client Choice Awards*.

Some of our partners will be in London during November 2007. We are keen to meet with outstanding candidates from all practice areas who are interested in working in Australia or Asia. We are particularly interested in M&A and Banking & Finance lawyers.

If the thought of bright career prospects and brighter skies sound appealing, please contact our retained consultant Jason Horobin at Laurence Simons on +44 (0)20 7645 8506 or at jason@laurencesimons.com.

For more information on our firm, please visit www.aar.com.au

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£Impressive

CONSTRUCTION

DUBAI

Top City firm is looking for construction lawyers (contentious and non-contentious) for its top rated Dubai practice. You will be involved in some of Dubai's biggest projects. City rate salary on offer. Ref: 489960.

£Above Market

CORPORATE

DUBAI

This Magic Circle firm has recently opened its office in Dubai and is now considering applications from Irish lawyers keen to make a difference in a start up environment. Tax free salary and great career prospects. Ref: 544480.

£1st Rate Rate

CORPORATE

GUERNSEY

Almost London rate salary, with tax at only 20%, and a wonderful outdoor lifestyle await you if you join our client in its leading offshore team in beautiful Guernsey. Avoid that nasty commute to work. Ref: 470880.

£Competitive

CORP / BANKING

ISLE OF MAN

This leading island firm is looking for talented corporate and/or banking lawyers to join its expanding team. Great career prospects, fantastic salary, low tax and a wonderful outdoor lifestyle. Ref: 465970.

£Above Market

PENSIONS

ISLE OF MAN

If you have good previous experience in pensions work and you are looking for a change of scenery with new professional challenges, our client would be very keen to speak with you. Great opportunity. Ref: 440350.

£Attractive

CORPORATE / FUNDS

JERSEY

This firm, which prides itself on the enviable lifestyle of its lawyers, is looking to recruit an additional corporate lawyer to undertake a varied combination of general corporate and funds work. Ref: 540320.

£London Rates

BANKING

JERSEY

Widely regarded as one of the leading offshore firms in the world, our client is looking for two additional lawyers with a preference for banking work. Excellent salaries and low tax at only 20%. Ref: 555555.

£London Rates

CAPITAL MARKETS

MOSCOW

If you have previous experience of ICM work, and are looking to work hard on interesting international work, whilst receiving an unbeatable level of pay, this is an opportunity not to be missed. Ref: 492330.

£Outstanding

ASSET FINANCE

PARIS

UK firm in Paris is currently looking for an asset finance lawyer to join its European office. The role will entail a degree of aviation and/or shipping finance work. Relevant experience required. Ref: 557140.

£Excellent

PRIVATE EQUITY / FUNDS

PARIS

The market-leading private equity investment funds team in Paris (top UK firm) is looking for an additional lawyer. Strong background essential. Fantastic career move and a great salary on offer. Ref: 551620.

£Excellent

CORPORATE

PRAGUE

With an amazing legal network across the globe, this US firm is a market leader in the emerging markets of Europe. This is a great opportunity to be involved in top quality work for an outstanding salary. Ref: 515310.

£Excellent

LONDON

IT / OUTSOURCING

LONDON

IT outsourcing lawyer currently sought to join one of the City's leading teams to assist in developing the practice and client base. Work on headline projects with both public/private sectors and suppliers. Ref: 341420.

£75,000*

CORPORATE

LONDON

Excellent transactional work offered at leading City firm. Tremendous support & managed autonomy characterise this role offering a refreshing alternative to the drudgery of the stereotypical sweatshop. Ref: 257870.

£65,000-£85,000

REAL ESTATE

LONDON

Tremendous career development potential and variety of commercial work for a varied blend of prestigious UK and international clients. Business development and marketing initiatives are welcomed. Ref: 478920.

£65,000-£80,000

PROPERTY

LONDON

This excellent City firm sits just outside the Magic Circle and is looking for a solicitor to join its established real estate team. You will work for an enviable client base and good career prospects are offered. Ref: 515790.

£73,000*

CONSTRUCTION

LONDON

A truly fantastic opportunity to work with this highly-regarded West End firm. The construction department can offer top quality predominantly non-contentious work to strong candidates of all levels. Ref: 542490.

£50,000

COMMERCIAL IT

LONDON

Join one of the world's leading IT practices. Our client is an international giant, working on the highest profile transactions for a range of household name clients. This is an exceptional opportunity to join the best. Ref: 356780.

£65,000-£82,000

CORPORATE

LONDON

Fantastic opportunity to join an award-winning team. Work on a plethora of high profile M&A, JVs and private equity deals. Amazing quality of work on offer. Work under the best in the business. Relocation will also be paid. Ref: 65450.

£73,000*

PROPERTY

LONDON

This global law firm seeks talented candidates with experience in sales and acquisitions. This is a brilliant opportunity to work with top quality clients in a supportive environment. Excellent salary package on offer. Ref: 308980.

£67,000*

COMM LITIGATION

LONDON

This medium-sized City firm is currently looking for additional associates to join its well-regarded commercial litigation and dispute resolution department. Fantastic prospects and an excellent package. Ref: 592540.

£73,000*

CORPORATE

LONDON

Are you craving involvement in international corporate deals with London clients? This premier corporate practice is offering lawyers a chance to join its leading practice. Specialise in cross-border deals in Europe & ME. Ref: 365750.

£70,000*

BANKING

LONDON

This leading US firm in London boasts one of the leading banking practices in the European and US market. It is currently looking for strong Irish lawyers to join its thriving team. Mid-Atlantic rates. Ref: 324810.

£85,000*

PROJECTS

LONDON

Magic Circle firm with a market-leading projects practice. Assistants undertake a blend of headline domestic and international work. Looking to fly down Irish lawyers over the coming month for interview. Ref: 413900.

£70,000*



Erika
MacKenzie

Alex
MacKenzie

Contact Erika MacKenzie or Alex MacKenzie
on +44 (0)131 224 0640.
E: erikamackenzie@taylorroot.com
E: alexmackenzie@taylorroot.com

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Projects – construction, PPP, energy and resources
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Our partners will be in London conducting interviews
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or email ericamackinnon@taylorroot.com.

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Where will the future take you?

Dublin Practice

Commercial Partner - Equity €150,000 + Equity

Our well respected client is currently seeking to recruit a partner to build and develop their busy commercial department. The successful candidate will be commercially astute and adept at business development. Must also convey strong interpersonal and communication skills. In return, our client is willing to consider immediate equity. This is an excellent opportunity for the right professional. Ref: 29012

Banking Solicitor €72,000 - €90,000

An exciting opportunity has arisen for a strong banking lawyer to join one of Ireland's leading banking teams. Previous experience in any of following is desirable: general asset and tax based finance, financial services (advice on hedging, arbitrage, lending and documentary credit transactions) and banking strategy (advising domestic and international banks on internal corporate affairs). This role offers an excellent remuneration package. Ref: 16638

IP Lawyer - Contentious €72,000 - €85,000

Our highly regarded client is one of the leading IP groups in Ireland. They are currently seeking to employ an experienced IP Litigator. Previous experience working in trade mark infringement & passing off actions, patent infringement & patent opposition proceedings and copyright & design infringement matters would be ideal for this position. This is an exciting opportunity for the right candidate. Ref: 33245

Employment Lawyer €65,000 - €85,000

An outstanding opportunity has arisen for an experienced employment lawyer to join one of Ireland's most prestigious employment law teams. The successful candidate will have experience working within some of the following areas: employment contracts & staff handbooks, restrictive covenants, personnel policies & procedures, trade disputes and employment equality & discrimination. Superb package on offer. Ref: 28474

Dublin In-House

Legal Services Manager €90,000

This is an exciting opportunity for an experienced solicitor to join a large multinational as a legal services manager. The successful candidate will develop and lead the legal services plan by providing direction to the business on legal, statutory, governance and compliance matters and delivering a quality service to customers and staff. Will also ensure compliance processes are simple to allow the business to develop. Ref: 32725

Transaction Lawyer - In-House €85,000

This is an outstanding opportunity for an experienced solicitor to join a leading European bank in Luxembourg. The ideal candidate will be an experienced lawyer with a specialisation in financial services or tax. Must have comprehensive knowledge of the set up & administration of corporate and other structured investment products along with strong project management and communication skills. Ref: 32564

Solicitor - In-House €75,000

Our client, a semi-state financial institution, seeks a qualified solicitor/barrister in Irish law. Responsible for the analysis of legal issues, the provision of legal advice and liaison with external legal advisors. May be involved in legal proceedings such as administrative sanction inquiries, court applications, appeals, judicial reviews and statutory enquiries. May also be required to provide legal advice in relation to payments & settlements issues and financial market issues. Ref: 33003

Legal Advisor €70,000

Qualified solicitor currently required to join a leading bank as a legal advisor. The successful candidate will advise on various legal related services to corporate banking business including advising management & business on application of law, assisting on preparation, drafting & implementation of added value projects and advising on regulatory & group policy requirements. Superb package for the right candidate. Ref: 32835



Connaught/Munster

Corporate Lawyer

€95,000+

A leading Irish company based in Cork seeks a corporate lawyer. Reporting to the chief legal officer, the successful candidate will provide advice on a wide range of legal and regulatory issues. Duties include drafting & negotiating a wide variety of commercial agreements and construction contracts as well as the day-to-day running of the legal department. Must have extensive experience and have excellent commercial awareness. Ref: 30771

Commercial Solicitor

€60,000 - €70,000

Our client, based in Cork city, pride themselves on delivering a prompt, efficient and high quality legal service with commercial law being central to their strategy. They now seek an experienced commercial solicitor for their expanding commercial team. Must have trained in a commercially focused firm and be motivated with an ambition to work in a top tier firm. Will work on high profile complex cases and provide general commercial advice to clients. Ref: 12971

Solicitor (Waterford)

€55,000 - €75,000

This leading firm in the south east seeks a solicitor for their busy team. This is a unique opportunity to join a progressive practice in Waterford. Must have a strong academic background with good people skills to maintain solid working relationships with clients. Candidates with a wide range of experience will be considered but candidates with general practice experience seeking a more commercial aspect of practice may suit this opportunity. Ref: 32257

Commercial Litigation

€65,000 - €95,000

A leading firm in Cork city wish to hire a senior commercial litigation solicitor with a wealth of experience in handling all forms of commercial disputes. This is an excellent opportunity to join a thriving and dynamic firm of solicitors and gain fantastic experience with the chance to grow and develop as a solicitor by working with a professional and well rounded team. Must be self motivated, ambitious and comfortable working autonomously. Ref: 14712

Corporate Solicitor

€55,000 - €75,000

This reputable Cork practice has an opening for a corporate solicitor with solid experience from an esteemed firm in Dublin. Must have experience in company, contract and commercial law. The role will involve working on high profile mergers & acquisitions, providing companies with advice on investments and a wide range of commercial agreements. The successful candidate will have the opportunity to work with and learn from highly successful partners. Ref: 13930

Litigation Solicitor

€55,000+

Our client, a commercially orientated firm in Limerick, wishes to recruit a litigation solicitor for their expanding practice. The ideal candidate will have solid experience in the area of litigation and be extremely interested in working exclusively in this area. This firm has a reputation for excellence and the successful candidate can look forward a wide variety of work. This is a unique opportunity to work in a dynamic and ambitious practice. Ref: 31792

Dublin Commercial

t 01 619 0400

Regions

Technology (In House) Dublin

Multinational technology company requires editor with extensive experience in negotiating and drafting hardware and software agreements, advice on EU/international compliance and employment law. (ref 12672/1)

Corporate (M&A) Dublin

Respected firm requires specialist for its expanding M&A department. Dealing with venture capital and private equity transactions and corporate restructuring the firm has an enviable list of clients and offer excellent career progression. (ref 16226/2)

Corporate Dublin

Leading law firm requires a solicitor with experience of transaction work and advising on a range of legal areas including regulatory issues. Experience in the energy sector would be beneficial as would include advising some of the leading energy providers in the country. (ref 16226/2)

Aviation Dublin

Two opportunities exist within this aviation department of a leading Dublin law firm. The role would involve advising on finance, leasing and acquisition of aircraft to clients in Ireland and abroad. Candidates with banking experience would also be considered. (ref 16226/7)

Corporate Tax Dublin

Leading national law firm in Ireland seeks lawyers, advisers and consultants to advise on corporate taxation aspects of inward investment projects, structural finance transactions, mergers and acquisitions, real estate investments and taxation litigation. (ref 16226/5)

Public & Private Projects Dublin

Joining one of Ireland's leading Projects Groups you will advise on a range of both public and private sector clients. Projects cover a wide range of sectors, including energy. Excellent financial package. (ref 16226/1)

Intellectual Property Dublin

Join an expanding department to advise on a range of contentious and non-contentious matters including procurement, technology and data protection. You will draft IP licenses for joint ventures between academic and commercial organizations for biotechnology software development and website terms and conditions. (ref 15616/7)

Corporate Solicitor Dublin

Workload to include M&A, share purchase agreements, tax-lease & licencing letters, drafting joint shareholder venture agreements, corporate resolutions and negotiating share purchases/business transfer agreements. Enviable list of clients including government agencies and multinationals. (ref 15616/2)

Banking & Corporate Dublin

Boutique firm wish to expand on its success story. Our client is able to accommodate someone from a broad church of Corporate, Corporate Finance or Banking from a larger firm who does not want to move away from big ticket work. (ref 15702/1)

Banking Dublin

Market leading department in the provision of legal and regulatory advice to financial institutions, governmental bodies, regulators and both domestic and international corporations have opportunities to join the team at assistant and associate levels. Latent Partner hire will be considered in particular as part of team moves. (ref 15266/16)

In House Galway

Multinational corporation seeks lawyer to manage all legal aspects of the company's operations in the region. Supporting litigation, drafting and negotiating contracts including property leases, supply agreements and other contracts and advising on regulatory and compliance issues. (ref 12672/1)

Conveyancing Galway

Solicitor needed for a busy Galway City centre conveyancing firm. Candidates must have a full understanding of all aspects of commercial and residential conveyancing from initiation to completion. Competitive salary commensurate with experience. (ref 17262/1)

Corporate Cork

Successful firm seek a solicitor familiar with company contract and commercial law. M&A deals, VC and private equity investments, joint ventures, technology transfers, and a wide range of commercial agreements. The candidate will have experience of transactional and advisory work in the fields of corporate and commercial law. (ref 17267/2)

Litigation Limerick

Leading Limerick firm seeks a commercial litigation solicitor with experience in the district, circuit and commercial courts. The role will cover a wide range of commercial litigation for long term, technical cases e.g. company share holding disputes. Excellent salary available commensurate with experience. (ref 17262/2)

Conveyancing Cork

Busy firm in Cork city are looking to add an experienced solicitor to its growing practice. The ideal candidate will have a broad range of experience in all matters of residential conveyancing with the ability to handle large caseloads of work. Salary and benefits are commensurate with experience. (ref 12672/1)

Litigation Limerick

Respected firm in Limerick is seeking a defence litigator. Candidates will have considerable experience in both the district and county courts defending in a range of actions. This is an opportunity to join a friendly and expanding firm. Salary and benefits are commensurate with experience. (ref 17262/2)

Dublin Office

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Offices also in Birmingham • Brighton • Bristol • Edinburgh • Glasgow • Leeds • London • Manchester



t 01 619 0400

Property Focus

t 01 619 0400

Conveyancing Malloy

General practice firm in Malloy Co. Cork requires a solicitor to join their team. This role will mainly involve residential conveyancing. This role will suit independent candidates with experience of running files from start to finish. Salary and benefits are commensurate with experience. (ref: 1720/1)

General Practice Cork

General practice requires solicitor to undertake personal injury claims, motor accidents, public liability, work place accidents, family law, conveyancing, wills & probate, landlord & tenant, commercial, corporate and debt collection. Existing excellent and strong local name ensure regular quality work flow. (ref: 1701/1)

Litigation Co Dublin

Niche practice located in South Dublin requires a Litigation solicitor for their team. The ideal candidate will have considerable experience and be looking for a specialist litigation role in a friendly atmosphere. Salary and benefits are commensurate with experience. (ref: 1625/1)

Commercial Property Cork

Property specialist requires assistant solicitor with appropriate experience to handle a mixture of landlord and tenant, development and estate landling work. Commercial surroundings, excellent client list, supportive team, market rate and above remuneration. Perfect opportunity for an ambitious solicitor. (ref: 17967/3)

General Practice Cork

This role will mainly involve residential conveyancing, although experience in family, debt recovery, employment and related litigation work would be an advantage. This role will suit independent candidates with experience of running files from start to finish with limited supervision. (ref: 17200/1)

Commercial/Residential Property Co. Monaghan

General practice requires established lawyer with strong property experience. Workload is split 50/50 and will include sales, purchases, remortgages, landlord and tenant, leasehold/leases work, acquisitions and disposals. Good client base and a supportive practice. (ref: 16762/1)

Commercial Property Dublin

Thriving top 10 practice seeks to appoint a lawyer to its buoyant department. Work to include acquisition and disposal of commercial premises and acting for landlords and tenants in relation to commercial leases (negotiating and drafting). Significant client exposure from day one. (ref: 15612/1)

Residential Property Dublin

Conveyancing specialist required for busy law firm in Dublin 4. Working independently you will advise on the sale and purchase of various properties with the possibility of some commercial conveyancing and probate work. Generous salary and benefits. (ref: 15767/1)

Commercial Property Dublin

Well-tied firm with an enviable reputation requires solicitors to join their commercial conveyancing practice. Experience of commercial landling would also be beneficial. This is an excellent opportunity for candidates to join a well respected firm in an excellent central Dublin location. (ref: 15221/2)

Commercial Property Dublin

Central Dublin general practice requires an experienced commercial conveyancing solicitor with experience of working with large scale developers. This is an excellent opportunity to join a well respected team with a high quality reputation. Salary and benefits are commensurate with experience. (ref: 15227/1)

Residential Property Dublin

Small general practice located on the outskirts of Dublin requires a solicitor with experience in all areas of residential conveyancing, particularly remortgages with the ability to work with a high level of independence, running files from start to finish. Salary and benefits are commensurate with experience. (ref: 15651/1)

Commercial Property Dublin

Advise developers, property professionals, landlords and tenants, lenders and investors and other commercial clients in relation to all types of property projects and deals. Opportunities exist for ambitious lawyers with experience in development and investment work. (ref: 16222/2)

Commercial Property Dublin

Niche property and investment practice with 3 fees sum are seeking an additional lawyer to advise on property work on behalf of various banks with projects value up to 250 million since. Existing prospects within growing firm. (ref: 15700/1)

Residential Property Cork

General practice firm in Malloy Co. Cork requires a solicitor to work independently on a residential property special of sales, purchases and mortgages files from start to finish. The firm has a friendly and relaxed atmosphere with a professional approach to its client base. Salary and benefits are commensurate with experience. (ref: 17200/1)

Residential Property Cork

Busy Cork firm are looking to add a solicitor to its growing practice. The ideal candidate will have vast experience in all matters of residential conveyancing and feel comfortable in handling a busy workload. This is an excellent opportunity to join a meritocratic firm where hard work will be rewarded. (ref: 15072/1)

Property & Litigation Dublin

Niche practice located in South Dublin requires a solicitor with experience in domestic conveyancing and litigation for their team. The workload will be evenly mixed between the two disciplines with the option to specialise in the future. Salary and benefits are commensurate with experience. (ref: 16225/1)

International Legal Recruitment

Local knowledge



Lawyer – Dublin office



The Macquarie Bank Group ("Macquarie") provides specialist investment, advisory and financial services in select markets around the world. Macquarie has been active in the United Kingdom since the late 1980s. Today we have more than 1,000 executives based in Europe complemented by the resources of Macquarie's international network of more than 10,000 people in 24 countries.

Macquarie Capital, a division within the Investment Banking Group of Macquarie, is a leading structured and asset finance and leasing specialist with offices in eleven countries around the globe. Due to the considerable recent growth of the business a lawyer is sought to join the existing legal and compliance team in Dublin which works across a diverse range of businesses, jurisdictions and products.

You will be responsible for:

- Legal support to existing asset finance teams
- Legal support to new business ventures
- Structuring and advising on potential and existing businesses based in foreign jurisdictions (such as Ireland, Germany, North America and UK)
- Assisting in developing and drafting relevant internal policies and external regulations and monitoring ongoing compliance

To be successful you will:

- Be qualified to practice law in the UK and/or Ireland with a law degree, ideally from a UK or Irish university
- Be a motivated commercial lawyer seeking to work directly within a business in an advisory and structuring capacity
- Have some previous post-admission experience in a banking & finance, corporate or commercial law environment and have a good working knowledge of companies and contracts law
- Ideally have some debt structuring or leasing experience
- Demonstrate the confidence and experience to be able to work independently
- Demonstrate an ability to negotiate, draft and settle legal documentation and provide oral and written practical legal and regulatory advice
- Have good attention to detail and an ability to deliver a high standard of work under pressure
- Possess strong verbal and written communication skills
- Have good relationship and time management skills

Please send your resume to Portia White of Laurence Simons International. Tel: +353 (0) 1 477 3063 or email: portia@laurencesimons.com

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HERE TO GUIDE YOU

IP Litigation, Dublin

Our client, a leading firm requires an associate intellectual property lawyer with particular expertise in litigation. You will work closely with the intellectual property team within Commercial Litigation and Dispute Resolution departments, advising on intellectual property matters. This will include advising on the clearance, protection, licensing and commercialisation of all types of intellectual property rights. Ref: 17182

Commercial Property, Dublin

Our client is a boutique firm with an excellent reputation among its clients. They are looking to recruit a commercial property lawyer at associate level. Experience in residential and commercial development, leases, fit-out, leasing and landlord is desirable. Excellent opportunity for career progression within a growing practice. Ref: 16239

in-House Commercial Property lawyer, Dublin

Our client requires an associate commercial property lawyer. You will advise on commercial property matters with regard to contract, procurement, environmental and planning law. Strong contract and negotiation skills essential. Experience in commercial, construction and projects will be a strong advantage. Highly competitive salary and benefits on offer for the right candidate. Ref: 17091

€Excellent

in-House Commercial lawyer, Dublin

Our client, a global technology provider requires an associate commercial lawyer. You will have experience in commercial contracts, particularly dealing with IT contracts and outsourcing contracts. In the IT space, you will be a dynamic individual and prepared for a large portfolio of demanding clients across multiple jurisdictions. Ref: 17093

in-House Junior Commercial lawyer, Cork

Reporting to the Chief Legal Officer you will advise on a wide range of commercial and regulatory issues. Excellent drafting and negotiation exposure to a wide variety of commercial agreements required. You will play a key role in the day-to-day running of the legal department. Experience in the areas of construction projects a strong advantage. Ref: 17178

Banking/Corporate, Dublin

Our client, a leading firm with a strong domestic and international focus are looking for an in-house corporate lawyer at junior associate level and associate levels. You will have gained experience from a leading firm or in-house organisation. Most importantly you will have a desire to further your career with a leading company. Ref: 14840

€80k plus

€55k plus

€Negotiable

Please contact Portia White

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