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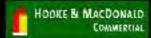




LETTING APPRITE



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James Mulhall / Paddy Conlon

Enda Moore / Audrey Keegan

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On the cover

"Wot's this in me tucker? I don't Adam and Eve it!" That's what an irate Cockney might say upon discovering that the nutritional labelling on food products in the EU is neither standardised nor quite up to scratch

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Volume 101, number 10 Subscriptions: €57

Gazette December 2007



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Editor: Mark McDermott. Deputy editor: Dr Garrett O'Boyle. Designer: Nuala Redmond. Editorial secretaries: Catherine Kearney, Valerie Farrell. For professional notice rates (lost land certificates, wills, title deeds, employment, miscellaneous), see page 69.

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The purpose of nutritional information on food labels is to help consumers make informed choices – but it's not working. Brian Harley assembles the ingredients

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It's been a *mensis horribilis* for the solicitors' profession, but its newly-elected president, James MacGuill, isn't shying away from the controversy, as Mark McDermott discovers

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What is your practice worth should you wish to sell it? In part one of a two-part series, Hilary Haydon does the sums – but says that good poker-playing skills play their part too!

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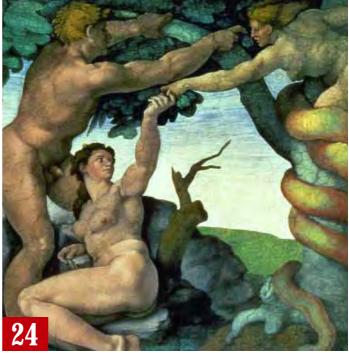
The Law Society is embracing moves towards a more efficient, transparent conveyancing system, and its members should actively engage in the discussion about how e-conveyancing can best fulfil the needs of all stakeholders, writes Gabriel Brennan

40 Day of the jackal

There may be a silver lining in the predicted economic cloud, in the form of increased insolvency work for solicitors. Elaine Grier and Joanne Lynch pick over the scraps

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Digital Mapping Project – Notice for Customers

In addition to the information which is now available for all counties, parcel boundary data for counties Longford, Carlow, Meath, Kilkenny, Westmeath, Wexford and Clare is now available online for inspection through www.landdirect.ie and is also being used for processing applications for registration. Transitional arrangements have been put in place in relation to the use of Filed Plan maps for registration purposes in these counties. As already notified only

- 'ITM Filed Plan' maps produced by the PRA or
- 'OSi Land Registry Compliant Map' with ITM co-ordinates shown on the upper right corner and the lower left corner, produced by Ordnance Survey Ireland or
- Computer Generated Maps (OSi licensed) displaying ITM co-ordinates are now acceptable for registration purposes in respect of counties Longford, Carlow, Meath, Kilkenny, Westmeath and Wexford. Filed Plan maps issued from our paper map base will continue to be accepted for applications lodged for a 3-month period after the completion of digitization of the boundary data in each county. Accordingly Filed Plan maps issued from our paper map base for County Clare will be acceptable for registration purposes up to the 1st of February 2008.

Similar transitional arrangements will apply for each county as the vector boundary data is made available. Regular updates will be published on our website www.prai.ie as counties are completed and we will continue to notify customers accordingly.

Work is now underway on the conversion process for counties Roscommon and Dublin, and counties Sligo, Kildare, Cork, Cavan and Limerick will follow during 2008.

Considerable efforts have already been made to communicate this change to practitioners and, as previously advised, we are available to provide briefing sessions to Bar Associations. If you wish to arrange such a seminar, please contact Peter McHugh at 01 804 8011 or peter.mchugh@prai.ie

Visit **PRAI.ie**or **landdirect.ie** for latest information



Ní neart go cur le chéile

s I compose this first president's message, I am still basking in the warm glow of the kind words of many colleagues wishing me well for the coming year. Almost universally, the messages acknowledged that it was likely to be a difficult year, and this I fully expect.

However, I think colleagues will be reassured if I explain the fantastic resources that are available to protect our profession when it comes under attack from all quarters. Firstly, there is the Council itself, with an elected membership ranging from our longest-serving member who qualified in Trinity in 1946 (guess who?) to our most recently-qualified member Louise Rouse, who qualified in 2003. Each of them brings wisdom and insight to our proceedings and, in that, they are joined by 42 other colleagues. All are successful practitioners in their own right and are drawn from every conceivable area of legal practise. As a result, your Council members can be relied upon to give their all, no matter what the future may throw at us. Most problems will have raised their head in some shape or form before - either here or in other jurisdictions.

Core principles

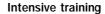
In addition to the Council members, we have the benefit of advice and assistance from our coterie of past presidents, who continue to give of their time and effort on behalf of the profession. We have excellent contacts in sister Law Societies around the world, whose experiences with similar problems can inform our debate.

The one thing your Council can guarantee you is that issues of importance to the profession that need to be addressed will be the subject of detailed and thoughtful debate.

No matter how time consuming, there will be no knee-jerk or spin and we will confront every issue with the protection of the core principles of our independent legal profession at heart.

In carrying out our duty to the profession, we are exceptionally fortunate in the quality of full-time personnel working here in the Law Society. They are the envy of many other organisations and never prove wanting, no matter how demanding the challenges confronting

us, because of their commitment to excellence.



The chairmen and vice-chairmen of the Society's committees, together with the full-time executives, have recently undergone intensive professional training to further improve the services the Society provides for its members and, through them, the public generally. I see at first hand, on a daily basis, the wonderful work being carried out by our staff. They cannot be thanked warmly enough or often enough for what they achieve for the profession.

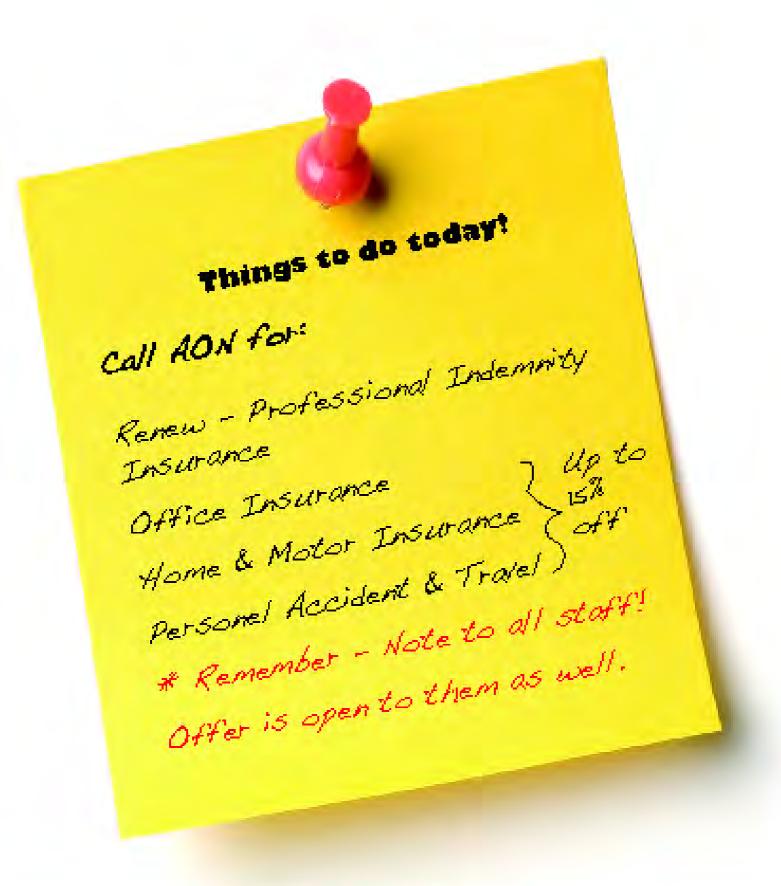
On that note, it was encouraging that, at the AGM, one colleague who made honest and fair criticism of the Society, nonetheless took time to personally identify our members of staff in the Four Courts – Paddy Caulfield, Mary Bissett and Dolores Maguire – to single them out for the thanks they deserve. As your Council, we accept the right of colleagues to be critical of us, even trenchantly so. I would, however, remind all colleagues that the Council should be the target for any criticism, and not any full-time member of staff.

Enough said – let battle commence. G

James MacGuill President



"The one thing your Council can guarantee you is that issues of importance to the profession that need to be addressed will be the subject of detailed and thoughtful debate"



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MAYO

"Decentralisation of the High Court in all its areas of work is a good and fine precedent for other organs and institutions of the state and a very valuable display of the foresight and adaptability of the modern-day judges of the superior courts." So said bar association president Pat O'Connor in welcoming Judges Gilligan, Birmingham, and McMenamin to the sitting of the High Court non-jury sessions in Castlebar. The courts sat for one week and will resume again in April. The importance of the occasion - being the first time non-jury cases were assigned to Mayo - was marked by a lunch for the judges, hosted by the bar association. In the meantime, Pat and his committee colleagues and, in particular, organisers-in-chief Samantha Geraghty and Dermot Hewson, are busy with preparations for the dinner dance, which is always a highlight in the Mayo legal year.

DUBLIN

The legal calendar reverberates to a familiar rhythm, and all the more so at this time of year, with the ebb and flow of bar association officers coming and going. Most bar associations have a one-year term of office for their presidents (with the exception, of course, of Mayo, where two years is the norm). And so David Bergin steps down following a fairly hectic year where the DSBA membership continued to surge and the output of seminars reached record proportions. David returns with gusto to his practice, where his brother Mark and others in O'Connor & Bergin have been fighting the fight while David was more and



Judges and lawyers attend the opening of the first ever non-jury High Court trials in Mayo (*I to r*): Henry O Bourke SC, Fintan Murphy (Mayo county registrar), Judge John McMenamin, Judge Paul Gilligan, Judge George Birmingham, and Pat O'Connor (president of the Mayo Bar Association)

more engaged in the busy affairs of the increasingly busy DSBA. His successor, Michael Quinlan, was installed at the recent well-attended AGM, and no doubt Michael's easy and personable manner will continue the momentum generated by previous presidents in recent years. Other bar association officers remain the same, but with Stuart Gilhooly as treasurer in place of John P O'Malley.

Needless to say, the AGM produced a lively discussion on the issues the profession faces

and was addressed from the floor by then President of the Law Society Philip Joyce. Many people contributed to a thought-provoking discussion on how the profession might best adapt to the changing landscape.

Meanwhile, a special dinner was held by the DSBA council, and attended by many former presidents, to honour David Bergin's contribution. But, as if one presidential office was more than enough for anyone, David – having closed the DSBA door – has since assumed presidential

office in the sporting world, where he leads UCD rugby club for the year ahead and where most of his meetings will now be on the sideline.

The 'Awards of Excellence' for solicitors considered by their peers to epitomise the hallmarks of our profession - were announced at the AGM, where the winner in the younger members' category was Swords solicitor John Hennessy and, in the senior category, Pól O'Murchú, whose legal beatification (if there was one) would surely now be imminent. Dublin Crystal was presented to the winners, and Ruadhan Killeen and Richard Bennett kindly adjudicated, in consultation with Mr Justice Minister Peart.

DONEGAL

Bar association secretary
Bernadette Smith tells me that a
number of Law Society CPD
courses have been arranged
throughout the county in
November and December. This
is the first time the Law Society
has arranged seminars in
Donegal, and similar efforts are
being arranged in Galway.

LASBA

Eddie Hughes, chairman of the Local Authority Solicitors' Bar Association, tells me that its members featured prominently in the successful hosting of a board meeting of the European Company Lawyers' Association (ECLA) at Blackhall Place recently. ECLA is an umbrella association of lawyers who practice in-house throughout 19 countries in Europe.



At the recent Technology Committee workshop 'Make the connection internet use for solicitors', held at the University of Limerick, were
(I to r): Andrew Cody, Patrick Madigan (chairman), Anne Kearns
(IT trainer, Matheson Ormsby Prentice), John Furlong and
Veronica Donnelly (committee secretary)

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

New officer team takes the tiller

The newly-elected president of the Law Society is James MacGuill, effective from 8 November 2007. James will serve for a period of one year. He was deemed elected to the post, having served as senior vice-president last year. John D Shaw has been elected senior vice-president for 2007/08, while Donald Binchy becomes junior vice-president.

The number of valid voting papers was 3,316, with six spoiled votes being recorded, though 108 papers failed to comply with various subsections of bye-law 6(16).

The following members were elected to the Law Society Council following the recent ballot (the number of votes appears after each name)

votes appears after each	name):
1) Stuart Gilhooly	1,742
2) John O'Connor	1,649
3) Louise Rouse	1,622
4) John D Shaw	1,536
5) Kevin D O'Higgins	1,535
6) Michele O'Boyle	1,286
7) Philip M Joyce	1,233



Donald Binchy, John D Shaw and James MacGuill

8) John E Costello	1,224
9) Moya Quinlan	1,208
10) James O'Sullivan	1,208
11) Paul E Connellan	1,082
12) James Cahill	1,067
13) Niall Farrell	1,056
14) Thomas Murran	1,044
15) Liam Kennedy	1,023
16) Martin G Lawlor	951

The following candidates were not elected:

925
892
869
792
743
396

As there was only one candidate nominated for the province of Connaught, there was no election and the candidate nominated –

Rosemary Loftus – was returned unopposed.

In the Munster provincial election, the number of valid voting papers was 636, with eight spoiled votes being recorded, having failed to comply with various subsections of bye-law 6(16). Ms Frances Twomey (342) was provisionally declared elected.

The only other candidate, Ted McCarthy (294), was not provisionally declared elected.

Council members are elected for a two-year term. The sitting Council members who were elected last year are: Michael G Irvine, Donald Binchy, James MacGuill, Michael Quinlan, John P Shaw, Gerard J Doherty, James B McCourt, Gerard F Griffin, Maura Derivan, Michelle Ní Longáin, Daniel E O'Connor, Simon Murphy, Patrick Dorgan, Colin Daly, Barry MacCarthy, Margaret M Mulrine (Ulster) and Andrew J Cody (Leinster).

ECLA board clashes with European CFI

The board of the European Company Lawyers' Association (ECLA) has disagreed strongly with the recent decision of the European Court of First Instance on the issue of legal privilege affecting in-house lawyers, writes Eddie Hughes, Law Society representative on the board of ECLA. The court made its contentious decision in the case of Akzo Nobel Chemicals Limited and Anor v Commission (T-253/03/T-125-03).

ECLA is the umbrella body that represents in-house lawyers and bar associations in 18 European countries. At its meeting in Blackhall Place, Dublin, on 16 November, the board instructed its lawyers, Cleary Gottleib (Brussels), to file an intervention on the basis that it is a matter for each EU



ECLA – defending the legal privilege of in-house lawyers

country (and not the commission) to determine:

- The qualification and regulation of lawyers, and
- The limits of legal privilege for its national lawyers.

ECLA regards the outcome of the *Akzo Nobel* case as limited to an aspect of EU Commission investigation activity, in the context of competition law. The board also noted that the outcome is potentially in conflict with the *European Convention on Human Rights* in relation to the retention of the 'legal assistance' of persons of a client's own choosing.

In reference to the outcome

of the Akzo Nobel case, the President of the Law Society of England and Wales recently described as "outrageous" the proposition that advice given by in-house solicitors - who are bound by the same regulatory legislation and the Law Society's practice standards should not have the same protection in law merely because of the fact that they are employed by a non-solicitor. In England, the decision of Lord Denning in the case of Alfred Crompton Amusement Machines Limited v Customs and Excise Communications (No 2) (1972 2QB102) continues to prevail.

In Ireland, no distinction has ever been drawn between similarly-qualified solicitors working in-house and in private practice.

Criticism of the Law Society 'utterly unjustified', says new president

A lmost immediately following his election as president of the Law Society, James MacGuill has responded to certain criticisms that have been directed against the Law Society in recent weeks.

Speaking to 70 new solicitors at their parchment ceremony on 9 November at Blackhall Place, Mr MacGuill said that while the occasion was not normally one for making policy statements on matters of controversy, he felt compelled to comment on the events of past weeks. He was referring to cases currently before the courts involving solicitors.

"This is a difficult time for the solicitors' profession for reasons of which everyone here is well aware. Recent events have encouraged attacks from many quarters. Very hostile and unfair criticism of the profession as a whole, and the Law Society in particular, have been the order of the day.

"Certain cases are being investigated by the Law Society and are currently before the courts. Because of this, the Society is unable to make any comment whatsoever about them - despite the constant demand that we should do so. As a result, we have seen and heard media reports, including front page headlines, which are either completely false or are based on incomplete information, from which incorrect and damaging conclusions are drawn."

'False and damaging reports'

"It is, I assure you, very, very frustrating for the Law Society that we cannot publicly reply to and rebut these false and damaging reports about what allegedly occurred in the course of past Law Society investigations and decisions of the independent Solicitors Disciplinary Tribunal. Why do we not comment when it would be in our own interest to do so? We remain silent because there is something more important at stake than our own interest in today's news story – because justice and fair procedures require that we must not comment."

The president said that the Society would not make any comments on the cases before the courts because it was not prepared to compromise the rights to justice of any individual.

"The Law Society will discharge its legal responsibilities regardless of the cost. But I tell you, the inability to respond to florid, fundamentally incorrect and misleading reports, damaging to the reputation of the Law Society and of the profession, is, I repeat, very, very frustrating."

He said that some answers could be given to certain of the more general criticisms that had been made. It was overlysimplistic to state that solicitors self-regulate, he said. "In point of fact, we are regulated by the



President of the High Court, who appoints his own disciplinary tribunal to help in this work. The Solicitors Disciplinary Tribunal is independent of the Law Society, has lay participants and can be approached directly at any time by any member of the public with a grievance, without first approaching the Law Society."

Also, this year, following a long process of consultation, the Society – entirely unprompted by outside agencies – had significantly improved the level of professional indemnity insurance cover available to members' clients. "We did not seek public plaudits, but it is nonetheless ironic that in all the 'analysis' of our profession

that we have read of in recent weeks, this important development has not received a mention."

Protecting the public

"I will say one thing, however, which is intended as a general statement and not as a comment on any particular case. It is this: the solicitors' profession is founded on core values that protect, not the profession, but the public. The profession's dedication to integrity is as great today as it has been throughout our history and I believe it always will be."

He added that core principles came with a cost. "Hundreds of thousands of transactions are undertaken annually by hundreds of Irish solicitors to the complete satisfaction of their clients. Because of our rules of confidentiality, we are constrained from talking about these successes - and sometimes forced to remain mute in the face of utterly unjustified criticism. We accept that this is a price that we must pay. We continue to be happy to comply fully with a regulatory regime under the auspices of the judiciary," he concluded.

Courts Service launches online search facility for High Court cases

The Courts Service has launched an online facility that will allow internet access to the same information as is currently available through the public search terminals in the Central Office. This will greatly assist solicitors who will, in

future, be able to search all cases from 1993 to date (other than *in camera* matters) from their own office. The information will include details of parties, filings, listings, orders and whether there is a written judgment in the case. The system will be updated nightly and

will contain the relevant information up to close of business the previous evening. To access the system, go to www.courts.ie, where there is a link on the homepage to the High Court search facility. There is no charge for this service.

MOP moves to new docklands HQ

Taoiseach Bertie Ahern performed the honours at the opening of Matheson Ormsby Prentice's new offices on 25 October. Located at Sir John Rogerson's Quay in the heart of the fast-expanding Dublin Docklands area, the firm's offices are the largest in Ireland.

Matheson Ormsby Prentice is the latest of many law firms to move to the Dublin Docklands area. Encompassing some 520 hectares (1,300 acres) of riverside land, the Docklands is creating a new focal point for the city and fast becoming recognised as the commercial law centre of Ireland.

For many, the IFSC is seen to be the centre of the Dublin Docklands, and in his speech to guests, made up of business leaders and partners at Matheson Ormsby Prentice, the taoiseach spoke of the importance of the Irish funds industry to Ireland's economy.

The international financial



The new offices of Matheson Ormsby Prentice were officially opened by Taoiseach Bertie Ahern, seen here with Liam Quirke (managing partner)

services industry has "been one of the great success stories of the Irish economy over the past two decades. Last year alone, it contributed over €1 billion in tax revenues and accounted for over one third of all services exports from Ireland. The phenomenal success of the industry would not have been possible without the availability of quality service providers like Matheson Ormsby Prentice," said the taoiseach, adding that

the support and development of this industry continued to be a priority for government.

Such priorities mirrored those of managing partner Liam Quirke, who spoke of the importance for "Ireland Inc" of concentrating on its strengths and competing where we can win. He spoke of his vision for Ireland to become the "Delaware of Europe for manufacturing financial product".

"It is an accepted wisdom at

this point that the cornerstone of Ireland Inc's success has been its ability to attract foreign direct investment. The much-celebrated Celtic Tiger is not a native, but rather a visitor from foreign shores that has found an attractive habitat," said Mr Quirke. He called on the taoiseach to assess and reassess the market in which "Ireland Inc" operates.

"In the last couple of years, the competition has been catching up - and not just catching up. In some cases, it is cruising past. Switzerland Inc, Luxemburg Inc and Singapore Inc, among others, are better meeting the important needs of the very important customers we have identified. Apart from lower effective tax rates than Ireland Inc, they are also offering much more certainty of treatment. Compared to such offerings, Ireland Inc's Holy Grail, the 121/2% corporate tax rate, begins to lose its gloss," he said.

Solicitors' firm wins 'Better Building' award

ary Dorgan Solicitors, located at South Mall, Cork, has won a 'Better Building Award' in the 'Best in Commercial Business Frontage' category. The practice came third in the category to Beamish & Crawford in South Main Street and Hays Personnel, South Mall.

The awards are aimed at raising awareness of the importance of buildings in the life and image of Cork city, its economy and the quality of life of its citizens. They recognise staff, managers, property owners, developers, architects and designers for high standards in design, conservation, and creativity.



District Courts online

The Law Society's Education Centre has launched an online certificate course on the practice and procedure of the District Courts. This unique course will examine some of the key areas of District Court practice, including judicial review applications from the District Court, road traffic, family law, licensing and debt collection.

Course materials will be released online during the eightweek course on a weekly basis. There are two mandatory face-to-face workshop sessions, including an IT induction on 23 February 2008. Participants will be introduced to the online learning environment called 'Moodle' and will be guided

through the various elements used to support online learning such as discussion boards, chat sessions and podcasts. The second workshop will be held on 8 March. The course is designed to be interactive and, although course participants will be learning at a distance, participation is encouraged in order to maximise the learning experience. The course culminates in an assignment.

The cost will be €1,100. Ten CPD hours can be claimed – three of which are designated group study (management and professional development). Those interested should contact: tel: 01 672 4802 or email: diplomateam@ lawsociety.ie.

Society protests over Pakistan regime's treatment of lawyers

The President of the Law Society James MacGuill has written to Pakistan's Irish ambassador to protest against the Pakistani government's suspension of the constitution. In his letter to the ambassador, Toheed Ahmad, the president condemns the repressive measures taken against lawyers and judges who have sought to protest against the undermining of the rule of law in Pakistan.

The president said that, following the recent meeting of the Council of the Law Society, and acting on the wishes of members attending the recent annual general meeting, he wished "in the strongest possible terms to denounce the conduct of the government and president of Pakistan in suspending your



Pakistani lawyers shout slogans during an anti-Musharraf protest in Lahore, 29 November 2007

constitution and undermining the rule of law.

"Peaceful protests against this by lawyers and judges in Pakistan have been met by mass arrests and very disturbing allegations of illtreatment.

"As fellow lawyers, we are appalled at the treatment by

your government of the legal profession in Pakistan, constituting as it does not only a gross violation of the individual rights of our colleagues, but also a denial of fundamental freedoms."

Mr MacGuill said that Irish lawyers shared a sense of solidarity with colleagues in Pakistan who, against immense odds, continued to discharge their professional duty to uphold and promote the rule of law and respect for basic human rights. "We believe that their courage in the face of present adversity is an inspiration to those who seek justice around the globe," he said.

"We have no doubt but that the temporary tyranny being inflicted upon them cannot prevail in the face of their professionalism and integrity. You can take it that our best wishes are with our colleagues and that it is our earnest desire that your government and president immediately desist from the undemocratic activities currently being prosecuted by them," the president concluded.

New CPD regime comes into force in 2008

n 1 January 2008, new CPD regulations come into effect. These new regulations came about for a variety of reasons. The scheme was due for a review within five years of its initial introduction in 2003. It has been noted that the CPD requirements of solicitors are quite minimal when compared with other professionals with similar CPD obligations.

The CPD scheme is now tied to the annual practising certificate application for members, and it is therefore easier to track on a yearly basis. CPD also encourages the habit of lifelong learning and has been a very positive experience to date. The new regime will allow e-learning to form part of the requirements.

All practitioners will be sent

a copy of the new statutory instrument and explanatory booklet over the next few weeks explaining the details of the new CPD scheme. The CPD cycles will now run from 1 January to 31 December every year. This means that practising solicitors will have 12 months within

CHANGES TO THE SCHEME

New CPD requirements:

- Ten hours of group study
- One year to complete annual cycle
- Three hours of management and professional development
- Two hours of *optional* personal e-learning
- · No private study requirement
- Solicitors in full-time employment of the state are now included
- Newly-qualified solicitors only exempt in year they qualify

Old CPD requirements:

- 15 hours of group study
- Two years to complete
- Three hours of management and professional development
- E-learning only in a group of three or more people
- Five hours of private study requirement
- Solicitors in full-time employment of the state were previously not part of the scheme
- Newly-qualified solicitors were exempt for up to two years

which to fulfil their CPD obligations. There is no carryover of hours from one cycle to the next. Verification of compliance with the CPD scheme is now tied to the annual practising certificate application, as had previously occurred every two years.

Solicitors who qualify during a CPD year will be exempt from CPD requirements during the same year in which they qualify. They will be required to undertake ten hours of CPD during their second year of qualification, on the same basis as all other practising solicitors.

If you have any queries about the revised CPD scheme, please contact Alison Egan, CPD executive, at the Law Society of Ireland.

LAW REFORM ESSAY PRIZE

The Law Society has announced the ninth annual competition for the Student Law Reform Essay Prize. Law students are invited to submit an essay identifying a particular area of Irish law that they believe to be in need of reform. They should briefly explain the current inadequacies in this area and outline their proposals for reform of the law.

Entries should be typed and approximately 2,000 – 3,500 words in length. Entries may be co-authored. The closing date is Monday 28 January 2008

Three prizes will be awarded in total: a first prize of €1,500 and two runner-up prizes of €750 each. Prizewinning and shortlisted essays may be published.

Online payment to landdirect.ie available

Online payment of fees to the www.landdirect.ie service is now available, according to the Property Registration Authority (PRA).

Payments may be made by standing order or internet/ online banking.

The beneficiary account is: PRA, Chancery St, Dublin 7. The bank account details for payment of funds are: Bank of Ireland, Smithfield, Dublin 7; account no 71909684; NSC (sort code): 90 00 92. The minimum lodgement amount of €100 still applies.

The PRA would appreciate notification of the first payment made into the account.

SUPPORT SERVICES FOR MEMBERS

IN THE SOCIETY'S NET

Louise Campbell summarises the information available on the Law Society's website and legal e-zine

he Law Society's website is a key support service, providing reliable and up-to-date legal news and information, including information on the Society's functions and activities, directly to the user's desktop. The website had 193,490 unique visitors in the 12 months to 1 September 2007. I would urge each member to take some time to browse the members' area of the website and become familiar with its content. The Society's website and legal ezine are updated and maintained by webmaster Martina Flynn. It is divided into three sections:

- 1) The public area,
- 2) The members' area, and
- 3) The students' area.

Each is tailored to the specific needs of its audience.

The public area can be accessed by logging on to www.lawsociety.ie. The members' and students' areas are accessible from this public homepage. Members should click on the link at the top right-hand corner and enter their surname and their solicitor number, ensuring that the first initial of their surname and the 'S' at the start of their solicitor number are both in capital letters.

The following sections are well worth visiting.

E-zine

The e-zine newsletter for Society members was launched in January 2006. This bi-monthly electronic publication brings news and information directly to the member's desktop, flagging topical issues of interest. Currently, the e-zine is delivered to 5,164 members. Members who have not already done so should register their desktop email address with Martina Flynn and request that the e-zine



Martina Flynn – web maestro

be emailed to them.

Members can read all articles online or avail of the 'printer-friendly' option to print out any chosen article. The January and May 2007 e-zine both had an 'open rate' of 90%, with 75% of recipients reading one or more articles. All back issues of the e-zine published to date are also available on the website.

Forthcoming events

The 'forthcoming events' section informs members of upcoming seminars, lectures, conferences and events that may be of interest to them.

Practice notes and precedents

Under these sections, members can access practice notes and precedents issued by the Society and its committees. Members can search by year of publication, practice area, or can enter a 'word search'.

Law Society Gazette

The Gazette archive, dating back to 1997, is fully accessible on the website. Members can search through back issues of the Gazette using the keyword search facility, as explained in greater detail on the website itself. The search facility is undergoing a significant upgrade at present and will be available in the very near

future. Indices for the *Gazette* are available online for the years 1999 to 2003 and will soon be available up to 2007.

Library

The library provides a lending, reference and information service, including the online library catalogue. For access to this catalogue and more information on library services, please log on to the members' area.

Employment recruitment register

This allows members to advertise, free of charge, for all their legal staff requirements, not just qualified solicitors.

Locum recruitment register

This allows members seeking a locum position to place their details, free of charge, to be viewed by members seeking to employ a locum.

E-commerce facilities

The website contains many ecommerce facilities enabling online booking and payment for Society events, for instance, renewal of membership, or the booking of CPD or diploma programmes online.

The success of the website lies with its members – and it appears that members find it an invaluable resource.

The Law Society looks forward to developing it in line with future user needs. **G**

Martina Flynn, webmaster, can be contacted at Blackhall Place, tel: 01 672 4829 or email: m.flynn@ lawsociety.ie.

For information on any Law Society member service, please contact Louise Campbell, support services executive, Blackhall Place, tel: 01 881 5712 or email: I.campbell@lawsociety.ie.

letters



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

'Huge increase' in consultant fees

From: James Seymour, Seymour & Co Solicitors, Knocknacarra, Galway

write to advise members of the huge increase in the fees charged by consultants in completing medico-legal reports in the PIAB format.

I recently was instructed to make an application to PIAB for a client who broke his leg in a road traffic accident. When I requested his consultant to complete the PIAB report, I received a bill for €510.

When I asked for the justification for charging so much when the doctor is now merely completing a form, as opposed to having to write a report from scratch, I was

advised that all the consultants in the Mid-West are charging this fee.

I find it comforting to note that our medical colleagues can charge such a high fee, which, if charged by myself for the PIAB case, would be queried.

(Editor's note: see 'Viewpoint' article on p14 of this issue.)

'Came to scoff but remained to pray'

From: Frank Ward, Frank Ward & Co, Solicitors, Equity House, Upper Ormond Quay, Dublin 7

Any solicitor who attended Professor Anthony Clare's talk in the Morrison Hotel on 20 September last will be dismayed on hearing of his recent sudden death.

For well over an hour, without the semblance of a

note, he worked the room in quite an amazing fashion. His delivery, fluency, intelligence and response to many searching and relevant questions had to be heard to be believed and all of this executed in a lively and interesting way. Even the most cynical collectors of CPD points 'came to scoff but remained to pray'.

I thank Anne Neary and the DSBA for their inspirational choice of speaker. I, for one, am truly grateful that I received a last opportunity to spend 90 minutes in the presence of a wonderful human being.

Our hearts indeed go out to his beloved wife Jane and his seven children. May his gentle soul rest in peace.

Blackhall Builders do it big!

From: Jane Moffatt, Course Manager, Law School, Blackhall Place, Dublin 7

have just received the final figures from Habitat on our trainees' Zambia trip. Our total raised was €66,500. We have a huge surplus, so including the original budgeted donation for the houses, we have €19,533.40 to be sent out to Zambia.

Facts and figures:

- Target: €51,000
- Total raised: €66,500
- Surplus: €15,500
- Donation going to Zambia: €19,533.40
- Houses cost €2,250 each = 8.5 houses.

A sincere thanks to all who supported the team.

Competition and Merger Law now online

From: Paddy Lyons, Greystones, Co Wicklow

have been working for some time on a comprehensive archive document – *Competition and Merger Law and Practice in Ireland, 1953 to 2002.* This is now available online on the

TCD Library's Long Room hub. The link is: http://hdl.handle.net /2262/11978. The document is now fully in the public domain. The preface also appears as an abstract of the document as soon as the link is opened. To download the full document,

select the 'View/Open' link in the 'Files in this item' box.

You might like to draw, through the *Gazette*, the attention of members of the profession who would be interested in the existence of the archive document.

(Editor's note: Patrick Lyons was a lecturer in economics at TCD, a member of the Fair Trade/ Restrictive Practices Commission, and the first chairman of the Competition Authority from 1991 to 1996. He is now a competition consultant.)

Get more at lawsociety.ie

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.

Oops, they did it

As PIAB announces yet another change in policy, Stuart Gilhooly examines the background and the consequences for claimants and their solicitors

very welcome development," said Patricia Byron. Indeed it is. PIAB has announced that, as and from 26 October 2007, it will be allowing legal fees for vulnerable claimants who may have their access to PIAB inhibited "because of exceptional circumstances".

The PIAB spin doctors have been earning their corn again. From the company that brought us "three times faster, four times cheaper" (or was it the other way around?), PIAB's PR machine has once again turned 'Oops, we've been sued again - better do something about it' into the altogether smoother and sunnier suggestion that claimants are maybe getting a raw deal and we should ease their pain a little. Yeah, right. If this was the first time this had happened, we might be inclined to take them at face value, but they have form here, folks.

Baby one more time

Before we go back to previous tales of PIAB as a defendant (and there are many), let's set the scene for the latest u-turn. It turns out that a Polish man, Michael Hinc, living in Ireland, contacted his compatriot Marcin Szulc, who works as a legal executive with solicitor Manus McClafferty, following an injury. His solicitor explained that he could use his services but, seeing as PIAB wouldn't pay costs, he would have to pay him (his solicitor) out of any



Don't worry – this *isn't* Britney learning to walk again after a workplace accident

award that was accepted by both parties following PIAB.

Not surprisingly, he was not impressed by this news, so he instructed his solicitor to seek costs to be awarded from PIAB for the solicitor's work. Our intrepid solicitor put in a fee of €900 (which reflected the fee that the insurance company must pay PIAB for the pleasure of using their services). He then tells PIAB that this is a fee "reasonably and necessarily incurred" within the meaning of section 44 of the *PIAB Act* 2003.

PIAB ignores this request and finds itself on the wrong end of a judicial review. Mr Hinc obtains leave from the High Court, proceedings are served and, lo and behold, PIAB announces a change in policy. They settle Mr Hinc's case by paying his judicial review costs and, interestingly, agree to be personally responsible for the costs that accompany his assessment, which they agree in the sum of €650.

"Coincidence!" I hear you cry, "these two events mightn't be related." Okay, well here's another story. Last May, a client of mine received an assessment for his infant son with which he was happy, but distinctly less than enamoured with the award of €150 for his medical report, having claimed the full fee of €245. By invoking the same section and by claiming the full

report fee as a cost "reasonably and necessarily incurred", he initiated judicial review proceedings. Once again, leave was comfortably obtained and – in a shock development – PIAB settled the case and announced a change in policy a matter of days later.

On this occasion, it was spun as a review of their medical report policy. Credit to the PR department for creativity, but no one is buying that. The reality is this: to get results from PIAB, judicial review works.

Toxic

Don't think we didn't ask for these reforms, because we certainly did. On at least two occasions, I attended meetings at which the nonsensical €150 medical report fee was discussed and explained how this needed to change to ensure justice. They smiled, patted us on the head and told us to go play nicely with the other children.

From the outset, similar concerns were expressed about the failure to pay any sort of fees for claimants who choose to use a solicitor. It would be fair to say that PIAB regarded this as anathema to their entire ethos.

Which begs the inevitable question – why go so far? Clearly, it settled Mr Hinc's case because it was afraid of the effect of a judgment. But by making an announcement that it would now allow fees for all vulnerable claimants, it is surely

again...



opening the door for a plethora of similar fee claims.

After all, what is a vulnerable claimant? How is PIAB going to tell? Surely, an illiterate person would qualify, but how does one determine literacy? Will they know by the way they sign their name? Will there be a spelling test?

While it is easy to determine a foreign claimant, let's not forget that many non-nationals may find writing and understanding English much easier than some Irish people.

Let's take it a step further. Does a teacher qualify? "No", you say, "they are too intelligent." But do they understand the effect of section 50 of the 2003 act or of section 8 of the *Civil Liability and Courts Act 2004*? Or what about medical terminology? And let's not forget the *Book of Quantum*, the font of all knowledge, which tells you that your neck injury is worth somewhere between €15,900 and €64,500. Very helpful.

Slave for you

The point is that, by imposing upon itself the task of decreeing vulnerable claimant status upon an individual, PIAB will be taken as a hostage to fortune. The only thing we can be certain of is that, if it starts

picking and choosing who is a vulnerable claimant without full and proper investigation, it may as well set up a sub-office in the judicial review list.

From a practitioner's point of view, it seems to me that we have to put our client's best foot forward. It is not for us to determine whether our client is vulnerable or not. PIAB has taken this task on board, and the only sensible course is to make an application for costs in all cases unless instructed to do otherwise by your client, which is somewhat unlikely to happen. This must be done prior to the assessment being made. I would suggest that the bill of costs be

forwarded with the schedule of special damages.

If PIAB then fails to make an award of costs in addition to damages, I am of the opinion that you are entitled to know why your client is not a vulnerable claimant or why the fee is not one deemed to be "reasonably and necessarily incurred" within the meaning of section 44 of the 2003 act.

Who knows where this is going to end? I just can't wait for the next "welcome development". G

Stuart Gilhooly is the chairman of the Law Society's Litigation Committee.





The Law Society of Ireland Annual Conference 2008 will take place in Budapest, capital of Hungary. The conference package includes return flights from Dublin or Cork, four nights' accommodation at the five-star Hilton Hotel, welcome reception and gala dinner.

Package price for bookings before 1 December 2007: €995 per person sharing.

Package price for bookings on or after 1 December 2007: €1,145 per person sharing.

For more information or to register, go to www.lawsociety.ie or phone Anna Keating at Ovation, tel: 01 280 2641

Cross-border cooperation in

A conference on EU anti-terrorism law has emphasised the need for cross-border cooperation, but what will this mean for state sovereignty? Anna Bowen reports

The *Lisbon Treaty*, being signed by European leaders this month, revokes the draft constitution of the European Union in place of new measures to enhance institutional efficiency and cross-border cooperation.

No more evident is the value of international cooperation than in the fight against terrorism. In recognition of this, the Academy of European Law and the Irish Centre for European Law held a conference last month at Dublin's Royal Irish Academy to assess EU counter-terrorism law and the practical implications for police and judicial cooperation in criminal matters.

Since 2001, the EU has ramped up its counter-terrorism legislation through a succession of action plans, directives and framework decisions that rely on procedural cooperation by member states. Initiatives such as the *Data Retention Directive* 2006, the European arrest warrant and the European evidence warrant, which is currently under consideration, are examples of the collaborative approach towards dealing with terrorist networks.

Despite the merit of the EU directives, not all member states have fully complied. As it stands, Ireland and Britain have adopted an opt-out position. But under the new treaty, they will have the right to opt in to any justice and home affairs policies as required.

Obvious and necessary

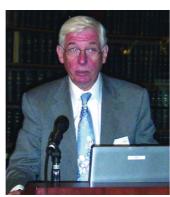
Director of Public Prosecutions James Hamilton sees the sharing and transfer of evidence between member states as an important area in



The conference heard from Mr Justice Nial Fennelly and DPP James Hamilton

which the government should opt in. Speaking at the conference, Mr Hamilton suggested that "the obvious and necessary solution is to ensure that, where evidence is taken, it is admissible in other states, provided that the rights of the suspect under the European Convention on Human Rights are respected and provided that the nature of the evidence is itself not fundamentally incompatible with the legal system in which it is sought to be used."

Mr Hamilton spoke about Ireland's long history of counter-terrorism laws, beginning with the adoption of the Constitution in 1937. He described legal measures of internment without trial, the



James Hamilton: "international legal cooperation is required"

use of special courts, emergency powers and the laws forming part of the permanent body of criminal statute law (Offences against the State Acts), which have adequately served the state in its handling of domestic security and terrorism issues.

But he also acknowledged the international dimension of the "new terrorism" that has emerged, as indicated by research from Europol stating that "virtually all terrorist activities are transnational". "In such a world", concluded Mr Hamilton, "no one country can on its own take the necessary measures to counter terrorism, but rather international legal cooperation is required if we are to succeed in the struggle against terrorism."

Sovereignty concerns

While the value of cooperation is widely accepted, there are fears about the subsequent erosion of national sovereignty as member states are urged to conform to EU policy. Thomas O'Malley, barrister and senior lecturer at NUIG, allayed these concerns by pointing out that cooperation between states does not imply removal of the

states. He suggested that resistance to cross-border cooperation was largely the result of conflicting constitutional values between member states and proposed that better articulation of the social values underpinning each state's criminal justice system was required.

Ignorance and intolerance of another state's criminal justice procedures were suggested as the principal causes of mistrust between member states, with the disparity between civil and common law systems sometimes seen as undermining judicial cooperation within the EU. But, as James Hamilton affirmed, cross-fertilisation between different systems is possible and has happened in both directions.

Trust seemed to be the word on everyone's lips at the conference, with participants considering it as fundamental to the success and progress of EU policy. Monica den Boer, academic dean of Holland's police academy, stressed the need for law enforcement agencies to trust each other in order to exploit the opportunities of legislative cooperation. She sees the EU's anti-terrorism strategy as one that rests on inter-agency coordination, but believes that law enforcement organisations feel inundated by and sceptical of the European agenda.

Ms den Boer proposed a three-step approach to establishing mutual trust in police and judicial matters: (a) develop small trust or knowledge communities, (b) training, and (c) joint development of best practices. This would enable

EU counter-terrorism law

communities to identify shared problems and exchange information on the effectiveness of existing response strategies in order to make improvements and cultivate expertise.

Cross-border coordination

This is the work being done at a judicial level by Eurojust, which is made up of prosecutors and judges from the 27 member states. Its aim is to better coordinate cross-border investigations and prosecutions through the exchange of information and recommendations for legal reform. As emphasised by Belgian member of Eurojust, Michèle Coninsx, "without information exchange there is no cooperation".

Eurojust keeps a database of information, including judgments, orders, evidence, penalties and sanctions to assist prosecutors and educate member states on matters of terrorism. Ms Coninsx emphasised the value of quality, "in-time" information exchange, which more recently enabled links to be made between the Madrid terrorist suspects and cells responsible for other attacks further afield.

Of similar benefit to counter-terrorism strategy is the intelligence provided by Europol. Its trend and situation reports pool statistics from member states to provide an overview of terrorist phenomena in the EU from a law enforcement perspective. Europol counter-terrorism expert Ivan Gelbard told the conference that 498 terrorist attacks were perpetrated in 11 member states last year, the majority of which were instigated by ethno-nationalist and separatist groups, mainly targeting France and Spain.



Mr Justice Nial Fennelly, Prof William Binchy and Dr Laurent Pech

Europol's investigation of terrorist groups and its library of extremist propaganda provide member states with valuable knowledge that, at its highest level, can be used to facilitate parliamentary decision-making in criminal justice matters.

This type of information exchange is further supported through communications surveillance, which the EU recently endorsed through its Data Retention Directive 2006. According to TJ McIntyre, law lecturer at UCD and chairman of Digital Rights Ireland, the directive is intended to harmonise national laws regarding data types and retention periods. But Mr McIntyre is sceptical, not only about the achievement of harmonisation, but also about the scope of the directive to detect terrorism without undermining constitutional values regarding the right to

From the perspective of the communication providers, there is also the issue of cost. The cost-effectiveness of

following these sorts of directives has made the private sector somewhat resistant to cooperation with EU criminal justice policy. But cost is not the only concern.

Show me the money

Dr Max Barrett, solicitor and outgoing head of legal and compliance for Rabobank Ireland, described the challenges faced by credit institutions in their obligation to identify money laundering and terrorist financing activity. He believes the financial sanction measures imposed by the EU add little value to the existing Criminal Justice Act 1994. Voluminous domestic and international legislative obligations have besieged the financial sector, which appears to be no clearer on the distinction between terrorism and other criminal activity.

For a more streamlined approach to criminal justice procedures, the member states are looking to the *Lisbon Treaty*. Mr Justice Nial Fennelly, of the Supreme

Court, suggested to the conference that the treaty will regularise and simplify the existing labyrinth of directives, common positions, action plans and framework decisions to enable better and clearer handling of issues. He and NUIG lecturer Dr Laurent Pech will keep a special eye on how the counter-terrorism measures respect fundamental rights and the rule of law. Their conference speeches reviewed the legitimacy of the existing EU institutional framework and interaction from the UN Security Council with these concerns in mind.

Recognition of all the issues raised at the conference appears to be just around the corner, with the expected ratification of the *Lisbon Treaty* next year. Continuing dialogue between police, prosecutors, judges, defence lawyers, civil servants, political analysts and private sector representatives who attended the conference will strive for a balance of respective interests.

Handle with care - new

LawCare provides health support to lawyers, their staff and families across Britain. From January, the Law Society is making its services available in Ireland. Colin Murphy reports

en years ago, a group of solicitors – all recovering alcoholics - approached the Law Society of England and Wales seeking funding for a service that would provide support to solicitors with alcohol problems. That service became LawCare. In the intervening years, its remit has expanded professionally and geographically. Through its telephone helpline and training seminars, it now provides support to judges, barristers and legal support staff, and is active in Scotland and Northern Ireland. It has also expanded, or refined, its mandate.

"The help we've been asked for has swung from alcohol-related issues to stress and depression," says Hilary Tilby, the head of LawCare. "Over 75% of our cases relate to stress and depression. And 80% of those with alcohol issues say they started drinking because of stress at work."

Tilby has been with LawCare for six years. When she started, LawCare was largely a 'reactive' organisation. It provided support to people who sought it. But Tilby realised the organisation had to be more proactive: rather than simply helping people to manage stress, it should help them to recognise and prevent it. Hence, its series of short training seminars (from one to five hours), which it provides for free

The chairman of the Law Society's Client Care Task Force, Tom Murran, and support services executive Louise Campbell have been nominated as directors to represent the Law Society of Ireland on the board of LawCare. (The board already





Tom Murran and Louise Campbell – nominated as directors of LawCare

includes representatives from the law societies of England and Wales, Scotland and Northern Ireland.)

Tom is excited about the new development. "LawCare is a tried and tested formula that has worked in the neighbouring jurisdictions. We can learn from their experiences," he said. "I would see the new LawCare service as complementing existing services already provided by both the Law Society and the DSBA for member solicitors."

In 2006, LawCare trained over 3,000 lawyers in stress

prevention and management. As well as the holistic benefits, many of those received CPD credits for attending.

"Most lawyers exist from the neck up, and the body is something they use to drag their head around. Studies have shown that the legal personality tends to be driven, perfectionist, unable to delegate – characteristics it shares with the obsessive personality, " says Tilby.

"Nothing that we do or say is rocket science – just that people forget it all in their own lives. It's done with a light touch. We don't all go out and hug a tree. It's very practical.

"Two-thirds of the training is about identifying symptoms of stress; one-third is about how to deal with it. Most people

THE SIX 'R'S OF STRESS PREVENTION AND MANAGEMENT

Responsibility

- Take responsibility for yourself you are in control
- · Establish your priorities
- · Learn to say 'no'

Reflection

- Know your stress triggers
- Be aware of stress symptoms
- Check your balance in life

Relaxation

- Do something good for you
- · Schedule 'worry time'
- Schedule time out

Relationships

- Maintain supportive relationships
- Manage your relationships
- Improve your relationship with yourself

Refuelling

- Eat a balanced diet with high fibre, low salt and low cholesterol
- Be aware of poisons: caffeine, fats, nicotine, processed foods
- · Drink plenty of water

Recreation

- Laugh
- Have fun
- Enjoy life

WHAT KATIE DID

Hilary Tilby stresses, over and over, that LawCare is utterly confidential. But she describes a case study, based on an amalgam of actual cases, to show how the organisation works.

'Kate', a self-employed lawyer with a severe alcohol problem, had left her husband and children, was living in rented accommodation, and was in financial difficulty, as her work had dried up. At the point when she called LawCare, she had spent her rent money on whiskey and was being threatened with eviction. LawCare initially put her in touch with a local volunteer, and the volunteer recommended inpatient treatment. LawCare organised funding of a treatment course through a benevolent association and 'Kate' took up her place and completed her treatment. She is now sober, is working again, and is slowly rebuilding her confidence.

service for solicitors

who suffer from a psychological or mental collapse have had symptoms but haven't recognised them." So does she practise what she preaches? "I wish! I always say 'do as I say, don't do as I do'. But I think that's a good thing – when I'm training people, I know how hard it is to make time for these in your daily life."

Tilby's own anti-stress techniques are simple – walking, reading, "a good soak in a hot bath" – everybody has their own technique, she emphasises.

She is no stranger to legal stress. Before moving to work with LawCare six years ago, she was a commercial litigator and a partner in a Sussex firm, Bunkers Solicitors. Before that, in the 1970s, she spent ten years at the Bar in London.

So what does she make of those who say stress is integral to the legal profession: if you can't stand the heat, get out of the kitchen?

"It tends to be older people who think that. They forget the heat these days is a lot more intense than 30 years ago. The pressures and demands are a lot greater. We've all got to have some stress in our lives or we wouldn't get out of bed in the morning – but it's a question of degree."

Calls to LawCare's helpline are increasing by 25% a year. In 2006, 425 new case files were opened – though any individual

case can require many calls. In one case, the service had over 300 calls with one client.

The helpline is manned by LawCare staff, most of whom are legally qualified as well as trained in support, and they may refer callers to LawCare volunteers, many of whom are people who formerly availed of support themselves. As well as confidential, the service is non-judgemental, she says.

If necessary, a client will be referred to a treatment centre or counsellor, and LawCare may help in organising funding for such services if necessary. (See the case study in the accompanying panel.)

"The immediate reaction to a

call is to talk through their problem *with* them, not *at* them," says Tilby. "We walk the path with you, shoulder to shoulder, but the choice of path is yours."

The key thing, she says, is to remember that "everybody needs help sometimes. To recognise you need help is not a sign of weakness."

LawCare's website, www.lawcare.org.uk, has a range of guides to the different aspects of stress prevention and management, from 'adrenaline addiction' to dealing with bereavement and bullying, available for download.

The helpline, which will be live from 1 January, is 1800 991 801. **C**

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Determinations of fact important

A recent English asylum case indicates that there is a duty to bring information on related determinations to the attention of the adjudicator, writes Elaine Dewhurst

n the recent case of AA (Somalia) v SSHD and AH (Iran) v SSHD, the Court of Appeal of England and Wales was asked to consider the complex question as to what extent an adjudicator in asylum claims should take into account the previous findings of fact of another adjudicator in a related case.

The cases concerned two separate asylum seekers, both of whom had been refused asylum in Britain and both of whom were appealing this decision on the basis that the adjudicator had not considered as binding a previous finding of fact of a different adjudicator in a related case. In the case of AA, this previous determination had been made in favour of his sister, with the adjudicator finding as fact that she was a member of the Ashraf clan in Somalia. AA had failed in his case to establish his membership of this clan. In the case of AH, the appellant relied on a previous finding of fact made in the case of HRM, his alleged homosexual partner, to the effect that AH and HRM were in a homosexual relationship, that HRM was a cousin of AH's wife, and that

AH's wife knew and strongly disapproved, and this made it more likely that AH would come to the attention of the Iranian authorities and suffer persecution should he be returned to Iran.

The Court of Appeal held that, while the decision of the adjudicator in the related case was not binding on the adjudicator in the case before it, the related decision was an important assessment of fact, and an adjudicator should only differ from it where there is good reason to do so. On the

LOOK IT UP

- AA (Somalia) v SSHD and AH (Iran) v SSHD [2007] EWCA Civ 1040
- Devaseelan v SSHD [2004] UKIAT 000282
- LD (Algeria) [2004] EWCA Civ 804
- Ocampo v SSHD [2006] EWCA 1276
- SK (Guidance on the application of Devaseelan) Serbia and Montenegro
 [2004] UKIAT 00149
- TK (Consideration of Prior Determinations) Georgia [2004] UKIAT 00149

facts, the court dismissed the appeal of AA and allowed the appeal in the case of AH.

Devaseelan guidelines

The court approved the use of the *Devaseelan* guidelines in cases involving related claimants, subject to two specific qualifications. The guidelines – which are generally used in cases involving an appeal from an adjudicator in the case of the same claimant – provide guidance for adjudicators in asylum cases. The most relevant guidelines to cases involving related claims were:

- The first adjudicator's determination is always the starting point – however, it is not binding on the second adjudicator.
- If, before the second adjudicator, the appellant relies on facts that are not materially different from those put to the first adjudicator, the second adjudicator should regard the issue as settled by the first adjudicator's determination and make his findings in line with that determination rather than letting the matter be re-litigated,

 These guidelines will apply unless there is some very good reason, such as compelling new evidence, why they should not.

Qualifications

The Court of Appeal agreed that these guidelines would apply as long as two qualifications were met:

- There must be a material overlap of evidence between the two related cases. The claimant must show that the two cases arise "out of the same factual matrix, such as the same relationship or the same event or series of events".
- There may be a valid distinction depending on whether the previous decision was made in favour or against the Secretary of State. The Secretary of State was a direct party to the previous determination, whereas the claimant was not. If the previous decision was made in favour of the Secretary of State, they could argue that the decision should not be relitigated and it would be unfair to impose this restriction on the claimant

ONE TO WATCH: NEW LEGISLATION

Safety, Health and Welfare at Work (General Application) Regulations 2007 (SI no 299 of 2007); Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (SI no 732 of 2007) The Safety, Health and Welfare at Work Regulations, as amended, came into operation on 1 and 12 November 2007 respectively. The regulations simplify, replace and update existing sets of regulations and orders and apply to all

areas of work. They are presented in a user-friendly and logical manner.

Part 1: standard interpretation and commencement provisions As well as interpretation, part 1 lists all the revocations and

replacements brought about by the regulations.

Part 2: workplace and equipment

Chapter 1 concerns the requirement for a safe work environment, including provisions relating to structure, ventilation, room

human rights watch

in related asylum cases

who was not directly involved in the previous decision. The second tribunal may be more readily persuaded that there is good reason to revisit the earlier decision.

The Court of Appeal noted four separate reasons for the introduction of this principle in related cases. Firstly, relitigation in general is contrary to the public interest. Secondly, consistency and finality of litigation is very important to the good administration of the immigration system. Without consistency, there would, in such cases, be in existence two undisturbed determinations containing inconsistent findings of fact in relation to the same individual. Thirdly, it is necessary to ensure fairness to both the claimant and the public. Finally, the general approach to findings of fact in immigration cases is that findings of fact stand unless there is a very good reason to displace them.

The result

In the case of AA, all three lord justices agreed that the appellant's appeal should be dismissed. Even though the first adjudicator was aware of



Gothic horror: an English court

the decision in the case of the appellant's sister, he was not presented with the determination in full, was not apprised of its contents, and did not rely on it. A legally represented claimant presented the case, and the first adjudicator could not be said to have erred in law in not taking it into account.

In the case of AH, the majority of the judges felt that the appeal should be allowed. The court noted that the first adjudicator had specifically relied on the previous decision to support his determination in favour of the claimant. There

was no good basis for the adjudicator to order a reconsideration of the facts that had already been determined in the related case. The subsequent decision of the Asylum and Immigration Tribunal that there had been an error of law should be dismissed, and the court directed that the adjudicator's decision be restored.

Effect in Ireland

This particular aspect of asylum law has not yet been litigated before the courts in Ireland, and thus the decision of the Court of Appeal in England and Wales may have persuasive effect before an Irish court in the future.

The Court of Appeal has finally determined that adjudicators should take into account the determination of another adjudicator in related cases, subject only to the qualifications that there must be a material overlap of evidence between the cases and that there should be a good reason to depart from this principle. What is important from an Irish perspective is that legal representatives should be aware that there is a duty to bring information on any related determinations to the attention of the adjudicator. The Court of Appeal made it clear that it was not for the Home Office, in the case of England and Wales, to produce the decision, or for the adjudicator to enquire for it. Once a legal representative has brought it to the attention of the adjudicator in Ireland, however, it is hoped that the courts here will take a similarly sensible approach to findings of fact in related immigration claims.

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

temperature, lighting, emergency exits, fire, the movements of pedestrians and vehicles, escalators and travelators, loading bays and ramps. It also covers room dimensions and airspace and freedom of movement at the workstation. The regulations also

impose general welfare requirements, including the provision of rest rooms and areas, sanitary and washing facilities, changing rooms and lockers, and accommodation areas. The regulations provide for special provisions to be made for places of

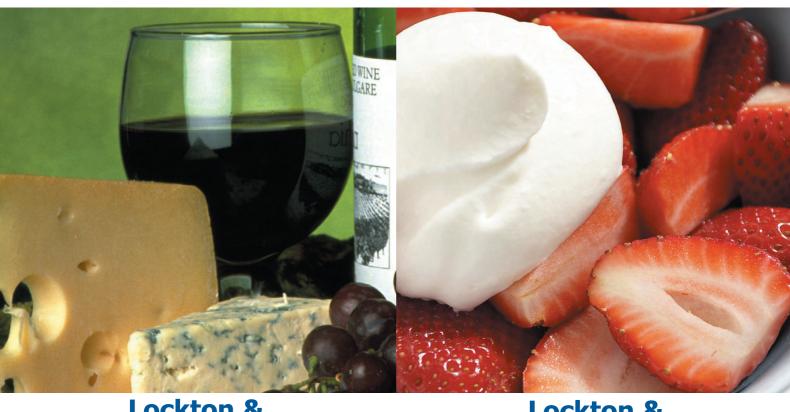
work outdoors, employees with disabilities, and pregnant, breastfeeding and postnatal employees.

Chapter 2, in conjunction with schedule 1, makes specific regulations for the use of equipment at work. It details the

duties of the employer in relation to the provision of equipment, information and instruction, the inspection and maintenance of work equipment, control devices, guards and protection devices and the connection to energy sources. In relation to mobile

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work equipment, the regulations lay out rules in relation to contact with wheels or tracks of mobile work equipment, drive systems, combustion engines, roll over and traffic rules. Particular regulations exist in relation to certain types of equipment, including lifting equipment and accessories, which are subject to regulations relating to signalling, operation, examination and testing. Safe working loads for certain machines are also contained in the regulations. The regulations provide for an examination to be carried out by a competent person and for reports to be kept. A register of lifting equipment should also be maintained. Specific duties are assigned to persons who hire lifting equipment to others, the master of a ship and the owner of a fishing vessel in respect of the examination of lifting equipment.

Chapter 3, in conjunction with schedule 2, deals with personal protective equipment. The regulations place duties on employers in relation to the provision, assessment, use and compatibility, maintenance and replacement and personal use of personal protective equipment and provide for information, training and instruction for employees.

Chapter 4, in conjunction with schedule 3, sets out the duties of the employer in relation to the manual handling of loads. Chapter 5, in conjunction with schedule 4, deals with the duties of the employer in respect of display screen equipment, including the provision of eye tests and corrective appliances.

Part 3: electricity

The regulations modernise the legal requirements in relation to the safe use of electricity in the workplace. Part 3 sets out regulations in respect of the suitability of electrical equipment and installations, adverse or hazardous environments, identification and marking. It also deals with protections against electric shock in normal and fault conditions and in the use of portable equipment. Connections and cables, overcurrent protection, auxiliary generator and battery supply, switching and isolation on work equipment made dead are also regulated. Protections for work on electrical equipment, including working space, access and lighting, persons to be competent to prevent danger, testing and inspection, and earth leakage protection for higher voltage are also contained in the regulations. The employer is responsible for maintaining a substation and main switch room, the fencing of outdoor equipment, and overhead lines and underground cables.

Part 4: work at height

Part 4 requires that organisation, planning, checking and risk assessment must be carried out by the employer to ensure the avoidance of risk in the case of people working at height. Special responsibilities arise in cases of certain weather conditions. The employer is also responsible for protection of places of work of height, selection of work equipment, condition of surfaces for, and suitability of, supporting structures, work platforms, scaffolding and additional

requirements. Specific dangers are also identified and regulations introduced.

Part 5: physical agents

Chapter 1 deals with the control of noise at work. It sets out exposure values and the procedure in determining and assessing risks, avoiding and reducing exposure and the prevention of exposure above defined noise levels. It also details the personal protections to be provided to employees, information, training and consultation and health surveillance requirements.

Chapter 2, in conjunction with schedule 6, provides regulations in relation to the control of vibration at work. Once again, it details exposure values, regulations relating to the determination and assessment of risk, avoiding or reducing exposure, employee information and training, and health surveillance.

Part 6: sensitive risk groups

Chapter 1, in conjunction with schedule 7, details certain requirements for the protection of children and young persons.

Employers are responsible for risk assessments, circumstances prohibiting the employment of children or young persons and health surveillance.

Chapter 2, in conjunction with schedule 8, sets out the responsibilities of the employer relating to pregnant, postnatal and breastfeeding employees. The employer is required to carry out risk assessments, to ensure protective and preventative measures, and other

responsibilities in relation to night work and information.

Chapter 3 sets out requirements in relation to night work and shift work. The employer must ensure risk and health assessments are carried out, protective or preventative measures are introduced, and transfer to day work is facilitated in certain cases.

Part 7: safety signs and first aid

Chapter 1, in conjunction with schedule 9, concerns safety signs in the workplace. It requires that employers provide safety signs in the workplace relating to hazards and that information and instruction for employees is provided. These signs should not contain any unauthorised information. Chapter 2 concerns first-aid facilities in the workplace and the provision of a first-aid room that is equipped and is easily accessible for stretchers.

Part 8: explosive atmospheres

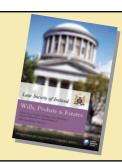
The employer is responsible for the assessment of explosion risk and the provision of an explosion protection document. Places where explosive atmospheres may occur should be classified, and prevention and protection against explosions should be ensured. Training, instructions, coordination and permits to work should be provided. (Schedule 10 supplements part 8.)

Comprehensive guidelines are available on the Health and Safety Authority website at www.hsa.ie.

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

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YOU ARE WAT

The purpose of nutritional information on food labels is to help consumers make informed choices – but it's not working. Brian Harley assembles the ingredients

o you know how much sodium you should consume a day? Would it help if I told you that the salt content of a product is equal to its sodium content multiplied by 2.5, that 1.5g of salt per 100g of a food is a high salt content, that less than 0.3g per 100g is a low salt content and that you should avoid having more than 6g of salt a day, though ideally you should consume 4g?

Next time you go shopping, will you check the sodium content of the foods you buy (if you can find it on the label) and work through the arithmetic to ensure you won't be eating more than six grams of salt that day? Well, according to the Food Safety Authority of Ireland (FSAI) and the European Food Safety Agency (EFSA), you should: the likelihood is that, like most people in Ireland, you are eating too much salt. Cardiovascular disease, which is responsible for more than 40% of all deaths in Ireland, is strongly linked to excessive consumption of dietary salt.

And of course, it's not just salt we are eating too much of, but also fat, especially saturated fats, and sugar, to mention only the main culprits. Multiple reports have concluded that Europeans are experiencing an epidemic of excess weight, obesity, cardiovascular and other diseases related to excessive consumption of unhealthy foods. If the purpose of providing nutritional information on the labels of food products is to enable consumers to make informed choices and so help them maintain a balanced and healthy diet, clearly it is not working. One of the causes of this failure, identified in a

number of surveys, is simply that consumers find the information provided on labelling too difficult to use.

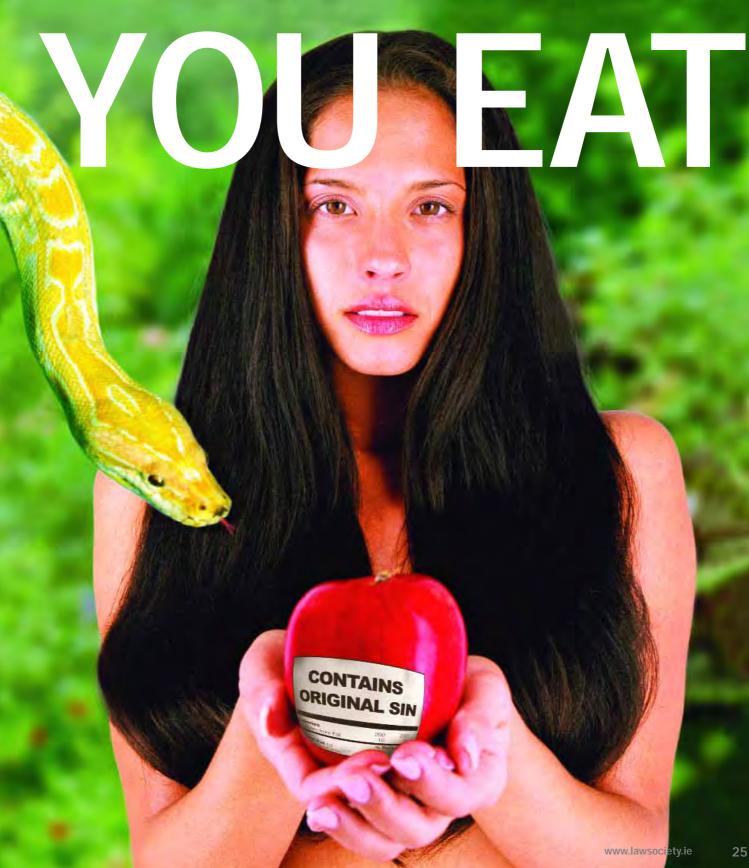
The regulation of food labelling is primarily governed by European law, foremost by Directive (2000/13/EC) on labelling, presentation and advertising of foodstuffs and Directive (90/496/EEC) on nutrition labelling for foodstuffs, transposed in Ireland by statutory instruments. The two most important aspects of food labelling are the provision of information (especially ingredients and nutritional contents) and making 'claims' about the product. A 'nutritional claim' is any representation that states, suggests or implies that the product has particular nutritional properties due to the energy it provides or the nutrients it contains.

Forbidden fruit

Providing details of the nutrient content of a food is optional, unless a nutritional claim is made in the labelling, presentation or advertising of the product. Where this information is provided, it must be provided in one of two standardised formats, depending on whether the claim relates to certain specified nutrients. These 'nutritional information' boxes will be familiar from the packaging of any (compliant) food product you have come across. They set out the energy value of the product and the amounts of protein, carbohydrate and fat contained in the product (and, in certain cases, the amounts of sugars, saturates, fibre and sodium). Information can also be provided about other nutrients, such as cholesterol, vitamins and minerals. These quantities

MAIN POINTS

- · EU labelling rules
- Voluntary national measures
- New EU Regulation (1924/2006)





LOOK IT UP

Legislation:

- Directive (2000/13/EC) on labelling, presentation and advertising of foodstuffs
- Directive (90/496/EEC) on nutrition labelling for foodstuffs: deals more specifically with nutrition labelling
- Regulation (EC) no 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

Literature:

- A Strategy for Europe on Nutrition, Overweight and Obesity-related Health Issues, (White Paper) COM (2007) 279, 30 May 2007
- EU Food Law: Protecting Consumers and Health in a Common Market, Caoimhín MacMaoláin, Hart Publishing (2007)
- European Food Law, 3rd edition, Raymond O'Rourke, Sweet and Maxwell (2005)
- Labelling: competitiveness, consumer information and better regulation for the EU, Health and Consumer Protection DG

Websites:

- European Food Safety Authority: www.efsa.europa.eu
- Food Safety Authority of Ireland: www.fsai.ie
- · Safefood: www.safefoodonline.com

must be indicated in kilojoules (kJ) and calories (kcal) for energy contents, grams for certain nutrients, milligrams for others and yet other units for vitamins and minerals. Except in the case of vitamins and minerals, there is no obligation to express these quantities as a percentage of recommended daily allowance.

Even this cursory overview demonstrates that the system suffers from at least two important defects: not only is the provision of nutritional information often optional but, when it is given, it is provided in a format that is not intelligible to consumers who are not familiar with the complex – and indeed much debated – intricacies of nutritional science.

Grapes of wrath

In light of the shortcomings of the EU labelling regime, why don't member states introduce more effective domestic rules? Article 7(3) of the nutrition labelling directive provides that member states may not lay down requirements that are more detailed than those contained in the directive. One of the reasons behind this provision, true to the EU's perennial concern with free movement of goods, is that additional requirements would tend to impede the flow of food products within the EU, as manufacturers would have to incur costs in adapting their label to multiple inconsistent domestic labelling regimes. As a consequence, member states that wish to introduce more effective labelling systems can only do so by way of voluntary systems, which are inherently limited because compliance cannot be enforced by any kind of legal sanction.

An example of a recent initiative at the national level that demonstrates the shortcomings of voluntary systems is the 'traffic-light' labelling system backed by the British Food Standards Agency. The idea behind the system is to provide a colour-coded information box on the front of food-product packaging, indicating the contents per 100g of fat, saturated fat, sugars and salt. These nutrients were identified as priorities in promoting healthy nutrition, as excessive consumption is strongly linked to obesity and other non-communicable diseases. In this additional information box, each of the nutrients is highlighted - green for low content, amber for medium content and red for high content. The advantage of the system is that consumers can tell at a glance whether the product contains nutrients they ought to try to cut down on. Polls have indicated that consumers are largely in favour of the system, and several medical authorities have given it their backing.

Though a number of major supermarkets and food manufacturers have adopted the system, it has not been universally adopted. On the contrary, other big players in the food industry have backed a rival system, the 'guideline daily amounts' (GDA) system, which shows the amounts of sugar, salt, fat and calories in each serving along with the percentage of the recommended daily amount they represent. While this system offers additional information, it has been criticised on the basis that it lacks the direct visual impact of the colour-coded traffic-light system and, to be used effectively, involves calculations that consumers may not be inclined to perform as they shop. One of the concerns with the traffic-light system - identified by the backers of GDA - is that red labels quite simply put consumers off. It may be, therefore, that the traffic-light system is undermined by its own effectiveness: manufacturers and retailers are reluctant to back a system that is likely to put shoppers off a wide range of their products. Of course, putting consumers off excessive consumption of certain unhealthy foods is the whole point of the traffic-light system, but it is bound to be difficult to convince manufacturers and retailers to adopt a voluntary system that will hurt their sales. One possible outcome of these 'label wars' is that competitive pressures may drive the more effective system out of the market. Because of article 7(3) of the nutrition labelling directive, domestic initiatives must remain voluntary: the obvious solution, therefore, is action at EU level.

Manna from heaven

The EU Commission is considering further reforms to the labelling system, including the possibility of making nutritional labelling compulsory and of providing the information in a more effective format, such as 'signposting' on the front of the package (that is, something along the lines of the traffic-light system).

E(U) NUMBERS

There is a considerable degree of awareness of the problems with the current system, and the EU has responded with a number of initiatives. The latest significant legislation is Regulation (1924/2006), dealing with nutrition and health claims on foods, which came into effect on 1 July 2007.

The primary aim of the regulation is to impose tighter restrictions on both nutrition claims and health claims (claims that a relationship exists between the food or one of its constituents and health), especially with a view to ensuring that unhealthy foods cannot make any kind of nutrition or health claim. For example, this would preclude a product with a high salt content from claiming that it is 'low-fat', and so misleading the consumer into believing it is a healthy food. This will be achieved by drawing up, by January 2009, 'nutrient profiles' that different categories of foods will have to comply with in order to carry nutrition or health claims on their labels. The regulation also introduces a positive list of permissible nutritional claims: any claim not on the list cannot lawfully be made. A similar list of permissible health claims is to be compiled by January 2010. Generally, the regulation imposes a requirement for a sound scientific basis for all claims.

Though there is a period of grace before certain aspects of the regulation come into force, the parts that are already applicable are significant – food manufacturers should take note and keep abreast of developments.

It has been argued that labelling measures are not sufficient: what is needed are mandatory minimum standards in the composition of food products, such as already exist for certain categories of foods, like chocolate. However, quite aside from the thorny question of reaching consensus on such standards in a hugely diverse 27-member state EU, there is the simple fact that many foods we enjoy eating are inherently unhealthy if consumed immoderately.

EU action in the area of nutrition has been premised on the recognition that food is very much a matter of personal lifestyle choice. The focus on labelling rather than mandatory standards in food composition stems from the idea that, by providing the consumer with information, the consumer remains free to choose but is empowered to make the right choices. This approach has failed to lead to healthy eating habits – not because it is fundamentally unsound, but because the legislation does not provide an effective means of delivering this information to the consumer.

Food manufacturers have pernicious incentives to under-emphasise the unhealthy aspects of their products, since highlighting the fact that a product may be unhealthy is guaranteed to decrease sales. In a highly competitive market, those who move first risk being undermined by those who hold back, dooming voluntary national systems, at best, to only partial success. The onus is therefore clearly on the EU to take action. In light of growing concerns over the epidemic of obesity and other diseases connected with unhealthy nutrition, the likelihood of more effective measures being taken at the EU level is increasing. Will we be seeing an EU traffic-light system in the near future? Quite possibly.

Brian Harley is a trainee solicitor with Mason Hayes & Curran.

It's been a *mensis horribilis* for the solicitors' profession, but its newly-elected president, James MacGuill, isn't shying away from the controversy, as Mark McDermott discovers

ames MacGuill takes over the mantle of President of the Law Society at a demanding time in the Society's history. Adverse publicity generated by cases involving solicitors before the courts at present have raised contentious issues in relation to regulation and representation of the profession among not only the general public, but members themselves.

The Dundalk man tells the *Gazette* that the limelight will always shine on the tiny minority who fail to meet the high standards the profession sets itself. The challenge he sets for members is to ask one question: 'What is in the public interest?' Because, he says, what is in the public interest is in the profession's interest. That may involve a broader consultation of members to make sure that the

profession is delivering a '2007 standard'. "We ourselves must look and see if we can satisfy and reassure the public in a better and more effective way," he says.

The president addresses these and other issues in the following interview.

Was your dad – and the fact that he was a lawyer – a key influence in attracting you into law?

Yes, I mean, there are five of us in the family and two of us went into law. So it wasn't a situation where we were compelled to do it, but there was obviously an interest and I admired my father both personally and professionally very much and had the understandable desire to follow in his footsteps.

MAIN POINTS

- Following in his father's footsteps
- Winning against the odds
- · In the media glare



Were there ever any other options for you?

No, I enjoy practising as a lawyer so much I would be hard pushed to think of an alternative that I would find as rewarding. I'm so completely tone deaf that being a famous rock star was never a runner! I always enjoyed my sport, but not at a level where I was going to excel – so, no, I think the law was always a safe haven for me.

You did your law degree in UCC. Wasn't Cork a long way to go for somebody from Dundalk?

That was due to the cruelty of the points system. I did my Leaving in 1980 when you could combine your Leaving and your Matric for Cork, but not for the other colleges. Cork that year gave you the opportunity of combining your best results.

We were very lucky in Cork, which, at that time, had a very dynamic faculty, which included Professor Bryan McMahon – now a judge of the High Court. Several of the college's lecturers were at that time writing books that came to be the major texts in their disciplines: Ryan and Magee in criminal law, John O'Connor and Pat Horgan. Robert Pierse, Michael Forde and David Gwynn Morgan were all there.

Once you had your degree, what was training under your father like?

It was a very traditional practice, concentrating on the core areas of conveyancing, probate and litigation at that time – mainly personal injury litigation. You really had to do everything that came

QUICK-FIRE ROUND

Most influential person in your working life?

My father, but I hope that I have inherited my mother's fortitude.

Favourite band?

Elvis Costello in his various manifestations is always an inspiring man.

Favourite sport?

Rugby - I'm a member of Dundalk RFC for 20 years and it's a fantastic club. It doesn't have a

feeder school or it's not a trendy or glamorous club, but we love it.

Favourite writer?

Nick Hornby and John O'Connor. They're essentially contemporaries, and the experiences that they write about are very real and, you know, part of coming-of-age in the '80s.

Pet hates

Arcane rules of procedure and arcane practices devoid of principle.

your way, which was probably the best way to train.

Before criminal legal aid, solicitors around the country regularly conducted jury trials because there was no money for anybody else to do them. My father was a first-rate court advocate, and despite the fact that he had suffered with glaucoma, which meant that he found it hard to read textbooks, he'd labour through them and then make his notes out in handwriting that he could follow. So, you know, I just learned by watching him.

Like anybody else coming out recently trained, you're inclined to think that the sole answer to a problem is the black-letter law, but I suppose most of the problems you're asked to deal with are human problems, legal problems. My father illustrated this by saying that when he first qualified, he knew a lot about law - not so much about people. But by the stage I came to train with him, he knew a lot about people and maybe not as much about black-letter law - that was an important lesson.

Another was the importance of listening. The single greatest quality in any solicitor is to be a good listener, because the first consultation with a client is when you must make big tactical calls. You can only make the right call if you have listened properly to the client, put the client at ease and the client has been able to give you their fullest instructions.

Following on from that, you have to make the decision as to whether the particular problem is one that you understand and is within your competency to solve - or whether you should immediately refer to another colleague who has the required competency.

What makes your career as a solicitor interesting?

I find the legal work, and particularly court work, to be the most satisfying. However, we're all now slaves to practice accountants, time-management, cost-recording and billing targets. In real terms, we're not going to get away from that, and if we try to delude ourselves into thinking that these are not

"Clearly, the greatest satisfaction for me in being a solicitor is where your client is the person against whom all the odds are stacked - but has justice on their side"

necessary disciplines, we'll get into both economic and stress difficulty.

Clearly, the greatest satisfaction for me in being a solicitor is where your client is the person against whom all the odds are stacked - perhaps a person who is on the margins of society, who has no resources relative to their opponent, but has justice on their side. When you can achieve the object of justice for that person - who might otherwise, through no fault of their own, be deprived - it's very satisfying.

Why did you decide to run for Council in 1991?

I made the fatal error of missing a bar association meeting in Co Louth, when my local colleagues decided they should have someone on the Council. The obvious nominee was going to be the solicitor who wasn't in the room, and having decided that they would try and get me elected, they have kept me elected since!

Have you been particularly proud of any committee achievements?

I'm pleased to have been part of the many committees that deliver for colleagues around the country and also the wider public. Sometimes, though, it's the things that you don't achieve that give you the greatest pride. I was professionally proud for the Society that we publicly opposed the manner in which the Criminal Fustice Act 2007 was introduced when others went missing, and when the politicians who should have called a halt failed to do so.

It is an appalling piece of legislation, and we'll come to regret it in the coming years. It's the individual citizens who have to cope with it and individual practitioners who are trying to protect citizens from some of the most unfair provisions of the criminal law. These are already beginning to filter through, and we anticipate a lot of problems.

Many members are upset at the adverse publicity generated by certain cases involving solicitors before the courts. How do you feel?

The message we have to give the public is a difficult message to convey because, as practitioners, we all know that the vast preponderance of colleagues are delivering fantastic services to clients. We also know that the limelight will always shine on the tiny minority who fail to meet those standards. At the end of the day, if we ask ourselves the right question, we will get the right answer. The right question is 'What is in the public interest?', because what is in the public interest is in the profession's interest. That may involve a broader consultation at this time to make sure that we are delivering what is, in fact, a '2007 standard'. This might involve adjustments to standards that were put in place in the last century. We ourselves must look and see if we can satisfy and reassure the public in a better and more effective way.

Members have criticised the Society for failing to adequately represent their views in relation to cases before the courts. Is this justified?

No, I think the Society represents members' interests very effectively. Sometimes effective representation is not loud or visible representation. It's by doing good work on, for instance, the Property Registration Authority to try and improve conveyancing matters, and participation in the work of the Law Reform Commission. All of these are good, effective representations of the Society, but they don't necessarily attract headlines.

Is there anything that the Society can do better?

A significant target for us in the course of the next couple of years is to have a greater involvement of that 30% of the profession who are qualified less than seven years. We're going to be positively encouraging people to get more involved in the committees and on the Council so that we can deliver what those colleagues want.

This is not necessarily the same as colleagues of 20 years ago wanted. I mean, there's quite a huge interest in work/life balance. Colleagues have priorities now that weren't even on the agenda when I qualified. Then, it was entirely about getting qualified and getting business established or progressing to partnership, whereas younger colleagues have other concerns now, which we want to reflect as well.

What would you most like to achieve during your year as president?

During their year, presidents like to re-energise certain activities of the Society. Obviously, we have an ongoing concern with assuring equal access to justice. This year, some of our best colleagues have kindly agreed to sit on a task force examining the issue of legal aid. We would hope to be in a position to make very constructive contributions on that in the course of the year. We expect to have an initial report within six months, examining the scope of the many schemes that exist, as well as the many gaps and omissions, and try and see how the available resources could be best used to plug these gaps.

I would also like to see the Society giving as much leadership as we can to the profession in terms of effective practice management, encouraging members to do their existing work to even higher standards, introducing improving efficiencies, raising consciousness in respect of new technology, and identifying all the new work that is available for Irish solicitors, both domestically and internationally, ensuring that we compete effectively for that work.

I think that if we achieve the combined role of alerting colleagues to the opportunities that are there for their own personal and professional development, and make government listen to the responsible proposals we can make in terms of ensuring equal access on the legal-aid front, those would be worthwhile achievements – and they're attainable achievements.



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What is your practice worth should you wish to sell it? In part one of a two-part series, Hilary Haydon does the sums – but says that good poker-playing skills play their part too!

t the outset, it must be said that the valuation of a professional practice is very subjective. 'Am I buying?' or 'am I selling?' There is no definitive answer to the question "what is my practice worth?" The buyer will want to pay the lowest price, with the glass only half full, while the seller will want to maximise the value and will try to see the glass as brimming over.

So what are the problems? Perhaps the biggest one is that every sale of a professional practice involves both a buyer and a seller, and both of these will look at a practice from an entirely different perspective.

The vendor may have spent many years of hard work building up the practice from scratch and possibly has an inflated idea of what it is really worth. There are many factors that influence these views – which can range from a thorough knowledge of their own business (including the ability to maximise value from clients whom they know very well) to the more difficult emotional ties that develop from being part of the business for such a long period of time.

The purchaser will usually be seeking to acquire the firm cheaply, to pick up a bargain and develop the potential of the practice. Purchasers always carry natural concerns regarding the true value of goodwill and the possible loss of long-established clients who may just not adapt to change and the possibility of a new and often younger face sitting opposite them, giving advice without the grey hairs that go with experience.

The situation is very similar to bride-price

negotiations in primitive societies – the father extolling the virtues of his beautiful daughter, and the groom's family trying to talk down the price.

Buying the pot

However, legal practices do get bought and sold. A great many considerations are placed on the table. The deal involves a careful and patient approach from both the purchaser and the seller. Pokerplaying ability is critical at this stage, with the vendor trying to assess how badly the buyer wants to acquire the practice and vice versa.

The financial services warning to customers that 'past performance is no guide to future success' can well be used to describe many transactions involving the buying and selling of a legal practice. There is no crystal ball that will foresee future performance.

These days, the key issue arising for many solicitors seeking to retire is the challenge associated with finding another solicitor willing to buy their practice.

Aces high

Various rules of thumb have been utilised in the past for valuing a practice:

- A multiple of the annual gross fees,
- A multiple of the maintainable profit before tax,
- A value based upon net assets (including a full work-in-progress valuation) plus an additional, and very negotiable, figure for practice goodwill.

The first two options are extremely subjective and wide differences will exist between the vendor and the purchaser.

MAIN POINTS

- Valuation of a professional practice is subjective
- · Tax considerations
- Past and future profitability



The multiplier used for annual gross fees will vary greatly depending on the actual breakdown of the fees, including the circumstances and facts surrounding the practice for sale. In today's market, the multiplier can vary from 0.2 to 0.9 times annual gross fees. This basis of valuation is not widely used for overall valuations and is more often used in conjunction with options 2 and 3, with payment based on future business generated from the existing client base.

The second option involves using a multiplier of earnings – in this regard, the range of multiplier can vary between three and six times earnings. In the event that one adopts the first option of valuation, a careful eye should always be kept on how this valuation stands up compared to option 2. After all, while fees are most important, it is profit that counts.

The third option mixes hard fact (the real value of work in progress on a case by case basis) plus a subjective add-on for goodwill. The main considerations in evaluating the add-on for goodwill are considered below. This basis of valuation is the most common basis used in practice.

Full house

When there is a property involved, it is normal practice to have the property independently valued by a reputable firm of auctioneers. This can involve

both parties agreeing to secure valuations, but given that this is likely to lead to a difference in valuation, it makes much more sense to agree on the appointment of a single firm and that both parties will be bound by that valuation.

In this instance, the purchaser should keep its bankers informed of the process, as the bank will need to be satisfied with the valuation report if it is going to lend funds to assist with the purchase.

River card

The value of work in progress should be the cost value of the files being handed over at the date of the sale of the business. A practice that utilises time management systems and case-management software will find the listing and valuation of work in progress a relatively straightforward task. In other cases, a list of all current files should be made with a calculation of the work carried out to date estimated and agreed. In larger transactions, it may be advisable to use legal cost accountants to assist in the valuation of work in progress.

In almost all cases, the vendor retains ownership of debtors and the payment of creditors, including VAT and PAYE. Due consideration should be given by the vendor to the cash-flow implications of the transaction from their own viewpoint.

The vendor may own furniture, computers and other office equipment that carry some value in the



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balance sheet of the vendor, but which are of little or no value to the prospective purchaser. The vendor may need to consider the independent disposal of these items.

Upping the ante

Let us assume that we are looking at the transaction from the viewpoint of the buyer and that no premises are involved or, if involved, that they are the subject of a separate agreement based upon an independent professional valuation.

The main considerations that the prospective purchaser will have to evaluate are:

- The past profitability of the practice as a guide to its future earnings potential,
- Factors governing the future continuation of the practice, and
- The nature and timing of the consideration to be paid on satisfactory completion of a deal.

The legal profession has been turned inside out in recent years. This means that the impact of legislative change (for example, PIAB) and market forces (such as the downturn in the property conveyancing sector) need to be assessed with every transaction.

In seeking to determine the value of a practice, it is profitability that matters, not gross fee income. Although vendors may have expectations that their practice is worth a multiple of gross fees, no well-advised purchaser would consider buying a practice on this basis.

The first stage for a would-be buyer is to determine past profits by getting an accountant to review the accounts for the past three years and adjust for exceptional or non-recurring items. The average for the past three years should be a good guide to future profitability, but the past or future figures may be greatly distorted by significant changes to the level and value of work in progress.

WILD CARDS

The vendor will need to consider the tax implications of the sale of the practice from a tax-planning viewpoint, both in terms of income tax issues in relation to cessation of trade and capital gains tax in terms of any consideration.

The treatment of these issues may impact on the overall value of the consideration and acceptance of any deal for the vendor.

The purchaser also needs to consider the tax implications, as payment for work in progress is allowable as an expense for the purchaser, whereas there is no income tax relief for the payment of goodwill.

The impact of stamp duty on any purchase consideration will also need to be considered.



However, at the risk of overstating the obvious, the buyer should be aware that profits earned in the past do not guarantee future profits.

In addition, the purchaser should beware of attempts to 'window dress' the past accounts to achieve an artificially high profit figure. A failure to write off irrecoverable outlay or the absence of a bad debts provision may indicate that the profits figures are being massaged for the vendor's benefit. A good accountant should be able to spot and adjust for this type of manipulation of the figures.

Royal flush

So what should the buyer be looking for? Just as the valuation of property is often described as being dependent on location, location, location, so the valuation of a legal practice can be said to be dependent on quality, quality and quality. In this case, quality of client, quality of work and quality of staff

By quality of client is meant those clients who bring good work to the practice, recognise and require good professional service and are prepared to pay a realistic fee for the work. This type of client is a valuable practice development asset and will often produce a steady stream of referred work.

Quality of work is also a major determinant of the ultimate value of the practice. A practice where the major part of the work comprises low-value residential conveyancing charged at a substantial discount to scale fees will have a far lower value than a practice with considerable commercial, insolvency and quality litigation work.

Next issue: assessing your practice's value based on practice-fee income, continuation of practice, and the nature and timing of the payment and consideration.

Hilary Haydon is joint managing partner in Hilary Haydon & Company Chartered Accountants (Dublin and Cork). He specialises in providing accounting and business development advice to the legal profession.

2 1st 2 century CONVEYANCING

The Law Society is embracing moves towards a more efficient, transparent conveyancing system, and its members should actively engage in the discussion about how e-conveyancing can best fulfil the needs of all stakeholders, writes Gabriel Brennan

he Law Society's eConveyancing Task
Force was set up in November 2005 as a
result of the impending changes and
technological development of all systems
that support the conveyancing process.
The brief was not just to keep abreast of these changes
but also to liaise and engage with other stakeholders
with a view to influencing any future system of
electronic conveyancing for the benefit of all parties.
Since the end of 2005, the move towards developing
an e-conveyancing system has accelerated more
rapidly and more comprehensively than anyone could
have anticipated.

During the past two years, the task force has held meetings with other stakeholders involved in the conveyancing process, including the Revenue Commissioners, Property Registration Authority, Irish Mortgage Council, Law Reform Commission and Department of Justice, Equality and Law Reform. The task force has also met a number of private companies who are interested in getting the views of solicitors on their e-conveyancing products. In addition, the task force has met representatives from England and Ontario to explore the systems of electronic conveyancing being implemented there and their possible applicability to an Irish system. A recent conference held by the Property Registration Authority, entitled 'Registering the World', gave task force members the opportunity to learn about the development of online registration and conveyancing systems in many other jurisdictions. This excellent conference included speakers from Norway, Australia, Sweden, Northern Ireland, Hong Kong, Bermuda, Scotland, Estonia, New Zealand, Ontario and many other countries. It appears from the presentations that many countries have embraced electronic registration but few, if any, are looking at a root-and-branch

review of their entire conveyancing systems, as is currently proposed here in Ireland.

At the moment in this jurisdiction, the following stakeholders have made, or are in the process of making, significant moves towards e-conveyancing.

Property Registration Authority

The PRA is engaged in a continual process of enhancing their online portal - www.landdirect.ie. Phase 2 of the Digital Mapping Project, the digitisation of registered boundaries, is now underway. The PRA has initiated a consultative process in relation to its e-registration project, and it is proposed that the first phase of e-registration will result in the electronic release of registered charges ('eRelease'). Work on this is now underway, and it is proposed that this phase will go live in April 2008. This involves the lodgement of documents in electronic format only. A system of electronic transfer of funds is also being developed to enable payment of fees by variable direct debit. The PRA is now live as a service provider of the European Land Information Service (www.eulis.org). As a result, users of the landdirect.ie service can access the online services provided by other European land registries, such as England and Wales, the Netherlands, Sweden, Norway and Lithuania.

Revenue Commissioners

The Revenue has initiated a consultative process in relation to its e-stamping project. This is expected to go live early in 2009. Practitioners will calculate and pay stamp duty online and then print off a certificate for verifying payment of stamp duty. The unique certificate number will be used in a system-to-system verification process between the PRA and Revenue. This process would be immediate and will remove entirely from the conveyancing process the current

MAIN POINTS

- Work of the Society's eConveyancing Task Force
- Modernisation, simplification and reform of conveyancing
- Progress made by key stakeholders



time it takes while the Revenue checks the certificates on each and every deed. Online stamping will be assisted by on-screen links to comprehensive stamp duty information and assistance.

Law Reform Commission

The LRC has been heavily engaged in proposing reform of conveyancing and land law for many years. Its consultation paper and report *Reform and Modernisation of Land Law and Conveyancing Law* included the first draft of the *Land and Conveyancing Law Reform Bill 2006*. This bill has now been restored to the Dáil following its lapse on the dissolution of the 29th Dáil. It has already passed the Seanad and is expected to be passed by the Dáil and enacted into law in the near future.

The LRC had begun its work on the e-



conveyancing project with the establishment of a working group in 2002 and was expected to publish its report early in 2006. Thus, the initial priority for the eConveyancing Task Force was to liaise with the LRC and at its very first meeting was given an advance briefing on the Law Reform Commission report eConveyancing: Modelling of the Irish Conveyancing System prior to its publication on 5 May 2006. The Law Society Council formally welcomed this report at its meeting on 1 September 2006. The report acknowledged that the Law Society has a vital role to play in improving the conveyancing process and educating its members in new processes and practices as e-conveyancing is being implemented. The report's major recommendation was implemented earlier this year, with the establishment of an eConveyancing Steering Group appointed by the LRC to examine an electronic conveyancing system for Ireland and make recommendations to government over a 12-18 month

One aspect of the report requires qualification. BearingPoint, as consultants to the LRC, explored the 'state of readiness' for e-conveyancing of the key stakeholders. The report stated that solicitors as a group "have not to date embraced available IT solutions for conveyancing" and that "as a whole, the profession's use of IT continues to be basic and conservative". Further, their general impression was that "solicitors are not as advanced technologically as other stakeholders involved in conveyancing. They tend to have a strong reliance on paper documents and postal correspondence." The report does state that a clearer impression of solicitors' IT readiness for e-

"Many countries have embraced electronic registration but few, if any, are looking at a root-and-branch review of their entire conveyancing systems, as is currently proposed here in Ireland"

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conveyancing would emerge from the Law Society Technology Committee IT survey completed last year. This lack of readiness, however, is not borne out by the results of this survey and the take up by solicitors of the Land Registry online system (see panel, right).

Department of Justice

In conjunction with the LRC, the Department of Justice, Equality and Law Reform is engaged in the reform and updating of legislation by way of the Land and Conveyancing Law Reform Bill 2006. The department is also actively looking at ways to extend the land register. Representatives of the department have met the task force and members of the Law Society's Conveyancing Committee to discuss the possibility of certification of all unregistered titles by solicitors as a method of speedily extending the register. It is acknowledged that a proper system of electronic conveyancing is only feasible in respect of registered land.

Irish Banking Federation and Irish Mortgage Council

Members of the banking federation and mortgage council are in discussions, with a view to agreeing a standardised mortgage deed for use by all lenders. They are also engaged in discussions with the PRA about the 'eRelease' phase of the e-registration project. It is agreed by all parties that the current certificate of title system for residential mortgage lending has worked well since its introduction, and the establishment of a fully functional swift e-registration system would enhance this process for the benefit of all stakeholders.

Law Society of Ireland

The results of the Technology Committee IT survey indicate that, while there is work to be done, solicitors are more IT ready for a system of electronic conveyancing than had previously been anticipated. As stated, the Law Society eConveyancing Task Force is engaged in a consultative process with many of the key stakeholders and hopes to initiate contact with other stakeholders in the process over the coming months. The task force has discussed in detail the role of the Law Society and its members in this initiative. To date, the LRC has taken the lead as a result of its

LOOK IT UP

Legislation:

• Land and Conveyancing Law Reform Bill 2006

Literature:

- eConveyancing: Modelling of the Irish Conveyancing System, Law Reform Commission report, LRC 79-2006
- Reform and Modernisation of Land Law and Conveyancing Law, Law Reform Commission report, LRC 74-2005

SOLICITORS' IT READINESS

In 2006, the Technology Committee surveyed 200 solicitor firms and found that all had computers. Seventy-eight percent had a networked PC and 99% had internet access. Of those, 89% used the Land Registry and Courts Service websites and, to a lesser extent, other online legal services. Ninety-four percent emailed clients regularly – that is, at least once a week – and 62% emailed clients every day. This level of computer usage is also likely to increase as the age profile of the profession continues to fall.

The Land Registry online service, www.landdirect.ie, has seen continuous growth in its level of activity and number of subscribers in recent years. Over 3 million online transactions are expected this year, up from 2.5 million in 2006 and 1.7 million in 2005. The number of subscribers is expected to hit 13,000, up from 10,900 in 2006 and 9,200 in 2005. In addition, usage of the electronic application for registration, eForm 17, has now grown to represent over 32% of all applications for registration. These figures indicate that the legal profession is well placed to take advantage of forthcoming initiatives in the delivery of electronic conveyancing services.

mandate from government. The LRC has, however, acknowledged the key role of solicitors in this process by inviting a Law Society representative and other practitioners onto the steering group. It is acknowledged that the solicitors' profession plays a key role in conveyancing, and this key role should be maintained and possibly enhanced in an electronic conveyancing environment.

As BearingPoint stated in its report, "technology alone will not improve efficiency: traditional roles and practices will need to change to make a success of econveyancing". There is no doubt that the traditional role and practice of solicitors in the conveyancing process will change with the advent of e-conveyancing; however, evidence from other jurisdictions shows that electronic reform in this area is not a threat to solicitors or other stakeholder groups.

This project provides the opportunity to shape a new conveyancing process, initiate new standards and new systems. This 're-engineering' of the process provides the opportunity to embed solicitors in the process, but may involve solicitors and their insurers taking on some of the risk. The Property Registration Authority and the Law Reform Commission have recognised that solicitors provide 'validation' for the current system of conveyancing, and this warranty, guarantee or validation must also be embedded in any system of electronic conveyancing.

This 're-engineering' of the process would allow for a uniformity of documentation, standards and processes to be agreed with each stakeholder, and thus make the fee more accurately reflect the actual work involved. It involves a cull of the existing system and the Law Society and its members taking an active, engaged role in the development of a conveyancing process to fit the 21st century.

Gabriel Brennan is the Law Society's e-conveyancing project manager and can be contacted at g.brennan@lawsociety.ie or on tel: 01 672 4800.

Day of the Jackal

There may be a silver lining in the predicted economic cloud, in the form of increased insolvency work for solicitors. Elaine Grier and Joanne Lynch pick over the scraps

he anticipated economic slowdown will inevitably lead to an increase in companies becoming insolvent.

Consequently, this will lead to an increase in work for lawyers in the area of the liquidation of companies. There are two main methods of liquidating a company, namely, voluntary liquidation and compulsory liquidation. And there are two types of voluntary liquidation: members' voluntary liquidation and creditors' voluntary liquidation.

Members' voluntary liquidation

A members' voluntary liquidation can be used if the company is solvent and the members of the company decide to wind up the company. This type of liquidation would occur, for example, if the company were established for a specific objective, which had now been completed. There are a number of stages for the members of the company to complete if they wish to liquidate a company.

Firstly, the directors must call a meeting to decide to put the company into voluntary liquidation. The company must decide, either by ordinary resolution under section 251(1)(a) of the *Companies Act 1963* (CA 1963) or by special resolution under section 251(1)(b) CA 1963, to wind up the company. In order to do this, the company must be solvent and the majority of the directors must swear a declaration of solvency (section 256(1) CA 1963, as amended). The criteria for an effective declaration of solvency are set out in section 256(2) CA 1963, as amended. It must be made 28 days immediately

preceding the date of passing of the resolution to wind up the company.

The declaration must be delivered to the Registrar of Companies no later than 15 days after the delivery of a copy of the resolution to wind up the company. It must include a statement of the company's assets and liabilities as at the latest practicable date before the making of the declaration. It must also include the report of an "independent person" (section 256(3) CA 1963). The report of the independent person must state that they give their consent to the issue of the declaration. A copy of the declaration must be attached to the notice issued by the company of the general meeting at which it is intended to propose a resolution for voluntary winding up. Failure to comply with any of these requirements will convert the winding up to a creditors' voluntary winding up.

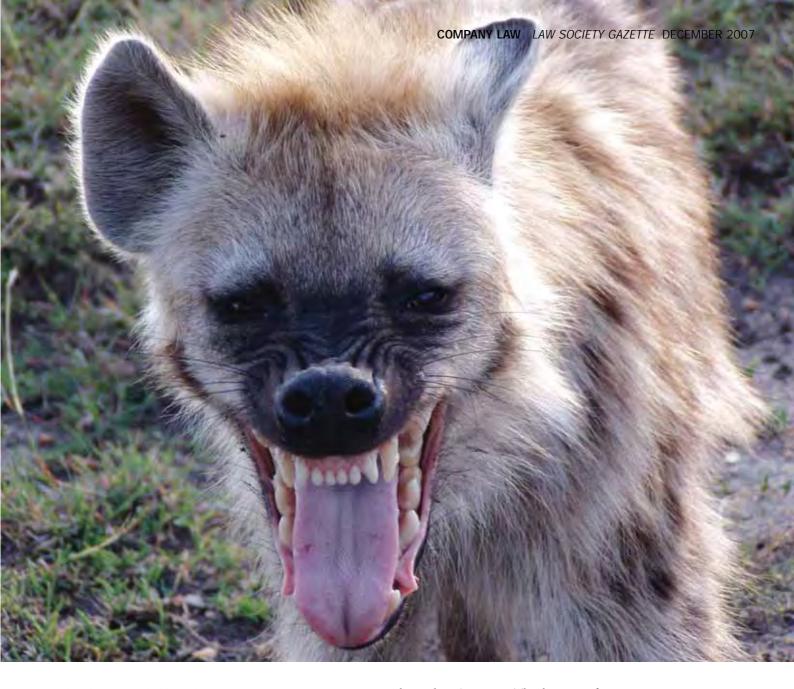
Special resolution

The next step is to hold an EGM within 28 days of the date of the declaration of solvency. The members must pass a special resolution winding up the company and post notice of this resolution in *Iris Oifigiúil*. The winding up of the company by its members commences from the time of the passing of this special resolution.

The liquidator must gather the assets of the company together and distribute the assets according to the rules of distribution in insolvency. The liquidator ends the liquidation by calling a general meeting of the members and creditors. This meeting must be advertised in two daily newspapers

MAIN POINTS

- Company insolvency
- Members' voluntary liquidation
- Creditors' voluntary liquidation
- Compulsory liquidation



28 days before it is held. At this meeting, the liquidator must give an account of the winding up, for example, how the company's property was disposed of (section 263(1) CA 1963). The liquidator will then give a copy of the account to the Registrar of Companies within one week of the meeting (section 263(3) CA 1963). The company will be dissolved in three months from the date the liquidator registered the accounts with the Registrar of Companies (section 263(4) CA 1963).

Creditors' voluntary liquidation

Creditors' voluntary liquidation is the process most used by the directors when the company is insolvent and is the most popular method of liquidating a company. The major difference between a creditors' voluntary liquidation and a members' voluntary liquidation is that the former does not require a declaration of solvency but the latter does.

Section 251(1)(c) CA 1963 outlines the procedure required for a creditor's voluntary winding up.

There must be two meetings convened – a members'

meeting and a creditors' meeting. The directors of the company convene the general meeting of the members. The purpose of the meeting is to pass an ordinary resolution stating that the company can no longer continue in business due to its liabilities. The members can appoint a liquidator under section 267(1) of the *Companies Act 1963* to wind up the affairs and distribute the assets of the company.

The company must also hold a creditors' meeting. This must occur on the same day as the members' general meeting or on the day after. Under section 266(1) CA 1963, the creditors must receive at least ten days' notice of this meeting by post. They are entitled to appoint the chairman and nominate somebody else as their proxy (order 74, rule 76 of the *Rules of the Superior Courts*). The company must advertise the creditors' meeting at least ten days in advance in two newspapers. In order for there to be a quorate creditors' meeting, there must be at least three creditors (unless the company has fewer than three creditors). A creditor can only vote if he has an ascertained debt (order 74, rule 68 RSC). Secured

creditors can vote in respect of the balance outstanding on their security, less the value of the security.

At the members' meeting, if members decide to liquidate the company, they will nominate a liquidator.

Statement of affairs

The directors must prepare a full statement of affairs of the company for both meetings. At the creditors' meeting, the statement of affairs prepared by the directors will be considered, the appointment of a liquidator will take place, and a committee of inspection will be appointed.

In order to appoint a liquidator, a resolution must be passed by a majority in value only of the creditors voting personally or by proxy (section 267(3) CA 1963).

The liquidator nominated by the creditors shall be appointed if different from the one chosen by the company members. All other resolutions must be passed in a majority in number and value voting (order 74, rule 62 RSC). Under section 268(1) CA 1963, the creditors can appoint a committee of inspectors. This committee can contain up to five of the creditors' nominees and three nominees of the company.

The liquidator ends a creditors' liquidation in the same manner as outlined above for a members' voluntary liquidation (section 273 CA 1963).

Compulsory liquidation

A creditor may present a petition to wind up a company under section 215 CA 1963. There are a number of grounds set out in section 213 CA 1963 upon which the High Court may wind up a company, but the ground relied on most frequently by a creditor is section 213(e) CA 1963, which provides that a company may be liquidated if "the company is unable to pay its debts".

LOOK IT UP

Cases:

- Eurofood IFSC Ltd, 2006/C143/20
- Re WMG (Toughening) Limited [2001] 3 IR 113

Legislation:

- Companies Act 1963, sections 213, 214, 215, 251, 263, 273
- European Communities (Corporate Insolvency)
 Regulations 2002 (SI no 333 of 2002)
- Insolvency Regulation, EU Council Regulation 1346/2000
- Rules of the Superior Courts, order 74

Literature:

 Courtney, TB, The Law of Private Companies (2002), LexisNexis Butterworths, chapters 25-27 In order to prove that a company is "unable to pay its debts", it must be established that:

- a) The company owes the creditor more than €1,269.74, or
- b) The creditor executed a judgment against the company and it is returned unsatisfied, or
- c) It is proved to the satisfaction of the court that the company is unable to pay its debts (section 214 CA 1963).

If the creditor is bringing the petition to wind up the company on the basis that the company owes them more than €1,269.74, they need to send a 21-day letter to the company before bringing the petition. The 21-day letter must clearly state that the creditor will bring a petition to wind up the company if the debt owing to them is not paid within 21 days. This letter must be served by leaving it at the registered office of the corporate debtor. The jurisprudence has held that faxing this letter to the registered office of the corporate debtor is not acceptable.

Order 74 RSC provides for the procedure regarding the petition to wind up a company. A petition must be drafted in accordance with Appendix M Forms 2, 3 or 4 RSC. The petition should then be issued in the Central Office. The Central Office will direct the newspapers in which the petition is to be advertised, which is usually that the petition should be advertised in *Iris Oifigiúil* and two national newspapers. The format of the advertisement must be in accordance with Form No 5 in Appendix M RSC. The advertisements must appear at least seven clear days prior to the date on which the petition is to be heard. The advertisements must be vouched in the Central Office before the hearing of the petition.

The petitioner must then serve a copy of the petition on the company by leaving it at the registered office of the company. It is the practice that the petition is served on the company before the petition is advertised, so as to give the company an opportunity to pay its debt before other creditors become aware of the proceedings.

Provisional liquidator

Where the petitioner creditor is concerned that, unless the assets of the company are immediately preserved, they are likely to be dissipated away by the controllers of the company or other creditors, in disregard of the law of distribution on an insolvency, the creditor can apply to the court, before the advertisement of the petition and without notice to any person, for the appointment of a provisional liquidator after the presentation of the petition in the Central Office. The petitioner creditor must file an affidavit showing sufficient grounds for the fear that the assets of the company may be dissipated before the petition is heard. The provisional liquidator is displaced by the official liquidator, who



is appointed by the court if the petition is successful.

The creditor usually nominates both the provisional and official liquidator, and he is required to have a letter with the liquidator's written consent before the court on the date of the petition. Furthermore, it is necessary for an affidavit of suitability to be sworn, usually by the solicitor who the liquidator, when appointed, will retain. The court will also usually require that the liquidator enter into a bond by way of security for the performance of his functions.

The following proofs are required when bringing a petition to liquidate a company in the High Court:

- Petition
- Affidavit verifying petition,
- Affidavit of service of petition on registered office.
- · Petition with endorsement of service,
- Notice of advertisements vouched in the Central Office.
- Letter of consent to act as official liquidator,
- Affidavit of fitness of proposed official liquidator,
- · List of directors and secretary, and
- Certificate of no appearance/notice of appearance.

At the hearing of the petition, the court can either dismiss or grant the petition. One of the major arguments advanced by a corporate debtor in resisting a petition to wind up their company is that they are disputing that there is debt owing to the creditor. It is clear from the jurisprudence that the debt grounding the winding-up petition must not be disputed on *bona fide* grounds by the corporate debtor. Where there is a dispute, it is more appropriate to bring an action suing the corporate

debtor for the debt and then use the various methods available to enforce a judgment debt, because the presentation of a petition to wind up a corporate debtor on foot of a genuinely disputed debt could be considered an abuse of the process of the court and lead to the corporate debtor being awarded costs against the creditor.

Cross-border considerations

Practitioners should be careful when they are liquidating a company in Ireland that has businesses in other member states of the EU, as the Insolvency Regulation (Council Regulation 1346/2000) may apply. The Insolvency Regulation provides that insolvency proceedings are to be commenced in the member state where the debtor has the "centre of main interests" (article 3(1)). The meaning of "centre of main interests" remains obscure, even after the European Court of Justice decision in the Irish case of Eurofood IFSC Ltd. Because of the ambiguity still surrounding the concept of "centre of main interests", practitioners would be well advised that, if they are considering liquidating a company with interests in other member states, they should commence insolvency proceedings in Ireland forthwith, clearly stating in the petition that they are bringing these insolvency proceedings as main proceedings within the meaning of the *Insolvency* Regulation, to place the creditor in the strongest position if another member state is contesting that the company has its centre of main interests in another member state. G

Elaine Grier is a barrister who practises in Dublin and on the Midlands Circuit. Joanne Lynch is a trainee solicitor with William Fry Solicitors.

'Strength and honour' at SLA meeting

Recent controversies brought a large attendance of 150 members to the AGM of the Southern Law Association (SLA), held at the Law Society premises in Cork on 1 November.

Guests included then Law Society President Philip Joyce and director general Ken Murphy, who addressed the meeting, which was chaired by SLA president Eamon Harrington. Intense discussion took place, with robust views expressed by many, including Olann Kelleher, Andrew Dillon, Paul Clune, Jim Sheridan, Richard Irwin and Diarmuid Falvey.

A new 16-member council welcomed returnees Frank Buttimer and Ray O'Neill, with



Celebrating the premiere of the screening of the film *Strength and Honour* in Cork were (*I to r*) actor Michael Madsen, Debbie Moore (managing partner of Comyn Kelleher Tobin solicitors), Mark Mahon (director), actor Vinnie Jones and Olann Kelleher (executive producer and co-founder of CKT)

Eamon Murray, Don Murphy, Terence O'Sullivan, Jonathan Lynch and Deirdre Foley also coming on board. Taking a well-deserved break from duties are Jerome O'Sullivan, Fiona Twomey, James O'Sullivan, Dolores Ahern and Frank O'Connell.

The meeting adopted a new constitution, following a motion proposed by Patrick Mullins. Reports were presented by litigation supremo Michael Enright, newly re-elected James O'Sullivan, Joan Byrne, Crona Hughes and the man minding all the money, Sean Durcan.

Incidentally, the new movie Strength and Honour had its Irish premiere in Cork on 19 November. It stars Vinnie Jones and Michael Madsen. And yes, there's not only a Cork connection but an SLA one too! The film, which won the top Boston Film Festival award last September, was produced by Olann Kelleher, co-founder of Comyn Kelleher Tobin Solicitors in Cork.



Law and work

Pictured with the conferees of the inaugural Diploma in Employment Law are Ger Deering (director of the National Employment Rights Authority),
Philip Joyce (then president of the Law Society) and Stuart Gilhooly (then chairman of the Education Committee)



Ooh la la!

Jean Michel Garcia (directeur de l'Alliance Française) and Alan Dukes (président du comité de l'Alliance Française) are seen here with the diploma team, representatives from the Alliance Française and the conferees of the recent Diploma in Legal French



Supplement to The Irish Notary

At the recent presentation of the Supplement to The Irish Notary were (I to r) co-authors Eamonn Hall and E Rory O'Connor (dean of the Faculty of Notaries Public in Ireland), with Chief Justice John Murray and Brendan Walsh (registrar of the faculty)



Visiting dignitaries

Pictured at a dinner given for the new attorney general in October were (back, I to r): Blathna Ruane, Pádraig O Riordáin, John Gordon, John Costello, John D Shaw, James MacGuill, deputy director general Mary Keane and Gerard Doherty; (front, I to r): Rosario Boyle, Attorney General Paul Gallagher, Law Society President Philip Joyce, Mrs Justice Catherine McGuinness and Mr Justice Peter Kelly



Down South

SLA council members with the president and the director general of the Law Society at their AGM on 1 November (front, I to r): Mortimer Kelleher, then Law Society President Philip Joyce, Eamon Harrington (SLA president), director general Ken Murphy and Patrick Dorgan; (back, I to r): Sean Durcan, Peter Groarke, Crona Hughes, Joan Byrne, Michael Enright, James O'Sullivan and Patrick Mullins



Attending the inaugural 'Annual Property and Conveyancing Conference', which took place in the Radisson SAS on 13 November, are (*I to r)* John O'Sullivan (information systems manager at the PRA), Attracta O'Regan (head of CPD, Law Society), Michael O'Hanlon (project manager, Revenue Commissioners), Gabriel Brennan (e-conveyancing project manager, Law Society), Shane Martin (Irish Banking Federation and Irish Mortgage Council), Patricia T Rickard-Clarke (commissioner, Law Reform Commission), Patrick Dorgan (conference chairman), Prof John Wylie (consultant to A&L Goodbody), and Dan O'Connor (chairman of the eConveyancing Task Force, Law Society)



That's my boy!

Kay Byrne (receptionist at the Law Society) pictured with her son Gareth, who received his Diploma in Finance Law recently.

Gareth is a trainee with Matheson Ormsby Prentice

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SYS conference at scenic Mount Juliet

he grounds of the Mount Juliet estate in Co Kilkenny provided a scenic backdrop for the recent Society of Young Solicitors' (SYS) autumn conference.

There was a gentle easing into the conference with an informal drinks reception in the President's Bar. Despite the late night, speakers Claire Waterson (William Fry), Deborah McHugh (Mason Hayes & Curran) and Laura McGowan (barrister, Carmelite Chambers, London), enthralled the assembly with their knowledge of competition law, pensions law and the law on corporate killing on Saturday morning.

Later in the day, bad weather failed to deter the enthusiastic golfers, though thanks to the pouring rain, some lesser folk decided to bag their clubs after the front nine. Brian O'Rourke (Arthur Cox) endured the weather and won the coveted

first prize, kindly sponsored by Brightwater. The front nine was won by Niall Pelly (Arthur Cox) while Henry Shiels (Maples and Calder) took the back nine. Jennifer Halpin (McCann FitzGerald) won the ladies' competition. Adam Donoghue (A&L Goodbody) was closest to

Donald Binchy attended on behalf of the president of the Law Society and was the predinner speaker. After dinner, the delegates danced until dawn to the sounds of Spring Break and DJ, Glenn Tector. It was touted as one of the best conferences to date.

Thanks go to Catherine Allen, committee chair of the SYS, the other committee members, sponsors (Brightwater, Matheson Ormsby Prentice, Maples and Calder, Mason Hayes & Curran and Smyth & Gibson), Mount Juliet estate and all involved in

making the autumn conference such a great success.

The spring 2008 conference will be held in conjunction with the Northern Ireland Young Solicitors' Association in the Slieve Russell Hotel Golf and

Country Club, Co Cavan on the weekend of 29 February to 2 March 2008.

The application form can be downloaded at www.sys.ie. See the site for further details. We look forward to seeing you there!



enjoyed the autumn conference at Mt Juliet, Kilkenny (back, I to r):
Simon Hannigan (SYS), Clodagh Hurley (Brightwater), Donogh O'Donovan (SYS), Alina Jokinen (SYS), John Macklin (Brightwater) (SYS) and Hilary Flynn (Brightwater); (front, I to r): Alannah O'Reilly (Brightwater), Catherine Allen (SYS chairperson), Miriam Nagle (SYS) and Michelle McGrath (SYS)







Speakers at the SYS conference included (I to r) Laura

McGowan, Catherine Allen (SYS chairperson), Deborah

The SYS autumn conference was graced by (I to r) Goodbody's Claire Morrissey, Sinead Gilmore, Sinead O'Connor, Mary Ward, Davinia Brennan and Hilda Wrixon



Enjoying the SYS conference were Elaine McCarthy (McCann FitzGerald), Linzi Sayer (Arthur Cox), Ruairí MacCumhaill and David Nevin (both MOP), Kate O'Brien (Arthur Cox), Aoife Costello (MOP) and Deirdre Barnacle (McCann FitzGerald)

MOP pops the cork on new Dublin HQ



At the official opening of Matheson Ormsby Prentice's new Dublin offices at Sir John Rogerson's Quay were Joan O'Connor (president, Irish Taxation Institute) and Joanne Richardson (chief executive, American Chamber of Commerce)



Celebrating the opening of MOP's new offices were Graham Richards (partner), Paddy Power (Shannon LNG), Alan Lewis (managing director, Lewis Hohn Williams Insurances) and Edmund Lynch (director, Davy Stockbrokers)



Also at the opening were Martin Brown (Citibank Ireland Financial Services plc), Paul Walsh (Bank of Ireland), Seamus Maher (Bank of Ireland) and Mark Fitzgerald (Citibank)



Libby Garvey (partner, MOP), Brian Wallace and Edel Devane (both of Barclays Bank Ireland plc) were at the official opening of MOP's new Dublin offices



Diploma in commercial conveyancing
Director general of the Construction Industry Federation, Tom Parlon,
presents Eoin McManus, trainee solicitor at Beauchamps solicitors,
with a Law Society Diploma (with merit) in Commercial Conveyancing
on 6 November 2007



Corporate finance law prize
UCD graduate Richard Gill is the recent winner of the 2007 McEvoy
Partners Corporate Finance Law Prize



student spotlight

It's hats off to Irish team at Stetson's 'green moot'

An Irish moot team did Europe proud when it took on the might of the world at the International Environmental Moot Competition at Stetson University, Florida, in November.

Ireland – and by default Europe – was represented by a Law Society team comprising Carol Eager (William Fry), Ellie Dunne (A&L Goodbody), Deborah Flood (Partners at Law) and their coach Eva Massa (Law Society).

More than 80 teams participated in regional rounds for a chance to advance to the international finals. The Law Society team was ultimately one



Enjoying the heat of competition in sunny Florida were (I to r):
Deborah Flood (Partners at Law), Carol Eager (William Fry) and Ellie
Dunne (A&L Goodbody)

of 16 teams from eight countries that competed in the international finals. Teams from

as far afield as Armenia, Brazil, India, the Philippines and Thailand were represented at the three-day event.

The competition involved representing a fictitious nation through a written submission, as well as oral advocacy, in a hypothetical environmental dispute before the International Court of Justice. This year's cases concerned the protection of an endangered species and its habitat, and a country exploiting its own natural resources to aid economic development and alleviate poverty.

The finals were judged by scholars and practitioners of environmental and international law.

The eventual winners were Loyola University, USA.

COURTS AND COURT OFFICERS ACTS 1995 – 2002 JUDICIAL APPOINTMENTS ADVISORY BOARD

APPOINTMENT OF ORDINARY JUDGE OF THE: HIGH COURT

Notice is hereby given that applications are invited from practising barristers and solicitors who are eligible for appointment to the Office of Ordinary Judge of the High Court.

Those eligible for appointment and who wish to be considered should apply in writing to the Secretary, Judicial Appointments Advisory Board, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7, for a copy of the relevant application form.

The closing date for receipt of completed application forms, in relation to this advertisement, is 5pm on Thursday 20th December 2007.

It should be noted that The Standards in Public Office Act, 2001 prohibits the Board from recommending a person for judicial office unless the person has furnished to the Board a relevant tax clearance certificate (TC4) that was issued to the person not more than 18 months before the date of a recommendation.

Applicants may, at the discretion of the Board, be required to attend for interview.

Canvassing is prohibited.

Dated the 30th November 2007

BRENDAN RYAN BL SECRETARY

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Law Society of Ireland, Blackhall Place

Newly-qualified solicitors at the presentation of their parchments on 1 December 2006



Nicola Lynch, Tomas Lynch, Caroline Lynch, Bo McDowell, Elliot Milton, Gerard Mooney, Ruth Nic Aoidh, Gillian O'Callaghan, Mary Lucy O'Connell, Ruth O'Farrell, Ciara O'Gorman, Aoife Rafferty, Noeleen Ruddy, Anita Sothern, Donal Twomey and Joanna Walsh Mr Justice Michael Peart of the High Court, then President of the Law Society Philip M Joyce, and Director General of the Law Society Ken Murphy were guests of honour at the 1 December Sinead Dunne, Sandra Egan, Lynne English, Denise Fanning, Brian Foley, Nessa Gardiner, Caroline Garland, Karen Grenham, Mary Kate Halpin, Darina Hannan, Enda Hurley, Barbara Jordan, Parchment Ceremony for newlyqualified solicitors: Niamh Baxter, Jon Bayle, Eamonn Burke, Shane Connelly, Elizabeth Cox, Nicola Curry, Katherine Cussen, Patrick Daly, Melanie Dodds,

Newly-qualified solicitors at the presentation of their parchments on 23 February 2007



Anthony D'Alton, Eamonn Denieffe, Michael Durkan, Ronan Enright, Evonne Finnegan, Liam Flitzgerald, John Fuller, Lorraine Gillick, Georgina Kabemba, Nicola Kelly, Craig Kenny, Daireen Laverty, Edward Leahy, Etain Lynch, Mary MacNeil, Lisa McBride, Isobel McCarthy, Sandra McCarthy, Timothy McDowell, Kieran McKeown, Caroline McLoughlin, Cormac McNally, Stephen McNamara, Isan Moran, Waheed Mudah, Sile Murray, Gerard O'Donnell, Jane O'Halloran, Lorraine O'Riordan, James O'Sullivan, Barry Powderly, Shane Power, Louise Ring, Mary Ryan and Ciaran Toner President of the High Court Mr Justice Richard Johnson, then President of the Law Society Philip M Joyce, and Director General of the Law Society Ken Murphy were guests of honour at the 23 February Parchment Ceremony for newlyqualified solicitors: Katie Barbour, Karen Barker, Colin Carroll, Lorraine Coffey, Janet Core, Nadine Coyle, Inez Cullen, Annajane Cunningham,

Newly-qualified solicitors at the presentation of their parchments on 20 April 2007



20 April Parchment Ceremony for newlyqualified solicitors: Melanie Bailey, Aoife Bambury, Niamh Bambury, Julie Ann Behan, Deirdre Byrne, Emily Cassidy, Jonathan Cosgrove, Antonia Cosgrove, Leavy, Barry Lee, Emma Lynch, Sheila Maguire, Ann Matthews, Oisin McAsey, Melissa McCague, Caoimhe McConnell, Karen McDermott, Alan McGee, Colm McGovern, Mary McNamara, Ruairi Costello, Eoin Donoghoe, Ciara Dooley, Erika Ellis, Ann Gillane, Cathy Haines, George Hoffman, Lorraine Horgan, Assumpta Joyce, Marina Keane, Margaret Kelleher, Eleanor Keogan, Mr Justice Michael Peart of the High Court, then President of the Law Society Philip M Joyce, and Director General of the Law Society Ken Murphy were guests of honour at the Patrick Moylan, Rosemarie Murphy, Carol Ní Chormaic, Aoife O'Brien, Eimear O'Dwyer, June O'Hanlon, Rory O'Neill, Mark Power, David Quinn, Elaine Quinn, Elaine Rogers, Aoife Rooney, Augusta Tuohy and Ronan Wall

Newly-qualified solicitors at the presentation of their parchments on 14 June 2007



14 June Parchment Ceremony for newly-qualified solicitors: Padraig Barry, Siobhan Browne, Conor Canavan, Trevor Collins, Maura Crean, Claire Delahunty, Trevor Dolan, Shane Dolan, Hazel Dooley, Aine McCarthy, Elizabeth McGuinness, John Mitchell, Anna Murphy, Claire Murphy, Orla O'Brien, Kate O'Brien, Nell O'Dea, Mary O'Donoghue, Eleanor O'Grady, Michael Ohle, Kate Philbin-Dargan, Andre Thompson, Barden Pierce, Nicholas Redmond, Bronagh Sawey, Jane Sullivan, Barbara Tanzler, Andre Thompson, Deirdre Thompson, Ruth Tiernan, Claire Vaughan, Dolores Wallace, Maeve Walsh, Gillian Walsh, Rosa Eivers, Terence Hamilton, Ellen Hegarty, Kevin Jolley, Breandan Kearney, Kevin Kennedy, Michelle Kilroy, Alice Lanigan, Albert Llussa i Torra, Jennifer Lynch, Simon Lynch, Karol Mannion, President of the High Court Mr Justice Richard Johnson, then President of the Law Society Philip M Joyce, and Director General of the Law Society Ken Murphy were guests of honour at the Brendan Walsh, Rea Walshe, Mary Ward, Catherine Webberley, Emmet Whelan, Peter Whitty and Margaret Whyte

Newly-qualified solicitors at the presentation of their parchments on 5 July 2007



Denise Curry, Kate Donnelly, Liza Doyle, Helen Dunne, Fiona Egan, Jacinta Enright, Nora Fay, Michael Finn, Stephen Gillick, Michael Grace, Nicola Harrison, Adam Hogg, Conor Kenny, Peter McCarthy, Ronan McCole, Sheena McDermott, James McEwee, David McEntee, Ronan McGoldrick, Ciaran McIntyre, Padraig Mullins, Catherine O'Callaghan, Aileen O'Carroll, David O'Donnell, Peter O'Reilly, 5 July Parchment Ceremony for newly-qualified solicitors: Louise Barrett, Charles Carroll, Aoife Clarke, Sorcha Clifford, Caitrona Coakley, Aine Coghill, Anthea Coll, Rebecca Coyle, Karol Cunniffe, President of the High Court Mr Justice Richard Johnson, then President of the Law Society Philip M Joyce, and Director General of the Law Society Ken Murphy were guests of honour at the Alison Parke, Ian Quigley, Philip Ryan, Jennifer Toettcher and Ronan Wall

Newly-qualified solicitors at the presentation of their parchments on 13 July 2007



Ceremony for newly-qualified solicitors: Una Bhreatnach, Deirdre Bignell, Gavin Blake, Sarah Caulfield, Kerry Clear, John Hugh Colleran, Clodagh Coughlan, Edel Coughlan, Iseult Cronin, Richard Culhane, Orla Cullen, Gerard Daly, Andrea De Courcey, Leonie Dunne, Jason Dunne, Rebecca Dunne, Patricia Fee, Mairead Finlay, James Fitzmaurice, Marguerite Gallagher, Sinead Geraghty, Noreen Gilheany, Mr Justice Michael Peart of the High Court, then President of the Law Society Philip M Joyce, and Director General of the Law Society Ken Murphy were guests of honour at the 13 July Parchment Gillian Mahony, Dervila McGirr, Raymond McGrath, Angela McHugh, Rossa McMahon, Susanne McMenamin, Aine McSweeney, Emma Middleton, Norma Jean Moynihan, Lasairfhiona Ni Laighin, Peter O'Dea, Deirdre O'Donovan, Maria O'Mahony, Denis O'Mahony, Marie O'Riordan, Fiona O'Sullivan, Darragh Oliver, Roisin Peart, Annemieke Ploeger, Jane Pollock, Tom Rogers, Triona Ryan, Margaret Harty, Christine Holland, Desmond Houlihan, Sorcha Houlihan, Claire Johnson, James Jones, Nicola Kenny, Sarah Lonergan, Jonathan Lynch, Brian Macdara Geraghty, Carol Maguire, Ruth Sheridan, Jennifer Sullivan, Eleanora Taylor, Declan Tormey, Margaret Van Der Zwan, Elaine Walsh and Brenda Walsh

Newly-qualified solicitors at the presentation of their parchments on 7 September 2007



Elizabeth Horgan, Audrey Huggard, Mary Keane, Aiden Kelly, Carolyne Kerr, Fergal Linnane, Jonathan Lynch, Sinead McBride, Stuart McCarron, Elaine McCarthy, Brian McCloskey, Yvonne Nolan, Connor, Clare O'Donoghue, Clare O'Gorman, Aengus O'Hanrahan, Rebecca O'Kelly, Martin O'Neill, Amanda O'Riordan, Cornelia O'Shea, Jane O'Sullivan, Michael O'Sullivan, Aine Power, Neil Campbell, Fiona Carr, Eamonn Carroll, Donal Carroll, Robert Coffey, Brian Conroy, James Cooper (president of the NI Law Society), Margaret Cooper, Vincent Coyne, Neil Culkin, Ronan Davy Niamh Dennehy, Eoghan Doyle, Adam Finlay, Sinead Finnegan, Simon Fleming, Sinead Gilmore, Jennifer Halpin, Joanne Hayes, Alibhe Hegarthy, Carrie Hegarthy, Clare Hickey, Simon Hollywood, 7 September Parchment Ceremony for newly-qualified solicitors: Sinead Adams, Deirdre Barnicle, David Berkery, Julie Bermingham, Brian Bolger, Catherine Byrne, Gillian Byrne, Kevin Callan, Mr Justice Brian McGovern of the High Court, then President of the Law Society Philip M Joyce, and Director General of the Law Society Ken Murphy were guests of honour at the Alan Sarhan, Caren Shanley, Aoife Shields, Mark Talbot and Patrick Wall

Newly-qualified solicitors at the presentation of their parchments on 5 October 2007



Mary Claire Morrissey, Grainne Murphy, Sinead O'Connor, Emer O'Connor, Mary Michelle O'Connor, Donal O'Donovan, Shona O'Kane, Patrice O'Keeffe, Clare O'Keeffe, Mark O'Kelly, Brian O'Rourke, Deirdre Finn, Eileen Geraghty, Tara Hoban, Darren Isaacson, Olwyn Kelly, Lisa Kenny, Noelle Kenny, Dervilla Lannon, Clare Lawson, Katie Ledbetter, Sinead Likely, Ruth Lonergan, Geraldine Long, Ronan Lyons, Ruairi MacCumhaill, Sarah McCague, Aoife McCarthy, Naomi McCarthy, Lynn McNabola, Elizabeth Mitrow, Martin Moloney, Nicholas Montgomery, Kevin Morgan, Johanna Morris, Victoria Clarke, Ian Conlon, Sinead Connolly, Caoimhe Connolly, Peter Coonan, Aoife Costello, Michelle Daly, Lisa Dennehy, Allison Dey, Paul Diggin, Maryrose Dillon, Martin Dowd, Emma Egan, 5 October Parchment Ceremony for newly-qualified solicitors: Ronan Armstrong, Ruairi Bourke, Joanne Britton, Padraig Brosnan, Laura Burke, Emma Byrnes, Elaine Cahill, Sara Carpendale, Mr Justice Garrett Sheehan of the High Court, then President of the Law Society Philip M Joyce, and Director General of the Law Society Ken Murphy were guests of honour at the Mark Quealy, Elva Reddy, John Reid, Eadaoin Rock, Hilary Ryan, Claire Ryan, Kelly Samarakoon Pollard, Linzi Sayers, Ciara Sharkey, Michael Shovlin, Valerie Slevin, Ciaran Tansey, Michelle Tierney, Elaine Tracey, Philip Treacy, Lisa Vaughan, Gillian Woods and Judith Wrixon

books



Complex Conveyancing

Gabriel Brennan and Nuala Casey (eds). Tottel Publishing Ltd (2007), Fitzwilliam Business Centre, 26 Upper Pembroke Street, Dublin 2. ISBN: 978-184766-049-7. Price: €80.

• omplex Conveyancing is the ✓ latest professional practice guide manual produced by the Law Society's Law School in respect of conveyancing and landlord and tenant law. The guide is aimed primarily at trainee solicitors but, as with previously published guides, will prove invaluable to all practising conveyancers. The title does not do justice to the contents of the guide, which covers a wide range of topics and issues that can arise in a conveyancing transaction. Where relevant, changes proposed by the Land and Conveyancing Law Reform Bill 2006 are flagged.

Ably edited by Gabriel Brennan and Nuala Casey, the authors include many well-known practitioners who have provided individual chapters in relation to their areas of expertise. As well as practitioners, other contributors include John Deeney, deputy registrar of the Property Registration Authority (PRA), who has produced a terrific chapter on first registration.

Building on chapters contained in the previous publications, fundamental skills such as investigation of title,



Authors, editors and publishers at the launch of the book

acceptable roots of title, and title research are developed further. Unusual titles involving settlements, landed estates court conveyances, wards of court and purchasing from a sheriff are also included.

Three useful chapters cover PRA rules and requirements in relation to first registration procedures (both straightforward applications and those involving adverse possession, conversion of title, and so on) and complex/uncommon dealings such as crystallised charges, property adjustment orders and shared ownership leases. Practical checklists, forms and guidelines are included.

The chapter in relation to voluntary deeds, undertakings and ethical issues should be required reading for all solicitors, not just those acting in conveyancing transactions.

Other chapters deal with transactions involving property owned by religious orders, the issues arising when acting in a commercial lending transaction, food hygiene and its impact on conveyancing practice, safety, health and welfare at work legislation and construction regulations.

For the 'townies' among us, an entire chapter is devoted to the sale of farms, and highlights the issues that a conveyancing solicitor needs to cover off when acting for a vendor or a purchaser in such transactions.

Full repairing and insuring leases are analysed from both landlords' and tenants' points of view.

In relation to new houses and

apartments, a full section deals with acting for a builder/ developer, the documentation involved in an apartment sale, and mixed-use developments. The section includes helpful precedents, such as an apartment lease, a lease of easements and a partition agreement.

The final two chapters deal with foreign investment properties and taxation issues arising in relation to investment properties.

Written in a clear and concise manner with legislative references throughout, the manual is a welcome addition to the conveyancing solicitor's library. It provides practitioners with a refresher course in the more difficult aspects of conveyancing, and the various checklists and precedents will be of great assistance. While some topics are covered briefly, the guide is a 'ready reckoner' and an easily consulted reference point. Sincere thanks and plaudits are due to all our colleagues who contributed so generously both their time and knowledge to the publication. G

Majella Egan is a solicitor with McCann FitzGerald.



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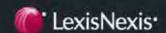
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Law Society Council meeting, 5 October 2007

Motion: CPD regulations

"That this Council approves the Solicitors (Continuing Professional Development) Regulations 2007 and that the regulations of the Council be amended to delegate the implementation of the Solicitors (CPD) Regulations 2007 to the Education Committee, without reference to the Council." **Proposed:** Stuart Gilhooly Seconded: Michael Quinlan

Stuart Gilhooly explained that the new regulations altered the existing CPD cycle so that, from 2008, the CPD cycle would change from a two-year to a one-year cycle, with a requirement of ten hours' CPD per annum, with private study no

longer being available as an option and with a requirement to complete three hours' management and professional development skills. From 2010, the annual requirement would increase to 15 hours.

Maura Derivan said that she did not believe that breach of the regulations should constitute misconduct, with a referral to the Solicitors Disciplinary Tribunal, and suggested that a different system might be introduced, perhaps a referral to the Registrar of Solicitors. Mr Gilhooly said that it was only in circumstances where a solicitor refused to comply with the regulations and also refused to respond to the Society that consideration was given to a

referral to the tribunal. To date, this had only occurred in one instance. The Council approved the regulations.

Presentation by Behaviour & Attitudes

Graham Wilkinson, director of Behaviour & Attitudes, made a presentation to the Council in relation to the three pieces of market research commissioned by the Law Society in relation to (a) the general public's attitude to solicitors, (b) focus group research on the Society's press advertising campaign, and (c) a postal survey on members' attitudes to the campaign. It was agreed that Mr Wilkinson should summarise the key find-



ings for publication in the Gazette (See Gazette, November 2007, p14). It was also agreed that the PR Committee would consider the results of the market research, would take professional advice and would revert to the Council in due course with their recommendations as to the next steps.

Criminal Legal Aid Scheme

The director general reported that the Minister for Justice had agreed to meet with the Society to discuss the Criminal Legal Aid Scheme. He was awaiting a briefing from his departmental officials, and it was expected that a meeting would be held

Law Society Council meeting, 9 November 2007

CPD regulations 2007

The Solicitors (CPD) Regulations 2007 were retabled for discussion and for the taking of a vote.

Maura Derivan said that she believed the Council should reexamine the question of whether breach of the regulations should constitute 'misconduct'. She also expressed concern that the regulations had not been circulated to the local bar associations for their views, as provided for in the Council regulations, and that proper notice should be given.

Stuart Gilhooly noted that the regulation relating to 'misconduct' was the same as that contained in the 2003 regulations, which had been circulated to all of the local bar associations without eliciting a single objection. He noted that the new CPD cycle would start on 1 January 2008, and it was necessary to have the regulations in place as soon as possible.

On a show of hands, the Council confirmed their approval of the regulations, with four votes in opposition.

Taking of office of president and vice-presidents

The outgoing president, Philip Joyce, thanked the Council, the director general and staff of the Society for their support during his year of office, a year during which he had received nothing but the greatest encouragement from the Council and from members of the profession generally. He wished the incoming president, James MacGuill, every success in the coming year.

Mr MacGuill was then formally appointed as president. He said he was grateful for the trust and confidence being placed in him to act as president of the Society, and he understood the honour and responsibility that was involved. He paid tribute to Philip Joyce, whose commitment to the core values of an independent legal profession had been apparent through his year of office. He also expressed the Society's gratitude to Philip's wife, Rosario Boyle SC, who had represented the Society in an exemplary fashion.

The senior vice-president, John D Shaw, and the junior vice-president, Donald Binchy, then took office and pledged their support for the Council and the president for the coming

Report of the Training Review Group

The Council considered the report of the independent Training Review Group, which had conducted a detailed review of the Law School courses and the in-office training period. The group had expressed its overall satisfaction with the current system, but had made a number of recommendations that would be considered in detail for implementation by the Education Committee.

New Council members

The Council welcomed its new members, Liam Kennedy, Martin Lawlor, Louise Rouse, Frances Twomey and Alma Sheehan, and wished them well for their term of office.

Proceedings before the courts

John O'Connor briefed the Council in relation to two recent High Court judgments in the cases of TC Gerard O'Mahony v Joan O'Neill and O'Driscoll and Roberts v The Law Society and the Solicitors Disciplinary Tribunal. The Council also noted the pleadings in relation to two cases - Law Society v Michael Lynn and Law Society v Thomas Byrne which had been circulated.



committee notes

An assignment/surrender of a lease to a taxable person and a number of other entities (see list below*) reverses the VAT liability; that is, instead of the vendor collecting and accounting for the VAT, responsibility passes to the assignee/surrenderee.

- *The state, a local authority (including a health board), a person who acquires the property for the purposes of making any of the following exempt supplies in the course or furtherance of business:
- An exempt supply of property.
- Financial services,
- An exempt letting short term
- Agency services in relation to passenger transport, accommodation, and financial services,
- Insurance and reinsurance transactions.
- Public postal services,

VAT – REVERSE SUPPLY STATEMENT

REVERSE SUPPLY STATEMENT (ASSIGNMENT/SURRENDER TO A TAXABLE PERSON) SECTION 4(8) VAT ACT 1972 .

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Purchaser:

Purchaser's VAT number:

Description of property:

Date:

Purpose:

Purchaser is required to account on a reverse charge basis for the VAT arising on the assignment/ surrender calculated as follows:

*Capitalised value of the VATable interest being assigned:

VAT chargeable at 13.5%: €

*NB: To pass the 'economic value test', this must not be less than the taxable value on which the vendor recovered VAT on acquisition and the cost of any development work undertaken since the grant of the lease; in the absence of development work, the original taxable value of the lease up to the date of surrender/assignment.

- Public broadcasting services,
- Passenger transport.

For the ease of practitioners,

the Society's Taxation Committee has produced the form of statement set out (above) for use by practitioners in such situations.

Taxation Committee

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PRACTISING CERTIFICATE 2008: NOTICE TO ALL PRACTISING SOLICITORS

Why you need a practising certificate

It is misconduct and a criminal offence for a solicitor (other than a solicitor in the full-time service of the state) to practise without a practising certificate.

Any solicitor found to be practising without a practising certificate is liable to be referred to the Solicitors Disciplinary Tribunal.

When you must apply

A practising certificate must be applied for on or before 1 February in each year in order to be dated 1 January of that year and thereby operate as a qualification to practise from the commencement of the year. It is a legal requirement for a practising solicitor to deliver or cause to be delivered to the registrar of solicitors at the Society's premises at Blackhall Place, Dublin 7, on or before 1 February 2008, an application in the prescribed form duly completed and signed by the applicant solicitor personally. The onus is on each solicitor to ensure that his or her application form is delivered by Friday 1 February 2008, with the appropriate fee.

Section D of the form

Each year, a considerable number of application forms are returned to solicitors who omit to complete section D, which relates to investment business

services or investment advice. It is necessary for either part I or part II of this section to be completed in order for the Society to process your applica-

If you apply late

Any applications for practising certificates that are received after 1 February 2008 will result in the practising certificates being dated the date of actual receipt by the registrar of solicitors, rather than 1 January 2008. There is no legal power to allow any period of grace under any circumstances whatsoever.

Please note that again during 2007, a number of solicitors went to the trouble and expense of making an application to the High Court for their practising certificate to be backdated to 1 January because their practising certificate application was received after 1 February.

The Regulation of Practice Committee is the committee of the Society that has responsibility for supervising compliance with practising certificate requirements.

A special meeting of this committee will be held on 8 February 2007 to consider any late or unresolved applications for practising certificates. At this meeting, any practising solicitors who have not applied by then for a practising certificate will be considered for referral forthwith to Solicitors' Disciplinary

Tribunal and will be informed that the Society reserves the right to take proceedings for an order under section 18 of the Solicitors (Amendment) Act 2002 to prohibit them from practising illegally.

Compliance partner

Section B, part I, includes a requirement for partners to state the name of their firm's compliance partner. The Solicitors' Accounts (Amendment) Regulations 2005 require a solicitor who is a partner in a solicitors' practice, on making application to the Society for a practising certificate, to furnish the name of the partner in the firm who has been nominated as the compliance partner.

CPD

This year, the application form includes a section regarding completion of, or exemption from, the 20-hour CPD requirement (section E). You must complete this section, but please do not send in your CPD record card with the application form.

Employed solicitors

Solicitors who are employed should note that it is the statutory obligation of every solicitor who requires a practising certificate to ensure that he or she has a practising certificate in force from the commencement of the year. Employed solicitors cannot absolve themselves from this responsibility by relying on their employers to procure their practising certificates. However, it is the Society's recommendation that all employers should pay for the practising certificate of solicitors employed by them.

Some of your details are already on the form

The practising certificate application form will be issued with certain information relating to each solicitor's practice already completed.

What can you access on the website (www.lawsociety.ie)?

The application form for a practising certificate will be available on the Society's website. You can print out a blank form or, alternatively, complete the form on-screen and print out the form for signing and returning to the Society. The form can be accessed in the members' area of the website using the solicitor's surname and reference number. Alternatively, you may request a form to be emailed to you by phoning the Society at 01 672 4800.

If you are ceasing practice

If you are intending to cease practice in the coming year, please notify the Society accordingly in writing on or before 1 February 2008. G

John Elliot, Registrar of Solicitors and Director of Regulation



legislation update

18 October – 16 November 2007

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

ACTS PASSED Criminal Procedure (Amendment) Act 2007

Number: 36/2007

Contents note: Substitutes an amended subsection 22(3) in the *Criminal Procedure Act 1967* for that inserted by section 18 of the *Criminal Justice Act 2007*. The subsection provides that a recognisance may be taken by any judge of the District Court or any District Court clerk, a prison governor or a prison officer designated by a prison governor, and a peace commissioner designated by ministerial order.

Date enacted: 25/10/2007 Commencement date: 25/10/2007

Markets in Financial Instruments and Miscellaneous Provisions Act 2007

Number: 37/2007

Contents note: Makes provision in relation to markets in financial instruments following the implementation of the Markets in Financial Instruments Directive (2004/39) by SI 60/2007. Amends the Central Bank Act 1942 and repeals the Stock Exchange Act 1995. Provides for penalties for conviction on indictment under the European Communities (Reinsurance) Regulations 2006 (SI 380/2006). Part 2,

'Miscellaneous', contains a number of largely technical amendments to various acts, including the Netting of Financial Contracts Act 1995, the Investment Intermediaries Act 1995, the Insurance (Miscellaneous Provisions) Act 1985, the Central Bank Act 1942, the National Treasury Management Agency Acts 1990 and 2000, the Ministerial and Parliamentary Offices Act 1938 and the Credit Union Act 1997.

Date enacted: 31/10/2007

Commencement date: Commencement order(s) to be made (per s2 of the act); 1/1/2008 for section 25 and 1/11/2007 for all other sections other than sections 5, 8 and 19 (per SI 730/2007). The act already provides that sections 5 and 8 come into operation on 1/11/2007. Commencement order to be made to bring section 19, 'Amendment of *Central Bank Act 1997*', into operation

SELECTED STATUTORY INSTRUMENTS Civil Registration Act 2004

Civil Registration Act 2004 (Commencement) Order 2007

Number: SI 736/2007

Contents note: Appoints 5/ 11/2007 as the commencement date for part 6 (ss45-58) of, and associated parts of the second schedule to, the Civil Registration Act 2004. Part 6 amends the law relating to marriage and makes provision for the notification, registration and solemnisation of marriage. The following related regulations also came into force on 5/11/2007: Civil Registration (Fees and Allowances) Regulations 2007 (SI 740/2007), Civil Registration (Fees and Allowances) (Revocation) Regulations 2007 (SI 743/2007), Civil Registration (Marriage) (Fees) Regulations 2007 (SI 737/2007), Civil Registration (Marriages) (Fees) (Revocation) Regulations 2007 (SI 742/2007), Delivery of Notification of Intention to Marry (Prescribed Circumstances) Regulations 2007 (SI 744/2007), Marriage Registration Form Regulations 2007 (SI 738/2007), Register of Marriages (Correction of Errors) Regulations 2007 (SI 739/2007), Register of Solemnisers (Correction of Errors) Regulations 2007 (SI 741/2007).

District Court (Insanity) Rules 2007

Number: SI 727/2007

Contents note: Amend the District Court Rules 1997 (SI 93/1997) by the insertion of a new order 23A, 'Criminal Law (Insanity) Act 2006', to provide forms and procedure in relation to that act.

Commencement date: 22/11/2007

European Communities (General Food Law) Regulations 2007

Number: SI 747/2007

Contents note: Make further provision in relation to regulation (EC) no 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Commencement date: 8/11/2007

Markets in Financial Instruments and Miscellaneous Provisions Act 2007 (Commencement) Order 2007

Number: SI 730/2007

Contents note: Appoints 1/1/2008 as the commencement date for section 25 of the act; appoints 1/11/2007 for all other sections of the act, other than sections 5, 8 and 19. (The act already provides that sections 5 and 8 come into operation on 1/11/2007.)

Road Traffic Act 2006 (Sections 10, 11 and 13) (Commencement) Order 2007

Number: SI 718/2007

Contents note: Appoints 30/10/2007 as the commencement date for sections 10, 11 and 13 of the Road Traffic Act 2006. Section 10 substitutes a new section 42, 'Regulations relating to driving licences, learner permits and certificates of competency and fitness', in the Road Traffic Act 1961. Section 11 substitutes a new section 35, 'Learner permits', in the Road Traffic Act 1961, and section 13 amends section 40, 'Requirement to carry driving licence while driving vehicle', (inserted by section 5 of the Road Traffic Act 1994) of the Road Traffic Act 1961.

Road Traffic (Licensing of Learner Drivers) Regulations 2007

Number: SI 719/2007

Contents note: Amend the Road Traffic (Licensing of Drivers) Regulations 2006 (SI 537/2006) to provide that a holder of a provisional licence for a car must be accompanied at all times by a holder of a driving licence who has held the licence for the vehicle category for at least two years, and provide for related matters.

Leg-implemented: Dir 97/

26/EC

Commencement date: 30/10/2007 for regulation 2(b)(i) and (iii) containing the above provisions; 1/12/2007 for other provisions

Road Traffic (Licensing of Learner Drivers) (No 2) Regulations 2007

Number: SI 724/2007

Contents note: Provide that the amendments made by regulation 2(b)(i) and (iii) of SI 719/2007 (see above) will not apply until 30/6/2008 to a person who holds or held a provisional driving licence in force at any time within the five-year period before 30/10/2007.

Commencement date: 30/10/2007 to 30/6/2008

Rules of Procedure (Defence Forces) (Form of Oath of Military Judge) 2007

Number: SI 661/2007

Contents note: Provide for the form of oath to be sworn or the solemn declaration to be made by a military judge before entering upon his or her duties under the *Defence Act 1954*.

Commencement date: 25/9/

2007

Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007

Number: SI 732/2007

Contents note: Amend the Safety, Health and Welfare at Work (General Application) Regulations 2007 (SI 299/2007). Commencement date: 12/11/

2007

Social Welfare and Pensions Act 2007 (Section 9) (Commencement) Order 2007

Number: SI 702/2007

Contents note: Appoints 26/9/2007 as the commencement date for section 9 (other than paragraphs (b), (e)(i), (g)(i) and (i) of that section) of the Social Welfare and Pensions Act 2007. Section 9 deals with means test provisions for certain allowances.

Social Welfare and Pensions Act 2007 (Sections 21 and 24) (Commencement) Order 2007

Number: SI 699/2007

Contents note: Appoints 27/9/2007 as the commencement

date for sections 21(b) and (c) and 24 of the *Social Welfare and Pensions Act 2007*. These sections deal with carer's allowance.

Social Welfare (Bilateral Agreement with the United Kingdom on Social Security) Order 2007

Number: SI 701/2007

Contents note: Gives effect to the bilateral agreement on social security and provides that the Social Welfare Acts and relevant regulations will be modified to take account of the provisions of the agreement. The agreement consolidates the terms of earlier agreements, modifies them to take account of legislative changes that have occurred in both states, and extends their scope to the Isle of Man, Jersey, Guernsey, Alderney, Herm and Jethou. The agreement provides that periods of insurance or residence in one state may be taken into account, where necessary, by the other state in order to qualify for certain benefits and pensions. In the case of Ireland, the agreement

covers illness benefit, maternity benefit, jobseeker's benefit, invalidity pension, state pension (contributory), state pension (transition), widow's and widower's (contributory) pension, guardian's payment (contributory) and bereavement grant. The agreement also contains provisions that allow workers in one state who are sent temporarily by an employer to work in the territory of the other state to remain attached to the social security system of the first state for a period of three years.

Commencement date: 1/10/

2007

Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007

Number: SI 412/2007

Contents note: Revoke previous regulations and consolidate the regulatory provisions governing supplementary welfare allowance.

Commencement date: 2/7/

2007 **G**

Prepared by the Law Society Library





For further information, application form and form A1 see our website www.lawsociety.ie or contact us directly by; e-mail: companyformation@lawsociety.ie or tel (01) 6724914/6 or fax (01) 6724915





News from Ireland's online legal awareness service Compiled by Bart Daly for FirstLaw

CRIMINAL LAW

Extradition

Lapse of time – summons claiming release - exceptional circumstances - whether delay in conjunction with other exceptional circumstances warranting refusal of extradition – whether time spent in custody on remand in connection with extradition may be taken into account when considering request for extradition – whether unjust, oppressive or invidious to extradite - Extradition Act 1965, s50(2)(bbb).

Section 50(2)(bbb) of the Extradition Act 1965 provides, among other things, that "a direction under this section may be given by the High Court where the court is of the opinion that - by reason of lapse of time since the commission of the offence specified in the warrant ... and other exceptional circumstances, it would, having regard to all the circumstances, be unjust, oppressive or invidious to deliver him up under section 47". The applicant had been convicted in England in 1995 in respect of an offence that carried a maximum sentence of six months' imprisonment. He failed to appear at sentencing and absconded to Ireland. In the meantime, he had been imprisoned in this state in respect of unrelated offences committed in this jurisdiction. A request for extradition was made in 1998 and he was remanded in custody for a total of four-and-a-half months, pending a hearing of the extradition proceedings. At that hearing, in 2004, the District Court indicated that it was minded to order the applicant's extradition, but allowed him to

apply to the High Court for release pursuant to section 50(2)(bbb) of the Extradition Act 1965. In July 2005, the High Court ordered that the applicant be released pursuant to section 50. The respondent appealed to the Supreme Court.

The Supreme Court dismissed the appeal, holding that minor offences or offences that carry small penalties should not generally be the subject matter of extradition. Conversely, the more serious the offence and the greater the possible penalty, the greater the onus on the applicant to establish that it would be unjust, oppressive or invidious to direct his extradition. Periods of time spent in custody while awaiting extradition were factors to which courts in this jurisdiction would have regard. If returned, the applicant could face a maximum of 11 months in prison for an offence that carried a maximum of six months if the English court did not give credit for time spent by the applicant in remand awaiting extradition, or a maximum of one month if the English court did give such credit. In the first instance, it would, when considered in coniunction with the involved, be oppressive to order the return of the applicant and, in the second, it would be futile to order the return of the appli-

Murray CJ dissented, holding that the first matter that an applicant had to satisfy the court of was that the lapse of time involved was an exceptional circumstance. In determining whether a lapse of time constituted an exceptional circumstance, the court did not have

regard to culpable delay or other contribution by one party or another to the lapse of time. Ten years' delay constituted such an exceptional circumstance but was not, of itself, a ground for relief under section 50 of the 1965 act. Consideration of such factors as the reasons for the lapse of time and culpable delay on the part of any party were matters to be taken into account at the later stage in determining whether there were other exceptional circumstances but, in particular, whether in all the circumstances extradition would be unjust, oppressive or invidious. The delay and the time spent by the applicant in custody awaiting determination of extradition proceedings were elements created by the applicant by absconding and committing crimes in this state. A convict who absconded in breach of a court order was at risk of being kept in custody pending his final appearance to face sentence, due to the fact that there was a risk he might abscond again. While time spent in custody pre-trial could be taken into account by a sentencing court in the state, the fact that it was not a practice in a requesting state was not a relevant factor for consideration in determining whether it would be unjust, oppressive or invidious to return an applicant in an application under the 1965 act.

Obiter dictum: there was no requirement that a requesting state had to give general undertakings or information concerning the actual sentence that would be imposed by it in an application for extradition under the 1965 act.

O'Keeffe (applicant/respondent) v O'Toole (respondent/ appellant), Supreme Court, **29/3/2007, 307/05** [FL14116]

EMPLOYMENT LAW

Termination

Tenure - interpretation Universities Act 1997 - whether the termination of the plaintiff's contract of employment was invalid having regard to the provisions of the 1997 act.

The plaintiff was previously employed by the defendant as associate professor in the School of Biotechnology. Following discussions with representatives from another university, the plaintiff informed the president of DCU that he would probably take up employment with that other university. Subsequently, the plaintiff received three months' notice of the termination of his employment. The plaintiff contended that the termination of his contract of employment was invalid having regard to certain provisions of the *Universities Act* 1997 and, furthermore, was invalid due to the fact that the notice of termination was served in breach of fair procedures.

Clarke J allowed the claim, holding that the plaintiff was a permanent full-time member of the academic staff of the defendant and therefore was an officer to whom the provisions of section 25(6) of the 1997 act applied. The dismissal of the plaintiff did not occur in accordance with procedures specified in the statute enacted by the defendant and therefore was in breach of the provisions of section 25(6). Furthermore, the

purported specification by the defendant in that statute of tenure was an invalid exercise of the entitlement of the defendant to specify tenure. Furthermore, the termination of the plaintiff's contract was in breach of fair procedures, as he was not given any notice of the defendant's intention to terminate his contract. Consequently, the defendant was obliged to take reasonable steps to ensure that appropriate academic duties were given to the plaintiff.

Cabill (plaintiff) v Dublin City University (defendant), High Court, Mr Justice Clarke, 9/2/2007, 2006 No 3378P [FL14161]

LAND LAW

Contract

Equity – Statute of Limitations 1957 – whether the plaintiff was entitled to a declaration that he had a freehold interest in a plot of land allegedly sold by the deceased and subsequently purchased by the plaintiff.

The defendant was sued in these proceedings as personal representative of the deceased. The plaintiff claimed a declaration that he was entitled to the freehold interest in property situated at Wavecrest Drive, Blackrock, Co Louth. He also sought a declaration that the title of the deceased was statute barred and. alternatively, that the deceased was a trustee for two named individuals, who it is alleged purchased the property from the deceased and subsequently sold it to the plaintiff. The plaintiff also sought an order directing the defendant to convey or transfer the freehold interest in the said property to the plaintiff. The defendant delivered a full defence and counterclaimed against the plaintiff, asserting that the deceased was the registered owner of the lands and was at all times entitled to possession of the property. The relief sought in the counterclaim was an injunction restraining the plaintiff from interfering with the defendant's property and damages for trespass and slander of title.

Laffoy J dismissed the plaintiff's claim and made no order on the counterclaim, holding that the deceased verbally agreed to sell the disputed plot of land to the two named individuals on the terms alleged. The intention was that there would be a formal agreement; however, the transaction was never completed. The onus of proving that the deceased received the purchase money was on the plaintiff, and he failed to prove that. Neither of the individuals occupied or exercised acts of ownership over the disputed plot of the type that would constitute possession for the purposes of the Statute of Limitations and, furthermore, they did not possess the necessary animus possidendi. However, the deceased did exercise acts of ownership over the disputed plot subsequent to the oral agreement and therefore he remained the owner thereof until his death. There was no evidence of any damage suffered by the deceased or his estate due to the actions of the plaintiff, and therefore no order should be made on the counterclaim. Moley (plaintiff) v Fee (defendant), High Court, Miss Justice Laffoy, 27/4/2007, 2000 No 8665 P [FL14168]

TORT

Insurance

Declarations – Road Traffic Act 1961 – Civil Liability Act 1961 – Road Traffic (Compulsory Insurance) Regulations 1962 – whether the relevant vehicle was one constructed primarily for carriage of one or more passengers – whether the plaintiff was covered by insurance at the time of his accident.

The plaintiff, who sustained serious injuries as a result of a road traffic accident when he was travelling as a passenger in a vehicle being driven by his friend, Mr Wheeler, whose insurance was provided by the defendant, sought certain declaratory relief, namely that Mr Wheeler was insured by the defendant to carry the plaintiff as a passenger at the time of the accident in 1991 and further that, pursuant to section 76 of the Road Traffic Act 1961 and section 62 of the Civil Liability Act 1961, the defendant was bound to indemnify Mr Wheeler in respect of any monies found due by Mr Wheeler to the plaintiff in the personal injury proceedings. The plaintiff also sought a declaration that Mr Wheeler's vehicle was a vehicle constructed primarily for the carriage of one or more passengers and therefore came within the terms of regulation 6(1) of the 1962 regulations, and consequently insurance of passengers in that vehicle was compulsory. The defendant submitted that the plaintiff was not entitled to invoke the provisions of section 62, as Mr Wheeler was neither bankrupt nor deceased. The defendant

pleaded that the relevant vehicle was a commercial vehicle and the policy did not cover any liability of Mr Wheeler in respect of the personal injuries sustained by the plaintiff.

Laffoy J dismissed the plaintiff's claim, holding that the combined effect of sections 56(1) and 65(1) of the RTA 1961 and regulation 6(1)(b) of the 1962 regulations was that, at the date of the accident, insurance cover for passengers was compulsory in relation to vehicles that came within the class of vehicles constructed primarily for the carriage of one or more passengers. Mr Wheeler's vehicle, which contained only two seats in the front and no seats in the rear, was not constructed primarily for the carriage of one or more passengers and therefore Mr Wheeler was not obliged to have insurance cover against passenger liability. Furthermore, at the time of the accident, the contract between Mr Wheeler and the defendant, as evidenced by the policy documentation furnished to him, wholly excluded cover for passengers, and Mr Wheeler was informed before he signed the notice in relation to passenger cover that no passenger cover was being provided by the defendant.

Power (plaintiff) v Guardian PMPA Insurance Ltd (defendant), High Court, Miss Justice Laffoy, 2/2/2007, 1998 No 3315 P [FL14167]

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News from the EU and International Affairs Committee

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

Recent developments in European Law

FREE MOVEMENT OF GOODS

Case C-170/04, Klas Rosengren and Others v Riksåklagaren, 5 June 2007. In Sweden, a monopoly (Systembolaget) is the sole permitted retailer of alcoholic drinks. Only Systembolaget and wholesalers authorised by the state may import alcoholic drinks. Private individuals are prohibited from doing so. A person wishing to import alcohol from other member states must do so through Systembolaget. It is required to obtain any alcoholic drink at the expense of the consumer, provided that it sees no objection in doing so. Klas Rosengren and other Swedish nationals ordered, by letter, cases of Spanish wine. The wine was imported into Sweden by a private transporter without being declared to customs. The customs authorities at Göteborg then confiscated it. Criminal proceedings were brought against the applicants for unlawful importation of alcohol. The Swedish Supreme Court asked the ECJ whether the provisions of the Swedish legislation are compatible with EC law, in particular with the principle of free movement of goods guaranteed by the treaty. The ECI held that the fact that Systembolaget may refuse an order from a consumer to import alcoholic drinks amounts to a quantitative restriction on imports. The court noted that when consumers use Systembolaget to import alcohol, they face a

variety of inconveniences that would not be present if they imported the alcohol themselves. The purchaser is asked to pay for the cost of the alcohol invoiced by the supplier, the reimbursement of administrative and transport costs paid by Systembolaget, and a margin of 17%. The court then moved on to consider whether the restriction could be justified. Import quotas can be justified on grounds of the protection of the health and life of humans. Systembolaget can refuse an order, but the grounds on which such a refusal may be based are not stated. There was no evidence the court that hefore Systembolaget had refused an order by reference to maximum quantities of alcohol. Thus, the prohibition of importation must be considered unsuitable for attaining the objective of protecting people's health and life. As the prohibition applies to all, irrespective of age, it goes beyond what is necessary with regard to the objective of protecting young people from the harmful effects of alcohol. This finding was reinforced by the fact that an effective check on the age of people to whom alcohol is supplied is not fully guaranteed.

FREE MOVEMENT OF PERSONS

Cases C-76/05 and C-318/05, Schwarz and Gootjes-Schwarz v Finanzamt Bergisch Gladbach, Commission of the European Communities v Federal Republic of Germany, 11 September

2007. German legislation allowed income-tax payers to deduct from their taxable earnings roughly 30% of the net price paid by them for attendance by a dependant child at a private school in Germany that meets certain conditions. The tax relief did not apply to school fees paid to schools in other member states. The compatibility of this legislation with EC law was referred to the ECJ. The action was brought by a German couple whose children had attended a private school in Scotland. The ECJ held that EC law precludes the tax relief being generally refused in respect of school fees paid to schools situated in other member states. The court distinguished between two types of school financing. Only schools financed by private funds can rely on the freedom to provide services. The German restriction on tax relief payable on fees of schools in other member states hinders their freedom to provide services. In relation to schools that are not essentially financed from private funds, the freedom to provide services does not apply. However, due to the right to free movement of citizens of the EU, tax relief may not be refused in respect of those schools' fees. The Schwarz children, by attending a school established in another member state, have made use of their right to free movement. National legislation that disadvantages certain nationals merely by reason of the fact that they have used their right to free movement and residence in another member state restricts those freedoms.

HEALTH AND SAFETY

Case C-127/05, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, 14 June 2007. Directive 89/391 on the health and safety of workers provides that the employer has a duty to ensure the health and safety of workers in every aspect related to work. Member states may provide for the exclusion or the limitation of employers' responsibilities where "occurrences are due to unusual and unforeseeable circumstances, beyond the employers' control, or to exceptional events, the consequences of which could not have been avoided despite the exercise of all due care". In Britain, the health and safety of workers is regulated by the Health and Safety at Work Act 1974. Under that legislation, every employer must ensure, "so far as is reasonably practicable", the health, safety and welfare at work of all his employees. Failure to discharge that duty gives rise to criminal sanctions. European Commission took the view that the provision does not comply with the directive and brought an action for failure to fulfil obligations against Britain. It argued that British legislation allowed an employer to escape his responsibility if he can prove that the adoption of health and safety measures would have been

grossly disproportionate in terms of money, time or trouble when balanced against the relevant risk. The commission argued that the derogation provided for in the directive (article 5(4)) must be interpreted strictly. The ECJ held against the commission. The court held that the directive did not set out a standard of strict liability. It was not satisfied that the commission had not established that Britain had failed to fulfil its obligations under the directive.

HUMAN RIGHTS

Cases T-47/03 and T-327/03, Fose Maria Sison v Council of the European Union, Stichting Al-Agsa v Council of the European Union, 11 July 2007. On 28 September 2001, the UN Security Council adopted a resolution calling on all UN member states to combat terrorism and the funding of terrorism by all possible means, in particular, by freezing the funds of persons and entities that commit, or attempt to commit, acts of terrorism. It did not identify the persons and entities in question, leaving that to the UN member states. The resolution was given effect in the EC by a common position (2001/931/CFSP) and a regulation (2580/2001). The regulation ordered the freezing of the funds of the persons and entities in a list drawn up by and updated by council decisions. Names are included in the list on the basis of a decision having been taken by a competent authority in a judicial manner. The names on the list must be reviewed at regular intervals, at least once every six months, to ensure that there are still grounds for keeping them on the list. Jose Maria Sison is a Filipino national who lived in the Netherlands since 1987. The Philippines withdrew his passport in September 1988 and he applied for refugee status and a residence permit in the Netherlands on humanitarian

refused by the State Secretary for Justice three times, on the basis that he was the chairman of the Communist Party of the Philippines and that a military organisation, the New People's Army, was under the direction of the party's central committee and that he was effectively its head. The New People's Army had carried out a large number of terrorist acts. By a common position and decision, a number of individuals were added to the list, including Mr Sison. The list has been reviewed periodically and his name remained on it. Stichting Al-Aqsa is a Dutch foundation that describes itself as an Islamic social welfare institution. One of its main objectives is to help to alleviate humanitarian emergencies in the West Bank and the Gaza Strip. It gives financial support to other organisations to carry out projects in these areas. In April 2003, the Dutch Minister for Foreign Affairs ordered the freezing of its funds and financial assets on the grounds that it was transferring funds to organisations supporting terrorism, particularly Hamas. In June 2003, the council added this organisation to the list of persons and entities whose funds were to be frozen. The applicants brought actions before the CFI seeking annulment of the decisions ordering their funds to be frozen. The court held that fundamental rights and safeguards, including the rights of the defence, the right to effective judicial protection and the obligation to state reasons, are in principle fully applicable to the adoption of a community decision freezing funds pursuant to regulation 2580/2001. The court found that those rights and safeguards were not respected by the council in its adoption of the contested decisions. Reasons were not given for those decisions, which were adopted in the context of procedures in which the rights of the

grounds. The application was

defence of the persons concerned were not observed, and the court itself was unable to review the lawfulness of those decisions. The court concluded that the contested decisions must annulled insofar as they concern the applicants.

Kakol v Poland [2007] ECHR 718 (6 September 2007). Jaroslaw Kakol was arrested in Poland on suspicion of armed robbery. He was held in custody from 21 April 1999 until his release in October 2005. During his detention, repeated bail applications were made, all of which were refused. In October 2005, a court of appeal released the detainees, under police supervision, as the case had to start afresh. The applicant argued that the length of his detention was in breach of the European Convention on Human Rights. The court ruled that pre-trial detention of six years and six months was unjustified. Article 5(3) of the convention provides for the right to be tried in a reasonable time. Continued detention is only supported when there are genuine requirements of public interest that outweigh the rule of respect for individual liberty. The authorities must be shown to have conducted the case with "special diligence". The court held that particularly strong reasons would be required to justify a detention period of the length of the one in this case.

INTELLECTUAL PROPERTY

Joined Cases T-53/04 to 56/04, T-58/04 and T-59/04, T-57/04, T-71/04 and T-60/04 to T-64/04, Budejovicky Budvar, národní podnik v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), Anheuser-Busch Inc v Office for Harmonisation in the Internal Market (Trade Marks and Designs), 12 June 2007. Between 1996 and 1998,

Anheuser-Busch applied to OHIM for registration of the word marks 'Budweiser' and 'Bud' and for a figurative sign containing the term 'Budweiser' as EC trademarks for various products including stationery, articles for cleaning, clothing, pastry and confectionary. The trademark application for the figurative sign was for beer, ale porter, malted alcoholic and non-alcoholic beverages. Budvar brought opposition proceedings against the EC trademark registration in respect of all the goods sought. It relied on earlier appellations of origin and an international word mark 'Budweiser', registered for beer of any kind. OHIM rejected the opposition brought by Budvar on the basis of the international word mark 'Budweiser' in respect of the EC trademark application for goods other than beer. Budvar brought an action challenging this decision before the CFI. Budvar based its action on its appellation of origin status. Contracting parties to the Lisbon Agreement undertake to protect, on their soil, appellations of origin of the other contracting states, recognised and protected as such in the state of origin and registered at the International Bureau of the World Intellectual Property Organisation. The CFI found that the appellation of origin relied on by Budyar is only protected under the Lisbon Agreement for beer and similar products. In order to benefit from the more extensive protection, Budvar should have proven that the use of the disputed signs is likely to misappropriate or weaken the reputation in France of the appellations of origin in question. The court concluded that Budvar had not succeeded in proving either the existence of the reputation these appellations in France or how use of the sign would misappropriate or weaken the appellation if it could be proved. G

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 December 2007)

Regd owner: James Donnelly, Cornamagh, Kingscourt, Co Cavan; folio: 22702; lands: Corlea (Clankee By) and Cornamagh; Co

Regd owner: John Brady, Lismeen, Ballyjamesduff, Co Cavan; folio: 21930; lands: Aghaloughan; Co Cavan

Regd owner: Terence McAdams, Caulfield, Tullyco, Cootehill, Co Cavan; folio: 2610; lands: Aghadrumgowna; Co Cavan

Regd owner: Denis McNamara; folio: 899; lands: townland of Carrowena and barony of Tulla Lower; area: 1.6187 hectares; Co Clare

Regd owner: Michael Clune and Philomena Clune; folio: 356L; lands: townland of Ballycasey More and barony of Bunratty Lower; Co Clare

Regd owner: Jeremiah Harrington; folio: 19F; lands: plot of ground situate in the townland of Kilmoney and barony of Kerrycurrihy in the county of Cork; Co Cork

Regd owner: Richard Smith and Mary Smith; folio: 357; lands: plot of ground situate in the townland of Lag and barony of Fermoy in the county of Cork; Co Cork

Regd owner: Sean Horgan (deceased) and Elizabeth Horgan; folio: 30289F; lands: plot of ground situate in the townland of Dysert and barony of Duhallow in the county of Cork; Co Cork

Regd owner: Macroom Urban District Council; folio: 10876; lands: plot of ground situate in the townland of Gurteenroe and barony of Muskerry West in the county of Cork; Co Cork

Regd owner: Gerard Dineen; folio: 20751; lands: plot of ground situate in the townland of Lisboy Beg and barony of Muskerry West in the county of Cork; Co Cork

Regd owner: Siobhan Sheehan; folio: 22933F; lands: plot of ground in the townland of Ballincollie and barony of Cork in the county of Cork; Co Cork

Regd owner: Sean O'Callaghan; folio: 17178; lands: plot of ground situate in the townland of Knockavaddra and barony of Duhallow in the county of Cork; Co Cork

Regd owner: Edward A Sweeney, Doaghbeg, Ballylar Post Office, Letterkenny, Co Donegal; folio: 30202F; lands: Doaghbeg; area: 3.724 hectares; Co Donegal

Regd owner: Carol Crossan, Castle Avenue, Buncrana, Co Donegal; folio: 24096; lands: Ballymacarry; Co Donegal

Regd owner: Doris Russo, Glen House, Straid, Clonmany, Co Donegal; folio: 28858F; lands: Straid; Co Donegal

Regd owner: Michael Campion and Patricia Campion; folio: DN20 488F; lands: the property known as 54 Coultry Gardens, situate in the townland of Stormanstown and barony of Coolock; **Co Dublin**

Regd owner: Joseph Shakespeare and Mary Shakespeare; folio: DN17 039L; lands: property known as 10 Tolka Road, situate in the parish of St George and district of Drumcondra: **Co Dublin**

Regd owner: John Farrell and Antoinette Farrell; folio: DN1728F; lands: property situate to the east of Finglas Road, in the parish of Finglas, district of Finglas North and city of Dublin; Co Dublin

Regd owner: Geraldine Regan; folio: DN53393F; lands: property situate in the townland of Knocklyon and barony of Uppercross; Co Dublin

Regd owner: Declan McCarthy and Carmel Keane; folio: DN113711F; lands: property known as site no 70 Brackenstown Village, situate to the south of Brackenstown Road in the town of Swords; Co Dublin

Regd owner: James Mooney; folio: DN122459F; lands: property situate in the townland of Gibbons and barony of Uppercross; **Co Dublin**

Regd owner: Denis Noel Finlay and Teresa Finlay; folio: DN28650F; lands: property situate on the east side of Grange Park Crescent in the parish and district of Kilbarrack; Co Dublin Regd owner: Edward Murphy; folio: DN3446L; lands: property known as 22 Donard Road, situate on the north side of the said road in the parish and district of Crumlin; **Co Dublin**

Regd owner: Timothy O'Sullivan; folio: DN74242L; lands: property known as 9 Mayfield Road, South Circular Road, situate in the parish of St Jude and district of Kilmainham; Co Dublin

Regd owner: Fintan O'Reilly and Patricia Peppard; folio: DN108 480F; lands: property known as 16 Bushfield Grove, situate in the town and parish of Clondalkin; Co

Regd owner: Siobhan Donohue; folio: DN52968L; lands: the property being number 59 Cashel Road, Crumlin, Dublin 12; **Co Dublin**

Regd owner: Christopher Sutton and Marie Sutton; folio: DN43346L; lands: property known as 338 Carnlough Road, situate in the parish of Finglas, district of Finglas North; **Co Dublin**

Regd owner: Elizabeth Keane; folio: 47718; lands: townland of Srahloughra and Derryfadda and barony of Killian; **Co Galway**

Regd owner: Gerard Kitt; folio: 15377F; lands: townland of Mountbellow Demesne and barony of Killian; Co Galway

Regd owner: Daniel Coleman (junior); folio: 2591F; lands: townland of Camus Eighter and barony of Moycullen; area: 89.4350 hectares; Co Galway

Regd owner: John Flaherty and Mary Flaherty; folio: 3812F; lands: townland of Corralea, Meelick East and Ryehill and barony of Ballymoe and Dunmore; **Co Galway**

Regd owner: Sean McDermott; folio: 1736F; lands: townland of Castlegar and barony of Galway; area: 0.3313 hectares; **Co Galway**

Regd owner: John Desmond West; folio: 28857F; lands: townland of Banshagh and barony of Trughanacmy; Co Kerry

Regd owner: Noel Tuohy; folio: 7756; lands: townland of Caher West and barony of Glanarought; **Co Kerry**

Regd owner: Eileen Murphy; folio: 23243; lands: townland of Clahane and barony of Trughanacmy; **Co Kerry**

Regd owner: James Cash (deceased) and Margaret Cash (deceased) of Roseberry, Newbridge, Co Kildare; folio: 7932; lands: townland of Common (Connell By) and barony of Connell; Co Kildare

Regd owner: James Delaney (deceased), 6 Johnstown, Gardens, Johnstown, Co Kildare; folio: 97F; lands: townland of Johnstown (Naas North By) and barony of Naas North; Co Kildare

Regd owner: Jack Murphy and Catriona Lane of 108 Rath Curragh, Newbridge, Co Kildare; folio: 24802F; lands: a plot of ground situate on the west side of Green Road in the town of Newbridge, being part of the townland of Ballymany and barony of Offaly East; Co Kildare

Regd owner: Julia Kelly; folio: 7866F; lands: Borris Geart and barony of Maryborough East; **Co Laois**

Regd owner: Eileen Curtin; folio: 24F; lands: townland of Knockaderry and barony of Glenquin; **Co Limerick**

Regd owner: Patrick Sheehy; folio: 16260F; lands: townland of Clogh West and barony of Connello Lower; **Co Limerick**

Regd owner: Thomas P Sheehan; folio: 676L; lands: parish of St Nicholas and electoral division of Farranshone; Co Limerick

Regd owner: Patrick Kirwan, 3 Marian Park, Drogheda, Co Louth; folio: 14726F; lands: Lagavooren; Co Louth

Regd owner: Edward Morgan, Carrickarnon, Ravensdale, Dundalk, Co Louth; folio: 2944; lands: Carrickcarnan; Co Louth

Regd owner: John Comer; folio: 11307F; lands: townland of Knockbrack and barony of Gallen; Co Mayo

Regd owner: Patrick Joseph Gilboy; folio: 16527; lands: townland of Ballaghamuck and barony of Tirawley; area: 3.9450 hectares; **Co Mayo**

Regd owner: Martin Christopher McManus; folio: 2805F; lands: townland of Ardoughan and barony of Tirawley; area: 0.1340; **Co Mayo**

Regd owner: Anthony Joseph McNamara and Patrick McNamara; folio: 32977; lands: townland of Keel East and barony of Burrishoole; **Co Mayo**

Regd owner: Joseph Byrne and Rita Byrne, Garristown, Co Meath; folio: 12430; lands: Princetown; Co Meath

Regd owner: Ann Caffrey, Whitewood, Kilmainhamwood, Kells, Co Meath; folio: 35754F; lands: Whitewood; Co Meath

Regd owner: James Reilly, Moate, Moynalty, Kells, Co Meath; folio: 10707; lands: Fyanstown; **Co Meath**

Regd owner: James Hoey, Thomas Hoey, Joseph Hoey, Michael Hoey and Ellen Hoey, Knowth, Slane, Co Meath; folio: 15095, 15100; lands: Crewbane and Knowth; **Co Meath**

Regd owner: Noel Hughes and

Margaret Hughes, Keeneraboy, Culloville, Castleblayney, Co Monaghan; folio: 1225F; lands: Keeneraboy; Co Monaghan

Regd owner: Michael Ruane and Elaine Ruane; folio: 1460; lands: townland of Grange and barony of Castlereagh; area: 4.8730 hectares; Co Roscommon

Regd owner: John Melia; folio: 5191F; lands: townland of Cloonmore and barony of Balintober North; Co

Roscommon

Regd owner: Michael McGreevy; folio: 29947: lands: townland of Ballyardan, Knockvicar and Oakport Demesne and barony of Boyle; Co Roscommon

Regd owner: James McManus; folio: 2543; lands: townland Cloonrollagh and barony of Athlone South; area: 5.5062 hectares; Co Roscommon

Regd owner: Padraig Filan; folio: 7145F; lands: townland of Rathbaglye and Toberelva and barony of Roscommon and Castlereagh; Co Roscommon

Regd owner: Francis McDonnell; folio: 17438; lands: townland of Faughts and barony of Carbury; area: 1.06698 hectares; Co Sligo

Regd owner: Michael G Kennedy and Nora Kennedy; folio: 20620F and 2303; lands: townland of Derry and barony of Ormond Lower; Co Tipperary

Regd owner: Joseph Quinn; folio: 40040; lands: townland of Bohercrow and barony Clanwilliam; Co Tipperary

Regd owner: Michael Dunne; folio: 25700; lands: townland of Gortnahoo and barony Slieveardagh; Co Tipperary

Regd owner: Sheila Maher; folio: 16563; lands: townland of Feigh East and barony of Lower Ormond; Co Tipperary

Regd owner: Dermot Maguire, Skeagh, Rathconrath, Mullingar, Westmeath; folio: 5663; lands: Skeagh, Balrath and Kilgawny; Co Westmeath

Regd owner: Philip Reilly, Togher, Finnea, Mullingar, Co Westmeath; folio: 16702; lands: Togher, Clareisland, Williamstown and Moneybeg; Co Westmeath

Regd owner: Maxwell Norris (deceased) and Gabriella Norris (deceased), of Herb Garden Nursery, Coughlanstown, Ballymore Eustace, Co Kildare; folio: 1182; lands: townland of Muskeagh, known as Muskeagh, Tinahely, Arklow, in the barony of Ballinacor South, in the electoral division of Tinahely; Co Wicklow

PROFESSIONAL NOTICE RATES

RATES IN THE PROFESSIONAL NOTICE SECTION ARE AS FOLLOWS:

- Lost land certificates €138.50 (incl VAT at 21%)
- Wills €138.50 (incl VAT at 21%)
- Title deeds €138.50 per deed (incl VAT at 21%)
 Employment/miscellaneous €138.50 (incl VAT at 21%)

These rates will apply from the Jan/Feb 2008 issue and subsequently

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ALL NOTICES MUST BE PAID FOR PRIOR TO PUBLICATION. CHEQUES SHOULD BE MADE PAYABLE TO LAW SOCIETY OF IRELAND. Deadline for Jan/Feb 2008 Gazette:

WILLS

Byrne, Patrick (deceased), late of 34 Guilistan Cottages, Rathmines, Dublin 6. Would any person having knowledge of a will made by the above-named deceased, who died on 19 October 2007. please contact O'Donohoe, Solicitors, 11 Fairview, Dublin 3; tel: 01 833 2204, email: modonohoe@odonohoes.com

Connolly, Thomas (otherwise Tom) (deceased), late of 67 Watson Park, Killiney, Co Dublin, retired from ESB and Tote Ireland and who died on 24 August 2007. Would any person having knowledge of a will made by the abovementioned deceased please contact Barbara Jones, 67 Watson Park, Killiney, Co Dublin; mobile: 087 626 8080 or tel: 01 285 7256

Doherty (orse O'Doherty) James (orse Séamus Ó Dochartaigh) (deceased), late of Auburn Road, Mullingar, Co Westmeath, retired teacher who died on 23 May 2007. Would any person having knowledge of a will made by the abovenamed deceased please contact Larkin Tynan & Company, Solicitors, Blackhall Street, Mullingar, Co Westmeath; tel: 044 934 8318

Feerick, John Francis (otherwise Sean) (deceased), late of no 2 Dolphin Park, Rialto, Dublin 8. Would any persons having knowledge of a will made by the above-named deceased, who died on 27 October 2007, please contact Coughlan White O'Toole, Solicitors, Moorefield Road, Newbridge, Co Kildare; email: info@coughllansolicitors.ie

Fleming, Susan (deceased), late of 318 Fir Tree Road, Epsom Downs, Surrey, KT 17 3NW, England. Would any person having knowledge of a will made by the above-named deceased, dated 27 August 2003, please contact James J Kearns & Son, Solicitors, Portumna, Co Galway; tel: 090 974 1003, fax: 090 974

Gillen, Nora (otherwise Gillan, Nora) (deceased), late of 289 Tirellan Heights, Headford Road, Galway, widow, who died on 13 October 2007 at University College Hospital, Galway. Would any person having knowledge of a will made by the above-mentioned deceased please contact RDJ Glynn, Solicitors, Aengus House, Long Walk, Galway; tel: 091 594 777, fax: 091 567 316

Langan, Margaret (deceased), late of 38 Conquer Hill Road, Clontarf, Dublin 3, who died on 11 Mary 2006. Would any person having any knowledge of a will made by the above-named deceased please contact Carmel Clarke, tel: 01 867 2076, or Patricia Maguire, tel: 01 847 2920 or email: carmelclarke@eircom.net

Lynch, Christina (deceased), late of 9 Old Bray Road, Cabinteely, Dublin 18, company secretary, who died on 23 October 2007. Would any person having knowledge of a will made by the abovementioned deceased please contact O'Callaghan, Solicitors, 51 Mulgrave Street, Dun Laoghaire, Co Dublin; tel: 01 280 3399, fax: 01 280 9221, email: maurice@ocslegal.ie

Edward McCarney, Joseph (deceased), late of Derryledigan,

Scotstown, Co Monaghan. Would any person having knowledge of the whereabouts of a will made by the above-named deceased, who died on 13 January 2007, please contact Morgan McManus, Solicitors, The Diamond, Clones, Co Monaghan; tel: 047 51011, email: coneill@morganmc-

Meade, Thomas Joseph (deceased), formerly of 1 St Bridget's Terrace, Church Bay, Crosshaven, Co Cork, who died on 16 August 2004 at Heatherside Hospital, Buttevant, Co Cork. Would any person having knowledge of the whereabouts of any will made by the above-named deceased please contact O'Flynn Exhams, Solicitors, 58 South Mall, Cork; tel: 021 427 7788, fax: 021 427 2117, email: michael.cotter@oflynnexhams.ie

O'Brien, Joseph, (deceased), late of 34 Goldenbridge Avenue, Inchicore, Dublin 8. Would any person having knowledge of a will made by the abovenamed deceased please contact Donal McCrann & Co, Solicitors, Main Street, Celbridge, Co Kildare; tel: 01 627 6088, email: info@dmccrann.ie

O'Callaghan (otherwise Flynn), Thomas (deceased), late of 46 Eugene Street, off Cork Street, Dublin 8, who died on 3 August 2007. Would any person having knowledge of a will made by the above-mentioned deceased please contact James O'Brien & Co. Solicitors. 30 Castle Street, Nenagh, Co Tipperary; tel: 067 31218, fax: 067 33357, email: Patrick.liston@jamesobrien.ie; reference PL

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Reddy, Michael (deceased), late of Ballymartin (Rathanna), Borris, Co Carlow. Would any person having knowledge of a will made by the abovenamed deceased, who died on 21 June 2007, please contact John A Sinnott & Co, Solicitors, Market Square, Enniscorthy, Co Wexford; tel: 053 923 3111, email: info@jasinnott.ie

Regan, Patrick (deceased), late of Silverfield, Lisacul, Castlerea, Co Roscommon. Would any person with any knowledge of a will executed by the above-named deceased, who died on 30 September 2007, please contact Staunton Caulfield & Co, Solicitors, Main Street, Castlerea, Co Roscommon; tel: 094 962 0008, fax: 094 962 0266

MISCELLANEOUS

London solicitors will be pleased to advise on UK matters and undertake agency work. We handle probate, litigation, property and company/commercial. Parfitt Cresswell, 567/569 Fulham Road, London SW6 1EU; DX 83800 Fulham Broadway; tel: 0044 2073 818311, fax: 0044 2073 814044, email: arobbins@parfitts.co.uk

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Off-licence for sale – Please contact Daragh Feeney of Brian Doherty & Co, Solicitors, Seville House, New Dock Street, Galway; tel: 091 567 083, fax: 091 567 087

Two ordinary seven-day publican's licences for immediate sale. Contact Tom O'Sullivan & Co, Solicitors, Earl Street, Kanturk, Co Cork; tel: 029 50154, fax: 029 50725, email: goksolicitors@eircom.net

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TITLE DEEDS

In the matter of the Landlord and Tenant Acts 1967-2004 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of the premises Mullingar House, Chapelizod, Dublin 20, and the premises known as Rose Cottage, Chapelizod, Dublin 20, and the premises known as Mull Lodge, Chapelizod, Dublin 20: an application by Portstone Inns Limited

Take notice that any person having any interest in the freehold estate of the following property: all that and those the premises known as Mullingar House, Chapelizod, Dublin 20, and the premises known as Rose Cottage, Chapelizod, Dublin 20, and the premises known as Mull Lodge, Chapelizod, Dublin 20, held by the applicant under indenture of lease dated 9 December 1694, made between Sir John Temple of the one part and Richard Winstanley of the other part for a term of 500 years from 29 September 1694.

Take notice that Portstone Inns Limited intends to submit an application to the county registrar for the city of Dublin for acquisition of the freehold 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 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, Portstone Inns Limited intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the 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 of the aforesaid property are unknown or unascertained.

Date: 7 December 2007

Signed: DMFG Solicitors (solicitors for the applicant), Embassy House, Ballsbridge, Dublin 4

In the matter of the Landlord and Tenant (Ground Rents) Act 1967 and the Landlord and Tenant (Ground Rents) (No 2) Act 1978 – acquisition of fee simple (section 4 of the said act of 1967): an application by Malachy Keenan

To any person having an interest in the following property: all that and those the house and premises known as 22 Lower Leeson Street in the city of Dublin and which premises are delineated on the map laid down on an indenture of lease dated 3 March 1921 between Marion Eleanor Jervis-White of Healthfield Manor, Wexford, in the county of Wexford, widow, and Michael Joseph McCabe of Trimleston, Booterstown in the county of Dublin, merchant, and thereon edged red.

Take notice that Malachy Keenan intends to submit an application to the county registrar for the county of Dublin for the acquisition of the fee simple in part of the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) to the leasehold interest created by a deed of assignment made 13 January 1998 between Mountstar Limited, then having its registered office at 10 Old Quarry, Dalkey, in the county of Dublin, of the one part, and Malachy Keenan, then of Clonagh, Maynooth, in the county of Kildare, of the other part, 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 such evidence being adduced, Malachy Keenan intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests including the fee simple in each of the aforesaid premises are unknown or unascertained.

Date: 7 December 2007 Signed: Sean Gallagher & Company (solicitors for the applicant), Grand Canal House, 1 Upper Grand Canal Street, Dublin 4

In the matter of the Landlord and Tenant (Ground Rents) Act 1967 and the Landlord and Tenant (Ground Rents) (No 2) Act 1978 – acquisition of fee simple (section 4 of the said act of 1967): an application by Malachy Keenan

To any person having an interest in the following property: all that and those the

house and premises known as 22 Lower Leeson Street in the city of Dublin and which premises are delineated on the map laid down on an indenture of lease dated 3 March 1921 between Marion Eleanor Jervis-White of Healthfield Manor, Wexford, in the county of Wexford, widow, and Michael Joseph McCabe of Trimleston, Booterstown in the county of Dublin, merchant, and thereon edged red.

Take notice that Malachy Keenan intends to submit an application to the county registrar for the county of Dublin for the acquisition of the fee simple in part of the aforesaid property, and any party asserting that they hold a superior interest in the aforesaid premises (or any of them) to the leasehold interest created by an indenture of assignment made 6 April 1979 between Irish Land Investments Limited, then having their registered office at Harcourt House, Harcourt Street, in the city of Dublin, and Malachy Keenan of Convent Place, Hatch Street, in the city of Dublin, 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 such evidence being adduced, Malachy Keenan intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for the county of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interests including the fee simple in each of the aforesaid premises are unknown or unascertained.

Date: 7 December 2007 Signed: Sean Gallagber & Company (solicitors for the applicant), Grand Canal House, 1 Upper Grand Canal Street, Dublin 4

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 1, 2 and 2A 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 December 2007

Signed: Hughes Murphy Marcus Lynch (solicitors for Philip Craughwell), 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 – all that and those the plot of land with the licensed premises, yard, outhouse and dwelling thereon, known as Kehoe's Public House, 5 Weaver's Square, Baltinglass, Co Wicklow: an application by Bridget Kehoe

Take notice that the applicant has submitted an application to the county registrar of the county of Wicklow for the acquisition of the freehold interest in the aforesaid premises, held pursuant to a lease dated 4 March 1898 and made between Mrs Earl of the one part and Daniel Kehoe of the other part.

Take notice that any party asserting that they hold a superior interest in the aforesaid premises are called upon to furnish evidence of title to the aforementioned premises to the under-named solicitors 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 the said period of 21 days from the date of this notice and will apply to the county registrar for the county of Wicklow for directions as may be appropriate on the basis that the persons beneficially entitled to the superior interest including the free-hold reversion in the aforesaid premises are unknown or unascertained.

Date: 7 December 2007

Signed: Lyons Kenny Solicitors (solicitors for the applicant), 57 Fitzwilliam Square, 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 Hibernian Trustee Company Limited

Take notice that any person having an interest in the freehold estate or in any superior interest in the property known as 16 St Andrew Street, in the parish of St Andrew and city of Dublin, held under a lease dated 24 June 1908 between Henry Evans Austin and Charles Howard Austin of the first part, the Right Honourable Lord Mayor Alderman and Burgesses of Dublin of the second part, and the Local Government Board for Ireland of the third part, for a term of 150 years from 25 March 1913, subject to the apportioned yearly rent of three pounds, 15 shillings thereby reserved and to the covenants and conditions on the part of the lessee contained therein.

Take notice that the applicant, of 1 Park Place, Hatch Street, in the city of Dublin, being the party entitled under part 2 of the 1978 act, 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 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 to the under-mentioned solicitors 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 said county registrar for such directions as may be appropriate on the basis that the person or persons beneficially entitled to any such superior interest up to and including the fee simple in the aforementioned property is unknown or unascertained.

Date: 7 December 2007

Signed: Corrigan & Corrigan (solicitors for the applicant), 3 St Andrew Street, Dublin 2

In the matter of the Landlord and Tenant Act 1967/1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978, as amended, and in the matter of an application by John Tobin and in the matter of the property known as no 247 (formerly no 10) Swords Road, Santry, in the city of Dublin

Take notice that any person having an interest in the freehold estate or any intermediate interests in the property known as no 247 (formerly no 10) Swords Road, Santry, in the city of Dublin, held under an indenture of lease made 21 March 1953 and made between Fergus D Newman and P Kevin Newman of the one part and H Marshall

Limited of the other part (hereinafter called 'the 1953 lease') for the term of 900 years from 29 September 1952 at the annual rent of £25, subject to the covenants and conditions therein contained.

Take notice that John Tobin intends to submit an application to the county registrar for the county of Dublin at Áras Uí Dhálaigh, Inns Quay, Dublin 7, for the acquisition of the intermediate interests in the aforesaid property, and 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, John Tobin 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 on the basis 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 December 2007

Signed: Fitzpatrick Gallagher McEvoy (solicitors for the applicant), Orby Chambers, 7 Coke Lane, Smithfield, 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 the property known as 93 Phibsboro Road, Dublin 7: an application by John Kehoe

Take notice that any person having an interest in the freehold interest and any intermediate leasehold interests in the property situate and known as 93 Phibsboro Road, Dublin 7, being part of the lands and premises demised by an indenture of lease dated 17 September 1888 and made between Dublin North Milling Company Ltd of the one part and Patrick Murray of the other part for a term of 230 years from 1 May 1888, subject in conjunction with the remainder of the premises thereby demised to the yearly rent of £14.40 thereby reserved and primarily liable only to the yearly rent of £2, an apportioned part thereof, and indemnified against the balance by the other premises comprised in said lease and subject to the covenants and conditions as therein contained, insofar as same relates to the said premises.

Take notice that John Kehoe 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 freehold interest and any intermediate leasehold interests in

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the aforesaid property, and that any party asserting that they hold a superior interest in the aforesaid premises are called upon to furnish evidence of their title to the below named within 21 days from the date of this notice.

In default of any such notice being received, John Kehoe intends to proceed with the application before the county registrar at the end of the 21 days from the date of this notice and will apply to the county registrar for the city of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the freehold reversion and any intermediate leasehold interests in the aforesaid premises are unknown or unascertained.

Date: 7 December 2007 Signed: O'Neill & Co (solicitors for the applicant), 328 Clontarf Road, Dublin 3

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of the lands with buildings

Post delivered to the Four Courts on 20 November, 2007 was accidently destroyed. If you posted documents of any kind to any address in the Four Courts within the recent past, for which you have not received a receipt or acknowledgement, please contact the relevant office to ensure that your post has been received.

The Courts Service regrets any inconvenience caused.

erected thereon at rear 130 Lower Drumcondra Road, Dublin 9: an application by Mary (otherwise Maud(e)) Gallagher of 6 Muldowney Court, Malahide, Co Dublin

Take notice that any person having interest in the freehold estate or any intermediate interest of the following property: all that and those the premises demised by indenture of lease dated 30 October 1986 and made between Townenge Limited of the one part and Hugh Gallagher, trading as Gallagher & Company, of the other part and therein described as "all that and those portion of the rear dwellinghouse messuage 1a Hollybank Road, the Lock-Up shop known as 1b Hollybank Road, the Lock-Up shop known as 130 Lower Drumcondra Road, and the Lock-Up shop known as 130a Lower Drumcondra Road, all in the city of Dublin, as more particularly delineated on the map annexed hereto and thereon edged with a red verge line" (which premises are now collectively known as rear 130 Lower Drumcondra Road, Dublin 9) for a term of 240 years from the 5 March 1986, subject to the yearly rent of one shilling, if demanded, thereby reserved and the covenants on the part of the lessee and conditions therein contained.

Take notice that Mary (Maud(e)) Gallagher 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 free-hold 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, Mary (Maud(e)) Gallagher 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 on the basis that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforesaid property are unknown or unascertained.

Date: 7 December 2007 Signed: Pf Walsh & Company (solicitors for the applicant), 12 Upper Fitzwilliam 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 an application by P Boyle (Builders) Limited

Any person having a freehold estate or any intermediate interest in all that and those a factory premises known as Enaville Works, Enaville Avenue, North Strand, Dublin 3, being portion of the premises comprised in and demised by a lease dated 22 October 1923 made between Daniel L Bergin of the one part and John Devlin of the other part and described therein as "that plot or parcel of waste ground bounded on the east as to part of the said by Annesley Place and as to the remaining portion of same by six houses facing Annesley Place on the south by one of the said houses above referred to and by Enaville Terrace west by Enaville Road and on the north by Taffe's Place" for a term of 150 years

Cork €50-65k

from 1 November 1923 at a rent of £20 per annum and the covenants and conditions on the part of the lessee therein contained

Take notice that P Boyle (Builders) Limited intends to apply to the Dublin county registrar to acquire the fee simple and any intermediate interests in the said lands, and any party asserting that they hold a superior interest in the said 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 such notice being received, P Boyle (Builders) Limited intends to proceed with the application before the county registrar at the end of 21 days from the date of this notice and will apply to the county registrar for such directions as may be appropriate on the basis that the person or persons entitled to the superior interests including the freehold reversion in the aforesaid premises are unknown and unascertained.

Date: 7 December 2007

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

In the matter of the Landlord and Tenant Acts 1967-1994 and in the matter of the Landlord and Tenant (Ground Rents) (No 2) Act 1978 and in the matter of the property situate at Mary Street (and to the rear of 22 James's Street), Drogheda, Co Louth: an application by Thomas Holden

Take notice that any person having an interest in the freehold estate of the following property: all that and those the yard and out offices with the appurtenances situate at Mary Street and being part of the property demised by indenture of lease dated 27 January 1801 and made between William Pleasants of the one part and William Hughes of the other part for a term of 950 years from 1 November 1800, subject, with other property, to the yearly rent of £6.06.00 and to the covenants on the part of the lessee and conditions therein contained.

Take notice that Thomas Holden

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Ref: 89571

Head of Legal - In house Dublin 8 €Neg

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intends to submit an application to the county registrar for the city of Dublin for the acquisition of the freehold interest in the aforesaid property and that any party asserting that they hold a superior interest in the aforesaid property are called upon to furnish evidence of title to the aforementioned property to the below named within 21 days from the date of this notice.

In default of any such notice being received, Thomas Holden intends to proceed with the application before the county registrar at the end of the 21 days from the date of this notice and will apply to the county registrar for the county of Dublin for directions as may be appropriate on the basis that the person or persons beneficially entitled to the superior interest and that the person or persons beneficially entitled to the superior interest including the freehold reversion in the aforementioned property are unknown or unascertained. Date: 7 December 2007

In the matter of part II of the Landlord and Tenant (Amendment) Act 1980 and in the matter of part III

Signed: Cahill & Co (solicitors for the appli-

cant), 21 Windsor Place, Dublin 2

of the Landlord and Tenant (Amendment) Act 1980 and in the matter of an application by David Lowe

Any person holding the lessor's or any superior interest in all that and those the premises known as no 2 High Street, Athlone, the subject of an indenture of lease dated 10 August 1904 between Thomas Longworth Dames and Francis Dames Longworth of the first part, Edward Travers Dames Longworth of the second part, and Francis Kennedy of the third, for a term of 99 years from 1 February 1904 at a rent of £2 per annum.

Take notice that the applicant, being the person entitled to the lessee's interest under the said lease prior to its determination in 2003, intends to apply to the Westmeath Circuit Court for a reversionary lease under part III of the Landlord and Tenant (Amendment) Act 1980 and/or a new tenancy under part II of the same act in the premises, and any party asserting that they hold the lessor's or any superior interest in the aforesaid premises is 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 evidence being received within 21 days from the date of this notice, the applicant intends to issue a landlord and tenant civil bill claiming the above reliefs and to apply 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 December 2007

Signed: Walker O'Carroll & Hogan (solicitors for the applicant), 11 Pearse Street, Atblone, Co Westmeath

Solicitor with general practice experience required. Please apply (with CV) to MJ Nagle & Co, Solicitors, Broadview House, Mallow, Co Cork; email: mjn@eircom.net; ref: mok

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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.

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Law Society of Ireland

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PRACTICE POSITIONS

Commercial Litigation, Associate level

Dublin - PP0295

This top 5 firm is seeking an ambitious solicitor to join its Litigation Department. You should have excellent academics and have had the benefit of training in a well-respected firm, with exposure to commercial litigation matters. Competitive salary and benefits package, commensurate with experience.

Commercial Property, Senior Associate level

Dublin - PP0308

This highly-regarded law firm is in expansion mode in Dublin and now seeks to recruit a senior commercial property solicitor. You will advise a variety of clients on the full range of commercial property matters including multi-jurisdiction sales and acquisitions, sales and leasebacks, acquisitions and disposals, re-financings and investments. A strong academic record is important, coupled with the ability to foster good relationships both internally and externally. Top-flight renumeration applies.

Commercial Property, Associate level

Dublin - PP0307

This Dublin law firm advises clients on the full range of commercial property matters. You will have experience in providing advice to investors, developers and financial institutions. The successful candidate will be client-focused with a proven track record of building and maintaining client relationships. First-rate remuneration, commensurate with experience.

Corporate Finance, Assistant level

Dublin - PP0300

Working with the Corporate Department of this top-flight law firm you will be dealing with a range of corporate issues, focusing mainly on mergers and acquisitions. You will be a junior solicitor with experience of Corporate/Commercial transactions or a qualified solicitor with good exposure to Corporate/Commercial work in your rotations. This is a superb opportunity to gain solid experience in a top tier firm. Attractive remuneration package on offer.

Insurance, Associate level

Dublin - PP0296

The insurance team in this leading Dublin firm provides advice to all sectors of the insurance industry, including General Insurance, Life Assurance and Reinsurance. You will have gained solid experience advising on some of the above matters and have excellent drafting skills. First-rate remuneration applies, commensurate with experience.

Construction Solicitor, Assistant level

Dublin - PP0316

This highly successful law firm is seeking a solicitor to join its Construction Department. You will be dealing with a high quality caseload including regeneration and development work. Your work will include drafting development agreements, building contracts, facilities management contracts and ancillary documentation. You should have excellent academics and have had the benefit of training in a well-respected property firm or niche practice. Generous salary and benefits package.

Corporate, Senior Associate level

Dublin - PP0304

A senior lawyer is sought by this Dublin law firm to join the Commercial Department. You will be advising an impressive client base consisting of domestic and international corporations as well as investment institutions. You will have solid corporate experience preferably including experience of negotiating cross border share purchase and joint venture agreements. You will have excellent drafting and analytical skills and the ability to prioritise effectively and meet deadlines. Excellent remuneration applies, commensurate with experience.

Funds, Associate level

Dublin - PP0291

One of Dublin's strongest law firms is looking to recruit an ambitious solicitor. You will advise investment managers, custodians, administrators and other service providers of investment funds on establishing operations in Ireland. You will have had prior exposure to funds work and be keen to specialise in this area. Excellent salary and benefits package will apply, plus bonus.

Funds, Senior Associate level

Dublin - PP0292

This is an excellent opportunity for a Funds specialist to take up a senior appointment at this highly-regarded law firm. You will advise international and domestic clients on setting up and servicing funds in Ireland. You will have substantial experience gained at a reputable firm. You will be strongly commercial, client-facing and have an excellent academic record.

Life Sciences & Healthcare Lawyer, Assistant level

Dublin - PP0312

An opportunity has arisen for an ambitious practitioner to join the Life Sciences/Healthcare Department of this Dublin-based law firm. You will advise clients on a broad range of issues and work closely with other departments to provide the outstanding service clients of this firm expect. Ideally you will have a biotechnology or pharmaceutical background.

For more information on these and other vacancies, please visit our website or contact Michael Benson bcl solr. in strict confidence at:

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Medical Litigation, Associate level

Dublin - PP0305

Working with a senior partner, this is a challenging role with excellent prospects for career advancement. You will be dealing with an interesting and diverse workload which will include high-profile cases. You should have experience in litigation gained at a well-respected law firm and have also gained exposure to substantial medical negligence cases. First class salary and benefits package applies.

Pensions, Assistant level Dublin – PP0298

This leading Dublin-based law firm is seeking a solicitor to join the Pensions Department. The successful candidate will be required to provide advice on all issues that involve occupational pension schemes to international and domestic clients in both the public and private sectors. There will be some transactional work but the vast majority will be stand alone pensions advisory work. First-rate salary and benefits package applies, commensurate with experience.

Private Client Solicitor, Assistant level

Co. Cork - PP0324

Our client is seeking an ambitious solicitor to join its Private Client Department. The successful applicant will deal with a good mix of work, mainly on the conveyancing side but also including probate and advisory work. You should have a strong academic record and some experience in either Property or Private Client, gained at a wellrespected firm. A well defined career structure is in place and there is the opportunity to progress for the right individual.

Projects Solicitor, Assistant level

Cork - PP0315

This top-flight law firm seeks to recruit a solicitor to join its expanding Projects Team. The work in the group is challenging, multi-disciplinary and varied, and as a member of the team, you will provide legal services to project sponsors, contractors, funders and other financial institutions. Previous exposure to projects work will be an advantage but is not essential.

Litigation, Associate level

Dublin CC - PP0276

This highly successful law firm is seeking a senior solicitor to join the Litigation Department. You will deal with public sector work, contentious and advisory, as well as High Court litigation. You will have solid experience gained at a reputable firm. You will be accustomed to a target-driven work environment and have a commercial approach to your work. Very competitive remuneration applies, commensurate with experience.

Senior Company Secretary

Dublin - PP0309

Our client, a highly-respected law firm, is seeking an experienced Company Secretary to join the busy Company Secretarial Department. The main purpose of the role is to provide support to the Head of Department through areas including Subsidiary Company Statutory Compliance, Insurance and Risk Management, Share Scheme Administration and Compliance issues. You will be a top-class Company Secretary with experience in the areas mentioned above. You will be ICSA-qualified. Excellent technical know-how and good commercial awareness are essential.

IN-HOUSE POSITIONS

Legal Advisor – Engineering Company

Dublin - IHNB0037

This leading Irish engineering company is seeking a corporate solicitor to join the in-house legal team. You will provide advice on a wide range of legal and regulatory issues and as well as contract management where appropriate. Duties will include providing core legal advice needed for the company's day to day business activities as well as liaising with external legal advisors. Candidates will be qualified solicitors or barristers with significant Corporate/Commercial experience. Exposure to contracts and construction will be a strong advantage. Excellent remuneration applies.

Legal Advisor - Wealth Management Company

Dublin - IHNB0040

Working in the Dublin office of this international wealth management company, you will work with a number of partners, associates and senior associates across Europe as part of the corporate tax/private clients advisory division. Duties will include tax planning for international corporate structuring and restructuring, implementation of international corporate restructurings and tax, trust and estate planning for HNW families and individuals. You will be a qualified lawyer at senior associate/associate level. First-rate remuneration package applies, including potential for a generous bonus.





For information on these vacancies or to discuss other career opportunities please contact John Cronin Solicitor, PRC Recruitment Limited, 1D Corn **Exchange, Poolbeg** Street, Dublin 2. Tel: 01-6139510 or e-mail johncronin@prc.ie

BANKING / FINANCIAL SERVICES - DUBLIN 2 -SENIOR ASSOCIATE/PARTNER €125K+

Due to expansion, the highly successful commercial law firm requires a Banking Solicitor to join its growing team at Senior Associate or Partnership level for an outstanding candidate. The successful candidate will have a number of years' experience working in the banking and financial services sector, either in-house or in practice. He/She will now be looking for an opportunity to move to Partnership level in a firm which provides the support structure for him/her to develop new business with the firm's strong client list.

COMMERCIAL LAWYER - DUBLIN 2 -SENIOR ASSOCIATE

€Neg ++

Our client is a mid sized law firm with an enviable client base covering the breadth of commercial interests, from finance to entertainment, from technology to government and regulatory bodies are now looking for a senior commercial solicitor. You will have experience in some of the following areas: M & A, commercial restructuring, commercial advise, securities, private equity, fundraising, commercial contracts and compliance. This firm offers a great opportunity for quick progression to Partnership level for an ambitious candidate as well as real bonus making potential.

IN HOUSE COMMERCIAL LAWYER -**DUBLIN CITY CENTRE**

Leading Irish semi-state body now requires a commercial lawyer to join its in-house legal team based in their Dublin HQ. Providing legal advise across all commercial divisions of the company including Procurement, IT, Regulatory and Contract Negotiation, he/she will be either a barrister/solicitor who has a good understanding of commercial law and a desire to learn more.

LITIGATION/MEDICAL NEGLIGENCE SOLICITOR -**DUBLIN CITY CENTRE** €75K+

Mid sized Law Firm is seeking a lawyer to join its established litigation and medical negligence team. Strong litigator required. Knowledge of Medical Negligence litigation would be extremely advantageous.

HEAD OF LEGAL - TELECOM COMPANY -DUBLIN

€90K+

This company is one of the leading names in Telecommunications in Ireland and is now looking for a legal counsel to join its existing team of lawyers. The successful candidate will have experience in commercial contract negotiations and Data Protection/IP/IT/E-commerce matters as well as compliance and regulatory experience. You should have a good commercial approach preferably developed either in-house in a blue-chip company or in a reputable private practice. You will have the ability to work relatively independently.

PENSIONS SOLICITOR -DUBLIN CITY CENTRE - ASSOCIATE €75K+

This is an opportunity to join the pensions team in a leading practice. The successful candidate will be advising on a broad range of public sector and international and domestic companies on pension schemes and employee share plans. Applicants should have preferably gained experience in a large or medium size

CONSTRUCTION/PROJECTS LAWYER -**DUBLIN CITY CENTRE**

€80K+

An opportunity now exists for a construction solicitor to join the construction desk in a leading Top 10 Law Firm. The firm is experiencing a high demand from its clients for this service as many other firms are conflicted. The ideal person has experience of a high level of involvement in a wide range of PPP projects dealing with private and public sector clients and would gained exposure to high profile projects.

PROBATE SOLICITOR - ASSOCIATE -DUBLIN 2

€65K+

A well known commercial law firm is now looking to recruit a solicitor with good experience and a genuine interest in Probate. The successful person will ideally have competed the STEP Diploma or Diploma in Estates and Trusts. H/she will also have gained good experience in commercial conveyancing.

Publication of advertisements in this section is on a fee basis and does not represent an endorsement by the Law Society of Ireland.

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Where talent comes to grow

HP is the number one technology solutions provider in Ireland. The company's offerings span IT infrastructure, personal computing and access devices, global services and imaging and printing for consumers, enterprises and small and medium businesses. Together, employees in the new HP share a passion for satisfying customers, an intense focus on teamwork, speed and agility, and a commitment to trust and respect for all individuals.

HP Financial Services (HPFS) is a wholly owned subsidiary of Hewlett-Packard. By providing access to a range of leasing and financing options, HP Financial Services enables HP's customers to acquire the technology they need. From equipment acquisition through its lifecycle and on through to retirement, HP Financial Services provides a full range of lifecycle asset management services to help customers maximise their technology investment. HP International Bank (HPIB) is part of HPFS and is regulated by IFSRA in Ireland. This means that HPFS is able to expand its range of financial programmes and constantly develop more flexible and innovative financial solutions within Europe.

HPIB is looking to hire a Senior Counsel and a Staff Attorney to join its legal team in Leixlip.

Senior Counsel

The ideal candidate would have significant financial services experience, superb interpersonal skills and excellent overall legal skills and capabilities. The position involves close coordination with business managers, and the supervision of various legal professionals.

Staff Attorney

The ideal candidate would have general legal experience; strong interpersonal skills and an ability to quickly learn financial services law are a must. Knowledge of German, Italian or Spanish would be an advantage.

Compensation for both positions is negotiable and dependent upon skills and experience. Excellent benefit packages apply.

To apply go to www.hp.com/go/jobs and search for requisition number 192116 for the Senior Counsel position and 192117 for the Staff Attorney position.



Legal Counsel Dublin



AWAS is one of the world's leading commercial aircraft lessors, delivering innovative and value added solutions to the aviation industry. In order to support the company's exciting growth strategy, AWAS is looking for a number of highly driven and motivated individuals to join its growing Business and Legal team in Dublin, in the positions of Legal Counsel. The Business and Legal team is responsible for the execution and project management of lease, sale, purchase and financing of transactions for the AWAS fleet, debtor & default management and the handling of litigation matters.

The Role

- Drafting, reviewing and negotiating contractual documentation with airline customers, manufacturers and other suppliers.
- Complex cross border lease, finance and portfolio trading transactions.
- Addressing airline contract and compliance issues.
- Instructing external counsel in various jurisdictions.
- Provision of legal advice to other departments within AWAS.
- Reporting and document management responsibilities including the preparation and distribution of contract summaries.

The Person

- The successful candidate will be an experienced lawyer with excellent analytical skills.
- Prior aviation experience with a law firm, airline, leasing company or manufacturer is highly desirable.
- Strong drafting, negotiation and communication skills.
- Ability to manage complex risk issues within the overall commercial context of the business.
- Strong project management skills.

Interested candidates should contact Hilary Flynn for a confidential discussion on 01 662 1000. Alternatively send your CV in the strictest of confidence to h.flynn@brightwater.ie



Sandisk®

Legal Counsel

Founded in 1988, SanDisk Corporation changed how the world works by inventing flash memory, and has now grown to become the world's largest supplier of flash memory data storage products. Serving both consumers and original equipment manufacturers (OEMs), SanDisk designs develops and manufactures and markets flash storage card products for a wide variety of electronic systems and digital devices. SanDisk also licenses its technology to a number of other industry–leading companies. It is an entrepreneurial, global company which consistently strives to push the boundaries of innovation, thereby creating a working environment where talent, creativity and drive are supported.

With more than 2000 employees worldwide, SanDisk's headquarters for Europe, Middle East and Africa (EMEA) is based in Dublin.

Consistent with growth, SanDisk are seeking to introduce an European Legal Counsel to their Dublin office. Partnering closely with the local Sales and other clients, as well as the EMEA Regional General Counsel you will be responsible for European legal matters with an emphasis on sales.

You will have significant experience in negotiating and drafting hardware and software technology sales agreements and a firm understanding of commercial contracts law.

Strong in-house company Legal experience is also desired, particularly in EU regulatory and competition law matters, employment law and corporate matters.

This is a key appointment requiring strong technical skills and the ability to achieve results in a fast moving, dynamic environment.

An excellent salary and benefits package will be offered to the right candidate.

To find out more about this opportunity, please contact Portia White on +353 1 4773063 or alternatively e-mail Portia@laurencesimons.com

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Please contact Michelle Nolan, Jo McAndrew and Marguerite Morgan and they will be delighted to assist you in your job search. Lex Consultancy currently have a large number of temporary / contract and permanent legal secretarial and paralegal vacancies.

Commercial Property Solicitor // Inhouse // €75k plus

This role provides an exciting opportunity to provide support in a critical legal area to some of Ireland's most complex and high-profile infrastructure projects. This will involve advising on property-related agreements put in place for my clients' projects, including drafting agreements directly and extensive work with external legal advisors instructed by my client. This work may involve conducting negotiations on behalf of my client as well as making submissions to An Bord Pleanála. Expertise in property law is required. Experience in commercial law, construction law, projects or a related area will also be a strong advantage. Ref:

Life Sciences Lawyer // Dublin // Negotiable

The life sciences team of this top 10 Dublin based law firm is multi-disciplinary and several members have advanced scientific qualifications and industry experience. As life sciences companies mature, their legal requirements change. From start-up to IPO and beyond you will work with the firms clients to meet their business objectives. Applicants must understand both the technical and legal issues of life sciences and keep abreast of developments in the sector. The successful candidate will have gained experience of some of the following: structuring and negotiating licenses, IP protection and strategy, venture capital, mergers and acquisitions, technology transfer, collaborations and strategic partnerships, clinical development, regulatory issues, and drug supply. There is excellent career progression on offer with this firm. Reg: J755

Retail Markets Solicitor - Financial Institution // € Excellent

This financial services company can offer a Solicitor with a professional legal background in a large practice or inhouse the chance to work less hours in a relaxed working environment, Excellent benefits package is on offer, Applicants are required to have solid residential Conveyancing experience as well as knowledge of consumer protection issues. Applicants must have a 'go-getter' mentality and be able to respond quickly to queries. Ref: J687

Commercial Property Lawyers // Dublin

We currently have a number of vacancies for experienced lawyers in the Commercial Property area. The positions are for candidates of varying levels of seniority, who will be involved in the following key activities: acting for landlords and tenants in relation to commercial leases of retail industrial and office premises, acting in the acquisition and disposal of commercial properties; dealing with newly constructed retail, industrial and office developments. All size firms. Contract positions are also available. Ref: J556

Junior Corporate/Commercial/Banking/Finance Solicitors //€55k +

The majority of the large commercial firms are seeking to expand their teams in these departments. Should you have an interest in progressing your professional career in any of these areas; we would be happy to assist you.

Banking/Projects Lawyer // €80k +

One of Dublin's most progressive firms is looking to attract an ambitious Solicitor with experience within Banking and Projects. Due to the success of this team, our Client is looking to recruit an additional mid level Banking & Finance Solicitor to undertake a combination of general loan work, together with some leveraged and project finance. Specialist experience in these areas is preferred, yet Solicitors with strong academics and general finance or banking experience will be considered. As part of this opportunity, you will join a very exciting team of highly-demanded solicitors who are well positioned to aggressively target the market locally and nationally. Ref: J757

Head of Legal – State Agency // € Excellent

This is an incredible opportunity to become Head of the legal team that is responsible for some of Ireland's largest infrastructure projects. The successful candidate will fulfil the role of Secretary to the Agency Board and will be responsible for legal affairs and corporate governance issues. The person appointed may also have responsibilities in the areas of freedom of information, insurance and pensions. The Legal Team is responsible for commercial, planning and environmental, litigation and relations with external legal advisors. Expertise in the areas of law relevant to the agencies activities and experience on large infrastructure projects are strongly desirable. Well developed leadership and management ability and strong commercial awareness are prerequisites. Ref: J728

Trusts & Estates Lawyer // € Negotiable

A large international law firm in Dublin is seeking a Trusts & Estates Lawyer with experience. The firm works with clients who expect high quality legal counselling and service. We are looking for a quick starter, and someone who is technically accurate in their legal research. A detail oriented person who can get along with clients and staff is a must. LLM in Tax is preferred. Ref: 752

Corporate know-how Solicitor // €75k +

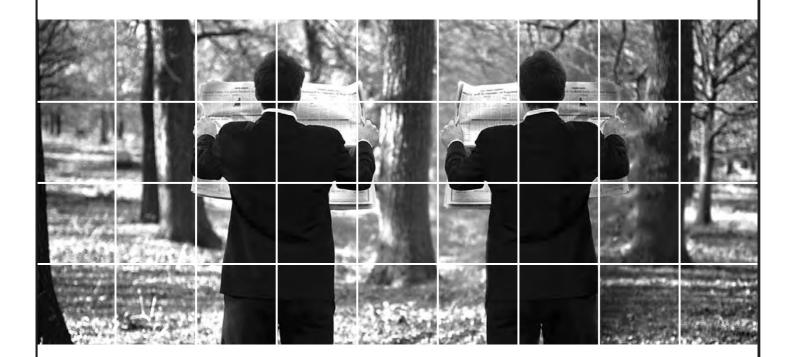
The Corporate Group of this Dublin based International Law firm provides an integrated service to their clients across a range of sectors. My client wishes to see applications from candidates with a proven track record and fee earning experience in a variety of corporate based areas gained within a well recognised practice, Ref: J756

Lex Consultancy // Professional Roles

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 FE1's. She ensures that an advisory and friendly relationship is enjoyed by all the clients and candidates with whom she works.



specialist legal recruitment



The Robert Walters Dublin legal division provides high calibre legal candidates to top tier, medium sized and smaller law firms, as well as many leading banks, financial institutions and commercial organisations in Ireland.

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For a confidential discussion, please email Claire Dunwoody, Manager - Legal and Compliance Division, claire.dunwoody@robertwalters.com or Greg Rogers, Consultant - Legal and Compliance Division, greg.rogers@robertwalters.com Or call +353 (0) 1 633 4111 Robert Walters, Riverview House, 21-23 City Quay, Dublin 2, Ireland.

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Dublin Practice

Structured Finance Lawyer

€90,000 + Bonus

Our client, a leading Irish law firm, is seeking an experienced structured finance lawyer to join their highly reputable department. The nature of such transactions usually involves advising on each of the taxation, banking and financial services and capital markets elements of cross-border structures and results in the firm working closely with arrangers, originators and law firms in jurisdictions throughout the world. Ref: 18962

Banking Solicitor

€90,000+

This exciting opportunity has arisen for a strong banking lawyer to join a leading banking team. Experience in any of the following is desirable: general asset & tax based finance, financial services (advice on hedging, arbitrage, lending and documentary credit transactions), banking strategy (advising domestic and international banks on internal corporate affairs). This role offers a competitive salary and package. Ref: 16638

IP Lawyer - Contentious

€80,000+

Our client is one of Ireland's leading IP groups. They are currently seeking to recruit an experienced IP litigator. Experience in trade mark infringement and passing off actions, patent infringement & patent opposition proceedings and copyright and design infringement matters would be ideal. This is an excellent opportunity and would suit an ambitious professional who is looking to further their career. Ref: 33245

Solicitors

€55,000 - €71,000

We are now recruiting qualified solicitors from various backgrounds to work in Dublin's commercial firms. Must have the drive and ambition to succeed in a corporate environment and ideally have experience with commercial law from your apprenticeship. This is a superb opportunity to build a profile with one of the most highly regarded law firms in Dublin. Excellent training and academics a must. Ref: 16638

Dublin In-House

Legal Advisor

€90,000

Qualified solicitor currently required to join a leading bank to advise on legal related services to corporate banking. Main responsibilities will include advising management on application of legal, regulatory & group policy requirements to corporate banking business and assisting on the preparation, drafting & implementation of added value projects for corporate banking business. Ref: 32835

Transaction Lawyer

€85,000

An outstanding opportunity for an ambitious solicitor to join a leading European bank in Luxembourg. The ideal individual will be an experienced lawyer with a specialisation in financial services or tax. Comprehensive knowledge of the set up and the administration of corporate and other structured investment products would be preferable. Strong project management and communication skills required. Ref: 32564

Regulatory Lawyer

€75,000 - €85,000

An opportunity for an experienced candidate with excellent analytical and drafting skills, an ability to assimilate complex legal & factual situations and provide clear, practical, "solutions based" advice. The successful candidate will have a thorough grounding in EU law, preferably in the communications or other regulated sectors. Experience of competition, public and administrative law and litigation would be an advantage. Ref: 33230

In-House Lawyer

€55,000 - €65,000

Our client is currently seeking a solicitor or barrister with solid experience of working in the commercial department of a law firm or in-house, with some cross border and/or asset finance or banking experience preferable. The role will require the successful individual to work within a team environment providing general assistance and support on day-to-day matters, special projects and strategic initiatives. Ref: 27557





Connaught/Munster

In-House Commercial Lawyer

institutions is necessary. Ref: 23062

€60,000 - €100,000

This is an excellent opportunity for an experienced solicitor in the area of commercial and corporate banking to join a thriving business in west Cork as an in-house solicitor. The successful candidate will be highly driven and assertive. They will find plenty of opportunity for career progression with this expanding and dynamic company. Previous experience working on construction, energy projects and with financial

General Practice Solicitor - Practice €65,000 - €80,000

Strong firm with an outstanding reputation in Cork city seeks an experienced general practice solicitor for their expanding team. This firm covers conveyancing, family law, commercial law and litigation. Must have a good academic background with good people skills in order to maintain a good working relationship with clients. Candidates with experience in conveyancing and probate law who are interested in career progression are strongly advised to apply. Ref: 31561

Commercial Litigation Solicitor

€45,000 - €65,000

A progressive client in Galway is currently searching for a commercial litigation solicitor to join their busy and proactive team in Galway. The successful candidate will have solid commercial litigation experience. This is an excellent opportunity to join a modern firm that takes a fresh approach combined with a well established reputation in Galway. Remuneration package will be commensurate with experience. Ref: 34809

Commercial Solicitor - Practice

€65,000 - €80,000

Our Cork city based client prides itself on delivering a high quality legal service. They now seek a commercial solicitor to strengthen their expanding commercial team. The ideal candidate will have trained in a commercially focused firm and will be eager to progress in an ambitious top-tier firm. The successful candidate will have the opportunity to work on high profile complex cases and provide general commercial advice to large well known clients. Ref: 12971

Cmcl. Property Solicitor - Sth. East €60,000 - €80,000

A medium sized firm with an excellent reputation in the south east seeks an experienced commercial property solicitor to join their expanding property team. Must have experience in a busy commercial property department with excellent communication and client relationship skills. The successful candidate will have strong commercial property experience and will join a dynamic team of solicitors at this well regarded firm. Ref: 22429

Commercial Solicitor - Cork

€45,000 - €60,000

Our client is a dynamic and progressive practice with their eye firmly on the future. Due to significant growth over the last decade they now seek to recruit a commercial solicitor. The main body of work would include commercial conveyancing but the work will be a more general corporate nature as well with other work including management buy outs, shareholders agreement etc. The successful candidate will be of partnership potential. Ref: 32365









SOLICITORS

The National Development Finance Agency (NDFA) provides a centralised financial advisory service to Government Departments and certain State Authorities on the optimal financing of major public investment projects. Recent legislation expanded the role and functions of the NDFA to include the procurement, on behalf of the State, of all PPP projects outside of the local government and transport sectors. The current list of projects referred to the NDFA for financial advice and procurement includes 27 primary and post-primary schools; a programme of third level educational institution facilities; the redevelopment of the National Concert Hall; the development of a new National Theatre (Abbey Theatre); as well as major projects planned within the justice sector. The NDFA is growing rapidly as it manages the varied and multiple tasks in its advisory and procurement roles. It now wishes to recruit

An experienced solicitor with a strong commercial or corporate background to

- advise on all legal issues relevant to the day to day operations of the NDFA.
- engage with external legal advisers.
- oversee all legal aspects of the procurement of advisers for projects.

The successful candidate will have

- the ability to work as part of a team both in the NDFA and with the relevant State Authorities
- strong communications and interpersonal skills and,
- ideally, some experience in public procurement and PPP projects.

2. A qualified solicitor to

- assist with the range of procurement issues dealt with by NDFA and
- generally support its legal services requirements

The successful candidate will have strong interpersonal skills, high energy levels and a capacity to learn.

These are important positions offering rewarding in-house careers in the NDFA. Candidates should forward their CVs in the strictest confidence to Teresa Cunningham, Head of HR, National Treasury Management Agency, Treasury Building, Lower Grand Canal Street, Dublin 2 or email: tcunningham@ntma.ie.

The closing date for receipt of applications is 31st December 2007.

IRELAND

CORPORATE DUBLIN

This firm have a particularly strong reputation in corporate and currently employ some of Ireland's most impressive lawyers. The range and value of work is truly outstanding as are the rewards. Great opportunity.

Ref: 129910

ENERGY DUBLIN

Advising key clients in the Irish energy market this firm's team has impressive credentials and a strong reputation for its work on a wide range of transactional and regulatory matters. A team player is required.

Ref: 16813

PENSIONS DUBLIN

Excellent opportunity to join this highly entrepreneurial team and become involved in a diverse range of work with some of the firm's best clients. A willingness to get involved in marketing essential.

Ref: 16323

TAX DUBLIN

Tax department advises Irish and overseas companies on a broad range of corporate transactions, ranging from domestic company acquisitions and MBOs to cross-border mergers.

Great prospects.

Ref: 16823

BANKING DUBLIN

Assistant role has arisen within this highly successful team. Ideally suited to those looking to develop client handling skills and take on greater responsibility. Focus on project and property finance.

Ref: 12373

P / IT DUBLIN

Superb opportunity with one of Dublin's most impressive firms. The role will involve working on a broad mix of corporate support and standalone IT/IP work. This is an excellent role with great prospects.

Ref: 16833

IN-HOUSE – INVESTMENT DUBLIN

General commercial contracts experience required to join this established financial organisation based in Dublin. Offering lots of autonomy with a varied work load. Must be a team player who wants to progress.

Ref: 16863

IN-HOUSE – BANKING DUBLIN

Leading provider in the financial market is currently looking for an experienced commercial contracts lawyer who is commercially focused and ready to take their next career step. This role offers lots of autonomy.

Ref: 16853

IN-HOUSE - ENERGY CORE

Cork based energy company is currently seeking a new addition to its commercial contracts team. This role offers fantastic career prospects combined with a great salary package for the right candidate.

Ref: 16843

IN-HOUSE – CONTRACT DUBLIN

Dublin based investment company is looking to recruit a lawyer for a 12 month contract. You will be advising on legal aspects of corporate, projects and fund matters. This role has great potential on offer for right candidate.

Ref: 16063

IN-HOUSE – FUNDS DUBLIN

This exciting role would be to provide legal advice on a wide range of corporate matters including authorised collective investment schemes and dealing with institutional matters. Strong supporting role.

Ref: 15683

IN-HOUSE – TELECOMS DUBLIN

Regulatory lawyer required to join this fast moving global organisation. Ideally looking for a self starter who is confident in general legal matters and who is looking for a new challenge to progress within a dynamic organisation.

Ref: 16873

LONDON

MEDIA LITIGATION £65,000

This is a chance for a lawyer with previous experience to work with a leading name in the media & advertising litigation world. This strong national firm needs an associate who would enjoy a client-focused role.

Ref: 580820

CORPORATE £65,000-£75,000

Highly-regarded, supportive and collegiate City firm seeks associate to work on challenging diet of corporate work. Autonomy & client-facing exposure assured. Bright, tenacious & personable lawyer required.

Ref: 376910

REAL ESTATE £75,000-£80,000

Tremendous career development potential and commercial work for a varied blend of prestigious UK and international clients. Business development & marketing encouraged in client-facing arena.

Ref: 478920

CORPORATE £64,0

This City firm undertakes the same quality of work as the Magic Circle but in smaller teams where your contribution will be noticed. Renowned for its friendly, inclusive and international culture.

Great potential.

Ref: 264950

CORPORATE £64,000+

Are you craving involvement in international corporate deals with London clients? This premier corporate practice is offering Irish corporate lawyers a chance to join its leading practice. Excellent package on offer.

Ref: 365750

LITIGATION / ARBITRATION £68,000+

This well-known international firm is known for its first class international matters. Being a little smaller in size than its Magic Circle counterparts, you will gain real responsibility and a chance to move your career forward to the next stage.

Ref: 548720

FUNDS £60,000+

Top-tier City firm with balanced approach to work/life balance and collegiate working environment seeks funds lawyer with transactional experience. This offers a rare option for home/flexible working.

Ref: 541430

CONSTRUCTION £62,000+

This highly-regarded national firm has an excellent construction team that can offer you a broad range of non-contentious construction work. An exceptionally friendly and supportive environment with fantastic pay.

Ref: 522130

BANKING £105,000+

Do you want to work in a high-flying banking team? Join one of the best-established US firms in the City! Great acquisition finance team that works for a mix of borrower and lender clients. Top NY salary. Relocation paid.

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Maitland provides international wealth management and business services to both corporate and private clients, particularly family and owner managed businesses, devising and implementing strategies and solutions for the creation, preservation and management of our clients' wealth and commercial success. We seek professionals who are enthusiastic, highly motivated and share our commitment to exceptional client service.

Maitland

We are looking to recruit a Junior Lawyer and an Investment Funds Lawyer based in our Dublin office.

The successful candidates will ideally have:

- An excellent academic record and relevant qualifications;
- The ability to prioritise and plan a challenging workload;
- A systematic work method with high attention to detail;
- The right to work in the European Union.

For the Junior Lawyer position applicants should ideally have:

- Relevant post qualification experience, preferably in Corporate Tax or Private Client;
- Excellent client relationship skills and an international outlook with experience in working across jurisdictions.

For the Investments Funds Lawyer applicants should ideally have:

- Experience at associate level within the investment funds industry;
- Business development skills including the ability to develop key client relationships.

Please see our website at maitlandgroup.com for further details and a full job description.

If you would like to be part of the Maitland team and take on a challenging role in the heart of an international company, please send your CV together with details of your current remuneration package to Portia White on +353 1 4773063 or alternatively e-mail portia@laurencesimons.com

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CANYOU RAISE THE BAR?

Positions Available

Corporate

Corporate supersors are urgently sought by anumber of capiter firms. You will be rewarded with superbisiving blue chip clients and world does partners. [RC 6711 78]

Associate – Senior Associate – € Outstanding

IP Litigator

Acting for some of the worlds premier brands, this rate will suit a dynamic IP litigator from a leading nithe or major IP provides. [RC 6711 90]

Associate − Senior Associate − €75,000 − €95,000

zody Admissions

Meverolent is sought for Outlin's leading firms. A number of paddons west ambitious, recently admitted salidous with spendiant for comparate and tenking law. [RC 6711 22]

Addisons. - 630,000 - 633,000

Commercial Property

Recognised by property developers as the firm of chalce, my dient's commercial property group requires outstanding procedurers to faditione further growth. [RC 0711-12]

Associate − Senior Associate − €65,000 − €95,000

Pensions

Applicants with a demanstrable interest in corporate pendors are eigenly sought for an expansion rate in my client's prestigious practice. [RC 6711.91]
Sentor Associate €75,000 - 105,000

Taxation

One of Outlin's hacest growing law firms is exponding its tox division. Procedurers with tax achievry experience from a law or leading professional services firm are welcome to apply. [RC 07 I I 30] Associate. • 70,000 • 635,000

Medical Negligence

Advision of stills and a decided undersonding of medical negligence law are required for this role with a highly regarded Cublin provide. [RC 67 i i 94]
Associate €70,000 - €3,000

Banking & Finance

The finest collaboral indigenous and incorrectored clients avoids you at one of Outlin's premier firms. Applicants are expected to here an impressive repression in commercial bording. [RC 67 t6 26] Associate — Senior Associate — €70,000 → € 104,000

h-House Commercial / IF

lirebunds premier exporter of entertainment software technology specie on inchause legal advisor. Commendal experience and a possion for iT are essential. [RC 0711-12]
Associate → Senior Associate → €90,000 → €110,000

Seniorin-house Litigator

A dynamic financial institution currently seeks on experienced senior litigator to oversees number of high profile High Court sedons on second tools (RC 0711-49). Senior Litigaton specialist. €70,000 - €90,000.

For additional information in respect of these and other vacandes please contact.

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ClaveScar. +353 | 994-3020 | dayes@meghengrouple



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Dublin tel 01 619 0400 email dublin@g2legal.ie

Commercial Litigation and Marine

Our client is a commercial practice with big ambitions. They have recruited from several major players recently and have also opened up the practice to attract major players. They act for major PLC clients both nationally and internationally and possess a real entrepreneurial spirit. This opportunity is open to candidates looking to specialise in marine or general litigation/marine law. Candidates with a following looking for a lateral move can be accommodated. (ref: 16246/2)

Corporate

Lead lawyer role working as part of a mid tier practice with an established commercial name. Varied workload to include: M&A, JV's and the full range of drafting and negotiating commercial documents. The practice has an entrepreneurial spirit and ambitious expansion plans. They are in state of the art commercial premises and the role presents a fantastic opportunity for a lawyer that can develop existing relationships and take the department to the next level. (ref: 16246/1)

Banking

Corporate powerhouse and big five law firm seeks banking specialist. Our client's specialist group is one of the biggest in the business. They provide an excellent client list, a friendly/supportive atmosphere and an opportunity to handle a tremendous variety of work. Workload to include: syndicated lending, acquisition, structured, telecoms, aviation, property and project/PFI finance. Candidates must have a commercial background, excellent training, and strong presentational skills. (ref: 15950/39)

Asset Finance

Our client has unrivalled expertise in asset finance, specialising in aircraft and big ticket leasing matters. The group is widely recognised as the pre-eminent practice in this area in Ireland and has an extensive and enviable domestic and international client base. They would be interested in candidates currently working within this specialist area, within private practice or industry, or candidates with general banking or commercial experience who are interested in developing an expertise in this area. (ref: 16398/6)

Construction

Our client is one of the leading Construction Groups in Ireland. They are involved with nearly every major construction project throughout the country to include major infrastructure changes and the regeneration of major counties. They seek academically gifted lawyers that can handle challenging work and strict deadlines in a fast paced environment. Ideally you will have experience in contentious and non-contentious construction matters although opportunities exist for specialists in either field. (ref: 16398/7)

Corporate Finance

Our clients corporate finance department has acted in many of Ireland's key mergers & acquisitions and corporate finance transactions, worth billions to the Irish Economy. The department is dynamic and fast-paced, and possesses a mixture of In-house and private practice professionals. The ideal candidate will be academically gifted and possess real marketing skills coupled with outstanding commercial acumen. Fantastic opportunity for a career driven candidate. (ref: 16398/8)

Derivatives & Financial Services Regulation

Our client is looking for several lawyers with direct experience having worked in private practice or In-house. They advise major Irish and international financial institutions, corporates and leading industry associations, and are Irish counsel in respect of many industry standard documents. They seek lawyers with a genuine interest and flair for this area. Group offers excellent long term prospects and continuous professional development. (ref: 16398/9)

Energy

Our client advises a range of utility companies and is involved with significant transactional work. They advise clients on purchases of innovative new power technologies and work closely with the property, planning and commercial teams. EU, regulatory and planning experience would be an advantage but is not essential. Outstanding opportunity for a talented lawyer to join a market leader, handling a diverse range of clients and high quality work. (ref: 16398/10)

Dublin tel 01 619 0400

Tax

One of Ireland's leading law firms with an international reach and influence is seeking to appoint a corporate tax solicitor to its award winning team. The work is for the highest calibre of clients and previous experience of handling strategic blue chip advisory work is paramount. Significant client contact from day one and a structured career path mark this opportunity out in the current market. (ref: 15950/28)

Tax

Our client's tax Department has won many awards most notably Tax Law Firm of the year. Currently they are looking to recruit a tax specialist to advise on corporate taxation aspects of inward investment projects, structured finance transactions, mergers and acquisitions, real estate investments and taxation litigation. The work is of the highest order and only gifted, energetic lawyers looking for the best career prospects and long term stability should apply. (ref: 16398/4)

Funds

Prestigious medium size law firm require experienced lawyers to join Ireland's leading and largest financial services practice. The practice is renowned worldwide and advises many household names in the financial services industry. They advise a wide range of clients including brokers, dealers, fund administrators and the FSRA on a wide range of international financial services. Experience of international FS law is essential. Fantastic career prospects and an excellent remuneration package on offer. (ref: 15727/1)

Intellectual Property

Our client is an established corporate heavyweight (Legal 500) currently looking to recruit an IT/intellectual property specialist. You will work closely with the corporate team developing/implementing a strategy for expansion and experience in all of the above would be a distinct advantage. This leading player's client base stretches far and wide and includes: biotech, financial, software and manufacturing multinationals. (ref: 15613/11)

Intellectual Property

Working as part of the corporate / commercial team you will be advising on the full range of intellectual property law, including contentious and non-contentious matters and the prevention of all hard and soft issues. In particular the department has a significant number of IT / software based clients and the role would have a bent towards information technology Law. Excellent salary, bonus and package on offer. (ref: 15866/18)





In House (Software)

Our client is one of the fastest growing software companies in the world. With a turnover approaching \$40 billion they provide tailored software solutions to leading multi-nationals across the globe. Currently they are looking to recruit an experienced solicitor with exceptional commercial contracts exposure. Outstanding prospects for the right candidate. Would suit someone looking for a new challenge from either an In house or private practice background. (ref: 19865/1)

PFI Projects

Team advises a range of public and local authorities, private sector developers, contractors and designers in relation to all aspects of construction and engineering. Current team has been involved in many of the major infrastructural developments in Ireland in recent years. They work closely with the dispute resolution team in respect of construction disputes requiring arbitration, conciliation and other dispute resolution mechanisms. (ref: 15709/1)

IT

Established heavyweight requires IT specialist. You will have gained experience preferably with a leading Irish practice and be looking for a new challenge with one of Dublin's most prestigious law firms. Role presents rare opportunity for a lawyer, possibly with a Legal 500 recommendation, to join an outstanding department that has an existing client base and first class support. Excellent career prospects and package (to include substantial bonuses and benefits scheme). (ref: 159/35)

IT/IP

Well regarded practice outside the big five requires IT/intellectual property specialist with strong leadership skills, used to advising public and private sector clients on a range of related issues. Firm undertakes a lot of work within the media and entertainment industry and somebody with a flair for marketing, coupled with excellent client care skills, would have a distinct advantage. Varied, challenging client base/role, presenting an excellent opportunity for a talented lawyer. (ref: 16233/7)

Regions Focus tel 01 619 0400

Corporate and Commercial Cork

Our client, a successful firm in Cork are seeking a solicitor familiar with company, contract and commercial law. The successful candidate's duties will be across a broad spectrum and include: mergers & acquisitions, 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. Excellent package for the right candidate. (Ref: 17867/1)

Corporate Cork

The successful candidate will provide advice on a wide range of legal and regulatory issues across the business, supervising external legal advisers, negotiating commercial, connection and purchase agreements. Expertise in the areas of energy, regulation, commercial contracts, construction, projects or a related area will be a strong advantage. The successful candidate will have exceptional analytical and communication skills and the ability to work effectively as part of multi-disciplinary teams. (Ref: 19466/2)

Commercial Galway

Our client, a progressive firm in the west of Ireland, is looking for a commercial solicitor. The successful applicant will be familiar with the full range of commercial law to include: joint ventures, M&A, acquisitions and disposals. Ideally you will have experience of transactional and advisory work in the fields of corporate and commercial law with the ability to prioritise and manage your work. Excellent career prospects. (Ref: 17867/5)

Employment Galway

Rare opportunity to join a leading firm in Galway city. Our client is looking to add an experienced employment law solicitor to its busy practice. The ideal candidate will have in depth experience in areas involving TUPE/mergers, wrongful dismissal, breach of contract and equality law. Experience in acting for both employer and employee handling contentious and non contentious issues preferred. A flair for marketing and business development would be a distinct advantage. (Ref: 17458/2)

Commercial Property Limerick

Boutique firm in the centre of Limerick are seeking an experienced commercial property solicitor to join their growing team. The successful candidate will be fully versed in all aspects of commercial conveyancing, have acted for developers and lending institutions, be able to hit the ground running and work on their own initiative. Fantastic opportunity for candidates looking for long term prospects. Salary and benefits are commensurate with experience. (Ref: 17339/3)

Defence Litigator Limerick

Major player in Limerick seeks experienced defence litigator for their growing team. The successful candidate will be charged with a heavy caseload working for several major insurers, and be expected to become an integral part of the team. Experience of a big firm would be advantageous but is not essential. This is an outstanding career opportunity for an ambitious solicitor. Salary and benefits are commensurate with experience. (Ref: 17424/3)

Commercial Property Waterford

Leading practice in the south east of Ireland requires an experienced commercial property/probate solicitor to join its growing team. The successful candidate will be fully versed in all aspects of commercial and residential property, with a well rounded knowledge of probate. Experience within a big firm is desirable but not essential. This is a fantastic opportunity to join a fast developing team in the south east. Salary and benefits are commensurate with experience. (Ref: 16725/7)

General Practice Wexford

Our client, a renowned firm in Wexford are looking to add a solicitor to its growing general practice. The ideal candidate will have a proven track record in matters of residential and commercial conveyancing, chancery and probate. Must be able to handle a large caseload and able to work on own initiative. This is a great opportunity to join a vibrant office with excellent career prospects where your hard work will be rewarded. Salary and benefits are commensurate with experience. (Ref: 16880/1)

Dublin Office

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Offices also in Birmingham Brighton Bristol Edinburgh Glasgow Leeds London Manchester



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Professional Support Lawyer, Dublin

€Excellent

Our client, a market-leading corporate practice, seek to recruit an experienced professional support lawyer, preferably from a PPP background. This will suit a PPP solicitor who wishes to obtain a good work-life balance working in a team where the quality of transactions is unrivalled. Professional Support Lawyers with solid experience and a genuine interest in this area will also be considered.

Ref: DD/17692

Funds Lawyer, London

€ Excellent

Leading firm in London require Irish Funds Lawyer to work primarily with Irish funds. With a client base ranging from international banks to financial services organisations, this firm is experiencing exceptional growth. Ideally, the candidate will have experience gained from either an in-house or private practice background.

Ref: DD/17749

Life Sciences Lawyer, Dublin

€80k plus

Top Dublin firm are looking to recruit a solicitor to augment their Life Sciences team. This is a superb opportunity to join a team whose work covers the remit of international biotech, pharmaceutical and medical device. The ideal candidate for the role will have solid general corporate/commercial experience and expertise in the core areas of intellectual property, licensing and the sector's regulatory regime. A pragmatic, commercially–driven approach is desirable in this client–facing role. Ref: DD/17700

In-House Lawyer, Dublin

€70k plus

Large Financial Services Provider seek to appoint a Commercial Lawyer to assist with the development of their products and services. This is an unique opportunity to be part of a multi-disciplined team and truly become involved in the generation of creative ideas for product development. The ideal candidate will come from a financial services background. Ref. DD/17643

Tax Lawyer, Dublin

€85k plus

Our client, consistently recognised for the strength of their tax department, seek to recruit an experienced Tax Solicitor. This is an excellent role working alongside a team advising blue chip international corporations to financial institutions. You will have substantial experience across all areas of tax particularly in transaction and project work. Ideally, the successful candidate will also demonstrate good technical skills from a leading law firm or in–house organisation.

Ref. DD/17752

Chief legal Counsel, Dublin

€150k plus

Our client, a global multinational based in Dublin require a Chief Legal Counsel for their EMEA Headquarters. Reporting to the Global Head of Legal, you will manage a team of in-house lawyers and advise on all legal areas of the business within the EMEA region. The successful candidate will be at senior associate level with a background in commercial/financial services. Asset finance experience an advantage. You will be a member of the senior management team and will therefore have the ability to communicate at this level. Strong drafting and contract negotiation skills a must.

Ref. PW/17734

Associate Counsel, Cork

€80k plus

Our client a global IT provider based in Cork require an associate counsel to join their expanding team. Reporting to the EMEA senior counsel, you will have corporate/commercial background and be involved in the negotiation of commercial contracts across multiple jursidictions. Drafting skills essential. The role will also involve advising on data protection, product liability, competition and employment matters.

Ref: PW/17623

In-House Private Client/Corporate Tax Lawyer, Dublin €Ex

€Excellent

A leading provider of international corporate, tax and wealth management solutions require a Private Client /Corporate Tax Lawyer to join their Dublin office. You will advise a wide range of high net worth individuals both domestically and internationally. Excellent client and business development skills essential.

Ref: PW/17557

Legal Knowledge Manager, Dublin

€100k plus

You will be responsible for establishing and implementing a broad reaching knowledge management strategy within their Dublin office. You will need to be both technically and commercial minded with strong influencing skills. Joining a fast growing global practice, opportunities for development including building a team are outstanding, making this a one-off opportunity to get in at the start.

Ref: PW/17557

Corporate/Financial Services, Hong Kong

€Excellent

Leading Magic Circle firm require Corporate and Financial Services Lawyers at all levels to join their Hong Kong team. The role is open to those qualified from jurisdictions outside Hong Kong provided their experience is stable and top tier. The role is with arguably, the leading team in the market. Strong academics and training are required. Ref: PW/16870

For further information regarding the jobs listed above, please contact Portia White (Tel: +353 (0) 1 477 3063 or email portia@laurencesimons.com) or Donall Donnelly (Tel: +353 (0) 1 477 3068 or email donall@laurencesimons.com) quoting the relevant reference number.

