

# Newsletter



DEVON & EXETER  
LAW SOCIETY

[www.devonlawsociety.org.uk](http://www.devonlawsociety.org.uk)

July 2006

IN THIS ISSUE

President's Diary

Council Member's Report

E-Conveyancing Update

Home Information Packs

DELS are keen to encourage young professionals to the Society

Mental Capacity Act

International Association of Women Judges Biennial Conference

Labour Law Project 2006

Devon Racial Equality Council

Institute of Paralegals

DELS New Members

Diocese of Exeter Volunteer Trustee Officer Wanted

Law Care

Train to Gain

Communicating with the Exeter Court Office and Judges

Heard it on the Grapevine

Obituary - Barry Hilton



**DON'T FORGET TO NOMINATE  
YOUR YOUNG SOLICITOR OF THE  
YEAR 2006!**

**visit [www.devonlawsociety.org.uk](http://www.devonlawsociety.org.uk) now  
for the nomination form.**



Honorary Secretary: Anthony Spiers MBE  
[secretary@devonlawsociety.org.uk](mailto:secretary@devonlawsociety.org.uk)

Administrator: Monique Bertoni  
[monique.bertoni@devonlawsociety.org.uk](mailto:monique.bertoni@devonlawsociety.org.uk)

Membership Services Manager: Tony Steiner  
[tony.steiner@devonlawsociety.org.uk](mailto:tony.steiner@devonlawsociety.org.uk)  
Direct Dial: 01392 494 110  
Mobile: 07979 746 205

Education & Training: Lydia Vanstone  
[lydia.vanstone@devonlawsociety.org.uk](mailto:lydia.vanstone@devonlawsociety.org.uk)

E-Mail: [mail@devonlawsociety.org.uk](mailto:mail@devonlawsociety.org.uk)

Tel: (01392) 411585

Fax: (01392) 431511

DX: 8361 Exeter

Registered Office: Renslade House  
Bonhay Road  
Exeter  
EX4 3AY

## **PRESIDENT'S DIARY**

**By Chris Hart**  
*President*



Well, it has to be said that the first couple of months of the new Presidential year have been rather hectic!

Of primary significance I am pleased to report that your Committee is taking active steps to endeavour to develop the involvement in the affairs of the Society of both young and future solicitors. The Committee has passed a resolution to permit trainee solicitors to become "Associates" of the Society thereby welcoming trainees to become involved in the affairs of the Society. Associates will not pay any subscription to the Society during the currency of their training contract, and applications will be welcomed from trainees with nominations by their principal. If the involvement of Associates is a success then it is likely that in due course the Committee will seek a change to the Society's constitution to admit trainees to full membership of the Society.

We have also been developing our contacts both with Exeter University (primarily through the Bracton Law Society) and Plymouth University (where the new Legal Practice Course is taking place) and hope to establish a series of events, the ultimate aim of which is to encourage our law students in the region to recognise the quality and diversity of both the types of practice and the range of legal work available throughout our county. (*More details in the report from the Vice President on page 4*).

Since my last "Diary" article, I have attended a number of events on behalf of the Society. On the domestic front I attended the AGM of the Association of South Western Law Societies. That meeting elected our own Stephen Lawson as President (for the second time!) and many congratulations to Stephen on his appointment. The main business of the meeting was to discuss the current issues being considered by the national Law Society, particularly in the context of our own council members' reports. More recently I attended the Presidents, Honorary Secretaries, and Administrators Conference at Chancery Lane. This Conference was dominated by consideration of the "future" Law Society with particular consideration of the draft Legal Services bill, and useful discussion with regard to the services to be provided by the National Body, the governance of the "future" Law Society and the relationship between local law societies and

the national body.

May and June are also months when the international scene is particularly active. In mid-May a delegation of nine people representing DELS attended the International Lawyers' Meeting, with the Bars with which we are twinned, which took place in Leuven in Belgium. The working sessions of the meeting concerned "statutes of limitation" within the member countries, with a particular emphasis on criminal proceedings. The meeting was a great success and featured yet another appearance of the DELS Theatre Company when we put on a mock trial for the benefit of our international colleagues!

Closely following the trip to Leuven I attended the meeting of the Federation of European Bars in Zurich which dealt with the issue of "costs and success fees". Over subsequent weekends I attended the celebration of San Pietro Martire at the invitation of the President of the Verona Bar, and the annual luncheon of the Bilbao Bar, and last week was fortunate enough to be invited to attend the ceremony marking the closing of the legal year in the Hague, which took place at the International Court within the most splendid "Peace Palace". It is a mark of the standing of DELS that we were the only English Law Society attending such a prestigious event.

Finally, it gives me pleasure to report on the successful weekend of our own Legal Sunday Service from 9<sup>th</sup> to 11<sup>th</sup> June. We were blessed with superb weather for the weekend and the Joint Reception with the Judiciary and Bar on the Friday evening took place in the beautiful surroundings of Larkbeare House and was well attended by solicitors, barristers and the judiciary alike. On the Saturday evening we hosted dinner attended by our international guests, and on the Sunday the spectacle of the Legal Sunday Service took place at Exeter Cathedral. The service was magnificent and the shoppers in Exeter seemed to enjoy the sight of a collection of strange people in weird and wonderful costumes processing through the streets to the Cathedral. Many thanks to all who took part in making the weekend such a success!

**HAVE YOU SEEN DELS  
NEW LOOK WEBSITE?!!!**

VISIT [www.devonlawsociety.org.uk](http://www.devonlawsociety.org.uk)

## **COUNCIL MEMBER'S REPORT**



**By Christopher Palmer**  
Council Member

As I am retiring from the Council, with effect from the AGM on 13 July, this will be my last Report.

### Deputy Vice President

The Council has elected Paul Marsh as the Society's DVP. Paul was admitted in 1972 and has many years' experience as a High Street practitioner in Kingston upon Thames, Surrey. Recently he has played a prominent part in preparing the profession for the implementation of HIPs. There were eight candidates in the DVP election and the result was very close.

### The "Have Your Say" Consultation

Many thanks to those of you who participated in this. 18,997 valid responses were received. We are told by the experts that this is an excellent response and higher than one would expect in any similar organisation. Nonetheless it still seems to be small, representing as it does only 17% of the profession.

The response to the consultation exercise was considered by the Council at its meeting on 10/11 May. The Council decided there was support for the following services within the new representational body:

- Representing the profession and negotiation on its behalf
- Law reform, ethics and professional helplines and advice
- Magazines (including the Gazette)
- Data source of solicitors and firms
- Legal Defence Union
- Pastoral Helplines
- Training and Development
- On line reference information services
- Securing and development domestic markets

All of these were seen as capable of being funded from a mandatory basic membership payment apart from any Legal Defence Union which could be paid from an optional subscription.

At its meeting on 12/13 July the Council will need to make a number of decisions including what the new representational body will do, how it will be staffed, how it will be funded and how it will be structured. The profession's view was that there should be a Council of around 30. The Council's view is that this should be around 50. The other issue is whether Council members should be

elected on a geographical basis only or a mixture as at present: representing both geographical regions and sections/groups. There is a view that if the Law Society is to represent the profession as a whole then this should be on a geographical basis rather than on a sector/group basis. This is yet to be decided. However, there is little doubt that the size and structure of the Council will be changed and almost certainly reduced.

### Practising Certificate Fee

Subject to confirmation by the Council in July it is hoped that this will be reduced to £950.00 for 2006/7.

### The Carter Review

By the time this Newsletter is published, it is likely that Lord Carter's final report, on legal aid, will also have been published. It is expected in early July. A very able, and highly qualified team from the Law Society has been working with the Carter team to ensure the best result possible for the profession. Whether that is achieved remains to be seen. I fear not.

### The Future of Legal Services

The draft Bill was published at the end of May. The President and Vice President have given oral evidence to the Joint Parliamentary Committee which has been examining the Bill. The Law Society has also submitted written evidence. The Bill proper is expected early in the new session of Parliament (November/December).

The Law Society supports many aspects of the Bill in principle. This includes the proposals to allow partnerships with other professionals and external investment in firms. However, the details in the Bill are thought to be far too cumbersome. There is also support for the creation of the Office of Legal Complaints. The Law Society has, of course, already established an independent Complaints Board chaired by Professor Shamit Sagar. However, the Bill needs to ensure that the OLC alerts the Regulator of any information it receives indicating dishonesty or serious rule breaches.

The Law Society does have a number of principal concerns. The Bill's provisions on the role of the Legal Services Board risks creating an over-intrusive body duplicating the work of the front line regulators (e.g. Law Society and Bar Council). It should be clearer that the primary responsibility for regulation rests with the independent professional bodies, with the LSB acting in a supervisory role. Sir David Clementi's view (whose report led to the Bill) remains there should be minimal interference by the LSB with the front line regulators. The Bill as drafted risks creating an unwieldy and expensive new tier of regulation.

It is essential that an independent legal profession is retained and free from Government interference. The Bill provides that the Secretary of State should appoint members of the LSB. That is fundamentally wrong. Appointments should be by an independent selection panel like the Judicial Appointments Commission.

Will writers are not included within the scope of the Legal Services Bill. Currently, they are subject to no regulation whatsoever. The Law Society is continuing to press the Government on this.

### Complaints Handling

You will have read that the Legal Services Complaints Commissioner has imposed a fine of £250,000 on the basis that the plan submitted by the Law Society for complaints' handling in 2006/7 was inadequate. The fine is payable to the Treasury. The Law Society has taken legal advice but the prospects of a successful challenge to the fine do not look good.

The fine has been imposed despite the Lord Chancellor's recognition of the substantial improvements in complaints' handling which have been achieved over the last three years. This is confirmed by the statistics. The plan submitted to the LSCC contained further significant improvements. The targets required by the LSCC are neither achievable nor realistic. It would mean to increase **now** the number of caseworkers from 340 to approximately 425. It would take nine months to recruit and for those new workers to achieve full capacity. The LSCC wants all cases in 2006/7 to be closed within 15 months of receipt. That is simply not possible. There are always a small number of complaints where responses are required from third parties, solicitors or even complainants. It is realistic to aim to have, say, 350 cases that are 15 months or older. That is only 1.7% of the total.

You may have read of a further fine having been imposed. That is not entirely accurate. The LSCC has threatened a further fine in relation to the complaints' handling performance during 2005/6. However, no decision has yet been made.

I am retiring from the Council after seven years as your elected member. It has been a privilege to represent the constituency of the West Country and Gwent. I am unable to identify any specific achievement! However, I hope that I may have contributed something, in some small way, to my constituents, their clients and the profession. Thank you for your support.

## **E-CONVEYANCING UPDATE**

**By Patricia Durham Hall**

*Chairman Non Contentious Business  
Sub-Committee*



The Chain Matrix is almost upon us (no, not the forth film version) and your Committee and guests attended an update by the Land Registry/IBM at Everyys on 4th April. Unlike the uncertainty still clouding the introduction of HIPs, e-conveyancing is well on target and the chain matrix is impressive generally with only a few glitches yet to be sorted. This is a tribute to the Land Registry who has been judiciously consulting their local Law Societies since the inception of e-conveyancing, which has paid dividends. Whilst the South West is not participating in the pilot scheme we have been instrumental in liaising with the Land Registry, local and central, and assisting them in the development of the Matrix.

I thought it was time to publish the timetable for its introduction as it now stands:

### **NOVEMBER 2006**

#### **CHAIN MATRIX TRANCHE 1**

- Chain Matrix full chain handling (LR workaround)
- Signalling readiness for exchange and completion
- Email notepad and messaging

### **AUTUMN 2007 (TO COINCIDE WITH HIPs)**

#### **CHAIN MATRIX TRANCHE 2**

- Network Access Agreements (3<sup>rd</sup> party)
- E-signatures (still on target)
- Automated registration
- Notional Register, registration of contract, OS1
- Document and record management, archiving
- Front end validation
- Interim SDLT solution
- Integration with case management software
- Enhanced chain Matrix

### **WINTER 2008**

#### **CHAIN MATRIX TRANCHE 3**

- Statement of accounts
- Chain Matrix commitment to exchange and completion
- No electronic transfer of funds yet

### **2009 ONWARDS**

#### **CHAIN MATRIX TRANCHE 4**

- Interface to accounting
- HMRC solution for SDLT

- Chain Matrix completion with registration, payment instructions & completion statements
- Electronic transfer of funds (expected)

### **2009 ONWARDS CONTINUED CHAIN MATRIX TRANCHE 5**

- Property developer services
- Security for DIY conveyancing

## **HOME INFORMATION PACKS**

**By Patricia Durham Hall**  
*Chairman*  
*Non Contentious Business*  
*Sub-Committee*



The main item on the agenda of our last committee meeting was the advent of the Home Information Packs. I attended the meeting in Chancery Lane on 14 February together with our DELS President that was held jointly by the Law Society and MDA to launch the product. Since then our committee members have attended the road show held in Plymouth on 3 May.

Whilst we are still waiting for the definitive HIPs content from the Department for Communities and Local Government we decided it was time to make a considered representation to our members about which Pack could be recommended by DELS. A survey we conducted of local firms revealed that the majority of small to medium sized firms are still considering their options but most are interested in a branded package based on the Law Society MDA joint venture. The committee recommend this product but advise you all to carry on looking at all options bearing in mind the Law Society strong recommendation not to sign up to any of the online IT packagers prematurely.

The Law Society have confirmed both national and regional press coverage commencing now (although one has to say there is no rolling of drums). They are not in a position to offer local funding in any way but I am chasing them up on logo, customisation and precisely what local press coverage they are undertaking. Over the next 2 weeks Chancery Lane will be contacting local law societies to advise on the recommended "dry run" using the Law Society/MDA package.

Watch this space.

## **DELS ARE KEEN TO ENCOURAGE YOUNG PROFESSIONALS TO THE SOCIETY**

**By Erik Salomonsen**  
*Vice President*

The Committee of DELS is keen to encourage as many young professionals as possible to participate in the Society's activities. The Vice President's Committee met on 31 May and was joined by Marie MacFarlane, representing the Devon Young Solicitors' Group; Simon Payne, Head of Law at Plymouth University, Hannah Saxena, President of the Bracton Law Society and Emma Alford of Michelmores, who was welcomed as the latest young recruit to the committee.

Our membership has never been stronger and as the firms which make up the membership of DELS grow in size, so more of their solicitors join the Society. We wish to find ways of encouraging them once they are members to take an active part in its activities and to make it "their" Society.

We are all aware of the work pressures brought on by modern practice, but it is essential that we make time both for ourselves and for our colleagues to participate in the professional activities and representation which DELS provides.

The Legal Practice Course is transferring from Exeter to Plymouth and Simon Payne, who is a solicitor having been articled to a Devon law firm - is anxious to ensure that we make the most of opportunities both for his students and for our members. Hannah Saxena told us of how Exeter undergraduates are more familiar with what London law firms and the Bar have to offer than Westcountry law firms!

We discussed and hope that you will support a number of activities to raise the profile of DELS, particularly with students and those joining or in their early years in the profession.

We are therefore looking to put in place:

- A DELS work experience vacation scheme to start in 2007.

An evening drinks party this Autumn so that

- local practitioners and students on the Legal Practice Course may meet.
- A "Making Choices" evening function for Exeter University 1<sup>st</sup> and 2<sup>nd</sup> year Law undergraduates at a hotel in Exeter.
- Validation by the Law Society of the terms of the Sir George Fowler Prize so that we can continue to award the best student who has obtained the highest position of merit order on the Legal Practice Course and who enters a training contract in the Devon area.

Simon Payne and Hannah Saxena will be helping the Committee to make sure these events are a success and we will be looking to provide information which highlights the diversity of firms in the area and the quality and variety of legal work which is available, coupled of course with the fantastic quality of life in Devon.

We are conscious of the need to involve younger members of the profession and to this end Tony Spiers has been looking at the constitution of DELS to see whether we might introduce some form of associate membership for trainee solicitors at the same time as identifying the Exeter and Plymouth University alumni who are within Devon law firms and who would like to share with Undergraduates and those looking for training contracts the delights of working in Devon.

## MENTAL CAPACITY ACT AND LASTING POWERS OF ATTORNEY

**By Maxine Barnes**  
Member, Non Contentious  
Business Sub-Committee



The talk by Denzil Lush, Master of the Court of Protection, was illuminating and enlightening regarding the progress of the changes regarding the above.

The Mental Capacity Act 2005 received the Royal Assent on seventh of April 2005, although it is likely to come into force on Monday 2 April 2007, Denzil did say that it may be postponed for up to six months.

The principles of the pertinent parts of the Mental Capacity Act to non-contentious probate lawyers are highlighted here. Section 1 of the Mental

Capacity Act sets out how we should deal with people who are unable to make decisions for themselves in relation to a particular matter at a particular time because of an impairment of, or a disturbance in the functioning of, their mind or brain.

Please note the bullet points below:

- A person must be assumed to have capacity unless it is established that he lacks capacity.
- A person is not to be treated as unable to make a decision unless all practical steps to help him to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because he makes an unwise decision.
- An act done or decision made for or on behalf of a person who lacks capacity must be done or made in his **best interests**;
- Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the persons or rights and freedom of action.

Also note that sections 2 (3) and 3 (1) should be taken into account when deciding whether a person lacks capacity, and, if so, when determining what is in his best interests, it should not be established merely on the basis of:

- The person's age or appearance, or
- A condition of his, or an aspect of his behaviour, which might lead others to make unjustified assumptions about his capacity, or what might be in his best interests.

Denzil quoted a most striking statement by the Right Rev Dr Peter Selby, Bishop of Worcester which I thought was of interest:

*"Clause 1 contains a statement about a vision of humanity and how humanity is to be regarded. I hope children in generations to come will study that as one of the clearest and most eloquent expressions of what we think a human being is and how a human being is to be treated ... I renew my congratulations to those who brought the Bill forward and to all those who worked to make it what it is. I believe that it states what is fundamentally right. In the course of Committee we shall no doubt improve and tighten some of the wording, but we shall never take away the powerful and eloquent statement in Clause 1. That should underlie our treatment of one another in all circumstances and for all purposes."*

The statement certainly gives meaning to Clause

1 and it should be a frequent reminder to us all in our lives.

Looking at assessing capacity it is sections 2 and 3 that set out the requirements for assessing whether someone lacks capacity. Note that where it is stated "A person lacks capacity in relation to a matter", one must be aware that it is subject-specific and where it states "if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or disturbance in the functioning of the mind or brain" bear in mind that it is also time-specific.

One needs to focus on a particular time when a decision has to be made so the loss of capacity can be temporary, partial, or fluctuating and a decision specific relates to concentrating on the particular matter to which the decision relates, rather than the ability to make decisions generally.

Therefore look at the decision-making process as a whole and remember the following:

- Understand the information relevant to the decision, including information about the reasonably foreseeable consequences of our (a) deciding one way or the another, or (b) failing to make the decision: wherever necessary, the information should be explained to him in a way that is appropriate to his circumstances, such as using simple language or visual aids;
- Retain that information, though the fact that he is able to retain the information for only a short period does not prevent him from being regarded as able to make a decision;
- Use or weigh that information as part of the process of making the decision or communicate his decision, whether by talking, using sign language or any other means.<sup>1</sup>

<sup>1</sup> In the past have actually communicated to a person who had very poor hearing and also quite bad eyesight and managed to communicate to a sufficient degree with the client about making an enduring power of attorney appointing her son to be appointed as attorney with the use of different coinage. I was able to assess that she wanted to appoint her son as her attorney and deal with her affairs by her taking specific coins and giving them back to me at the appropriate points of questioning.

Section 4 provides that, when deciding what is in the best interests, the person making the decision must consider:

Whether they are likely to have the capacity in relation to the matter in question in the future;

- The need to permit and encourage them to participate, or to improve their ability to participate in the decision-making process;
- Their past and present wishes and feelings (and in particular, any relevant written statements they made when they had capacity), the beliefs and values that would be likely to influence their decision, and any other factors they would consider if they were able to do so;
- If it is practicable and appropriate to consult them, the view of others, such as family members, carers, and anyone else who has the interest in their welfare; and
- Whether the purpose for which any act or decision is needed can be as effectively achieved in a manner less restrictive of their freedom of action.

A point to bear in mind is the fact that it is encouraged by the Act that appropriate people may be consulted, such as family members.

The Enduring Powers of Attorney Act 1985 will be repealed when the new Act comes into force, but the legal effect of EPAs already made under the current legislation is preserved and integrated into the new scheme by section 66 (3) and Schedule 4 of the Act.

Schedule 1 governs the creation, registration and cancellation of LPAs. A lasting power of attorney must be in the prescribed form, which has yet to be designed that will contain the prescribed explanatory information similar to that in the existing EPA legislation. The instrument must also contain a certificate in a prescribed form, signed by a person of "prescribed description", that the donor understands the purpose of the instrument and the scope of the authority conferred under it. Surprisingly the definition as to who could be a person of "prescribed description" is extremely broad. The current proposed prescribed forms deal with the Advance decisions to refuse treatment using a tick box at the bottom of the page. Hopefully this will be changed!

We will need to be familiar with the court-appointed deputies and the independent mental capacity advocates along with the code of practice. Also the new Court of Protection. Section 45 abolishes the existing Court of Protection and replaces it with the new court, also be known as the Court of Protection, which will be able to deal with all areas of decision-making for people who lack capacity. This will combine the personal welfare and health care jurisdiction currently exercised by the Family Division with the property and financial decision-making

jurisdiction of the existing Court of Protection. The new court will be regional, served by a centralised Administration office and registry.

There may well be a further talk by Denzil Lush regarding the above and if you can attend I am sure you will find it fruitful. As practitioners we need to be aware of the changes and keep up to date with the developments.

## **INTERNATIONAL ASSOCIATION OF WOMEN JUDGES 8<sup>TH</sup> BIENNIAL CONFERENCE IN SYDNEY, 3 -7<sup>TH</sup> MAY 2006**

**By District Judge Wainwright**  
*Exeter County Court*



The UK Association of Women Judges was formed to promote greater understanding and better resolution of legal issues facing women and issues concerning women judges. Whilst full membership is restricted to permanent or salaried judicial post holders, any person who supports the objectives of the Association can be elected as a supporting member. Following the formation of the UKAWJ, various members decided to attend the international conference in May this year – and for the cynics of this world – at their own expense!

One sheriff from Scotland, 5 District Judges from Birmingham, Exeter, Taunton, Doncaster and Leeds, resident magistrates and judges from Northern Ireland, 7 Circuit Judges and an Independent adjudicator together with UKAWJ President Baroness Hale attended the 8<sup>th</sup> International conference of the IAWJ in Sydney last month. The theme of judicial independence, incorporating gender, politics and religion was an inspirational theme for the 350+ delegates from over 40 countries.

The theme covered all areas relevant to maintaining judicial independence – from freedom from the more obvious sources of influence of politics, armed forces, and terrorism to government and administration interference and withdrawal of essential funds and facilities.

Apart from the immensely humbling experience of hearing from judges in Sri Lanka, Venezuela and other countries of their experiences of imprisonment for many months for no reason,

threats to life, family and communities if they even opened the courts – there were very many interesting experiences recounted almost too numerous to mention.

Topics covered included:-

- ◆ Judging in Countries with Conflict or Transition
- ◆ Challenging Corruption
- ◆ Appointment and removal of judges
- ◆ The need for women judges
- ◆ Challenges of a society with cultural and lingual diversity
- ◆ Indigenous people and the law
- ◆ Religion tradition and judging
- ◆ International tribunals and
- ◆ Maintaining judicial independence

Keynote addresses were from the Governor of New South Wales, Her Excellency Professor Marie Cashir, The Honourable Dame Sian Elias, Chief Justice of New Zealand, the Right Honourable Baroness Hale of Richmond, Justice Graziela Dixon President of the Supreme Court of Panama, and the Chief Justices of Canada and Victoria – many of whom were the first women to hold these posts.

Outstanding contributions included the young East Timor judge – or Timor Este as it is now known (recently in the headlines sadly for other reasons) – who told of the building of a judiciary and a justice system from absolutely nothing in a few years. Justice Rizvic from Bosnia and Herzegovina told of the reconciliation within the community and the constructive assistance that was given by the international communities which enabled this to happen. Judge Navi Pillay from South Africa who talked of her experiences as President of the International Criminal Tribunal for Rwanda, and Judge Siranee Tilakawardane from Sri Lanka shocked the audience with her account of the awful violence in her country, coping with 19 years of Civil war – and how this was managed on a daily basis.

Another told of the difficulties when faced with a military coup and the stance taken by the judiciary when faced with a crumbling constitution.

The strongest delegation was perhaps not surprisingly from Australia – over 70 women judges. It was very pleasing to see nearly 20 in our own delegation from the UK AWJ from all levels of the bench. Other countries were as widely represented – the biggest otherwise being from Canada and USA. Coming from such a wide range of jurisdictions, the sharing of experiences dealing with everything from abusive litigants in

similar. HHJ Estella Hindley QC was on that panel comparing the techniques for managing the Litigant in person. Resident Magistrate Bernie Kelly was also on a panel comparing her experiences as a result of her sittings in Northern Ireland – considering the security and religious issues which affected her.

Perhaps the most striking presentation came when discussing the disadvantages and problems for Australia's own Aboriginal population. Social and economic, poor health and lack of education all played their part in those societies, and a tragic tale of a young aboriginal girl who was assaulted and left in a coma by 2 aboriginal boys, found by 2 others whose first reaction instead of finding help, was to assault her again and leave her to die – leaving 1 dead and 4 seriously damaged lives within an already damaged community.

This year was the first time that the UKAWJ had such a significant presence at the international conference which is held bi-annually. As a result in the International Board of Directors of the IAWJ elections, a member of the UKAWJ was elected as one of 2 board members to represent Europe and the Middle East, the other board member being elected from Italy.

District Judge Jill Wainwright was so elected and has a mandate with fellow board members from Panama, South Korea, Pakistan, Italy and Canada to co-ordinate over the next 2 years the region, to encourage the formation of individual national associations where there are none, and hopefully to link in to the UKAWJ annual conference in such a way as to make this available to other members of the region who currently feel somewhat out on a limb. It is an immense task for 2 people – and the first step is to set up communications between judges in the countries within the region – so if any of you have any legal contacts in countries in Europe and/or the Middle East, then please contact DJ Wainwright at Exeter County Court.

## **ZIMBABWE – DEVON & EXETER LAW SOCIETIES LABOUR LAW PROJECT 2006**

**By Paul Derbyshire**  
*Chairman, International  
Relations Sub-Committee*



This project arose from discussions between Joseph James, President of Zimbabwe Law Society (ZLS) and me. Labour Law was identified as an

area where it would be helpful to build on the new twinning links between the two Societies. In May 2006 three council members from ZLS: Josephat Tshuma, Lloyd Mhishi and Colin Kuhuni travelled to Devon. They spent a week in the company of DELS members exchanging ideas and information about Labour Law in both countries.

The national Law Society's Charity fund kindly provided funds to cover travel costs and the ZLS lawyers were accommodated with the families of DELS members.

The project drew on contributions from John Hollow and Christa Christensen, the full-time Chairs of Exeter's Employment Tribunal, specialist employment solicitors from DELS and Counsel from Rougemont Chambers. There was 'total immersion' in Labour Law for all who participated – from completing the ET1 claim form, to dealing with strikes, discrimination, tribunal procedures and law, amongst many others. The use of IT and case management systems was as important as the application of legal principle – much of which is similar to both countries.

The ZLS lawyers were able to go behind the scenes at the Tribunal and find out how claims were processed. They also witnessed a telephone case management conference. The highlight of the visit was a trip to the Employment Appeals Tribunal in London where His Honour Judge Birtles explained the operation of the appeal process and allowed them to sit in on a current appeal.

In addition to the formal programme, the ZLS lawyers were also able to meet Circuit Judges at Exeter Crown Court and to enjoy an evening at a local pub with DELS members. Discussions inevitably centred on the economic and political situation in Zimbabwe, where inflation has now exceeded 1000%. Coming on top of high unemployment and severe hardship for those dispossessed of their houses in 'Operation Cleanup' in 2005, it is increasingly difficult to see how ordinary citizens survive. The independence of the judiciary is also severely compromised by the appointment of those judges who are controlled by the government. Despite all this, however, there is a feeling that the pressures growing in the faltering economy mean that change is not far away, and it can only be for the better.

Back at home our guests were treated to traditional Devon hospitality. Colin went with me on a trip down the River Dart by boat and steam train. Christopher and Jennifer had planned to take Josephat for a quiet day in Shaldon, but Josephat had mentioned to his extended family

that he was in the UK. Sunday saw Jennifer catering for ten at lunch! But the prize must go to Richard and Tracy Adams who invited Lloyd to join them and their friends for a 'celebration' of



Josephat is on the Right of the picture

the Eurovision Song Contest – all in appropriate national costume of course!

The visit was an enriching experience for both Societies. The ZLS lawyers have told us that discussions will now take place within Zimbabwe to review the present implementation of Labour Law there and decide whether to introduce changes. Colin Kuhuni described the visit as 'life-transforming', and he goes on to set out the steps that lawyers in Zimbabwe will now be taking to implement a number of the systems which they have seen demonstrated in the UK. Telephone case management is of particular interest as is the use of part time Judges both in the Labour Law field and other areas.

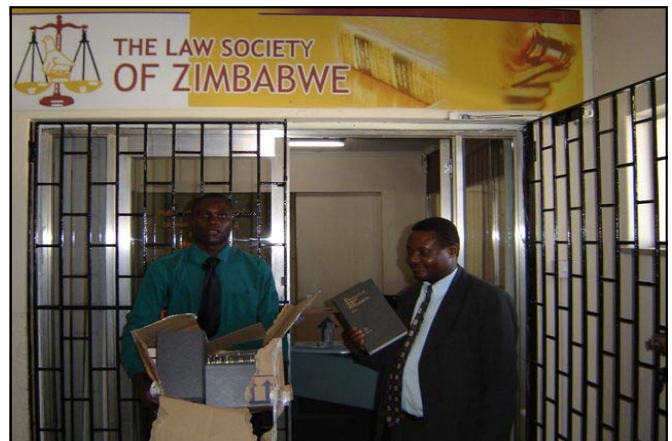
For the DELS members it was an opportunity to take a step back and look at their work from a different perspective. We have great admiration for the way in which our ZLS colleagues daily handle problems which are less frequently met in the UK.

DELS members have now been invited to attend the ZLS Summer School in Zimbabwe's Eastern Highlands in November 2006. The hot topic is mediation. In the meantime, ZLS members have access to the DELS website and both professional and personal ties are being made with DELS members. Our very best wishes go to our ZLS colleagues in the difficult months ahead.

My grateful thanks to those who made it possible John Hollow and Christa Christensen of Exeter's Employment Tribunal; His Honour Judge Birtles at the EAT and President of the EAT; Mr Justice Elias; John Lloyd and Debbie Grennan of Rougemont Chambers; Nigel Moore of Stephens & Scown; Chris Hall of Crosse & Crosse; Jenine McMonagle of Ford Simey; Bettina Rigg of Bond

Pearce. To the hosts Richard and Tracy Adams, Christopher and Jennifer Palmer, Erik and Frannie Salomonsen; Law Society's Charity Fund and Alison Hook; Law Society's Publications Department for the contribution of three copies of their publication 'Employment Tribunals' and of course to Monique Bertoni our able Administrator whose arrangements were impeccable. It was a great example of DELS working together to make a difference.

On another note members will be pleased to know that the law books have now been cleared by customs and are now in use by the Zimbabwe Law Society - as you can see by the picture below. Thank you again for all of your donations.



## **DEVON RACIAL EQUALITY COUNCIL**

**By Terry Falcão,**  
*Chairman Devon REC.*  
*Partner, Employment*  
*Department, Stones.*



Devon has never been known as a hotbed of issues concerning racism. It is often said to me as Chair of the Devon Race Equality Council (Devon REC), that we have 'so few of them here, that there is no racial problem in Devon.' With all due respect to those of you who believe that we are all living harmoniously in Devon, the county was named in a Home Office report as the 2<sup>nd</sup> most likely place in Britain to be racially attacked in spite of there being relatively low numbers of minority ethnic people in Devon. There has been a marked xenophobic trend in some newspapers with Muslims and others portrayed as disloyal and unpatriotic.

Since the atrocities of 7/7, Muslims and those who may conceivably come from the same continent, have been increasingly attacked and racially abused in streets, public transport and in the workplace. In Devon, the situation is exacerbated because many of the attacks are on

Black and Minority Ethnic (BME) people living in isolated pockets in towns and villages throughout the county.

Sadly, confidence in the police is not high, and the fear of retribution if such incidents are reported means that they go unreported and the victims continue to live in isolation and fear. Neighbours and those who would help are often either ignorant of the incidents because of when and where they take place, or are too fearful to assist because they too have to live in the same communities. This is the hidden side of race relations in Devon. In my own case, because of my role in the Devon REC and because of my previous background in the police service, I have pursued those who have indulged in unprovoked physical attacks upon my children in the streets, resulting in two successful prosecutions and where school children were involved, receiving support from the schools involved to elicit apologies to my children. I encourage a zero tolerance of racism.

There is help at hand for those BME people who are unwilling or unable to seek justice through the police, in the form of the Devon REC. I am proud and honoured to have been elected Chair of the REC two years ago. This charitable company limited by guarantee has been in existence for ten years and now employs 6 members of staff assisted by a number of volunteers. The REC is managed by a full time Chief Operations Officer and a panel of directors drawn from stakeholders in the public sector and others committed to eliminating racism from our society. It is funded by grants from various bodies, the provision of training, audits of race equality schemes, and for project work as well as donations from well wishers (both personal and corporate). I, like my fellow directors, give my time without charge to the Devon REC and am supported by my firm, Stones even where this impinges on fee earning.

This is what we do

### Public Sector Critical Friend

We act in partnership with the Commission for Racial Equality (CRE) to ensure compliance at public sector level. We adopt a 'critical friend' approach, advise, support and coach but, if compliance is lacking after a sustained period of support, we report public sector authorities to the CRE for non-compliance.

### Complainant Aid

RECs support individuals or groups who experience racial discrimination or discrimination on the basis of culture or religion. Most of our current caseload is made up of racial discrimination complaints on the basis of people

complaints or assaults on people who are thought to be Muslims.

### Community development that benefits the BME community.

We have targeted posts that support development in the community and promote community relations. These include Schools and family support, Gypsy/Traveller liaison, social inclusion projects including interpretation and translation and support to the BME business community and arts development.

### Take a lead on public education.

We provide training and consultancy as part of our critical friend role and as part of our public education remit.

### How you can help

We are in need of support in the form of volunteers to sit as directors, funds to support our activities and funding for specific posts including a post of fundraiser, so that our activities can be funded on an ongoing basis, rather than continually making valued and skilled staff redundant as each grant ends, and going through continuous cycles of grants, recruitment, and redundancy. We are also constantly looking for partner organisations with whom we can work to deliver training or services. Most of all we need you to be alert to those who seek to create divisions where none exist, and who seek short term political popularity by capitalising on irrational fears at the expense of long terms stability in our society. We need your support and ask for your involvement.

To help us or for further information please contact

Devon Racial Equality Council

Tel: 01392 422566

Fax: 01392 437941

Email: [devonrec@devonrec.org](mailto:devonrec@devonrec.org)

Web: <http://www.devonrec.org>

Registered Charity Number: 1109940

## INSTITUTE OF PARALEGALS

By James O'Connell

Chief Executive Institute of  
Paralegals



The Institute is a not-for-profit, non-commercial, professional body that represents paralegals. 'Paralegal' is the term used to describe non-lawyers (i.e. people who are not qualified solicitors or barristers) who do legal work - regardless of their job title. DELS Members are invited to consider a number of opportunities and possible joint projects.

Acknowledging that **risk management** is a hugely expensive issue for all firms, regardless of size, the Institute is assisting a consortium of 14 city law firms with the dissemination of an online anti-money laundering course. The consortium wants to work/partner with other firms to create industry standards, help share experiences and to reduce costs. If your firm is interested in being involved in the development of future risk management projects, please ring James O'Connell on 020 7887 1420 ([joconnell@InstituteofParalegals.org](mailto:joconnell@InstituteofParalegals.org)).

The first successful project undertaken by the consortium concerned **anti-money laundering compliance**. The consortium identified and agreed best practice standards, and encapsulated them in an online training course. The idea being that, if used widely, the best practice encapsulated in the course would create a de facto industry standard and thus give all users the protection inherent in adhering to an industry standard. The consortium also created a non-city version of the course, along with a support staff version. All three versions of the course are owned and used by the firms in the consortium, and updated by their MRLO's as they think fit. It may be that firms would like to adopt the new standards and/or use the course. The course is available at a flat fee based upon the number of partners, regardless of the number of offices, staff or amount of usage and takes about 90 minutes to complete. The Institute would be happy to discuss discounted access rates to the consortium's online AML training course.

The Institute has partnered with Edexcel (the UK's largest national awarding body) to build a **vocational national legal training framework for paralegals** and other legal support staff that meets their needs. For further information please contact Marc Andressen, Business Development Manager at Edexcel on 020 7190 4892 ([marc.andressen@edexcel.org.uk](mailto:marc.andressen@edexcel.org.uk)).

At present the Institute does not run any of its own courses. E-Learning specialists Vinciworks (who built the anti money laundering training course) has a library of **CPD approved online courses for paralegals** which are available for use on a flat-fee basis. Please contact James O'Connell on 020 7887 1420 if your firm is interested in this service.

**Invitation to joint Paralegal Standards-Setting Working Party** – the Institute is working on national standards for law firm paralegals, legal secretaries and caseworkers in partnership with the Council for Administration.

(Continue on Page 12)

## **DEVON & EXETER LAW SOCIETY NEW MEMBERS**



### **Mr T Underhill**

*Messrs Symes Robinson & Lee, Exeter*

### **Mr G Salter**

*East Devon District Council, Sidmouth*

### **Mr J Horner**

*Messrs Ashfords, Exeter*

### **Ms K P Griffith**

*Messrs Roger Richards, Dartmouth*

### **Mr I Daniells**

*Messrs Ashfords, Exeter*

### **Ms P L Carr**

*Messrs Over Taylor Biggs, Exeter*

### **Mr J Garrod**

*Messrs Foot Anstey, Exeter*

### **Ms S Besant**

*Messrs Rundle Walker, Exeter*

### **Miss N Heales**

*Messrs Rundle Walker, Exeter*

## **VOLUNTEER TRUSTEE OFFICER**



We are seeking a motivated volunteer to assist the Property Services Department in the Anglican Diocese of Exeter in an important and challenging project.

The successful individual will have:  
Experience in legal, trustee, and property matters, Good organisational skills and attention to detail, High motivation and the ability to work on his or her own initiative, and Sympathy with the Mission and Ministry of the Church of England.

This is a voluntary post with flexible hours at The Old Deanery in Exeter. Reasonable travel and working expenses will be reimbursed.

For further details and an application pack contact Alistair Sutherland on 01392 294910 or email [alistair.sutherland@exeter.anglican.org](mailto:alistair.sutherland@exeter.anglican.org)

The standards will be practical and so able to serve as ready-made career development and training plans for the relevant staff. They would welcome input from firms and be delighted if any legal secretaries or paralegals wished to give their direct input too. Please contact Membership Secretary Ms Gill Whensley or on 0870 243 2308.

([gwhensley@InstituteofParalegals.org](mailto:gwhensley@InstituteofParalegals.org))

The Institute of Paralegals  
2<sup>nd</sup> Floor, Berkeley Square House  
Berkeley Square, Mayfair  
London W1J 6BD  
[www.InstituteofParalegals.org](http://www.InstituteofParalegals.org)

## **LAW CARE - YOU CAN MAKE A DIFFERENCE – GIVING SOMETHING BACK**

LawCare offers support and advice to Lawyers suffering from health problems such as stress, depression and addiction. It does this by means of a confidential, freephone helpline (0800 279 6888). Callers to this helpline have access to a member of staff to talk things through with; a wealth of experience and information; referral to professional help or other agencies if required; and referral to a LawCare volunteer, if appropriate. There are currently over 100 LawCare volunteers across Britain, and the support that they give is absolutely vital to LawCare's work in assisting the professions. Volunteers primary duty is to act as a friend and provide support to the lawyer who is referred to them, standing by them as they work to resolve their problems, giving them the benefit of their own experience, and encouraging them to take all the steps necessary to get well.



Currently, around a quarter of all LawCare's cases are referred to a volunteer for help, but this isn't enough. Many more distressed lawyers could have the personal support of a volunteer if we had more volunteers available. Most of our volunteers only help with one or two cases a year, but we have geographical areas where there is no volunteer coverage, and areas of the profession (notably the Bar) where we have far too few volunteers. Could you help?

If you have useful life experience; recovery from addiction or mental illness, or association with those with such problems; knowledge of counselling techniques (as opposed to being a trained counsellor) or even just enthusiasm and

compassion then please consider becoming a volunteer for LawCare. You'll receive no monetary reward but you will have the satisfaction of knowing that you are putting something back into the profession and helping your fellow lawyers. You will have the reward of seeing people you have helped resuming effective professional and personal lives. LawCare also offers free CPD accredited presentations to local law societies, groups and firms on stress management and recognition.

Call 0870 774 3663 or email [admin@lawcare.org.uk](mailto:admin@lawcare.org.uk) with your name and address for further information on volunteering for LawCare or on the stress seminars.

If you are suffering from a health issue such a stress or depression, or are worried about your drinking or drug use, you can call the LawCare helpline on 0800 279 6888. The service is free and entirely confidential.

## **TRAIN TO GAIN**

Train to Gain is a new service to employers designed to help businesses get the training they need to succeed.



It puts the employer at the centre and ensures that they have choice at every stage. The employer will choose their preferred training provider, and take advantage of flexible delivery options to suit their operational needs.

In the South West, Train to Gain is being delivered by a consortium of the Business Links. Devon & Cornwall and Swindon & Wiltshire are "live" as of now, with the rest of the region coming on stream by August 2006.

Our aim is to help employers through:

- Improved productivity and competitiveness by ensuring staff have the right skills to do the best job
- An impartial assessment to identify what skills a business needs now and in the future
- Help for employers to meet their skills needs by helping them choose the most suitable training providers
- Help for employers to get the best value for money from their investment in training

We believe that Train to Gain is an ideal opportunity for us to work closely with training providers in the region, with the philosophy that "**working together is winning together**".

### **Skills Brokerage**

There will be 37 skills brokers across the SW region. Their role is to engage with and support

employers, offering an impartial, independent and comprehensive Skills Brokerage Service. Acting 100% in the interests of the employer, they will:

- Analyse skills training needs within the context of business needs
- Recommend skills training solutions
- Recommend and refer to other specialist advisers
- Design and cost integrated skills training packages
- Recommend and source the most appropriate training providers
- Provide ongoing support for employers to address future skills needs

All Skills Brokers will be accredited against a national standard over a 12 month timeframe. The assessment process will be rigorous, and is designed to ensure their credibility, impartiality and independence.

### Contact Information

Skills Manager (Southern Zone) Rhona Hope  
Skills Manager (North Zone) Paul Gaunt  
Skills Brokerage Team 08456 047 047  
(regional telephone number)

Enquiries & Referrals [traintogain@bldc.co.uk](mailto:traintogain@bldc.co.uk)  
Train to Gain national website (info for employers, providers & skills brokers)  
[www.traintogain.gov.uk](http://www.traintogain.gov.uk)

## COMMUNICATING WITH THE COURT OFFICE AND JUDGES

### By District Judge Crosse Exeter County Court

The District Judges at Exeter are very aware of the problems that practitioners have experienced over the sending of case summaries, skeleton arguments etc for the attention of the Judge prior to a hearing. A contributing factor is the large number of unnecessary faxes that are sent, often at late notice, which are then followed by the hard copy of those documents. This practice does not accord with Practice Direction 5.3 and must cease. Failure to comply results in a member of the office having to find the file twice for filing purposes.

With a view to overcoming the problems, we are now encouraging more use of the email facilities that are available in this court. At your next Court attendance, I suggest you obtain from the office or from the Judge a copy of the note that has been prepared which contains the email addresses of the Civil and Family Departments and of the Judges. The note makes it clear that

the information concerning the Judges is only to be used by solicitors and counsel and for limited purposes i.e. case summaries, draft orders, skeleton arguments and notification that a case has been settled.

The implementation of this initiative will be of immense help particularly in the drawing of orders following case management conferences and when a draft consent order is approved in ancillary relief proceedings, the order can be drawn more quickly if a copy is sent as an email attachment to the Family department.

You will be aware of the budget reductions that have been imposed by the DCA on all Courts and these are bound to have an impact on Court business. The Court staff are doing their best to provide a good service in accordance with the Public Service Agreement. I hope that practitioners will be understanding if the service does not come up to their expectations on occasions. If the emailing facility is used as an alternative to faxes, I very much hope that you will receive a better service.

## HEARD IT ON THE GRAPEVINE

### By Andrew Ford Quay West Wines



America's native wines are not *vitis vinifera* - the species of vine in Europe that produces decent wine grapes. Wine can be made from *vitis riparia*, *vitis labrusca* and other species that grow on America's eastern seaboard, but such wines with their pungent aroma are an acquired taste.

Although wine is made across the continent from New York State in the east, to California in the west, and from Washington in the north to Texas in the south, it is California that is home to the country's prolific wine industry.

California was more fortunate in that its wine industry is based on *vinifera* vines brought from Europe first by the Spanish for priests to make sweet altar wine, and then in the mid-19th Century by a Hungarian called Agoston Haraszthy, still revered as the father of the modern wine industry. He brought 100,000 cuttings of some 300 different French, German, Italian and Spanish varieties that were planted in Sonoma. Unfortunately, these varieties were susceptible to the phylloxera

vine pest that was endemic in the native vines, and it was only by grafting *vinifera* grapes on to resistant rootstock that the devastation caused was eliminated.

Prohibition also blighted the industry, and therefore the Californian wine trade is really no more than 70 years old. The market is dominated by mass produced wines called Jug wines epitomised by the current vogue wine "Two-Buck-Chuck", but at the other end there is a keen demand for superior wines at \$100 a bottle.

The total area under vine is approximately 195000 hectares with the most important regions of production in California being Sonoma County, Napa County, Mendocino and Santa Barbara. There have been massive plantings in recent years with areas such as Oregon and Washington State showing a significant growth in production.

The main red grape varieties are Cabernet Sauvignon, Zinfandel, Pinot Noir & Shiraz and white varieties are Chardonnay, Sauvignon Blanc & Viognier. New viticultural techniques and innovations in how vineyards are planted combined with the artistic skills of the winemakers allow the grapes to reach their full expression in the glass.

### CALIFORNIAN WINE OFFER

Devon & Exeter Law Society in association with Quay West Wines are pleased to offer Society members a 12 x 75cl bottle case at the reduced price of £49.99 (that's £4.17 per bottle delivered). The case comprises 6 easy drinking white wines 4 red fruit driven red wines and 2 rose wines.

Delivery is free throughout Devon and there are no other hidden costs.

If there is ever a particular wine you are looking for we will do our best to source it for you.

To contact us:

Telephone: 01392 - 841833

Fax: 01392 - 841996

E-mail: [sales@quaywestwines.co.uk](mailto:sales@quaywestwines.co.uk).



## THE LAW SOCIETY BRUSSELS 2 DAY STUDY VISIT TO THE EUROPEAN INSTITUTIONS



21st–23rd November 2006

Departing from: Bristol Airport @ 10.50 am

Returning to: Bristol Airport @ 15.55 pm

Provisional Programme to include:

- An introduction to the EU—Lunchtime talk: June O'Keefe, Head of Brussels Office
- How to use EU Law to protect your clients' interests Michael Renouf, Council Member
- Tour of European Parliament 
- Talk by Graham Watson MEP
- Visit to the CCBE (council of European bars and law societies)
- Cost for the 2 day study trip £475.00 approximately which includes hotel accommodation, most meals, taxi fares & receptions

Please let Tony Steiner know if you are interested:

Devon & Exeter Law Society  
Renslade House, Bonhay Road,  
Exeter, EX4 3AY  
DX: 8361 Exeter



Tel: 01392 411585, Fax: 01392 431511  
or email: [tony.steiner@devonlawsociety.org.uk](mailto:tony.steiner@devonlawsociety.org.uk)

Please note:

- Numbers are limited to 20
- Private travel insurance not included
- Sadly partners (significant others!) are excluded due to numbers
- Up to 8 CPD hours available (exact numbers will depend on final programme)

# OBITUARY

Barry Hilton lectured for DELS each year since 2001. Few members will have known but many firms will have benefited from the training, support and encouragement that he offered cashiers.

## **BARRY HILTON**

It is with great sadness that the Institute of Legal Cashiers and Administrators announces that Barry Hilton, Honorary President, passed away on 29 May in Hastings. He was 71 years old.

Barry was one of the founder members of the ILCA and since its inception in 1978 has worked tirelessly in its promotion. Through his determination and efforts the ILCA has secured a respected place within the legal profession. He joined a practice straight from school as a junior cashier and remained an employed cashier until choosing to operate freelance some years ago - a decision which released much needed time for his beloved Institute.

Andrew Holroyd, deputy vice president of the Law Society, says, "Without Barry the ILCA could not have achieved the level of professionalism in accounts departments that it has, within countless law firms around the country. He will be a sad loss to both the profession as a whole and to the many, many people who knew him. "

He was at the heart of developing the Solicitors Accounts Rules courses for in-house accounts staff, and for lawyers who needed (or wanted) to know how to keep their practices on the straight and narrow. In later years he was a contributor to "The Legal Accounts Manual", and advised on the Law Society's "Complying with the Solicitors Accounts Rules: a Practical Guide". Throughout England, Wales and Northern Ireland he was a sought-after speaker on Solicitors Accounts Rules, Conflicts of Interest, Compliance, and the Central Register.

Andrew Otterburn, of Otterburn Legal Consulting, who often worked closely with Barry, says, "Barry Hilton was one of those rare people who made a difference. He believed passionately in the importance of the legal cashier in law firms and the need for them to be properly qualified. He was one of the driving forces in the formation of the Institute of Legal Cashiers, and his energy, determination and enthusiasm have been central to its success. He also appeared to have unlimited energy! As a trainer myself I was always amazed at his energy and ability to travel around the country giving several seminars a week - I always felt I had no excuse to feel tired when Barry was able to do the same as me, and normally more, apparently with ease! Barry was an unassuming yet inspirational person who I feel privileged to have known."

Barry, who leaves a wife, two children and two grandchildren, was laid to rest on 14th June 2006 following a service in St Helen's Church, Hastings. Donations to the charities "Christian Aid or the Conquest Hospital I.T. Unit in Hastings" can be sent to the family via Margaret MacDonald, Executive Secretary, ILCA, Marlowe House, 109 Station Road, Sidcup, Kent DA15 7ET60

