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RÚNAÍOCHT IDIR-RIALTASACH
NA BREATAINE-NA hÉIREANN
BÉAL FEIRSTE

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TO: **J. Biggar.**

FROM: **Paul Hickey.**

Copied directly to B. Callaghan, DOJELR.

SUBJECT: QC DECLARATION

You will have already seen the statement issued by the NI Courts Service on Friday (23/6) on behalf of the Lord Irvine, the Lord Chancellor, which confirms the introduction of the new declaration. A copy of the statement and Saturday's newspaper coverage of it is attached for ease of reference.

Barry Macdonald, who we were in contact with following the release of the statement, expressed some surprise at the level of detail contained in the statement. He was surprised, in particular, at the manner in which the finger was being pointed at the Lord Chief Justice by virtue the reference in the statement to the High Court finding that Lord Irvine had been given the impression that the NI judiciary had recently been consulted and did not support the Elliott Committee's recommendation when, in fact, there had been no such consultation.

The statement will certainly cause some discomfort to the Lord Chief Justice whose role, although not explicitly identified, will be readily identifiable to those who have followed the case. The statement more generally is quite defensive of Lord Irvine's own role going on to say, for example, that he reconsidered the issue once it became clear that the judiciary had not been consulted and then recommended a change to the declaration. It also goes out of the way to point out that the Lord Chancellor only assumed responsibility for appointing QCs in 1999 following a reference to the fact that the Elliott Committee had made its recommendation in 1997.

We understand that Macdonald and Seamus Treacy are now likely to be called in September.

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PRESS NOTICE
FRIDAY 23 JUNE 2000

NORTHERN IRELAND
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QUEEN'S COUNSEL CEREMONY DECLARATION IS CHANGED: BAR COUNCIL'S RECOMMENDATION TO BE ADOPTED

The declaration made by lawyers appointed as Queen's Counsel in Northern Ireland is to be changed to meet a recommendation made by a Northern Ireland Bar Council committee in 1997, the Lord Chancellor, Lord Irvine, confirmed today.

Lawyers taking silk in Northern Ireland will still be known as Queen's Counsel, but their new declaration will be:

> " I [name] do sincerely promise and declare that I will well and truly serve all whom I may lawfully be called upon to serve in the office of one of Her Majesty's Counsel learned in the law according to the best of my skill and understanding."

The Northern Ireland Bar Council recently re-affirmed its support for changing the declaration to the new style which was recommended by its Elliott Committee in April 1997. The QC's declaration as an oath of allegiance was abolished in 1995.

This year, two barristers alleged in the High Court that a reference in the declaration to the Queen discriminated against Irish nationalists seeking to become Queen's Counsel in Northern Ireland. Lord Irvine had decided that the declaration should remain unchanged. The Court found that the declaration was lawful and that there was no evidence of discrimination.

The Court also found that Lord Irvine had been given the impression that the Northern Ireland judiciary had recently been consulted and did not support the Elliott Committee's 1997 recommendation when, in fact, there had been no such consultation. (Lord Irvine did not assume the role of appointing QCs from the Secretary of State until last year). When this became clear, the Lord Chancellor reconsidered the issue and recommended to the Queen that the declaration should now be changed in line with the 1997 recommendation. Leading counsel will therefore continue to be known as Queen's Counsel.

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Note for editors:

The current declaration made at the Queen's Counsel ceremony is:

> " I [name] do sincerely promise and declare that I will well and truly serve Her Majesty Queen Elizabeth II and all whom I may lawfully be called upon to serve in the office of one of Her Majesty's Counsel learned in the law according to the best of my skill and understanding."

Ends.

If you have any further queries in this or other court related matters please contact:

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