No. 8524/2002

IN THE MATTER OF IORWERTH JOHN MORRIS, former solicitor
and MICHAEL JOHN ELLIOTT, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J N Barnecutt (in the chair)
Mr A Gaynor-Smith
Lady Bonham-Carter

Date of Hearing: 9th July 2002

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Office for the Supervision of Solicitors ("OSS") by Katrina Elizabeth Wingfield solicitor & partner in the firm of Messrs Penningtons of Bucklersbury House, 83 Cannon Street, London, EC4N 8PE that Iorwerth John Morris of Morriston, Swansea, and Michael John Elliott of Morriston, Swansea, West Glamorgan, solicitors might be required to answer the allegations contained in the statement which accompanied the application and that such order might be made as the Tribunal should think fit.

The allegations against the Respondents were that they had been guilty of conduct unbefitting a solicitor namely:-

(i) that they, whilst in partnership under the style of I J Morris & Partners, employed one Philip Nigel Rees whose name had been struck off the Roll of Solicitors on 25th February 1999, without written permission from the Law Society in breach of S.41 of the Solicitors Act 1974 (as amended)

(ii) by virtue of the aforementioned they had brought the Solicitors' profession into disrepute and were guilty of conduct unbefitting a solicitor.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 9th July 2002 when Katrina Elizabeth Wingfield solicitor & partner in the firm of Messrs Penningtons of Bucklersbury House, 83 Cannon Street, London, EC4N 8PE appeared as the Applicant, the first Respondent did not appear and was not represented and the second Respondent was represented by Mr Anthony Evans of Queen's Counsel.

The evidence before the Tribunal included the admissions of the first Respondent contained in his letter to the Tribunal of 5th July 2002 and the admissions of the second Respondent. A written reply of the second Respondent to the Rule 4 Statement was given to the Tribunal during the hearing.

At the conclusion of the hearing the Tribunal ordered that the Respondent Iorwerth John Morris of Morriston, Swansea, former solicitor be prohibited from having his name restored to the Roll of Solicitors except by Order of the Tribunal and they further ordered that he be jointly and severally liable with the second Respondent to pay the costs of and incidental to the application and enquiry fixed in the sum of £2,372.32p.

The Tribunal ordered that the Respondent Michael John Elliott of Morriston, Swansea, West Glamorgan, solicitor, be suspended from practice as a solicitor for the period of seven days to commence on the 15th day of July 2002 and they further Ordered that he be jointly and severally liable with the First Respondent to pay the costs of and incidental to this application and enquiry fixed in the sum of £ 2372.32p.

The facts are set out in paragraphs 1 to 11 hereunder:-

1. The first Respondent born, in 1950, was admitted as a solicitor in 1986. He removed his name from the Roll voluntarily with effect from 6th June 2001. The second Respondent, born in 1950, was admitted as a solicitor in 1975 and his name remained on the Roll of Solicitors.

2. At the material time the Respondents carried on practice in partnership with each other and others under the style of I J Morris & Partners. The firm changed its name to Elliott Morris on 16th October 2000, at which time two further partners joined the firm, and to Elliott Watkins & Harvey on 31st October 2000 when the first Respondent left the practice. The partnership practised from premises at 2 Sway Road, Morriston, Swansea, where the first Respondent was based, Rightacre House, 33-35 Cathedral Road, Cardiff where the second Respondent was based, and in Llanelli and Abertillery.

3. On 2nd August 2000 the OSS received information that Mr Phillip Nigel Rees, a struck off solicitor, was employed by I J Morris & Partners, as the firm was then known. No written permission for such employment had been given by the Law Society.

4. Mr B of the Regulation Unit of the OSS contacted the first Respondent by telephone to enquire as to the position on 31st August 2000. He then followed up that conversation with a letter dated 5th September 2000 requesting an explanation and also asking that the matter be brought to the attention of the second Respondent. It appeared from the telephone conversation that Mr Rees had been employed fairly

recently as an assistant and that the first Respondent was unaware that written permission was needed.

5. The first Respondent replied in writing by letter dated 19th September 2000. The response confirmed that when interviewed Mr Rees indicated that he had been struck off the Roll and also that Mr Rees continued to be employed by the firm.

6. The first Respondent also wrote in the letter:-

> "Your telephone call was the first we knew that written permission was required to engage Mr Rees's services …… we can only apologise that we have not obtained written permission previously: this was my fault entirely as I was simply unaware that it was a requirement……. I confirm that this letter may be treated as a response of both Mr Mike Elliott and myself."

7. A report was prepared and dispatched to the first Respondent under cover of a letter dated 9th October 2000. The first Respondent replied by letter of 13th October 2000. "On behalf of all my partners……". This letterhead indicated two additional partners to whom letters were written on 18th October 2000 together with a further letter to the first Respondent.

8. In a letter to the first Respondent it was said:-

> "You will further recall I said that given the Guide to the Professional Conduct of Solicitors (8th Edition) 1999, a matter raised with one partner of a firm has also to be raised with the other partners. I take the opportunity to refer you to Principle 3.06 of the Guide."

The letter again requested that the matter be brought to the attention of the second Respondent.

9. On 25th October 2000 two faxes were received by the OSS from the second Respondent who indicated that he had dismissed Mr Rees and that he had until the previous evening been unaware of the correspondence passing between the OSS and his partner the first Respondent.

10. A further response dated 27th October 2000 was sent by the second Respondent to the Chairman of the OSS.

11. Further letters were received from both Respondents dated 2nd and 15th November 2000. The matter was considered by the Compliance and Supervision Committee on 17th January 2001 at which time it was resolved that the conduct of the first and second Respondents should be referred to the Solicitors Disciplinary Tribunal but that no action should be taken against the other partners in the firm. That decision was appealed and deliberated upon on 24th July 2001 when the appeal was dismissed.

The Submissions of the Applicant

12. The Tribunal was respectfully reminded of the statutory framework in respect of allegation (i), which allegation had been admitted by both Respondents.

13. Section 41 (4) of the Solicitors Act 1974 set out the penalties which the Tribunal was required to impose in respect of a solicitor who had acted in contravention of Section 41 namely that his name be struck off the Roll or that he be suspended from practice for such a period as the Tribunal thought right.

14. The first Respondent had voluntarily removed his name from the Roll. In the submission of the Applicant it was open to the Tribunal under Section 47(2)(g) of the Solicitors Act 1974 to make a direction prohibiting the restoration of the first Respondent's name to the Roll except by order of the Tribunal. The Tribunal had power under Section 41(2) to make such order as it might think fit.

15. The Tribunal was asked to note that the letter from the OSS to the first Respondent dated 5th September 2000 referred to a telephone conversation between Mr B of the OSS and the first Respondent in which the first Respondent had indicated to the OSS that he was not aware that written permission was required to employ a solicitor who had been disqualified from practising.

16. The Tribunal was also asked to note the assertion of the first Respondent in his letter of 19th September 2000 that his response might be treated as that of himself and the second Respondent.

17. The two faxes received from the second Respondent on 25th October 2000 indicated that the second Respondent had not previously seen the letters or had any input into the correspondence.

18. The second Respondent had subsequently written to the Chairman of the OSS making complaint about this. In that letter the second Respondent had said that he was the senior partner in the practice and the first Respondent was the managing partner.

19. It was submitted that while it was accepted that no letter had been written by the OSS directly to the second Respondent prior to this, the OSS had been entitled to assume that there was communication between partners on serious matters and should be entitled to rely on the confirmation by the first Respondent that he had drawn the matter to the attention of other partners.

20. The second Respondent's fax of 15th November 2000 to the OSS made clear that both Respondents had known that Mr Rees was a struck off solicitor.

21. The facts also indicated that there were two salaried partners.

22. The letter of 13th November 2000 to the OSS from one of those partners, Mr M, expressed concern that he had not received any communication from either of the Respondents in this matter.

23. The ongoing correspondence between the OSS and the Respondents had been placed before the Professional Regulation Casework Sub Committee (a) meeting on 17th January 2001.

24. On 15th January 2001 the first Respondent had written to the OSS:-

> "As managing partner of the firm, Mr Elliott was content to let me deal with all administrative matters and had little or no interest in the Nigel Rees affair and all correspondence was sent on his full authority. It was only when Mr Elliott discovered how serious the situation was that he began to panic and presumably saw me as an easy means of escape……"

Mr Rees was eventually dismissed as a result of discussions and agreement between Mr Elliott and myself, and not because of his insistence as he states. In fact Mr Rees had been dismissed a few weeks earlier upon my insistence, but then re-instated with the full agreement of Mr Elliott".

25. In a letter of 22nd January 2001 to the OSS the first Respondent had again said that he had not known that permission was required to employ Mr Rees.

26. The second Respondent's letter of appeal to the OSS dated 25th January 2001 was before the Tribunal.

27. There was further correspondence from both Respondents following the dismissal of the appeal.

28. There could however be no defence to the allegations, only mitigation. Both Respondents had accepted that they had employed a struck off solicitor without permission knowing that he was a struck off solicitor.

The Submissions of the First Respondent

29. The submissions of the first Respondent were contained in his written statement dated 5th July 2002 which was before the Tribunal.

30. The statement said inter alia:-

> "I plead guilty to the offence of employing a struck off solicitor without the permission of the Law Society.
>
> I recall that Mr Michael Elliott and I interviewed Mr Nigel Rees on two separate occasions: because we required a conveyancing assistant at our Morriston office, and as Mr Elliott was the conveyancing partner, he conducted most of each interview.
>
> Mr Rees told us during the course of the first interview that he had been struck off but my recollection is that it was on the grounds of his ill health, rather than for any other reason.

When Mr Elliott and I discussed Mr Rees' appointment, I was not aware of the regulation that the permission of the Law Society was required to employ a struck off solicitor. Nothing was mentioned by Mr Elliott about the Law Society permission requirement when we decided to take Mr Rees on, either then or at any subsequent partners meetings. I believed that adequate supervision was sufficient. If I had been aware of the requirement, I most certainly would have applied for permission. This is a failing which, for my part, I accept full responsibility.

When the matter of Mr Rees' employment was raised by a member of the Law Society, Mr Elliott and I discussed the implications although he had little interest in the matter and was content that I should try to resolve the issue on behalf of us both: on every occasion when I wrote to the Law Society, it was with the full knowledge and consent of Mr Elliott. Initially, we thought it would be prudent to dismiss Mr Rees which we did. After a week however, we had second thoughts and agreed that we would reinstate him and Mr Rees returned to the Morriston branch where he continued to work until the seriousness of the matter finally dawned on Mr Elliott when Mr Rees was dismissed a second, and final time: from then on, Mr Elliott tried to distance himself from the problem by every means available.

Mr Elliott has already sought to pass the entire blame for failing to seek Law Society permission on to me, citing other alleged transgressions on my part.

Through solicitors who have been instructed to act on my behalf from the outset, Mr Elliott will be well aware that each and every one of his allegations against me has been full aired already; they are refuted in their entirety as being spurious, without foundation and of no merit whatsoever.

Whilst I; some former partners and a number of members of staff have just cause for complaint against Mr Elliott for various reasons, and in some cases are pursuing legal remedies against him, I do not consider that this Tribunal is either the appropriate, or proper forum for a "mud slinging contest", and I do not therefore propose to raise any issues which either are, or may be in contention between us at this time.

All I would say however is, that when we went into partnership in November 1999, Mr Elliott had four failed partnerships behind him from different times, namely ST, VR, CA and GJ.

Of the three accounts assistants whom we employed, all three resigned shortly after I did; worried that his incompetence and accounting breaches would cause them difficulties with their own professional body; I later discovered that Mr Rees had signed client account cheques on conveyancing matters, and this also caused them concern.

I resigned from the company due to his disastrous mismanagement of company affairs and for personal reasons. Three more partners resigned soon after I did for reasons of their own; RM and JJ almost immediately, and later, MW.

> Of the six-partners firm that we once were, only Mr Elliott and Mr Harvey now remain.
>
> A total of eight failed partnerships is a surprisingly high number. One can only speculate and wonder why, and who Mr Elliott blamed on all those other occasions. If you knew him as we all got to know him, you'd know."

The Submissions on behalf of the Second Respondent

31. The Tribunal was asked to consider the effect on the second Respondent of appearing before the Tribunal having been in practice for twenty seven years. It was accepted that the Tribunal had no alternative under Section 41 but to strike off or suspend the Respondents. The offence was one of strict liability.

32. The Tribunal would need to consider the culpability of the two Respondents.

33. It was no surprise to the second Respondent that the first Respondent was not present. Counsel had been telephoned some days ago by solicitors acting on behalf of the first Respondent seeking agreement to an adjournment. That agreement was declined.

34. It was therefore really on the papers that the Tribunal needed to decide culpability and the Tribunal would be referred to documents which showed that the first Respondent was not truthful. It was submitted that the Tribunal suspend the second Respondent for only a minimum period.

35. The second Respondent was a solicitor of impeccable record. He had employed Mr Rees but had not been aware that consent had not been obtained. As soon as he was aware he had immediately had Mr Rees' employment terminated and the second Respondent and his partners had asked the first Respondent to leave.

36. The final paragraph of the Resolution of the Appeals Committee said

> "In respect of Mr Elliott, he was the senior partner of the firm and therefore did have ultimate responsibility for employing Mr Rees".

37. This was not correct as would clearly be shown from the documents.

38. The first Respondent had employed Mr Rees, was senior partner at the time, was responsible for employing him and employed him at his office at which he was in charge and which the second Respondent visited rarely. The first Respondent had been in charge of the administration of the partnership.

39. The final paragraph of the Appeals Committee Resolution had wrongly suggested that the second Respondent was principally responsible because of holding the position of senior partner.

40. The letter from the OSS to the second Respondent of 31st July 2001 was addressed to him at his Cardiff office which was his principal place of work.

41. Had the second Respondent at the time of the employment of Mr Rees been the senior partner and/or the partner responsible for administration then it would have been difficult for him to argue against his ultimate responsibility. However the second Respondent had only become senior partner on 1st October 2000 which was some time after Mr Rees had been employed and after the OSS had started to correspond with the firm.

42. This was shown by the letters to the second Respondent from the first Respondent dated 24th September 1999 and 14th October 1999.

43. The letter of 24th September 1999 was from I J Morris & Company the Principal of which was the first Respondent. Throughout the letter the first Respondent had continuously used the word "I" as he was the sole Principal and owner of the firm.

44. The second Respondent subsequently joined the firm hence the letter of 14th October 1999 in which the first Respondent had written:-

> "1. The partnership which will be entitled I J Morris & Partners will commence trading on (or about) Monday November 1999……
>
> 2. The cost of a quarter share in the business will be the sum of £50,000 which will be payable prior to commencement of the partnership…..
>
> 4. I shall continue to be the managing partner with responsibility for the administrative and accounting side of the business."

45. The letter set out the tasks of the second Respondent which were to produce a level of work and fees. The first Respondent retained responsibility for administration and all support staff.

46. The Tribunal was invited to read the second Respondent's written statement.

47. Having been served very late with the first Respondent's statement the second Respondent had to meet the matters enlarged upon in that document.

48. The second Respondent had formed a partnership with Mr GJ and had then joined the first Respondent's firm for two days a week in about November 1999. That firm had been I J Morris & Partners having been I J Morris & Co. with an office in Morriston. All the administration was carried out by the first Respondent at the Morriston office.

49. The Cardiff office was set up in March 2000. From then on the second Respondent dealt entirely with work at Cardiff only attending the Morriston office on rare occasions.

50. The firm eventually had four offices and Mr Rees was taken on to work at the Morriston office.

51. The second Respondent did not deny that Mr Rees was a struck off solicitor nor that he had been interviewed by the second Respondent, initially for a position in the

Llanelli office. At that interview Mr Rees had volunteered the information that he was a struck off solicitor.

52. A second interview had taken place in early February or March 2000. It was with regard to events following that meeting that there was a huge dispute between the first and second Respondents.

53. The second Respondent had asked the first Respondent what he had done regarding obtaining references in respect of Mr Rees and regarding the question of consent from the OSS.

54. The second Respondent had been content to employ Mr Rees provided that this was "alright" with the OSS.

55. The first Respondent had said that he had spoken to the OSS and that they had said that there would be no objection provided Mr Rees was not held out as a solicitor. The first Respondent had said that he would obtain written confirmation.

56. The Tribunal would have to decide whose account they preferred.

57. It was submitted however that looking at the correspondence the Tribunal could see quite clearly that lies had been told by the first Respondent.

58. It was conceded that a Counsel of perfection would have been for the second Respondent to ask to see the written confirmation. However, at the time the first Respondent had been the senior partner responsible for administration and Mr Rees had been in his office. It had been a new partnership and there had to be trust between partners. If at that time the second Respondent had pressed to see confirmation in writing it might have been the end of any trust in the partnership.

59. Mr Rees had been taken on in the first part of 2000 after the opening of the Cardiff office.

60. The second Respondent had known nothing about the OSS telephone call to the first Respondent in August 2000 nor about the ensuing correspondence until October 2000.

61. The Applicant had accepted that there had been no correspondence or other direct contact with the second Respondent until after the second Respondent had written his letter of 25th October 2000.

62. The Applicant had not been prepared to admit that there should have been correspondence directly to the second Respondent, this was however important and went to mitigation.

63. The Tribunal was referred to the second Respondent's statement in which the second Respondent had said that he had had no knowledge of the correspondence and had also said that he had told the first Respondent before Mr Rees was employed that the consent of the Law Society or the OSS should be obtained. The second Respondent had been informed that this had been done.

64. From the correspondence before the Tribunal it was apparent from the moment the second Respondent was told that he had taken drastic action regarding Mr Rees and very serious action in respect of the first Respondent.

65. It was submitted than even in a small firm it would be more than a counsel of perfection for the second Respondent to have sought himself a written confirmation.

66. No criticism was made of the OSS who were entitled to work on the basis that if they wrote to one partner the matter would be referred to others. If one partner however was primarily at fault and knew that and had not done what the other partner had asked and thought that the matter could be smoothed over then there were circumstances where it would be wiser if letters had been written to both.

67. Mr M and Ms J, partners in the firm, had been written to and had got in touch with the second Respondent as a result of which Mr Rees and the first Respondent were out of the firm.

68. The first Respondent had said that he had resigned but the documents showed that the partnership had been terminated and the first Respondent sent out.

69. By then there was a new partnership and the second Respondent had become senior partner.

70. The Tribunal was referred to the letter to the OSS from the first Respondent dated 13th October 2000 which went to the issue of whether the Tribunal could accept anything the first Respondent had said. In the letter he had written

> "As one of the two senior partners involved in employing Mr Rees as a clerical assistant, it was due to negligence on our part that we were unaware of the particular requirement to seek the written permission of the Law Society beforehand.……
>
> Please rest assured that we view this lapse on our part most seriously. I have referred your letter and accompanying documents to my partners and have discussed the matter with them at length with a view to adopting an immediate course of action to avoid any future incidents, similar or otherwise, occurring in the future."

71. It was apparent from the Letter of Ms J to the OSS dated 10th November 2000 that she had known nothing of the correspondence from the OSS. She had written

> "Thank you for your letter of 9th November together with enclosures. I am very concerned that I did not receive your letter of 18th October and would of course have replied thereto within the prescribed 14 days had I been aware of its contents."

72. Ms J was writing to the OSS five days after the first Respondent's letter of 13th October 2000.

73. There had been no dishonesty on the part of the second Respondent. Honesty and integrity were the most important things to expect from a professional man. The Tribunal would be entitled to conclude that as soon as the second Respondent actually knew the position he dealt with it very quickly.

74. The deliberate taking on of a struck off solicitor, particularly one who would have contact with the public, was a very serious matter. There had not been a deliberate flouting of the Law Society. The second Respondent had spoken to the first Respondent in this regard despite what the first Respondent had said. The first Respondent had been shown on the documents not to be telling the truth.

75. The second Respondent rejected almost everything in the first Respondent's statement.

76. While the second Respondent had to be struck off or suspended it was submitted that this was one of those cases where it was clear that the second Respondent's only lapse had been failing to seek written confirmation.

77. It was submitted that there should be no question of striking off but rather a suspension for a minimum period.

78. Most of the second Respondent's case was clear on the documents.

79. The submissions on behalf of the second Respondent were supported by his oral evidence.

Oral Evidence of the Second Respondent

80. The second Respondent was now a partner in Benjamin J Harvey. He had last seen the first Respondent when the latter had left the building on 30th October 2000 having been asked to leave.

81. The second Respondent had not known of the correspondence between the first Respondent and the OSS from August 2000 until he had heard from the other partners Mr M and Ms J.

82. The second Respondent had contacted the other two equity partners Mr H and Mr W. Mr H had been in the USA. The second Respondent had made it clear that he had wanted to discuss the first Respondent.

83. The second Respondent had insisted on receiving the papers from the first Respondent including the correspondence with the OSS.

84. The second Respondent had spoken with the first Respondent at an early stage and had told him to consult the Law Society. Prior to the employment of Mr Rees the first Respondent had told the second Respondent that he had spoken to the Law Society and that written permission would be forthcoming.

85. In cross examination the second Respondent said that he might have been mistaken about whether he had first been made aware of the situation by the salaried partners.

86. In re-examination the second Respondent said that he had to take what the first Respondent had said regarding Mr Rees as Mr Rees had never worked in an office where the second Respondent worked.

The Findings of the Tribunal

87. The Tribunal found the allegations to have been substantiated indeed they were not contested.

88. The first Respondent had not attended the Tribunal and his evidence had not been tested. The Tribunal preferred the evidence of the second Respondent that he had not known of the existence of the correspondence from the OSS and that he had not been aware that consent had not been obtained to the employment of Mr Rees. The second Respondent's evidence was backed up by the evidence of the other partners that they also did not know that the OSS had been in contact with the first Respondent.

89. It was clear from the second Respondent's letters to the OSS that he had been horrified when he discovered the situation. It was accepted that it was more inadvertence than intention on the part of the second Respondent that consent had not been obtained. The Tribunal could not however emphasise too strongly the need for written consent to be obtained before solicitors employed a struck off solicitor. This message should go far and wide to the profession. The fact that the penalty was prescribed by statute showed how serious this matter was.

90. The position of the first Respondent was very serious. He was not present but had been served with the documents and had had every opportunity to attend. The Tribunal had not accepted his version of events. The first Respondent had voluntarily removed his name from the Roll of Solicitors which meant that the Tribunal was unable to impose one of the two penalties prescribed in Section 41(4) of the Solicitors Act 1974. Section 41 had been in force before the amendment to Section 47 giving the Tribunal power to make a direction prohibiting the restoration of the name of the solicitor to the Roll except by order of the Tribunal. Had Parliament considered the situation at the time of its consideration of Section 41(4) it must have intended that solicitors who had taken their name off the Roll would be subject to an equivalent penalty. Furthermore the Tribunal had under section 47(2) an overall discretion to make such order as it thought fit. The Tribunal therefore did not consider that the first Respondent could be said to be facing a penalty he had not expected and consequently did not consider that his rights in that respect under Article 6 of the European Convention on Human Rights had been infringed. The Tribunal would accordingly make an order prohibiting the first Respondent's restoration to the Roll except by order of the Tribunal.

91. In the case of the second Respondent the Tribunal considered that he had made a mistake in not ensuring that written consent had been received, but the Tribunal accepted that he had reacted rapidly as soon as he had gained knowledge of the situation. The Tribunal considered that a suspension from practice for a period of seven days would be an appropriate penalty in relation to the second Respondent. In response to an application by Counsel for the second Respondent the Tribunal agreed to defer the commencement of the suspension until 15th July 2002 to allow the second

Respondent to continue the steps he had already commenced of putting his clients' affairs in order.

92. The second Respondent had agreed costs with the Applicant in the sum of £2,372.32p. The Tribunal would make an order that the first and second Respondents be jointly and severally liable for those costs but hoped that the Law Society would take substantial steps to recover at least half of the costs from the first Respondent.

93. The Tribunal therefore ordered that the Respondent Iorwerth John Morris of Morriston, Swansea, former solicitor be prohibited from having his name restored to the Roll of Solicitors except by Order of the Tribunal and they further ordered that he be jointly and severally liable with the second Respondent to pay the costs of and incidental to the application and enquiry fixed in the sum of £2,372.32p.

94. The Tribunal ordered that the Respondent Michael John Elliott of Morriston, Swansea, West Glamorgan, solicitor, be suspended from practice as a solicitor for the period of seven days to commence on the 15th day of July 2002 and they further Ordered that he be jointly and severally liable with the First Respondent to pay the costs of and incidental to this application and enquiry fixed in the sum of £2,372.32p.

DATED this 9th day of October 2002

on behalf of the Tribunal

J N Barnecutt
Chairman