

BOOK REVIEWS

UNDERSTANDING CORRUPTION IN IRISH POLITICS. By Neil Collins and Mary O'Shea [Cork University Press, Cork 2000, 98pp, Paperback £6.95]

This is an odd book. Readers who expect sensational revelations dishing the dirt on nefarious goings-on in the Irish Republic will be disappointed. Despite the subject matter and its brevity, the book is surprisingly laboured. The authors are more intent on educating than on entertaining their readers. Defining terms looms larger in their priorities than the sordid details of dishonest deals. The book's point of departure is an acknowledgement by the authors of the central importance to the Irish public of the issue of corruption in politics and business. Collins and O'Shea argue: "To understand political corruption in Ireland, it is necessary to examine the concept within an analytical framework that allows both historical and international comparison" (page 1). They suggest that the impression given to the public by the media makes corruption appear a more serious and more widespread problem than it actually is. This is such a recurrent theme through the book that readers might be forgiven for supposing that one of the purposes of the book is to defuse public concern about the issue. However, to be fair, the authors put forward a number of suggestions for tackling corruption in a chapter entitled "Anti-Corruption Strategies". Further, despite the relatively low-key and matter of fact manner in which they discuss actual episodes or areas of corruption, they do in the end categorise Ireland as "institutionally corrupt". That is to say, they conclude that "there is reason to suspect that in certain areas corruption is routine and pervasive" (page 88).

But while the authors argue that corruption in Ireland is of a more serious nature than the incidental corruption that is to be found in all countries, they reject any suggestion that corruption in Ireland is systemic. They identify three areas of especial concern. One is where "politicians have a direct role in deciding specific, individual policy decisions of high value to wealthy business interests such as planning at local government level". The outstanding example in this area is the issue of land rezoning. The country's economic expansion demands that more and more land is rezoned to enable new homes to be built. The fact that such decisions result in huge increases in the value of the land that is rezoned puts temptation in the way of both the beneficiaries and the local councillors with the power to make changes to the use to which land can legally be put. Another is where "civil servants routinely exercise discretion over commercially valuable decisions in the context of lax systems of accountability and ambiguous policy objectives". The third is where "ministerial decisions are both commercially charged and the policy criteria are insufficiently explicit" (page 89).

The opening chapter of the book discusses the international, academic literature on corruption and it is in this chapter that the authors introduce the distinction among different levels of corruption ranging from the incidental to the systemic. They also examine the issue of clientelism as being at the

boundary between corruption and legitimate assistance to constituents. They then look at the case of Italy to provide a reference point for corruption in an established liberal-democracy. It is scarcely incidental that Ireland looks clean by comparison. The second chapter provides a chronicle of corruption in Irish politics, going back to the Locke's Distillery scandal in 1947. The case concerned the attempt of a group of charlatans to pass themselves off as a foreign consortium capable of taking over the operation. By today's standards it seems a very trivial episode. However, the main focus of the chapter is on the scandals of the 1990s epitomised by the Beef, McCracken, Moriarty and Flood Tribunals and the DIRT Inquiry. DIRT stands for deposit interest retention tax, which was introduced by the 1986 Finance Act. The inquiry was prompted by the widespread use of bogus non-resident accounts to evade payment of the tax. The Beef Tribunal was prompted by allegations aired on British television about irregularities over the operation of export credit guarantees. The Flood Tribunal was concerned with allegations surrounding the rezoning of land in the environs of Dublin, while the central issue of the McCracken and Moriarty Tribunals was payments by big business to two leading politicians, Charles Haughey and Michael Lowry.

Next the authors tackle the issue of the causes of corruption in Ireland. They discuss these under six headings: historical developments, longevity in power, increased state activity, ethical leadership, financing of political parties, and political career patterns. They stress particularly that corruption in Ireland is not new and that the forms which corruption takes in Ireland are similar to what goes on in other countries. Chapter 4 is on the consequences of corruption and they divide these into economic, political and administrative consequences. Once again, the basic thrust of their analysis is designed to provide reassurance. For example, they suggest that the impact of the scandals of the 1990s on international perceptions of the level and extent of corruption in Ireland has been limited. They quote Ireland's ranking by Transparency International to underline the point.

In the chapter on anti-corruption strategies, they argue that of most relevance in the Irish case is the reduction of opportunities for the exercise of discretion in public policies that affords individuals significant benefits. They also argue the case for increasing parliamentary oversight, especially in the light of the role that the Public Accounts Committee played in the exposure of the DIRT scandal. They are more equivocal about the value of making an example of a few high profile individuals, arguing that such prosecutions can distract attention away from the underlying causes of corruption. Finally, they stress the need for a realistic assessment of the problem, noting that "domestic opinion in most countries overestimates the extent of corruption" (page 85). It is also entirely in keeping with the spirit of this puzzling book that where definitive proof was not forthcoming that money donated to politicians gave rise to the grant of favours, they underline the fact.

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THE LEGAL SYSTEM OF NORTHERN IRELAND By Brice Dickson [SLS Legal Publications (NI), 2001, Fourth Edition, xxxii and (with appendices and index) 423 pp, £25].

The author describes the aim of this book as being “the supply of basic information about the institutions and procedures of Northern Ireland’s legal system, not about the actual content of the law.” The book is now in its fourth edition, with previous editions quickly becoming established authorities on this subject. In writing this edition the author notes that, although the framework of the legal system has not radically altered, a great deal of detail has changed since the previous edition. Only a cursory glance through the current edition is required to confirm this fact. Almost every chapter of the book outlines important developments that have occurred within the Northern Ireland legal system since the previous edition was published in 1993. These changes do not merely stem from the re-establishment of devolved government or the implementation of the Belfast Agreement. Additionally the book highlights a large number of other developments that have occurred within the legal system during this period. Even in areas that have not been subject to reform, the author has augmented the text by reference to a substantial number of judicial decisions, research reports and academic literature that has been published in recent years.

The book retains the chapter format adopted in the previous edition. There are eight chapters in total. Chapter one provides an analysis of the historical development of the legal system in Northern Ireland. In doing so the chapter brings the reader entirely up to date by setting out the current court structure and by explaining the relationship between central government, the departments of the Northern Ireland executive and local authorities in the governance of Northern Ireland. Additionally the chapter examines the role of various individuals within the legal system, stretching from the Lord Chancellor to justices of the peace, and of the police, probation and prison services. Chapter two builds upon the previous chapter by explaining the division between criminal law and civil law and between statute law and common law. To anyone not familiar with Northern Ireland legislation the explanation of the many types of primary and secondary legislation that can arise in Northern Ireland will be particularly helpful. Indeed this is also augmented by examples of particular pieces of legislation, reproduced in appendix one of the book. The chapter also explains the influence that both the European Community and the European Convention of Human Rights have had upon the legal system. Chapter three provides comprehensive information on the sources of legal advice that are available and on the legal aid system. Subsequent chapters provide the reader with information on the operation of Northern Ireland’s court structure. Chapters four and five respectively provide an analysis of the operation of Northern Ireland’s criminal and civil courts. Chapter six, entitled ‘Special Courts’, deals with the operation of courts which exist outside the framework provided by the preceding chapters and examines the role of both relatively well known courts such as youth courts and coroner’s courts and of less well known courts such as election courts. Chapter seven then examines the function of the various tribunals that have been created by statute to adjudicate on particular aspects of the law. Finally, in chapter eight, the author provides an

analysis of the various oversight bodies that oversee the administration of the law in Northern Ireland. The bodies examined in this chapter include those that operate throughout the United Kingdom, such as the Criminal Cases Review Commission, and those that are particular to Northern Ireland, such as the Northern Ireland Human Rights Commission. The book then concludes with two appendices. Appendix one provides an example of a case report together with examples of different types of legislation. Appendix two is a useful reference point, providing contact details for both advice agencies throughout the province and for a wide variety of other bodies that have a role within the legal system.

Ultimately this is a book which surpasses the objectives that have been set for it by its author. The book can only be described as providing 'basic' information about the Northern Ireland legal system in the sense that it is written in an easily accessible style that assumes no prior legal knowledge. In all other respects the author has produced a book which is obviously the product of in-depth research and which will provide the reader with a very sound knowledge of the way in which the Northern Ireland legal system operates. Given the book's breadth of coverage there are limits to the depth of discussion that can be undertaken in respect of particular topics. However, the introduction of footnotes in this edition has enabled the author to deal with this by providing footnote references to alert the reader to other sources from which further information may be gleaned. One criticism, however, which might be made is that the author's discussion of the influence of European Community law within Northern Ireland does not fully reflect some of the recent developments that have occurred within the Community legal system.

So, who should read this book? The author anticipates that the book's main readership will be first year law students. Undoubtedly, the book will be of immense value to these students in Northern Ireland. However, the book is also a valuable resource for a much wider readership. Anyone who comes into contact with the legal system in Northern Ireland will benefit from the insights provided by the book. Additionally, whilst legal advisors in Northern Ireland will be fully conversant with the legal system, they are also likely to find the wealth of statistical information provided by the author particularly useful.

Finally, however, a cautionary note should be sounded. This is a book that aims to demystify the operation of the legal system in Northern Ireland. It does not deal with the substantive law. Consequently, as the author himself highlights, the book will not displace the need to obtain legal advice on any legal problems that might arise.

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THE JUDICIAL ROLE IN CRIMINAL PROCEEDINGS. By S Doran and J Jackson. [Hart Publishing, Oxford, 2000, hardback, 352 pp, £50]

This collection of essays originated as a conference held in Belfast which set out to critically examine the judicial role or function in criminal proceedings, as indicated by its title. The topic has received increasing attention over the years and a book which draws together a body of scholarship which has so far been predominantly scattered amongst various journals, is long overdue. It is unsurprising that this task was undertaken by Doran and Jackson who have researched and written extensively in this area.

The collection is diverse, offering various perspectives on the judicial role from a feminist analysis, as offered for example by Fox (“Judicial Discretion and Gender Issues in Sentencing”), to comparative approaches such as that of Nijboer (“Comparative Perspectives on the Judicial Role”). It covers many aspects of criminal proceedings, including the role of victims and media coverage of trials. Thus, the concentration on the judicial role is used as a way in to a wider analysis of the criminal process. Indeed, the book specifically sets out to examine the judicial role in its historical and cultural context. Through this contextual approach the book seeks to understand differences in the role of the judiciary across jurisdictions and to understand changes which have occurred within jurisdictions.

The collection provides an up-to-date analysis which addresses the diverse and ever changing pressures on the criminal justice system. For example, the impact of the Human Rights Act and the growing strength of the victims movement and its effect are explored by Jackson and Shapland respectively. Both chapters examine how the role of the judiciary has expanded and may continue to do so. Jackson discusses how the need to interpret legislation in line with the Human Rights Act will inevitably result in judges becoming more involved in the trial than ever before as they will increasingly be called on to protect the rights of not only the defendant, but also the rights of all of those involved in the criminal justice process. As part of her extensive work on victims and witnesses in the criminal justice system Shapland cites the recent changes embodied in the Youth Justice and Criminal Evidence Act 1999 and argues that judicial concern for witnesses should be expanded beyond the courtroom door. She argues that judges should oversee the functions now performed by other courtroom personnel and agencies. Whilst this proposed scheme may have the potential to improve the experience of witnesses, it fails to address the tension created by charging one party with overseeing the welfare of both the accused and accuser. Furthermore, it does not take on board the more general arguments against expanding the role of the judiciary beyond one which has traditionally been perceived as umpireal.

Whilst the diversity of this collection makes it both interesting and broad-ranging, that is perhaps also its weakness. By seeking to cover so much does the book fail to fit the contributions together within a coherent framework? The collection is structured thematically to try to overcome the inevitable problems associated with collecting together a diverse body of work such as this. The book is arranged in five parts: Judging Law and Fact (covering general issues), Protection Of Rights and Prevention of Unfairness (covering specific demands on judges), Case Management, Judging and Judges at Times of Crisis, and Sentencing. This approach is partially successful. It works in so far as the nature of each contribution is indicated by the section in which it appears, yet there is still as much difference between some of the chapters as there are similarities. This is due to the very specific nature of

some of the contributions, many of which are directed at one jurisdiction or issue.

The diversity offered by this collection provides another potential problem. This is a substantial volume of twenty chapters. Whilst each of these chapters are good, informative, critical pieces, it is unlikely that there are many academics who would have an interest in all or perhaps even the majority. This problem is perhaps exacerbated by the multi-jurisdictional nature of the book. Chapters cover the judicial role in, for example, the USA, South Africa, Israel, the Netherlands, and Canada. This broad sweep is crucial in delivering the promise that the collection as a whole will help to explain the differing roles of judges according to geographical and cultural context. However, this breadth also means that one of the book's greatest strengths, bringing together in one volume a body of work which looks specifically at the judicial role in the UK, is diluted.

Many of the chapters will be excellent for evidence, criminal justice, sentencing and victimology courses, but this text is unlikely to be used as core reading material for students. Further, many readers will already be familiar with some of the chapters which are available in similar form elsewhere, either in journals, other edited collections or on the internet. Again this may have the effect of narrowing the potential market for such a hefty and expensive volume. At fifty pounds it is therefore unlikely that many individuals would buy this text, although I would recommend it for any library in its law, criminology or social sciences collections.

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JUDICIAL REVIEW OF ADMINISTRATIVE ACTION: A COMPARATIVE ANALYSIS. By Hilary Delany [Round Hall Sweet and Maxwell, Dublin, 2001 hardback, xl and (with index) 281pp, €80]

In the opening paragraph of *Judicial Review of Administrative Action: A Comparative Analysis*, Hilary Delany writes that the book's aims are "to provide a comprehensive analysis of the grounds for judicial review of administrative action as they exist today in common law jurisdictions and to assess the future of judicial review generally". These objectives are undoubtedly as worthy as they are ambitious; yet they are also rather open-ended, and it is self-evident that a comparative project of this nature must somehow be limited in order to allow any meaningful conclusions to be drawn.

To this end Delany identifies, in chapter one, a number of key themes in contemporary administrative law which form a prism through which jurisdictional differences – and similarities – may be observed and appreciated. These include the extent to which judicially-authored principles of review have been overlaid with legislative and constitutional frameworks (such as the Administrative Procedure Act 1946 in the United States and

Australia's Administrative Decisions (Judicial Review) Act 1977); changing attitudes to the scope of judicial review and, specifically, the modern tendency to eschew rigid functional distinctions in setting the limits of review (see, classically, *Ridge v Baldwin* [1964] AC 640); the debate concerning the intensity of judicial review, particularly in relation to substantive principles such as reasonableness and, now, proportionality; and the trend towards "greater openness and transparency" (page 13) in administration. These matters certainly rank as important issues in modern judicial review – although others, perhaps most obviously the extent to which administrative law is becoming rights-oriented under the influence of constitutional and international human rights instruments, are equally significant – and they are capable of supplying a useful framework for comparative analysis.

The remainder of the book, however, relies upon a doctrinal rather than thematic organisation of the material; the four substantive chapters therefore focus on particular principles of judicial review, specifically jurisdictional error, abuse and retention of discretion, legitimate expectation and procedural fairness. Thus, although the author presents a wealth of material from various common law systems – in particular the Republic of Ireland, which forms the book's jurisdictional focus, England, Australia, New Zealand and Canada – there are times at which concentration on doctrinal detail tends to obscure the wider, and arguably more interesting, points which the thematic approach of the opening chapter appears to presage.

Delany argues that the most pronounced differences between the various common law systems considered in the book are to be found in their approaches to jurisdictional error. This issue is important because it impacts fundamentally upon the debate about the intrusiveness of judicial review which Delany refers to in her opening chapter: whereas courts are often willing to defer to decision-makers *vis-à-vis* the exercise of their discretion (hence the hands-off approach to matters of substance famously articulated by Lord Greene MR in *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948] 1 KB 223), jurisdictional questions are hard-edged, and must be answered correctly by the decision-making agency before its discretion arises in the first place. Consequently, the more widely the category comprising jurisdictional issues is constructed, the closer the judiciary's control of the administration becomes. Delany contrasts the more expansive approaches adopted in England, Ireland and New Zealand, in which it has been concluded (with varying degrees of certainty) that all errors of law are jurisdictional, with the Australian position, which continues to recognise a concept of error of law within jurisdiction (at least in relation to lower courts), and the Canadian approach, which regards some errors of law as inherently jurisdictional but allows judicial intervention in relation to other such errors only if the decision-maker has adopted a patently unreasonable construction of the relevant legislation. The author cautions the Irish courts – which, although sympathetic to the expansive English approach, have not yet firmly committed themselves on this point – that to regard all errors of law as jurisdictional implies inadequate sensitivity to the distinction between the judicial and administrative roles, although she omits to spell out her own preferred solution to this difficult question.

The chapter on legitimate expectation draws out further differences between the jurisdictions under consideration. The doctrine of legitimate expectation

has traditionally fulfilled a procedural role, ensuring that individuals' reasonable expectations that decision-makers will act towards them in a particular way are not dashed; in this way it supplements the established principles of procedural fairness by helping to determine their precise meaning within specific factual matrices. In recent years, however, this purely procedural conception of legitimate expectation theory has increasingly been questioned, and it has been argued that individuals ought to be able to enforce reasonable expectations not just of good procedural behaviour, but also of positive substantive outcomes. This issue – like the doctrine of jurisdictional error – goes to the heart of the debate about how judicial intervention and administrative autonomy ought to be balanced against one another since, if the courts insist that decision-makers confer expected benefits upon individuals, administrative discretion is potentially severely curtailed. As with jurisdictional error, Delany concludes that the position of English law is significantly more interventionist than that which is occupied by the other common law systems she considers, largely on the strength of the recent decision of the Court of Appeal in *R v North and East Devon Health Authority, ex parte Coughlan* [2001] QB 213 in which it was held that English law does indeed recognise substantive legitimate expectations, and that decision-makers may be required to fulfil such expectations unless the court is satisfied that there exists a countervailing and overriding argument of public policy.

Locating the English courts' interventionism in relation to substantive expectation and jurisdictional error within a broader common law setting helpfully contextualises their approach; but it might have been interesting to go further, for example by considering whether this activist stance of the English courts can be rationalised by reference to constitutional or institutional factors which are peculiar to the jurisdiction. This, in turn, would enhance our ability to evaluate the different approaches which are taken to these problematic issues across the common law world, and to determine the extent to which solutions adopted in one jurisdiction may usefully be borrowed by another. There are a number of points in Delany's book where the reader is left to speculate about these wider issues. Perhaps that is inevitable, given the very broad ambit of the inquiry which the book seeks to undertake. At the very least, however, Delany has provided public lawyers with an accessible and highly readable account of how other common law systems approach judicial review. If this stimulates – as it should – a greater willingness to look at the solutions adopted elsewhere to difficult questions of administrative law, then the book will have served a valuable purpose.

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LIBEL LAW – A JOURNALIST'S HANDBOOK. By Damien McHugh.
[Four Courts Press, Dublin, 2001, 96 pp,
€15.95/£11.95/\$19.95]

The second edition of this already popular handbook on the law of the Republic of Ireland has by reports been welcomed. Rightly so. It is a limpid work: clear, accessible and no nonsense. It runs to 96 pages only, yet includes the 1961 Act, index, glossary, and text of the National Union of Journalists (NUJ) guidelines.

What it does not address is the overall context within which libel law has become a vital legal issue. The recent past has seen Irish libel law used as a tool for silencing media scrutiny by corrupt politicians such as Mrs Cooper-Flynn, Mr Haughey *et al.* This is partly connected to the exalted position of privacy and good reputation in Irish law. Privacy features in the 1937 Irish Constitution (see article 40). It remains a “fundamental right” within the Republic, it was said by the Chief Justice in 1987. The preservation of “good name” is also based in the Constitution (again, in article 40). Article 40 (6) of the Constitution guarantees the freedom of the press, yet privacy and good name take precedence in a conflict between the press and an individual. Part of the reason why those such as Haughey could live lavishly on quite modest state salaries without anyone publicly forcing the explanation was because of the law. In addition the jury culture of libel trials in the Republic followed the bad example of the English High Court, where George Carman elicited excessive damages awards from juries for litigious celebrities like Lord Archer in the 1980s and 90s. The Irish Court Act of 1988 abolished juries for injury claim cases, and this probably stabilized libel damages in the Republic. The calls for reform were fruitful in that a Law Reform Commission of the early 1990s did recommend some changes, yet the active statute is still the Defamation Act of 1961. Change must occur – either juries go, or the burden of proof must in some manner be altered.

Of course full exposition of the evident case for reform is not the brief of Mr. McHugh. Both a barrister and ex-journalist, he keeps to his brief and his copy is pithy. The book runs through the law in simple language, and refers to journalistic practice. This shall be its success. It does in fact allude to reform and lacunas within the Irish law, and this, cleverly, remains understated. The handbook covers the basics of libel; the procedure for libel actions (including cyber libel); court reporting (including restrictions on reporting); contempt of court; privacy.

A published matter being found by a jury to be potentially defamatory, the onus is on the defence. McHugh rejects the golden rule of libel, “when in doubt, leave out”. He notes though that “the Irish are an extremely litigious race” (page 20) and he advises real caution, as he provides tactical insights, i.e. when to give or omit an apology in the face of an action. “If an apology is published in the first instance, guilt is being admitted at a very early stage (. . .) if the apology is not published or is delayed, the legislation is there to be used against the publisher at the hearing” (pages 25-6). So McHugh, having illustrated the pitfalls, recommends specifics for either road – published apologies, for example, should then be early, self-penned and non-admissive of fault.

The advice on retention of dated notebooks is entirely justifiable, as is the recommendation (page 43) that court reporters never “pick up” an account of events from another party to proceedings at which they were not present. Much of this goes to plain sense, but having a little book of plain sense on every journalist’s desk would probably prevent many libel actions coming

into being. Interestingly, McHugh declares that more problems arise with little thought of “social-type” items than big stories. A checklist of basic rules is given (page 33) in first person terms for the journalist:

1. Don't be economical with the truth.
2. Do not trivialise potentially serious stories.
3. Exercise greater control over copy.
4. Maintain hard copies of original draft article material.
5. Avoid using rumour and hearsay.
6. Facts are sacred.

Perhaps then the most controversial yet charming aspect of this book is that it presents journalism as a serious profession. Balance is stressed as a must, and incaution presented as self-harm, even with the trifles of “headers” on court reportage. McHugh writes that the writer of such headers carries a “heavy responsibility” (page 45). The principle is general. The Irish Times reported case of 10 February 2000 is cited (page 55) to illustrate how comment on a defendant's appearance and demeanour pre-trial was found to have breached her right to a fair trial. The press have a right under article 34(1) of the 1961 Act to report on legal proceedings in normal conditions, yet pressmen must tread carefully around the court-house.

McHugh treads carefully around the more complex issues and picks out the bare bones. A discussion of journalistic privilege forms the last section of the book. Whilst the press may be the “third estate” there is no such thing as a right to refuse to reveal sources etc. McHugh mentions the clash with the ECHR, and the reform of UK law to respect privilege in 1981. *Libel Law: A Journalist's Handbook* is an excellent resource, which should earn its space on the desk of any journalist or student of media law. Its concision is flawless.

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CHARITY LAW IN NORTHERN IRELAND. By Kerry O'Halloran and Ronan Cormacain. [RoundHall Sweet & Maxwell, 2001, hardback, lxii and (with appendices and index) 618pp; €150]

This book provides a very useful account of a broad range of issues relating to charity law in Northern Ireland. The material covered includes not only charity law in the “black-letter” sense, but also issues relating to the historical context of charity law, the legal framework, including a brief history of the courts with charitable jurisdiction, the practical administration of charitable trusts, the management of this branch of the voluntary sector, and some useful procedural information. Although the title limits the content of the book to the law in Northern Ireland, the authors discuss the law in

Northern Ireland in the context of current law and practice in England and Wales and in the Republic of Ireland.¹

The book is in two main parts. The first, and by far the larger part, is entitled “The Law and Practice”, and addresses the substantive and administrative aspects of charity law. The second part, “The Procedures” goes on to provide a brief summary of common procedures, useful addresses and a selected bibliography.

The twenty-two chapters on charity law and practice in Part 1 make up the bulk of the book. This section is sub-divided into four further parts, which deal with “The Principles, the Law and the Courts”, “Administration”, “Charitable Purposes”, and “Charities”. The first section introduces the governing principles of charity law, the legal framework and processes, as well as some of the issues and implications arising from the Human Rights Act 1998, and other legislation. The opening chapters are thought-provoking, and, in a theme which echoes throughout the text, make a number of arguments in support of root and branch reform of charity law in Northern Ireland. These chapters include an account of the history and development of charity law, as well as exhaustive descriptions of various *dicta* on questions such as the relationship between the Preamble to the English Charitable Uses Act 1601, and the Irish Statute of Pious Uses 1634. In a volume which attempts to cover all bases, however, these chapters are arguably of primarily academic interest.

The second section of Part 1 deals with the administration of charitable trusts. Chapter Five considers in particular the responsibilities of the considerable range of agencies associated with charities in Northern Ireland. Chapter Six, on trusts and charitable trusts, provides a useful basic introduction to equity and trusts, and to the concept of charitable trusts, including a useful discussion of both the Irish and Northern Irish case law, as well as the more commonly cited English authorities. Chapter Seven introduces the concept and role of trustees, including the powers and duties of charitable trustees. This section forms useful introduction to the legal dimension of charity law for non-legal specialists.

The third section of Part 1 addresses the central substantive issue of the definition of charitable purposes under Lord Pemsil’s “four heads of charity”. The authors go beyond the traditional categories of “Relief of Poverty”, “Advancement of Education”, “Advancement of Religion” and “Other Charitable Purposes”, to consider issues surrounding the charitable status of health and welfare services, political purposes, and recreation. This section includes a wealth of local case law, as well as providing interesting reflections on Northern Ireland policy in relation to charitable purposes. Potential human rights implications are considered at relevant points, for example, in relation to trusts for the advancement of religion.

The fourth section describes the management responsibilities of charities, including the formation of charities, charitable activities, the various tax and rates exemptions, and the procedures for dissolution of charitable organisations. This section, which again provides background information

¹ See also O’Halloran, *Charity Law*, (Round Hall Sweet & Maxwell, Dublin, 2000).

for the non-legal specialist on matters such as legal personality, sets out subjects such as the alternative legal forms for the constitution of charities, and the management responsibilities attendant on officers of charitable organisations, in a clear and helpful format. The law and practice relating to the principle of *cy-pres* can also be found in this section. Finally in Part 1, the current law relating to tax and rates exemptions applicable to charities in Northern Ireland is discussed, followed by a brief section on the procedures for dissolving a charitable body. Part 2, “The Procedures”, forms a short coda to the main text, and describes both Inland Revenue Procedures and Charities Branch Procedures, as set out in their respective leaflets and documents.

On the whole, this book provides a thorough account of ‘how to’ in relation to charities in Northern Ireland. Underlying the fundamental purpose of the book, which explains the law, practice, administration and procedure of charities in layman-accessible terms, there is also an argument in support of the reform of charity law. The authors argue for the review of a number of fundamental aspects of charity law in Northern Ireland, including: the basis of charitable status; the relationship between charitable purposes and public services, state and social provision; whether charities for socially excluded purposes ought to be allowed to campaign for political change; whether trade restrictions on charities ought to be lifted; and whether the promotion of religion ought to be regarded as charitable, or sectarian in a secular society. On the whole, the book argues in support of a more thoroughly modern approach to charity law. The authors also review reform initiatives in other jurisdictions, with reference to a number of consultation papers, including the DHSS Consultation Document on Charity Law,² and describe the need for reform as “unquestionable”.³

The structure of this book is particularly suitable either for non-legal specialists, seeking a thorough account of the legal regulation of charities, combined with a general introduction to the legal system and to “Equity and Trusts”, or as a work of reference for practitioners. In places, however, the authors’ attention to detail and determination to address every possible aspect of the charitable sector, have a tendency to interrupt the flow of the text, and to make parts of the book appear laboured and slightly difficult to read. Extensive reference is made to case law and statutory authorities, although little use is made of academic materials. These characteristics, along with some repetition of material across chapters suggests that the book is not intended to be read sequentially but as a work of reference. Although a shorter, more selective and discursive text might be more engaging for the reader, the book provides a very thorough description of all aspects of charity law and practice in Northern Ireland. These features will further secure its place as a valuable work of reference.

Unfortunately, and unusually in this otherwise comprehensive text, reference to the Trustee Act (Northern Ireland) 2001, under consideration in the Assembly at the time of writing, is omitted. Reference is made to the Trustee Act 2000, which effected major changes to trustee investment

² 1995, Northern Ireland.

³ At p 45.

powers in England and Wales.⁴ These changes, which were extended to Northern Ireland in the 2001 Act, are not set out in any detail, nor is their impact evaluated. The authors focus instead on the investment powers conferred under the Trustee Investment Act 1961, which was amended by the 2001 Act. Nevertheless, this omission aside, “Charity Law in Northern Ireland” packs a broad range of material into a single text. As a “one-stop shop” on not only charity law, but charities in general in Northern Ireland, this book will not only be valuable in guiding lay-persons attempting to navigate the legal, and other, issues associated with charitable organisations, but would also make a useful addition to the practitioner’s reference library.

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⁴ At p 155.