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Crown Solicitor H A Nelson

Mr. Palmer
PI 486/83

Northern Ireland Office
Dundonald House
Upper Newtownards Road
BELFAST
BT4 3SU

Your reference

PI486/83

Our reference

I/241/86/MEM/MR

Date

27 May 1986

Dear Sirs

RE RAYMOND McCARTNEY

I enclose for your attention Notice of Motion and Grounding Affidavits for judicial review in this matter. I would be obliged if you would let me have whatever information you can so that I can send the papers to Counsel for him to draft any replying affidavits he would find appropriate. I look forward to hearing from you urgently in this regard.

Yours faithfully

Mrs M.C. Madden

for Crown Solicitor

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316.

Oliver J. Kelly, Steele & Co.

Solicitors

Oliver J. Kelly, B.A.
Ciaran P. Steele, LL.B.
Pauline O'Hare, LL.B.

Liam Patrick McGurk, LL.B.
Padraig MacDermott, LL.B.

My Ref: PMacD/MMcP

Your Ref:

Washington House,
14-16 High Street,
Belfast BT1 2BB
Telephone: 223542

Also at:

41 Great James Street,
Derry City,
BT48 7DF
Telephone: 264415

19th, May 1986.

Crown Solicitors Office,
Royal Courts of Justice,
Chichester Street,
BELFAST.

Dear Sir,

Re: Raymond Pius McCartney -v- Secretary of State for N.I.,
Application for Judicial Review.

I enclose herein copy Notice of Motion in the above matter by way of service on you.

Yours faithfully,



KELLY, STEELE & CO.,
SOLICITORS.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
QUEENS BENCH DIVISION (CROWN SIDE)

IN THE MATTER OF an application by Raymond Pius McCartney for Judicial Review of a decision of the Secretary of State for Northern Ireland made on or before 12th June 1985.

TAKE NOTICE that pursuant to leave of the Honourable Mr Justice Carswell given on the 6th day of May 1986 the Queen's Bench Division in the High Court of Justice, Chichester Street, Belfast, will be moved on the *10th* day of *September* 1986, or so soon thereafter as Counsel can be heard, by Counsel on behalf of Raymond Pius McCartney for the following Orders:-

1. An Order of Certiorari to quash a decision of the Secretary of State for Northern Ireland given against the applicant on or before 12th June 1985.
2. A Declaration that the said decision is null and void and of no effect.
3. Such other relief as may seem appropriate.
4. Costs.

The application will be grounded on the applicant's statement, his affidavit and the reasons to be offered.



20th day of May 1986.

Signed

Oliver J Kelly, Steele & Co
 Oliver J Kelly, Steele & Co
 Solicitors
 14/16 High Street
 Belfast

To: The Crown Solicitors
 for and on behalf
 of the Secretary of
 State for Northern
 Ireland, Royal Courts
 of Justice, Belfast

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION (CROWN SIDE)

IN THE MATTER OF AN APPLICATION BY RAYMOND PIUS McCARTNEY FOR JUDICIAL
REVIEW OF A DECISION OF THE SECRETARY OF STATE FOR NORTHERN IRELAND
MADE ON OR BEFORE 12th JUNE 1985.

QUEEN'S BENCH DIVISION

28 APR 1986

RECEIVED

STATEMENT PURSUANT TO ORDER 33 RULE 3 OF THE RULES OF THE SUPREME COURT
(NORTHERN IRELAND) 1980

1. The Applicant is Raymond Pius McCartney who was sentenced to life imprisonment at Belfast Crown Court on 12th January 1979... Since that date he has been held at H.M.P. Maze. He is 30 years old.
2. The Applicant seeks the following relief:-
 - (i) An Order of Certiorari to remove into this Honourable Court and quash a decision of the Secretary of State for Northern Ireland given against the Applicant on or before 12th June 1985.
 - (ii) A declaration that the said decision is null and void and of no effect.
3. The grounds on which the said relief is sought are as follows:-
 - (i) In reaching his decision the Secretary of State failed to consider the relevant matters.
 - (ii) In reaching his decision the Secretary of State considered and took into account irrelevant matters.
 - (iii) There was no evidence properly before the Secretary of State which could justify his decision.
 - (iv) The Secretary of State's decision was reached in breach of the rules of natural justice.
 - (v) The decision was reached as a result of an unfair and improper procedure.
 - (vi) The said decision was ultra vires and contrary to law and the applicant will further rely on the affidavit herein and the reasons to be offered.
 - (vii) Such further or other relief as may be deemed appropriate.
 - (viii) Costs.

Dated this 28th day of April 1986:

...../

Kelly Steele & Co
Signed:.....

OLIVER J. KELLY, STEELE & CO.,
Solicitors for the Applicant,
14/16, High Street,
BELFAST.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEENS BENCH DIVISION (CROWN SIDE)

IN THE MATTER of an application by Raymond Pius McCartney for leave to apply for Judicial Review of a decision of the Secretary of State for Northern Ireland on or about the 12th day of June 1985.

I, Patrick McGurk, Solicitor aged eighteen years and upwards make Oath and say as follows:-

1. I am an assistant Solicitor in the firm of Oliver J. Kelly, Steele & Co, Washington House, 14/16, High Street, Belfast. I am presently instructed by the Applicant herein and am duly authorised to make this affidavit on his behalf.
2. I am informed by the Applicant and believe:-
 - (a) That he is a convicted prisoner at present being held at H.M. Prison Maze.
 - (b) That he has been in prison in this jurisdiction continuously since January 1977.
 - (c) That since that date he has regularly been visited by Mr. Sean Keenan now of 23, Riverdale Park South, Belfast.
 - (d) That Mr. Keenan has been a friend of the applicants since childhood and that they are both natives of Derry City.
 - (e) That as a convicted prisoner he is normally entitled to one thirty minute visit per week by up to three adults and two children and that each week he writes the names of those he wishes to visit him in prison on a prison visiting pass which is then sent out to the proposed visitors by post.
 - (f) That prior to the 12th of June 1985 he caused a visiting pass to be sent out to the said Mr. Sean Keenan his wife and their two children.
 - (g) That on the 12th of June 1985 he was visited by Mrs Keenan and the said children and that he was informed by Mrs. Keenan that Mr. Sean Keenan had presented himself at the prison in order to visit him but was refused admission.
 - (h) That on the numerous other occasions when he had asked Mr. Keenan to visit him in prison, Mr. Keenan was never refused access to him.
 - (i) That on the 12th of June 1985 he was informed by an Assistant Governor in the Maze Prison that Mr. Keenan had not been permitted to visit him because he was recently elected to Belfast City Council on behalf of Sinn Fein.
3. A letter was written by this firm to the Governor of H.M. Prison, Maze seeking the reasons for refusing Mr. Keenan access to the applicant. A reply was received on the 3rd day of October 1985. I beg to refer to the same when produced and have marked it "RPMcC 1" at the time of swearing hereof.
4. I have been instructed by the Applicant that he wishes to have Mr. Keenan visit him in the future.

5. It is contended that the granting of leave or relief would not cause hardship or unfairly prejudice the rights of any person but that to deny leave would cause hardship to the applicant who would then be left without any remedy.

Save as where otherwise appears I depose to the foregoing of my own personal knowledge and belief.

Robert J. Gale

SWORN at *14/16 High Street*
in the County of the City of *Belfast*
this *28th* day of *April* 1986
before me a Solicitor authorised
to administer Oaths for the Supreme
Court of Judicature in Northern
Ireland.

Maureen Buckley
Solicitor

This Affidavit is filed by Oliver J. Kelly, Steele & Co., Solicitors,
14/16, High Street, Belfast.

RM^cC 1



NORTHERN IRELAND OFFICE

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Upper Newtownards Road Belfast BT4 3SU

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Messrs Oliver J Kelly, Steele & Co
Solicitors
Washington House
14-16 High Street
BELFAST

Your reference
PMacD/CB

Our reference
PI 486/83

Date 3 October 1985

Dear Sirs

Your letter of 16 September to the Governor, HM Prison, Maze Cellular about the refusal to allow Mr Sean Keenan, a Sinn Fein Councillor, to visit Raymond McCartney, a life sentence prisoner in Maze, has been passed to me for reply.

The Secretary of State has power under Rule 58(1) of the Prison Rules (Northern Ireland) 1982 to impose restrictions either generally, or, in a particular case, on the communications permitted between a prisoner and other persons. It was under the authority of that provision that it was decided, in view of Sinn Fein's support for the use of violence to achieve political ends, that it would not be appropriate for Sinn Fein elected representatives to be allowed to visit prisons, or prisoners other than members of their immediate families. As Mr Keenan was elected to Belfast City Council as a Sinn Fein Councillor in May 1985 he is no longer permitted to visit Raymond Pius McCartney.

Should Mr McCartney wish to raise any matter with Mr Keenan, he can, of course, do so by letter.

Yours faithfully

Prison Regimes 1

