

Official Solicitor – Peter Harris



Peter Harris has accepted an invitation to chair a Working Group set up by the Society for Advanced Legal Studies. The Group will examine trends in frontier disputes relating to children.

The Society for Advanced Legal Studies has decided to establish a working group to consider and research the issues arising out of the cross-border transfer of children. The transfer of children may, for example, concern matters such as abduction, adoption and trafficking. The Society is pleased that the Group will be chaired by the Official Solicitor, Peter Harris, who has considerable experience of child law.

Appointed by the Lord Chancellor under s. 90 of the *Supreme Court Act 1981*, Peter Harris is an officer of the Supreme Court. His duties include acting as Guardian Ad Litem in High Court Children Act applications to represent the child's interests, and serving as a next friend on behalf of a child in general legal proceedings, e.g. a personal injury claim, when no-one else is suitable and willing. Where an adult lacks the mental capacity to instruct a solicitor, the Official Solicitor will again assume the role of next friend or guardian ad litem if no friend or relative is able to do so. This is in respect of all types of litigation e.g., possession proceedings, bankruptcy, Inheritance Act matters and even, exceptionally, commercial cases.

Mr Harris, who has been Official Solicitor since 1993, estimates that


approximately 60% of his work relates to children and family cases. These are either disputes between a family and a local authority, or between parents over the upbringing and welfare of a child. In the past two years he has noted a reduction in his Children Act workload. He considers that this trend follows a more general trend of fewer of these cases being heard in the High Court. The majority of the remaining 40% of his caseload concerns his role as next friend or guardian ad litem for adults. Under the *Judicial Trustee Act 1906*, he may be appointed as Judicial Trustee to represent estates or trusts. This involves looking after money and property, usually in relatively small amounts, though such trusts include a block of flats in Guildford, a country estate in Cornwall and a plot of land on a South Wales hillside.

In 1985, he was one of the officials nominated to serve on the Child Care Law Review, set up by the Department of Health after a Parliamentary Select Committee on Social Services report. Government policy was derived almost exclusively from the recommendations of the Child Care Law Review and the report produced by the Review essentially forms the basis of the public

law parts of the *Children Act 1989*. The private law part of the Children Act is based on the Law Commission's *Report on Custody and Access*. Mr Harris was also heavily involved in the implementation of the Children Act: setting up training sessions and obtaining reports, which helped to co-ordinate work in this area – a unique and very successful endeavour at the time. The fact that the Act was effectively introduced meant people had a good understanding of its purpose and procedure.

Mr Harris will retire in August 1999. He says that he does not have very extensive plans for the future, but his interest in a number of new projects will continue:

'In the last couple of weeks the Government has announced a review of the Court Welfare Service principally driven by the need to consider how the Court Welfare Service provided by the Probation Service should be delivered in the future. It will involve the Guardian Ad Litem and Reporting Officer services, as well as the children service which my office provides. The feasibility of a unified Court Welfare Service will be considered which, potentially, will include at least parts of my office. A consultation paper should be promulgated in May.'

The invitation to chair the Working Group for the Society of Advanced Legal Studies, considering the cross border transfer of children, is another extramural commitment of great interest to the Official Solicitor. The first meeting of the Group will be held at the Institute of Advanced Legal Studies on 7 April. 

CURRICULUM VITAE

Born in 1937. Peter Harris attended the Royal Naval College at Dartmouth and had his first career as a naval officer. He was called to the bar in 1971, and practised for 2 years, before joining the Lord Chancellor's Department as a lawyer. He has been Head of the Property and Family Law Division, Head of the Civil Courts Division, and was Circuit Administrator for the Northern Circuit from 1986–93. Involved in the formulation of the 1975 *Inheritance (Provision for Family and Dependents) Act*, *Domestic Violence and Matrimonial Proceedings Act*, the *Matrimonial and Family Proceedings Act 1984*, the *Child Abduction Act 1984* and the *Children Act 1989*, he is an assistant editor of *County Court Practice* and *Atkins*.

Caroline Paul

Information Officer

Institute of Advanced Legal Studies