



PRESS RELEASE

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Legal Assistance Reforms and Duty Legal Representative Scheme

The Minister of Health, Care and Justice and the Bar Council are pleased to announce that necessary amendments to legislation to introduce Legal Assistance reforms are ready and are effective immediately as at today. The arrangements to establish a Duty Legal Representative Scheme as from 1st October are also in place. This will ensure that legal representation is available 24 hours, seven days a week to those who are arrested and held in custody.

The reforms increase financial eligibility for Legal Assistance from £5,000, (a sum set in 1990), to over £14,000, which represents 50% of the average income in Gibraltar. This means that a person in full time employment on the minimum wage will now be eligible. Further, the amount of capital an individual may hold whilst still being eligible to apply for Legal Assistance has risen from £350 to £10,000. Further, the first £50,000 of equity in an applicant's residential property will also be disregarded by the Registrar when deciding to grant Legal Assistance.

The increased eligibility is balanced by amendments dividing civil cases into three categories:

- a) those that will not be eligible for Legal Assistance, (such as consumer disputes);
- b) those which are eligible for Legal Assistance, but subject to "scale fees", (such as divorce proceedings without dependent children); and
- c) those that will continue to be assessed as is presently the case, (including divorce cases where there are dependent children). Most grants of Legal Assistance will be subject to mandatory mediation, by a qualified mediator appointed by the Registrar. Mediation costs will also be paid by Legal Assistance as the Registrar may determine.

These reforms are a pilot project and are to be formally reviewed after three years. The regime to recover costs is also strengthened, which will include provision to ensure that successful claimants who are awarded damages pay back to the consolidated fund any legal assistance they receive from such damages in appropriate cases. The Registrar's powers to refuse funding of unreasonable cases is also reinforced.

The Bar Council said, "The Bar Council welcomes the introduction of this significant package of Legal Assistance reforms which will result in increased access to justice for members of our community where it is most needed. We also look forward to working with all stakeholders in

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delivering the Duty Legal Representation Scheme on a 24/7 basis. Finally, we take this opportunity to thank the Minister for Health, Care and Justice and his team for delivering these complex and forward-looking reforms in close collaboration with the Bar Council.”

The Minister for Health, Care and Justice, the Hon Neil F Costa MP said, “On behalf of Her Majesty’s Government of Gibraltar, I am extremely pleased that we have been able to agree a new legal assistance framework with the Bar Council. This has not been an easy task, and I take this opportunity to thank the Bar Council, our Government lawyers who painstakingly drafted the new reforms and all those who responded to the consultation paper issued last year, for engaging so positively in this complex and delicate exercise. These amendments balance the need to significantly improve access to justice by increasing eligibility for Legal Assistance with the need to ensure that tax payers’ money is not used to fund unreasonable cases. In addition, the introduction of the Duty Legal Representative Scheme will secure advice and representation to persons in custody thus guaranteeing arrested persons’ human rights.”