



**HM GOVERNMENT OF GIBRALTAR**  
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**PRESS RELEASE**

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**Government reacts to Opposition criticism on Legal Aid**

The Government is surprised by GSD Opposition MP Daniel Feetham's criticism of the changes made recently to the legal aid system. Mr Feetham is, in fact, wrong when he says that the rules have been relaxed to allow defendants to hire expensive specialist lawyers at public expense in cases of complex fraud. By specialist lawyers, Mr Feetham clearly means specialist counsel from the UK, usually QCs.

The costs of such specialist counsel have been met at public expense for some time, including the four years that Mr Feetham was Minister for Justice. They were generally allowed as disbursements in the case. Mr Feetham is fully aware of this.

This practice, which Mr Feetham did nothing to change, discouraged the use of Gibraltar lawyers in complex cases and worked exclusively to favour the use of UK QCs.

What was not previously allowed and is now permitted, is for local lawyers engaged in complex fraud cases to be paid their reasonable costs for preparatory work beyond the limits set out in the schedule to the rules.

The Government is, therefore, perplexed by Mr Feetham's criticism when the changes clearly benefit the local profession engaged in such cases.

Mr Feetham also suggests that the Government should expedite legal aid reforms and introduce a fairer, more balanced system. The reality is that Mr Feetham had four years to introduce such reforms and failed to do so.

The facts are as follows:

In February 2008, Mr Feetham set up a working group to consider legal aid reform. A consultation paper was issued in April 2008. It was not until July 2009 that work started on a draft Bill. In December 2009, Mr Feetham decided to change the legal drafter. A draft was prepared in February 2010. Mr Feetham again decided to change drafter with further drafts prepared in September 2010, March 2011 and just before September 2011 when the draft Bill was sent to the Bar Council.

It will be seen that all that Mr Feetham was able to achieve in four years was a draft Bill which he never published or took to Parliament. In the light of that record, it is extraordinary that he is now calling on Government to expedite reform of the legal aid system.

The Minister for Justice, Gilbert Licudi, QC, has considered the draft prepared by Mr Feetham and has met with representatives of the Bar Council to discuss this. He is awaiting their detailed comments on the draft before a final decision can be taken on the form of the legislation.

Mr Feetham should consider his own inability to introduce the reform before criticising the Government. The changes made recently to the legal aid rules represent a step forward. With these changes, the Government has achieved more in three months than Mr Feetham was able to achieve in four years.