



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

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### **Legal Aid (Fees and Expenses) Rules 2014**

Her Majesty's Government of Gibraltar has today published the Legal Aid (Fees and Expenses) Rules 2014. These rules revoke and replace the Legal Aid and Expenses) Rules 2012.

The Government has a manifesto commitment in relation to legal aid and legal assistance. As mentioned in his budget speech, the Minister for Justice, Gilbert Licudi QC, has been involved in a consultation process with the Bar Council, the Registrar of the Supreme Court and the Chief Justice. In that speech the Minister for Justice stated that he expected to be in a position to publish the changes to the Legal Aid system before the start of the new legal year in October. The Rules published, and which commence, today contain those changes.

The new Rules contain a number of changes to the previous regime.

In particular-

- (a) the rates payable under legal aid according to the Schedule are increased substantially across the board;
- (b) where a case is of exceptional difficulty or complexity (regardless of whether it is a fraud or any other form of crime) a procedure for certification is set out which allows for the range of remuneration in the Schedule to be increased; and
- (c) where "outside" counsel is instructed as a disbursement the amount payable is limited to the amount that would be payable to the equivalent local counsel under the Schedule, this stops the practice whereby outside counsel were able to charge higher rates for legal aid work than local counsel.

The new rates will also have effect for work carried out under current legal aid certificates which is undertaken after the publication of the new Rules. The new Rules do not affect legal aid work carried out under current legal aid certificates which have been certified under subrule 8(1) of the previous Rules.

The new legal aid rules and rates published today have been agreed between the Government and the Bar Council.

The Government is also embarked in a consultation process in relation to the reform of the legal assistance regime for civil cases.

The Minister for Justice, Gilbert Licudi QC, said:

“The rates for legal aid which are being replaced today have been unchanged for many years. They did not represent reasonable remuneration for lawyers working on criminal cases. I am very happy to have been able to agree new rates with the Bar Council. I wish to thank the Bar Council for their very helpful and constructive engagement with Government during this process.

The new rules published today also remove the discrepancy of lawyers from abroad being engaged and being paid as a disbursement at rates far in excess to those payable to local lawyers. That was a practice which could not continue. The new rules make it clear that all lawyers engaged in any case which is subject to legal aid are paid at the same rates.”