



HM GOVERNMENT OF GIBRALTAR
Ministry of Education, Telecommunications and Justice
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PRESS RELEASE

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GOVERNMENT HAS DONE MORE ON LEGAL AID IN TWO-AND-A-HALF YEARS THAN THE GSD DID IN SIXTEEN YEARS

The Government notes with astonishment the expression of disappointment by the GSD over the new rules on legal aid published last week.

The GSD appear to fail to understand that these rules and the new rates have been agreed with the Bar Council as representatives of the legal profession. This is what the Bar Council wanted and it is what the Government has delivered as promised earlier this year.

In addition, the discrepancy which allowed lawyers from abroad acting in a legal aid case to charge at substantially higher rates than those payable to local lawyers has been removed. This discrepancy existed during the years the GSD were in Government and the GSD did not to correct this clear unfairness. That has now been corrected by the new rules.

Since 2012, the GSD has argued that there should be no distinction between complex fraud and other complex cases. The new higher rates apply to all exceptionally difficult and complex cases, whether involving fraud or not. This is something the GSD should be celebrating rather than expressing disappointment about.

The GSD's press release suggests that the new rules do nothing for those on modest income who do not qualify for legal assistance. It appears that the Opposition, which includes four lawyers, do not appreciate, or are pretending not to appreciate in order to confuse the public, the difference between legal aid and legal assistance. This is the same mistake which Opposition spokesman, Selwyn Figueras (himself a lawyer), made during his budget address earlier this year.

What the Government has done is to publish new rules for legal aid (for criminal cases). We have also said that we are embarked on a consultation process with the Bar Council on legal assistance (for civil cases). We have a manifesto commitment to increase the financial limits on eligibility for legal assistance. We have repeated on a number of occasions that we will deliver on that commitment. It is a pity that the GSD did not have an equivalent commitment whilst in office and in sixteen years in Government forgot about

those on modest income by failing to do anything at all to increase financial limits which according to the GSD "remain stubbornly harsh". In fact, the last time the financial limits were increased was in 1990 when the GSLP was in office. It has taken the election of the GSLP/Liberals for the financial limits to be increased again.

The GSD's record and lack of action in this area is engrained in our historical records. The Government has already done much more in this area for court users and the legal profession than the GSD ever did. We will also be increasing financial limits for legal assistance, something which the GSD ignored for sixteen years.