



PRESS RELEASE

No: 669/2018

Date: 5th November 2018

Commencement of Duty Legal Representative Scheme

The Ministry of Health, Care and Justice is delighted to announce the commencement of the much-anticipated legal reforms establishing Gibraltar's first Duty Legal Representative Scheme. The Duty Legal Representative Scheme, which commenced on the 1st of October 2018 is a result of close consultation between the Minister for Health, Care and Justice, the Honourable Neil F. Costa MP and the Bar Council.

The start of the Scheme follows the commencement in June of important reforms to the provision of legal assistance. Entitlement to legal assistance was greatly enhanced by increases in financial eligibility from £5,000, a sum set in 1990, to over £14,000. This means that a person in full time employment, on the minimum wage, may now be eligible.

Also, since 27th of June of 2017, and for the first time in Gibraltar, prisoners applying for parole who meet the relevant criteria became eligible to receive free legal representation when the Parole Board is considering their cases. Further, persons appearing before the Mental Health Review Tribunal also became eligible to receive free legal representation, provided they meet the relevant criteria.

The main objective of this important package of civil justice reforms is to establish a fairer, and much improved, system for persons accessing legal assistance, whose financial limitations impeded their ability to obtain legal advice and representation. These wide-ranging access to justice reforms ensure taxpayer's monies are used in meritorious cases and not to fund cases, which were considered unreasonable.

The introduction of the Duty Legal Representative Scheme aims to provide persons arrested in Gibraltar with access to legal representation while in police custody. The service is available 24 hours and seven days a week. All law firms of 5 or more practitioners are required to become members of the Scheme, with smaller law firms given the option to be included. The Scheme guarantees a person's human right to professional legal advice and representation when held in custody.

The Bar Council said: "The Bar Council, which has been closely monitoring the implementation of the Scheme together with all stakeholders, including the Magistrates' Court, Royal Gibraltar Police and HM Customs, is pleased to report that the Scheme is working well overall from the perspective of all said stakeholders and that the availability of free legal representation has been well received



by detainees generally and is also assisting the law enforcement bodies in the discharge of their procedural duties.”

Minister Costa added: “I am extremely pleased at the successful collaboration with the Gibraltar Bar Council to implement the Duty Legal Representative Scheme. The Scheme provides legal advice and representation to persons in custody, 24 hours a day, 7 days a week. Persons may find themselves in situations where they are held in custody and are unable to access legal representation. It is important, and just, that everyone has the opportunity to receive legal advice and representation in keeping with their human rights. I wish to sincerely thank the Bar Council for their invaluable input and our excellent lawyers at the Government Law Offices for their outstanding work in achieving this important milestone.”