

OPENING OF THE LEGAL YEAR 2025

CHIEF JUSTICE'S SPEECH

Time seems to fly more quickly as we get older, and this past legal year has certainly reminded me of that. Outside of the relative calm of July and August, the pace at which we operate is relentless and the day to day work leaves little time for reflection. The greatest benefit of marking the Opening of the Legal Year, aside its ceremonial importance, is that we review the past year and look ahead to the next, not least to consider how we might improve.

To give a sense of the breadth and volume of our work, in the 2024 calendar year, the following new matters were commenced:

49 deaths were referred to the Coroner;
2856 cases were started in the Magistrates' Court.

In the Supreme Court:

45 criminal cases were committed or sent up;
127 cases were filed in the family jurisdiction;
146 ordinary civil actions were issued; and
we had a further 276 cases in the various other jurisdictions.

And, in the Court of Appeal, 21 appeals were lodged.

Although to manage our workload our judicial officers, at every level, have to work with tireless commitment, we are coping. I say this not by way of institutional self-congratulation, but rather to make the point that as matters stand our judicial complement is sufficient.

The same, however, cannot be said of the Gibraltar Courts Service. I have no complaint when it comes to the official complement of officers, which stands at 43. The difficulty is that almost invariably we are carrying vacancies that need to be filled, some of which are critical. At present these total 5. Our secretarial support provides a stark example. The complement of secretaries to provide support for me; the Court of Appeal; the Puisne Judges; the Registrar;

the Stipendiary and GCS senior management, is of two. That number is perfectly adequate. We do not need more. The difficulty is that we have been carrying a vacancy for some 18 months with the post only likely filled this coming November.

It is also useful to view what we do against the backdrop of how much the courts cost the taxpayer. Our actual expenditure for the financial year 2024-2025, including expenditure not strictly attributable to us, such as guardian ad litem fees and the duty legal representation scheme, came to just under £2.8 m. From that sum one would need to deduct the revenue collected in the form of court fees which came to approximately £0.5m. In what I readily accept was an outlier, we also collected poundage from the sale of arrested vessels of another £0.5m.

That, however, does not factor our wider economic impact. The legal sector no doubt makes a significant contribution to Gibraltar's economy not least through legal fees generated in high value litigation, such that the courts are not only a forum for dispute resolution, but also an economic driver.

The importance of funding the administration of justice, was eloquently and succinctly put by Baroness Carr, Lady Chief Justice of England and Wales in her Mansion House Speech, she said:

“...like judicial independence, properly funded, modern, courts and tribunals are not something that is merely a benefit to the judiciary. Just like a robust Parliament or an effective Government, they benefit our democracy, its citizens and businesses.”

And later:

“...the cost of justice is not the same as its value. And its worth to individuals, to the economy, to society as a whole, goes well beyond the numbers. Investment in the courts and tribunals is one that repays very many dividends. There is a price in a future without it.”

On that note, I have over the past legal year sought engagement with the Minister for Justice on a wide range of funding and resourcing issues. Having recently met with him and the Chief

Minister, I am confident that some have been resolved, and hopeful that we will be able to address others.

Until such time as AI takes over, the administration of justice depends on people. Judiciary, administrative staff and the legal profession. On an occasion such as this, it is right that we pause to recognise individuals who have played an important part in the administration of justice. Sadly, this past year has been marked with far more deaths than we have been accustomed to. Early into the legal year we sadly had the very untimely death of Javier Triay who was a much respected, commercial lawyer. That was followed by the death of Robert Fischel KC whose death has left a huge gap in our criminal bar.

The judiciary has also had its fair share of deaths this past legal year. Mesod Belilo JP passed away on 27 December 2024. Mr Belilo served as a Justice of the Peace for 24 years until his retirement at the age of 72 and during that time was the Chair of the Justice for five years. Sir Murray Stuart-Smith passed away on 21 January 2025 at the age of 97 years and Judge John Alcantara passed away on 15 March 2025 at the age of 99 years.

John Alcantara was our first Gibraltarian Supreme Court Judge and as I have said on other occasions, if life were fair, should have been our first Gibraltarian Chief Justice. Sir Murray was a member of the Court of Appeal for nine years and its President for four of those. At a personal level I cannot emphasise enough how important he was to me in my early days in the Supreme Court. His support and confidence in me were invaluable, particularly when after only 3 years as a puisne judge I found myself as acting Chief Justice.

This is a year which has also been marked by retirements. Whilst we may be sorry to see colleagues move on, retirement is rightly an occasion for celebration because although it marks the conclusion of a career, it is also the culmination of dedicated service for which we should be thankful.

We have had two retirements in the Gibraltar Courts Service. Ms Susan Soiza who retired as Higher Executive Officer after almost 43 years' service, 13 of those in the Courts Service and Ms Nereida Golt who retired as a Senior Executive Officer after almost 38 years' service, 16 of those in the Courts Service. We celebrate both of them. Each contributed to the courts in their own way.

Nery's intellect, dedication and interpersonal skills have been invaluable. Her commitment never faltered and she was always willing to take on additional responsibilities. Susan, meanwhile, has in retirement embraced her passion for dance, yoga and travel, letting loose the fun and lively side of her personality that was often concealed behind her famously professional office face. It is a privilege to have worked with both and a joy to see them thrive in the next chapter of their lives.

In the Magistrates' Court we have had the retirement of three Justices of the Peace. Mr Martin Lennane; Ms Isabella Sheppard-Capurro and Ms Pili Rodriguez. I am very grateful to them for their dedicated service. To maintain the complement of justices, this year there were four appointments and I publicly welcome to our judicial family Ms Michelle Barabich; Dr Paul Lyon; Mr Stephen Payas and Mr Francis Silva. So as to cater for upcoming retirements I anticipate that we will be seeking to recruit more justices during the course of this legal year. The voluntary service which justices provide the community is not always sufficiently recognised and, I will not tire of doing so, I thank them for their dedication and commitment.

Not quite a retirement, but James Neish KC stood down from the Judicial Service Commission this past July having served as a member since it was established by the 2006 Constitution. As the only other person who has served from the very beginning, I can say without any hesitation that the Commission has always relied upon his measured approach, wisdom and attention to detail. On a personal level, it has been a genuine privilege to work alongside him and to observe and learn from a leading figure in our legal profession.

And so, I turn to two retirements which are imminent. The first in time is Sir Colin Rimer who retires on the 3rd of October. His contribution to the judiciary of England and Wales is well known, but for us, it is a source of institutional pride that Sir Colin, having served in Gibraltar as a Justice of Appeal for exactly 10 years, has been a member of our Court of Appeal for even longer than he was in England. His contributions have usually been in chancery and commercial cases, his judgments models of clarity and intellectual rigour, although for some, and I include myself in that number, having been overturned has at times been a sobering educational experience. I have also had the privilege of sitting with him in the Court of Appeal, undoubtedly a daunting experience but one which I value to this day. Counsel will know that

on the bench he is courteous, calm and fair. Off it (something which counsel may get a hint of, depending how good their arguments are) he is full of warmth and good humour.

For his part, Sir Maurice Kay retires one day later. He has been a member of our Court of Appeal for ten years and ten months. Most of that period, ten years to be precise, serving as its President. Since the Court was established under the 1969 Constitution, he has been its longest serving President. Sir Maurice's commitment to Gibraltar has not been limited to the Court of Appeal. He has also served as Chair of the Judicial Service Commission and invariably, as a member of subsequent King's Counsel Committees. He has brought to the jurisdiction not only an exceptional legal mind, but also a generosity of spirit that has touched all of us who have worked with him. A generosity for which I, in particular, am deeply grateful.

They both have our enduring respect and affection. Gibraltar has been extraordinarily fortunate to have had them in our Court of Appeal and for as long as we have. Given their retirement, it is a source of great reassurance, that His Excellency, acting on the advice of the Judicial Service Commission, has appointed Sir Nigel Davis as the next President and of course that the other members of our Court of Appeal are judges of the highest calibre whose standing ensures confidence in our courts both locally and internationally.

May I now invite Sir Colin and Sir Maurice to address us, following which we shall be honoured by Sir Maurice formally declaring the Legal Year Open.

A E Dudley
Chief Justice

26 September 2025