

OPENING OF THE LEGAL YEAR 2025

ATTORNEY GENERAL'S SPEECH

Introduction

May it please your Lordship.

I would like to welcome our guests, His Excellency the Governor, the Chief Minister and other distinguished guests.

A special word of welcome to Commander Owain Ceri Richards who was appointed Commissioner of Police on 1 July 2025 and attends this ceremony for the first time. I wish him all the very best for his tenure.

I would also like to welcome and convey my best wishes to Emma Lejeune who appears here today for the first time as Chairperson of the Law Council, the first woman to hold that position and a highly meritorious one to do so as well.

Treaty

My Lord, in my Speech last year, I said that it had been my strong hope **then** to be making **that** address against the backdrop of the new Treaty with the European Union. Today, although work continues finalising the detail of the treaty text, I do so against the backdrop of the historic Political Agreement reached on 11 June 2025 in Brussels by the Chief Minister, the UK's Foreign Secretary, the Spanish Minister for Foreign Affairs and the Vice President of the European Commission. **What I would call the point of no return.**

As the Chief Minister has explained, the two fundamental pillars of the treaty consist of a Part on the Circulation of Persons (based on a Schengen regime) and a Part on the Circulation of Goods (based on the EU customs regime).

What a paradox that the two pillars of this treaty should be two areas of EU law that never applied to Gibraltar! And, no doubt a matter for future discussion, what a greater paradox it would be that, after Brexit, and under the terms of this treaty, we may end up with a

relationship with the EU which is more meaningful to the realities of Gibraltar than what EU membership offered us.

My Lord, I will focus briefly on parts of the treaty that will be directly relevant to our courts, our law enforcement agencies and the legal profession.

The treaty will contain extensive provisions on “**Law Enforcement and Judicial Cooperation in Criminal Matters**”. The core elements will include:

- **Firstly, a warrant-based extradition arrangement** based on a **mechanism of surrender pursuant to an arrest warrant**. It will ensure the fast and effective **surrender** of wanted individuals between the EU Member States and Gibraltar.
- **Secondly, there will be specific arrangements on mutual legal assistance, exchange of criminal record information, asset freezing and confiscation** that will simplify and improve the regimes in applicable Council of Europe Conventions.
- **Thirdly**, regimes will be established for cooperation between the RGP and **Europol** on the one hand and between our investigating and prosecuting authorities and **Eurojust**, the European Union Agency for Criminal Justice Cooperation, on the other hand.

Together with a number of gateways for closer **police and customs cooperation** between our agencies and their counterparts in Spain, these law enforcement cooperation regimes will provide the essential flanking measures to the creation of an area of freedom, security and fluid travel that the treaty seeks to establish between Gibraltar and the whole of the EU.

And they are essential because the removal of routine physical checks on people travelling across the land border, together with the operation of Gibraltar’s seaport and airport as Schengen external border crossing points, will have practical implications for security, for Gibraltar but also for the Schengen Area as a whole. Close cooperation between our police, border control and judicial authorities and those of the EU Member States, based on models which apply between EU Member States themselves, will therefore become fundamental to effectively tackle crime and terrorism, protect the public, bring criminals to justice and make

them understand that Gibraltar will not become a haven for unwanted people in this new area of greater fluidity that we are establishing.

Government Law Offices

My Lord, I turn to the daily business of the Government Law Offices.

- **OPC (Office of Parliamentary Counsel)**

It seems that every year I report that the OPC has “had another busy year drafting primary and subsidiary legislation”. That is because, once again, the team has continued to draft significant legislation that helps to deliver the Government’s commitments, both of a domestic and an international nature.

OPC soon hope to be welcoming a new Crown Counsel. Whoever is selected will join the team at an incredible time as the Office will be instrumental in drafting legislation to give effect to the treaty. It will no doubt be an exceptionally challenging time and hugely rewarding as a result.

- **OCPL (Office of Criminal Prosecutions and Litigation)**

With regard to the OCPL a most notable case in the last year has been the prosecution of Graham Southwell for numerous child sex offences and who received a 39 years custodial sentence.

In the last year, a total of 25 cases were dealt with to conclusion before the Supreme Court, with an outcome of guilty in 20 of them. That total included 6 sexual offences cases, with an outcome of guilty in 5 of them.

In the Magistrates’ Court the total number of concluded cases (excluding minor traffic matters) was of 464, 393 of which with an outcome of guilty.

I would like to commend the OCPL and the RGP for these excellent outcomes.

- **OAC (Office of Advisory Counsel)**

With regard to the OAC, sanctions have dominated the first quarter of 2025: the Office has ensured Gibraltar's compliance with international sanctions law whilst also supporting the Competent Authority in this rapidly evolving area. At the same time, it has seen a growing demand for the drafting and review of Memoranda of Understanding, contracts and licences. The Office has also seen a marked increase in advice on human resources and data protection matters, together with a surge in the review and drafting of policies, guidance notes and prospectuses reflecting the extent to which it is relied upon to support Government.

It has also continued its collaboration with the UK's Department for Business and Trade to safeguard Gibraltar's interests in the UK's wider trade agenda. The process to formally extend to Gibraltar the UK's Digital Economy Agreement with Singapore will shortly be underway.

The Office will soon expand to include a further member, strengthening its capacity to meet these growing demands.

Farewells

My Lord, a number of farewells are in order.

At the conclusion of the present Court of Appeal session **Sir Maurice Kay** and **Sir Colin Rimer** will be retiring as President of the Court of Appeal and Justice of Appeal respectively. I am sure you will be paying tribute to them on behalf of us all. I would just simply wish to express my deep gratitude to them for their services to Gibraltar. In the case of Sir Maurice, to also thank him for the contact we have had as members of the Judicial Services Commission and the experience and leadership he has brought to the Commission.

Within the Government Law Offices, we saw the departure of Crown Counsel **Sharon Peralta** at the end of last year. I would like to thank her for her many years of service. The wife having left, the husband will follow suit. **Paul Peralta** will be retiring at the end of February 2026 after almost 25 years of service. He has been the head of the Government's legislative drafting team since 2011 and Parliamentary Counsel since 2015. I would not know

where to start in thanking Paul for all the tremendous work he has done, always diligently, always professionally and always discretely. He has been a true leader of the Government's drafting team. Amongst his many milestones, he has been a leading member of the Commonwealth Association of Legislative Counsel (CALC) which promotes cooperation among legislative drafters in the Commonwealth. The Peraltas have chosen Dundee as their place of retirement. I remain perplexed by their choice and unpersuaded by their arguments. I wish them luck and fair weather.

Conclusion

My Lord, in conclusion, and as ever, it remains for me to formally move for the Opening of the Legal Year.

Michael Llamas CMG KC

HM Attorney General for Gibraltar

26 September 2025