

OPENING OF THE LEGAL YEAR 2025

THE RT. HON. SIR COLIN RIMER- JUSTICE OF APPEAL'S SPEECH

Mr Attorney, Ms Lejeune, may I thank you both for your generous remarks prompted by my imminent retirement; and may I also thank the Chief Justice for his generous remarks. When 11 years ago, in October 2014, I retired from full time harness in the English Court of Appeal, I was asked by the then Master of the Rolls, Lord Dyson, whether I would like a valedictory ceremony in the Lord Chief Justice's court. I politely declined the offer, without adding that my primary reason for doing so was that I doubted whether anyone other than my wife would turn up for it.

It was perhaps just as well that I did not then deliver a formal farewell to my judicial career, since I was soon to learn it was by no means over. Whilst my intention upon retirement was to close the law books and devote myself to literature, history and music, I was in no time asked by the English Court of Appeal to help out on an occasional basis with its massive workload and I continued to do so regularly for another four years during which I realised how much I still enjoyed the job of judging. That enjoyment was very considerably enhanced when, in 2015, I also had the good fortune to be appointed a justice of the Court of Appeal for Gibraltar.

Throughout the decade since then, I have regarded that appointment as a very considerable privilege. Apart from a Covid interruption, I have come down to Gibraltar at least once a year, in the early years often twice, and this last year three times. It has always given me great satisfaction to make those visits to this fascinating peninsula, for which I have formed a real affection; but I hope above all that I have played a useful part in the administration of its system of justice.

There are in particular four features of my time here as a judge that I should like to acknowledge. First, my primary legal interest is, and has long been, the world of Chancery law. I read law at Cambridge University in the 1960s and when, in my third year, I began to study the principles of property law, equity and trusts I became instantly fascinated by a legal world that, for me, outshone by a considerable distance all the other legal subjects I had studied. I noted that the leading reported authorities in the field were in large part decisions of, or appeals from, the Chancery Division of the High Court and soon had no doubt that I wanted to become a Chancery barrister arguing cases

like that. And that is what I did. I practised at the Chancery Bar for 25 years and then sat as a High Court Judge of the Chancery Division for 13 years before going to the Court of Appeal. Those 38 years were wonderful years of challenge and interest.

I say this because I have been fortunate that much of the civil work I have dealt with in Gibraltar has had a very welcome Chancery flavour. That is perhaps not surprising because I learnt from Chapter 12 of Mr Justice Restano's marvellous book, '*Justice So Requiring*', that, when the Gibraltar Court of Appeal was being established in the early 1970s, a particular aptitude to be sought in potential appointees was experience in Admiralty and Chancery work. I have not myself noted the need for experience of the former kind. But I have noted the need for that of the latter kind; and I hope that my background may perhaps have been of benefit to the decisions we have made.

Second, any court is only able to perform efficiently if it is provided with proper administrative support. I doubt whether any court could be better supported by those behind the scenes than is the Court of Appeal for Gibraltar. No request from us is ever dealt with other than promptly, efficiently and with charm and apparent pleasure. Everyone deserves to be named, but I must mention two in particular: first, Hazel Cumbo, the supreme administrator, the master mind behind today's magnificently managed legal ceremonies and who throughout my time in the Court of Appeal has unfailingly provided the most welcome support to us occasional judicial visitors; and, second, Karl Tonna, the Registrar. Each of us visiting judges has more occasion for regular contact with Mr Tonna than with anyone else; and the willingness, ability and efficiency with which he responds to our every request is immeasurable. Without the support that he provides, our jobs would be so much more difficult to perform.

Third, I must say this. Judging is not always easy. It is in particular not easy in difficult cases, and we have our share of those. We could not hope to do the job properly without the invaluable assistance of the members of the Gibraltar Bar who appear before us, in particular without the benefit of their oral arguments. Whilst there has long been an increasing drift towards putting everything on paper or its electronic equivalent, I have always been resolutely convinced that there is no substitute for oral advocacy, which I regard as of the highest importance to the judicial

endeavour to arrive at the just solution in every case. I would wish formally to acknowledge my gratitude to the Gibraltar Bar for the help it has given the court during my time here.

Fourth, and finally, I wish to pay my tribute to the judges of your Supreme Court. I have of course seen much of their work and Gibraltar is fortunate indeed to have a court made up of judges of such talent, industry and conscientiousness. In particular, may I pay a special tribute to your excellent Chief Justice, the multi-talented Mr Justice Dudley.

I am tempted to finish by saying simply, in words my mother taught me at the age of about four, 'Thank you for having me'. But I shall sign off just a little more formally. This being the first day of Gibraltar's new legal year, I wish all its legal practitioners a happy and successful new year. But above all I express my wish and hope that the administration of Gibraltar's system of justice will in all its operations continue to endeavour to ensure that in every case right is done.

Sir Colin Rimer

Court of Appeal Justice

26 September 2025