



IN THE SUPREME COURT OF GIBRALTAR

TRIBUTE CEREMONY IN HONOUR OF THE LATE
SIR MURRAY STUART-SMITH KCMG

Held on 25 March 2025

Tribute held by the Court in memory of the late Sir Murray Stuart-Smith before Mr Justice Dudley Chief Justice, Sir Maurice Kay President of the Court of Appeal, Sir Patrick Elias, Sir Adrian Fulford, Mr Justice Yeats, Mr Justice Restano and Mr Justice Happold

Dudley, CJ:

We are here today to pay tribute to Sir Murray Stuart-Smith who sadly passed away on the 21 January.

Since then, sadly, there have been two other deaths of persons closely connected to the courts. Robert Fischel KC died on the 11th March and Judge Alcantara died on the 15th March. I expect in due course to hold tributes for each of them, but at this stage on behalf of the judiciary and the Gibraltar Courts Service I convey our condolences to their families.

Sir Murray was called to the bar by Gray's Inn in 1952 taking silk 1970 and was an outstanding personal injury leader of the period. After a distinguished career at the English Bar in 1981 at the age of 54 he was appointed to the High Court bench and in 1987 appointed to the Court of Appeal of England and Wales from which he retired in 2000.

The loss to the English Court of Appeal was our gain. Sir Murray was appointed a Justice of Appeal of our Court of Appeal in 2002, becoming its President in 2007 until his retirement in 2011. With the coming into force of the Gibraltar Constitution Order 2006, and thereafter the Judicial Service Act 2007, he was the Chair of the then newly constituted Judicial Service

Commission; the President of the Courts of Gibraltar and the head of the judiciary in Gibraltar at that time.

Sir Murray discharged these offices during the most challenging period in the modern history of Gibraltar's judiciary following the suspension and eventual removal from office of the former Chief Justice in 2009. Having to navigate the judiciary through that institutional challenge came about in the throes of the extensive refurbishment and rebuilding of the courts, which were inaugurated in Sir Murray's presence on 10 March 2011. Sir Murray's unique contribution to the administration of justice in Gibraltar was recognised by Her Late Majesty Queen Elizabeth II when he was made a Knight Commander of the Order of St Michael and St George.

Beyond those objective achievements, Sir Murray was a man who was unflappable in a crisis, who carried his intellect lightly and whose unassuming charm made everyone feel at ease. 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. His guidance and belief in my ability to do the job provided both reassurance and direction, allowing me to navigate the responsibilities of the role.

We have lost a very good friend.

Our thoughts are with his family to whom we extend our sincere condolences.

Sir Maurice Kay, President of the Court of Appeal

Thank you Chief Justice for inviting me to say a few words on behalf of the Court of Appeal.

Sir Murray Stuart-Smith was someone whom we all held in great respect, admiration and affection. I have particular need to identify with him. We were both at the Bar, part of that, almost extinct species of general common lawyers, and they no longer thrive in the English jurisdiction. Murray Stuart-Smith was the supreme example of a silk. An outstanding Judge at every level.

I have had a good fortune to stalk him through the Judicial structure. I am I think almost exactly 15 years younger than Sir Murray, and with gaps of 15 years almost exactly in every case, I followed him into the High Court and in the Court of Appeal and into retirement from the English Bench. I did not stop there, I followed him to Gibraltar and to Bermuda, where he also sat. And in all those places, one became aware of the esteem in which he was held by his peers and by the local practitioners. He did indeed wear his legal learning lightly. He was actually a double starred first at Cambridge, got the best scholarship at Gray's Inn and was an outstanding lawyer, but he wore it lightly.

A recently retired member of the UK Supreme Court, one of the great legal scholars of his generation, once said to me of Sir Murray, he was a great Judge in the Court of Appeal, and he was the best Judge of all in dealing with civil appeals of great factual complexity. He was a natural at unravelling the facts. The legal titan who said these things to me is one usually identified with verified legal scholarship. He said what he said not in any sense of condescension, but in true admiration for that particular talent that Murray had and was able to display time, after time, after time. So I would like to pay tribute to him for that special talent, for his enormous contribution in the several jurisdictions to which I have referred.

I would also like to say that however great a Judge he was, he was a remarkable man, he was first and foremost a family man with a very large family. He was also a kind of renaissance man. He was a great musician. He was a great Shakespearean. He could build things and make things and do things that most of us could only dream off. He is a great loss to us all, and it is a privilege to look back at his career, his contribution and his friendship from this seat.

Thank you Chief Justice.

Chief Justice; Ms Lejeune

Ms E Lejeune, Chair of the Law Council

My Lords and fellow members of the legal profession. We gather here today to commemorate the life and distinguished legal career of the late Sir Murray Stuart-Smith, Knight Commander of the Order of St Michael and St George and in particular the significant role he played within the legal profession in Gibraltar.

I myself did not have the privilege to appear before him, but I know he was very highly regarded by fellow members of the profession. I can only but echo all of the words that have already been said and will therefore keep my address quite brief. Aristotle once said the law is reason, free from passion. However, when it came to Sir Murray Stuart-Smith, his legal journey could not be further from the truth. Although, we know him primarily for his work as a Court of Appeal Judge as we have already heard he had a very notable career path which personified his passion for the law.

His contribution to the Gibraltar Justice System has inevitable helped shape our legal system and will forever form part of his legacy. I take this opportunity to offer my gratitude on behalf of Gibraltar's legal profession for contributing to our justice system and our community, and I also offer our most sincere condolences to his family. May he rest in peace.

Dudley, CJ:

Thank you all for attending. May I ask that we all stand and observe a minute's silence.

Thank you.