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Consultation on a Draft Code of Conduct for Persons Providing Legal Services

HM Government of Gibraltar, together with the Bar Council, issued a consultation paper on a draft Legal Services Bill in the summer of 2016. The Government intends to publish a revised draft of that Bill shortly in order that it may be taken before Parliament.

Under the revised Bill, a new Code of Conduct for Legal Services professionals will need to be introduced. The Code of Conduct would apply to all persons providing legal services in Gibraltar, including:

- Lawyers working in private practice.
- In-house counsel in industry, for the Crown or a statutory body.
- Foreign lawyers working in Law Firms.
- Counsel called to the Bar for specific cases only.

The revised Bill also is drafted so as to apply to legal executives and law-costs drafters.

The Bar Council, in discussion with the Chief Justice and the Registrar of the Supreme Court, has produced the draft Code of Conduct, which has been published today by the Bar Council for consultation purposes. Representations should be addressed to the Chairman of the Bar Council by post or email to barcouncil@gibtelecom.net copied to ka@tsnlaw.com. The deadline for receipt of submissions, comments or representations is **5pm on Thursday 7th September 2017**.

The Minister for Health, Care and Justice, the Hon N F Costa MP, said:

“The Government is committed to reviewing the current system of regulation of Legal Services in Gibraltar and will take a Bill to Parliament shortly based on the draft circulated last year. To that end, we are pleased that the Bar Council has been diligently working, together with the Chief Justice and the Registrar of the Supreme Court, on a draft Code of Conduct to support the proposed law.

“The draft Code of Conduct is being circulated by the Bar Council to its members as well as to Heads of Chambers. The Bill as currently proposed, and the draft Code of Conduct, will potentially



affect not only current Bar Council members but in addition other persons not currently members of the Bar Council who provide legal services, including those employed as in-house lawyers. On this basis the Government and Bar Council believe that there is benefit in a wider circulation of the draft and invites persons potentially affected by the changes, and the public in general, to examine the consultation paper and make any representations they may have to the Bar Council so that they may be taken on board.”

The Chairman of the Bar Council, Keith Azopardi QC said:

“Having a Gibraltar Code of Conduct designed specifically for a fused profession is an important step in the better regulation of legal services. It is intended that this Code will replace the existing system that imports into Gibraltar law codes that are sometimes not responsive to the needs of a fused profession. This draft Code has been the product of the work of a special sub-committee of senior practitioners formed by the Council and chaired by Lewis Baglietto QC. I am very grateful for their efforts. We look forward to comments from persons undertaking legal services. The draft Code is being provided to members of the Council and law firms as well as being published on the Council’s and Government’s websites to ensure wide circulation. We look forward to receiving responses by the deadline of 7 September.”