



PRESS RELEASE

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GSD Opposition Criticise GSD Policies

Due to the considerable misinformation being spread by the GSD Opposition regarding this matter, the Government feels the need to reassure the public, and members of the legal profession in particular, that Gibraltar's Courts will absolutely not be any less agile or robust as a result of the reduction in the number of Supreme Court Judges from 4 to 3.

The temporary appointment of a fourth judge was made by the GSD administration when in Government in 2011, in order to deal with a backlog of criminal cases. When that backlog was cleared and the fixed-term contract came to an end, (with a temporary extension of a fixed term of three months to deal with outstanding cases), the number of judges was reduced to 3, as a fourth judge was no longer deemed necessary. The GSD administration clearly established and implemented the policy of appointing judges on a temporary, fixed-term basis in order to clear a backlog of cases and did not consider this to in any way impinge upon the independence or the administration of the judiciary.

In 2014 a need was identified for a fourth judge to be employed on a temporary, fixed-term basis in order to clear a general backlog of civil cases in the Supreme Court. It was made clear at the time of the applications that the contract would be for a fixed-term limited to three years. The contract itself specifically provided that it was for fixed period of three years. With the contract having come to an end, the backlog being cleared and in the context of Brexit, a fourth judge has been deemed unnecessary to the effective working of the Courts.

Despite the contract due to expire part-way through the 2017/2018 financial year, the Government accounted for the full salary of the post in the last Budget. This was the only prudent way to account for any contingencies that may have required the contract to be extended on a temporary short-term basis. For example, a case that had only been part-heard at the time of the expiration of the contract that would need to be seen through by the same judge.

The Government regrets that the GSD Opposition are now seeking to make political capital by criticising a policy established by the GSD administration and feigning concern and insinuating impropriety about a perfectly proper situation. As the Government has previously stated, the case load of the Courts and the waiting times for cases will be kept under constant review, in close consultation with the Chief Justice and the Bar Council, and the need for a fourth judge may be reconsidered in the future, as the Government is not saying no to such an appointment, if at any point in the future, an increased case or work load requires it. At present, however, the backlog has



been cleared and, in line with the policy established by the GSD's Mr Feetham himself, a fourth judge has been deemed unnecessary to the full and proper functioning of the Courts.

NOTE TO EDITORS

The policy of the temporary, fixed-term employment of Supreme Court Judges was clearly laid out in 2011 by the then Minister for Justice, the Honourable Daniel Feetham. In answer to Oral questions tabled in Parliament by Mr Licudi in January 2011, Mr Feetham, in his capacity as Minister for Justice, said:

“The Government intend to fund an additional Puisne Judge (that is a fourth Supreme Court judge) for a limited period to help with the current backlog of criminal cases.”

In answer to a Supplementary question, Mr Feetham clarified:

“The idea is to have a temporary appointment. So, effectively, as and when we do not need that fourth judge, we will then go back to three judges.”

In the Parliamentary session of 23rd/24th June 2011, Mr Feetham confirmed:

“The Judicial Services Commission have been informed that the Government is content for them to commence the process for the recruitment of a temporary fourth judge for a maximum period of two years to help clear the backlog of criminal cases.”