

30 January, 2018

NOTICE OF MOTION

The Hon the Minister for Health, Care and Justice has given notice on 30th January 2018 that he proposes to move the following motion at the next meeting of Parliament:

“THIS HOUSE:

ACKNOWLEDGES the work of our excellent Judiciary, Justices of the Peace and the Gibraltar Courts Service in upholding the highest standards of judicial independence and ensuring the effective administration and delivery of justice in Gibraltar;

NOTES the oath made by the Minister with responsibility for justice, pursuant to the Judicial Services Act 2007, which provides that the Minister should discharge his duty to ensure the provision of resources for the efficient and effective support of the courts;

NOTES that the appointment of judges on a temporary basis to deal, when the need arises, with the short-term needs of the judiciary, namely, backlogs of specific types of cases, dates back to 2011;

FURTHER NOTES that in 2014 a need was identified for a fourth judge to be employed on a temporary, fixed-term basis for a period of three years in order to clear a general backlog of civil cases in the Supreme Court and that, with the contract having come to an end, the backlog being cleared and in the context of Brexit, the Government deemed a fourth judge, in that role and at that time, unnecessary to the effective working of the Courts;

NOTES that the Honourable Mr Justice Dudley, Chief Justice, at the Opening of the Legal Year on the 29th September 2017, stated that-

1. he did not have any legitimate expectation that the post would continue beyond the 3 year term;
2. it was always clear to him that the funding was made to provide for the short-term needs of the judiciary and this was not a permanent increase to the judicial complement and;
3. “The judiciary, like any public service needs to justify the need for resources and that includes justifying an increase of the judicial complement. I will be monitoring the impact which the reduction in the number of judges has upon the workings of the court and if the evidence justifies it, I will seek to persuade Government to reconsider its funding decision.”;



AND THEREFORE RESOLVES that the Government should, in close consultation with the Honourable the Chief Justice and the Bar Council, keep the case load of the Courts and the waiting times for cases under constant review, so that, if evidence justifies it, the need for a fourth judge may be reconsidered in order to meet the short-term needs of the judiciary AND that such review should pay particular attention to future demands regarding complex and high value litigation and any impact that the proposed legal assistance reforms may have on current resources.”.

A handwritten signature in black ink, appearing to read 'Paul E Martinez', with a long horizontal stroke extending to the right.

Paul E Martinez
Clerk to the Parliament