

OPENING OF THE LEGAL YEAR 2024

Introduction.

May it please your Lordship.

I would like to welcome our guests, His Excellency the Governor, the Chief Minister and other distinguished guests.

A special word of welcome to His Excellency, Lieutenant General Sir Ben Bathurst. He was sworn in as Governor on 4 June 2024 and attends this ceremony for the first time. I wish him all the very best for his tenure.

I would also like to welcome and send my best wishes to Professor Matthew Happold who earlier this year was appointed as Puisne Judge of the Supreme Court and took up office on 1 August 2024.

I would also like to mention the appointment of Mr Charles Bonfante as Stipendiary Magistrate and Coroner, an appointment which took effect on 18 March 2024 and to wish him every success in his new role.

General Elections.

Shortly after the Opening of the last Legal Year, general elections took place in Gibraltar on 12 October 2023, when the Government's mandate was renewed for a further term. I congratulate the Government for its success at the polls and all those elected as members of the Gibraltar Parliament. I also extend my congratulations to The Honourable Nigel Feetham KC MP whom the Chief Minister has entrusted with the Justice portfolio. He is the sixth successive member of the Bar to hold this important post.

The new Parliament was Opened on 10 November 2023. During that ceremony Ms Karen Ramagge was sworn in as Speaker. She is the first woman in the history of Gibraltar's parliamentary democracy to hold that office and this follows on from her smashing of other notable glass ceilings not least as first woman Supreme Court

judge. The Bench's loss is no doubt Parliament's gain and I wish her continued success in her new role.

Treaty

My Lord it had been my strong hope that I would be making today's address against the backdrop of the new Treaty between the EU and the UK setting out Gibraltar's future relationship with the European Union. Alas, it is not to be!

Since last Year's Opening of the Legal Year four further formal rounds of negotiations have taken place, negotiations have continued at technical level in smaller negotiation teams and, above all, three quadrilateral meetings have taken place at the highest political levels involving the Chief Minister, the UK's Foreign Secretary, the Spanish Minister for Foreign Affairs and the Vice President of the European Commission. The last of these meetings took place last week (19 September 2024) opening the way for further rounds of meetings of the technical teams.

We continue to pursue these technical meetings at a very intensified pace working hand in glove with the excellent teams and the FCDO and wider Whitehall Departments.

McGrail Inquiry

This year's hearings of the oral evidence in the public inquiry into the reasons and circumstances leading to the retirement of the previous Commissioner of Police have been significant and important.

On the one hand, it has demonstrated the maturity of our society and our well-developed rule of law, democracy and freedom of the press, as manifested by the live broadcasting and reporting of the hearings. On the other, it has shone a searching spotlight on the challenges of inter-institutional relationships and interactions in a very small community like ours. As Attorney General, I will carefully consider the lessons to be learned and the recommendations that are made in the Inquiry Report in my areas of responsibility.

Moneyval.

On 23 February 2024 Gibraltar was removed from the grey list of the Financial Action Task Force. This decision was, needless to say, hugely significant in showing our jurisdiction's commitment to meeting the highest international standards in combating money laundering and terrorist financing.

Gibraltar had been placed on the FATF grey list in June 2022 even after complying with all but 2 of the 98 recommendations made in a MONEYVAL mutual evaluation report. Intensive work had been carried out since then by both the public and private sectors to address the remaining issues. The result is confirmation that Gibraltar is a trusted and compliant international finance centre at the forefront of the fight against economic crime.

Government Law Offices.

My Lord, I turn to the daily business of the Government Law Offices.

- **OPC (Office of Parliamentary Counsel)**

The OPC has had another very busy year drafting both primary and subsidiary legislation.

As in previous years, OPC's workload remains a varied one touching on areas as diverse as aviation, civil partnerships, income tax and transport. Since the last OLY, 31 Bills have either been published or republished (in the latter case, owing to them falling upon the dissolution of the Gibraltar Parliament ahead of the General Election).

It is interesting to note how the workload has evolved since Brexit. Legislation is now mainly driven by domestic policy and considerations. However, despite not being in the EU, the volume of work is undiminished.

A significant work stream continues to involve the extension of conventions and other international instruments to Gibraltar. Gibraltar's participation in such measures has become even more important after Brexit and is often required in order to meet

evolving international standards and practices (such as those highlighted in the MONEYVAL assessments).

- **OCPL (Office of Criminal Prosecutions and Litigation)**

The work at the OCPL continues apace. The move to a secure digital file exchange system with the LEA's is now fully functional and working well allowing easier and speedier access to documents by Crown Counsel.

OCPL's involvement in the Moneyval process and preparation for the next assessment continues with the regular involvement of various members of the team.

This year saw one of the longest jury trials this jurisdiction has seen. This complex fraud trial lasting 10 weeks involved a team of 3 from the OCPL and was a testament to the functioning of the jury system in Gibraltar in all regards.

The OCPL continues to see a steady rise in the prosecution of sexual offences and related cases. This is in part, in my view, a testament to the success in detecting and prosecuting such crimes and the increase in public confidence arising as a result.

The OCPL is now a member of the International Association of Prosecutors, a body established in 1995 with more than 183 organizational members from over 177 different countries. The IAP is committed to setting and raising standards of professional conduct and ethics for prosecutors worldwide, promoting the rule of law, fairness, impartiality, and respect for human rights, and improving international cooperation to combat crime.

- **OAC**

Over the past year, the Office of Advisory Counsel has consistently provided legal advice on complex and sensitive matters to Ministers, Government departments, and public bodies.

The Office has also continued its close collaboration with colleagues from the UK's Department of Business and Trade and the FCDO. These efforts ensure Gibraltar's participation in the UK's Free Trade Agreements currently being negotiated with third countries.

With the growing imposition of international **sanctions**, particularly against Russia, the Office has played a key role in providing specialist advice and support for the effective implementation of these sanctions. This includes advising Government departments and the Gibraltar Financial Intelligence Unit, reviewing licence applications, and drafting the necessary licences under the sanctions regime.

Additionally, the Office has seen a significant increase in the review and drafting of Memoranda of Understanding (MoUs) and contracts. The Office remains responsive to the evolving needs of Government, adapting to provide both a valuable advisory service and a robust commercial service.

CONCLUSION.

My Lord, in conclusion, and as ever, it has been another full year and undoubtedly so will be the forthcoming one. It remains for me to formally move for the Opening of the Legal Year.

Michael Llamas CMG KC

HM Attorney General for Gibraltar

27 September 2024