

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3485 of 4 August , 2005



I ASSENT,
FRANCIS RICHARDS,
GOVERNOR.

2nd August, 2005.



GIBRALTAR

No. 45 of 2005

AN ORDINANCE to amend the Legal Aid and Assistance Ordinance to make special provision for Group Litigation.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Ordinance may be cited as the Legal Aid and Assistance (Amendment) Ordinance 2005.

Amendment of Section 13 of the Legal Aid and Assistance Ordinance.

2. There shall be added after section 13(2) of the Legal Aid and Assistance Ordinance the following sub-sections—

“ (3) The Registrar shall have power on the application of a legally assisted person whose claim is or is to be the subject of an application for a Group Litigation Order (“GLO”) or a GLO (as defined in Part 19 rule 10 of the Civil Procedure Rules and made pursuant to Part 19 rule 11 of the Civil Procedure Rules), subject to and conditional on the written approval of the Chief Secretary, provided the Chief Secretary considers and is satisfied that the public interest so requires, to give any one or more of the following directions—

- (a) that the common costs of the GLO (as defined in Part 48.6A of the Civil Procedure Rules and including costs incurred in relation to the GLO issues; individual costs incurred in a legally assisted claim while it is proceeding as a GLO test claim and the costs incurred by the appointed lead solicitor in administering the group litigation) be paid as legal assistance pursuant to the provisions of section 12(3) of the Legal Aid and Assistance Ordinance;
- (b) that any order for costs made against a claimant entered on the group register for the GLO attributable to GLO issues (but not individual issues) be met by the Consolidated Fund and be payable as legal assistance pursuant to the provisions of section 12(3) of the Legal Aid and Assistance Ordinance notwithstanding that claimants who are not legally assisted might benefit from such direction;
- (c) that the Court fees payable for the issue of a claim form be reduced to £50 per claim form issued for a

non-legally assisted Claimant who files a claim form in order to be added to the GLO group register as a claimant or such higher fee as the Government may from time to time specify by notice in the Gazette.

- (d) that the capital value and/or income derived from any asset or the realization of any investment which is the subject matter of the dispute and/or test claim ought not to be taken into consideration by the Registrar in computing the resources of a person seeking or receiving legal assistance for the purpose of rules 4 and 5 of the Legal Assistance (Assessment of Resources) and Scale of Contribution Rules
- (e) that any person who had legal assistance and who has lost it by reason of the taking into account of the capital value and/or income derived from any asset or the realisation of any investment which is the subject matter of the dispute and/or test claim prior to the implementation of this Ordinance shall be entitled to restoration of legal assistance from the date of the loss of such certificate.

(4) When the Government is satisfied that the public interest of Gibraltar so requires then the Chief Secretary may direct the Registrar to issue a certificate on such directions under subsection (3) as the Chief Secretary considers appropriate and the Registrar shall then do so.

(5) For the purposes of subsection (3) a person such as is described in subsection (3)(e) shall be deemed to be a legally assisted person.

(6) Subsections (3), (4) and (5) of this section shall only apply to claims relating to or arising from Traded Endowment Plans marketed either alone or together with others in Gibraltar prior to the 1st January 2005 by a financial intermediary licenced in Gibraltar under the Financial Services Ordinance.”.

Passed by the Gibraltar House of Assembly on the 27th day of July, 2005.

D. J. REYES,

Clerk to the Assembly.

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