

# Litigation



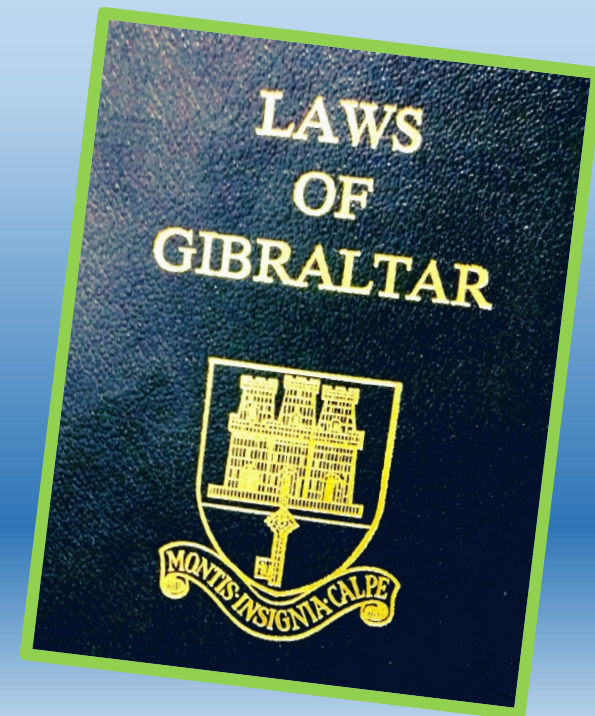
# Supreme Court

The Civil Procedure Rules (which apply in England and Wales) apply in Gibraltar with minor exceptions and the court process is governed by those rules. A claim is commenced through the issue of a claim form, an application to appoint a liquidator or a divorce petition at the Court Registry.

Any adult who is not suffering from a disability may commence proceedings and represent him or herself in Court in civil proceedings.

Appeals from the Supreme Court lie with the Court of Appeal for Gibraltar. Decisions from the Court of Appeal may be appealed to Her Majesty's Judicial Committee of the Privy Council.

Court proceedings are the principal method of dispute resolution, even though there are a number of English qualified Mediators in Gibraltar.



The Supreme Court normally makes time to hear very urgent applications such as freezing orders and will usually grant a hearing date almost immediately upon the lodging of the application.

Applications to appoint a Liquidator usually are heard within two months from their lodging with the Court Registry.

Cases that are fully pleaded usually proceed to trial within one and two years.

Interim applications for relatively non-urgent matters are heard within six to eight weeks after the application is lodged.



# Mediation

In Gibraltar there are no rules to make this course of action mandatory or that provide definitive guidelines on how mediations are to be conducted. Parties are generally free to agree between themselves all aspects of the mediation process as in England and Wales. Under the CPR, mediation is encouraged; however, resorting to mediation is not common in Gibraltar.



# Alternatives to Litigation: Arbitration

Arbitration in Gibraltar is governed by the Arbitration Act 1895 which has undergone several amendments since its initial commencement. Schedule 1 contains certain provisions that are to be implied in all Arbitration Agreements, unless the arbitration agreement contains a provision expressly stating the contrary. These provisions are general in their nature and relate to the appointment of Arbitrators, the nature of the award and the costs.

**Arbitration Act 1895**

# Areas of Practice

The Firm's litigation practitioners are busy in Commercial and Civil litigation and in Matrimonial and Criminal proceedings. The litigation department led by partner, Stephen Catania, has a proven track record and expertise which includes:-

- Commercial litigation
- Financial Services and regulatory matters including investigations and civil proceedings
- Insolvency
- Construction disputes
- Public law matters including judicial review
- Professional negligence
- Licensing appeals
- Criminal matters including fraud and financial crime
- Family cases including legal separation, divorce, residence disputes, care proceedings, etc.
- Employment disputes and Employment Tribunal claims
- Inquests
- Statutory inquiries

# Contact

Attias & Levy is one of the leading law firms in Gibraltar. We have a dedicated team who attend to your every need and ensures that all transactions are carried out quickly and efficiently.

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