

HOUSE OF ASSEMBLY

HANSARD
OF MEETING

HELD ON 14 JANUARY 1971

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Twelfth Meeting of the First Session of the First House of Assembly held in the House of Assembly Chamber on Thursday, the 14th day of January, 1971, at 6.00 p.m.

Mr. Speaker (In the Chair)
The Hon. A. J. Vasquez, M.A.

Government:

The Hon. Major R. J. Peliza, Chief Minister.
The Hon. M. Xiberras, Minister for Labour and Social Security.
The Hon. Major A. J. Gache, Minister for Information, Port, Trade and Industries.
The Hon. J. Caruana, Minister for Housing and Public Works.
The Hon. W. M. Isola, Minister for Tourism and Municipal Services.
The Hon. Miss C. Anes, Minister for Medical and Health Services.
The Hon. L. Devincenzi, Minister for Education and Recreation.
The Hon. R. H. Hickling, C.M.G., Q.C., Attorney-General.
The Hon. E. H. Davis, C.M.G., O.B.E., Financial and Development Secretary.
The Hon. P. J. Isola, O.B.E.

Opposition:

The Hon. Sir Joshua Hassan, C.B.E., M.V.O., Q.C., J.P., Leader of the Opposition.
The Hon. A. W. Serfaty, O.B.E., J.P.,
The Hon. A. P. Montegriffo, O.B.E.
The Hon. E. J. Alvarez, O.B.E., J.P.
The Hon. M. K. Featherstone
The Hon. I. Abecasis
The Hon. Lt. Col. J. L. Hoare

In attendance:

J. L. Ballantine, Esq., Clerk to the House of Assembly.

Prayer:

Mr. Speaker recited the prayer.

Minutes:

The Minutes of the Meeting of the House held on the 10th December, 1970, having been previously circulated, were taken as read and confirmed.

Documents laid:

The Hon. the Minister for Information, Ports, Trade and Industries laid on the table the following documents:

The Pilots (Amendment) Rules, 1970.

Ordered to lie.

The Hon. the Financial and Development Secretary laid on the table the following documents:

- (1) The Exchange Control (Definitions of Scheduled Territories) Order, 1970.
- (2) The Lotteries (Amendment) Regulations, 1970.
- (3) Supplementary Estimates No.1 of 1970/1971.

(4) The Gibraltar Broadcasting Corporation's Financial Statement for the year ended 31st December, 1969.

(5) The Gibraltar Broadcasting Corporation's Chairman's Annual Report.

Ordered to lie.

ANSWERS TO QUESTIONS

STATEMENT BY THE MINISTER FOR EDUCATIONTeachers' Salaries

Mr. Speaker, in view of the industrial action currently being carried out by members of the Gibraltar Teachers' Association in support of their salary claim, I think the House would like to know the present position of the Government on the matter.

As members of the House will know, Mr. Arthur Marsh has been undertaking a series of investigations on the salary structure of the various sections of the public service. Mr. Marsh has, therefore, been able to make independent recommendations for each branch in relation to the current position and economic situation in Gibraltar.

As far as the Teachers are concerned, they submitted to him a statement in support of their claim which indicated that they were most concerned about the salary position of Headteachers and other teachers drawing allowances in Gibraltar schools, and that they considered Gibraltar teachers because they have U.K. recognised qualifications should be brought on to the U.K. Burnham scales as soon as possible. The Teachers' Association has asked that this policy should be implemented in three stages: 75% of U.K. Burnham scales in 1970 - 90% after 1 year - 100% after 2 years.

Mr. Marsh after considering submissions from all persons concerned, published his recommendations for all branches of the service in July, 1970. He was able to make recommendations about the basic scales of the various categories of teachers employed in Gibraltar, but he was unable to accept that Gibraltar Teachers should receive the same salary as a U.K. teachers or even a fixed proportion of such a salary scale, because of the varying conditions which obtain between Gibraltar and the United Kingdom. He did agree however, that Gibraltar teachers should not "in the round" be worse off than their fellow teachers in the United Kingdom, and he took this into consideration when making his recommendations on the basic scales. Mr. Marsh however, was not able to make full recommendations about the salaries of Headteachers and other teachers receiving allowances, since it was not clear, at that time, in which direction the education system of Gibraltar would develop, and he did not want to inhibit any future decision that the Government might make on this matter.

Following the arrival of the Director of Education in September, 1970, however, consultations took place with the teachers and with Mr. Marsh, and on the basis of the advice he received, he was able to present a Supplementary Report in December, 1970, on the superstructure and allowances of teachers

salaries. This in effect, completed the Marsh Report on teachers salaries. The main objective of the Report was to introduce a career structure for teachers based on that applicable in the United Kingdom. In order to encourage the better teachers, more posts of responsibility were proposed so that the majority of the Qualified and Experienced teachers would receive such an allowance. The Supplementary Report, therefore, met the claim submitted to Mr. Marsh by the Gibraltar Teachers' Association on Headteachers salaries and allowances, and in fact, were much more generous than the teachers had contemplated. Nevertheless, the Government recognised the benefits of the recommendations on the schools of Gibraltar and accordingly accepted the report. At the same time, they have offered the teachers a 3% additional award which in practice amounts to approximately one additional increment for a teacher on the basic scale.

The teachers are claiming that they are asking for 75% of the U.K. Burnham scale, or if we are to believe a recent statement made through the Gibraltar Broadcasting Corporation, 70% of the scale. If this is so, it will be seen by looking at a table, copies of which I will arrange to circulate, that the salaries offered by Mr. Marsh for 3-year trained teachers over their first 11 years of teaching in Gibraltar, exceed this percentage. Admittedly the percentage is not so high for those at the maximum of the basic scale, but this is because Gibraltar has an 11-point basic scale and U.K. a 14-point basic scale. Comparisons about the maximum of these scales are therefore not valid.

It would appear from statements which the Gibraltar Teachers' Association have recently made to the press and television that they have not fully understood the implications of the Marsh Report and Supplementary Review.

All in all, I think it can be seen that the teachers have been given as generous an offer as can be possibly entertained within the terms of the Marsh Report. The Government have accepted the independent advice of Mr. Marsh, and ask Gibraltar Teachers to do the same. It very much regrets that teachers should "work to rule" or strike because there is no doubt that irreparable damage will be done to the fabric of the education system in the schools and the good relationships between the teachers and parents. The Government therefore, ask the teachers to reconsider their position before any further damage is done.

The reason why the basic scales cannot be altered has been explained to the Association. Briefly these are that Gibraltar's economy could not sustain the repercussions which could be expected to ensue. It is for this reason

that the Government must resist this, although the official side remains ready, as always, to discuss other points with Staff Associations, although certainly not under duress. Thank you.

HON. SIR JOSHUA HASSAN:

Will the Minister try himself personally - I know it is a serious matter and I am measuring my words - will the Minister try and use his best services to see that there is a dialogue in respect of the matters that have given rise to this rather serious situation and allay any anxiety to the profession, to the parents and to the children. At least this would give the impression and would give satisfaction to Gibraltar that an attempt at some element of conciliation is being made in this matter. I would urge the Minister to do that; if necessary with the help of the Chief Minister. This matter is a serious matter and I really feel that there comes a time, when people are not on speaking terms, when things are augmented in the imagination, grievances are increased and it makes it much more difficult to come to an agreement. I really would urge, and the appeal, for what it is worth, applies to this as well as to the other side.

HON. L. DEVINCENZI:

Sir, I do appreciate most sincerely the suggestion of the Learned Leader of the Opposition. As he must have noticed, I have ended the statement by saying that the Government is ready, as always, to discuss any points that the Teachers might be prepared to make, and this offer certainly stands.

HON. CHIEF MINISTER:

Mr. Speaker may I say how grateful I am to the Hon. and Learned Leader of the Opposition for making that suggestion and I do hope it will be possible to find some measure of reconciliation on this very important issue. I am most grateful to him for this suggestion.

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MOTIONS

(1) Appointment of Select Committee on Compulsory Military Service.

HON. CHIEF MINISTER:

Sir, I have the honour to move that this House resolves that a Select Committee be appointed to consider whether, bearing in mind the constitutional position that defence is a direct responsibility of the Governor, circumstances in Gibraltar warrant the continuation of compulsory military service.

As you know Mr. Speaker, this is really the result of the discussion that we had at the last meeting of this House and the subject was very ably introduced by my Learned Friend Mr. Isola. From that discussion I think we arrived at a sort of consensus that it was important that a Select Committee should be formed to look into this issue, which is now very topical in Gibraltar. Having listened to the very interesting contributions made to that debate I tried to arrive at a motion that would meet the consensus expressed at that meeting, and I do hope that it does reflect what was said here. Because if that is so, I think it will avoid any controversy over the motion itself. I can also assure the House that I did everything possible, as it was the wishes of the House, to move this motion without delay and I feel certain that the Members who will form part of the Committee will also, I am sure, endeavour to be as expeditious as possible in arriving at some kind of a report. I say this, because there seems to be suspicion in certain quarters that there might be an attempt at procrastination and I am sure that this is not the wish of the House, nor do I feel will it be the intention of the Committee. And I hope that my words will put those people at ease.

Now, the terms of reference. I have really divided them in two. One is whether conscription is really warranted at present. The other is the fact that defence is really the responsibility of the Governor. Now, the responsibility for defence has always been that of the British Government and I doubt whether anybody in this House would like to see that changed. First of all, I don't think it would be possible for Gibraltar to carry such a responsibility; we have not got either the means or the resources in manpower and all the other intricacies that are required in modern warfare, so I doubt whether anyone would object to that. If that is the case therefore it is rather interesting, I think, to look back at the debate in 1960. In a way it is timely that about 10 years later from that debate the whole matter should come up for review. I think this is a very healthy thing to do. It was then the prerogative of the members of the House, of the Legislative Council, to deliberate on this issue and that situation has not changed in any way. It is still I think our prerogative to discuss the question of conscription. But in doing so, nobody in this House would like to see the contribution that is made towards the defence of Gibraltar weakened in any way. I doubt very much whether any events have occurred to change the situation since then, from the point of view of defence; I do not

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mean from the point of view of contribution towards that defence. But it is I think perhaps very appropriate and very relevant to bring to notice the responsibility that the Members of this House have towards the defence of Gibraltar and indeed every citizen, every Gibraltarian has towards the defence of his own home town. I think that feeling was expressed in the House in 1960 and I think that feeling was expressed also at the last debate here in this House. But I would like to have this recorded, because I think it is very relevant. In a way, perhaps, I am giving evidence to the Select Committee if I may draw attention to them to this point. "The point is that we in Gibraltar", I am quoting Sir Joshua Hassan, then Chief Member, "The point is that we in Gibraltar, looking at it from our own point of view, our own selfish point of view, would desire to have a force of trained and disciplined men in Gibraltar if war should break out. If I may borrow the expression used in the press we would like to have men who know what it is to play at soldiers. In time of peace it has often been said - and in every part of the world not just in Gibraltar - "It is peacetime, and look at these chaps playing soldiers". But when war has come the country has been jolly glad that they had been playing at soldiers in time of peace. That, Sir, is, I think, a consideration that we must bear in mind. If unfortunately there should be an emergency, we in Gibraltar should be proud and should be ready to have our men called to arms to defend first, Gibraltar and secondly the Commonwealth, which for many years has brought us prosperity, peace and good living. I for one Sir, would not shirk that responsibility and I am sure that no Honourable Member here would do so. It is a responsibility and it is a duty, it is our contribution to the Commonwealth. We only give it in terms of manpower, because our contribution in terms of money is very small. Even if we were to agree to supplement out of public funds to pay given to conscripts, as I am sure we will, we would still be contributing very little money towards the defence of the Commonwealth but we can to some extent help towards safeguarding the Commonwealth strategic position by providing our manpower, by saying that we are quite ready to have all our men of military age called up in defence of the colony and in defence of the Commonwealth if there should ever be an emergency." Could I just correct myself there; in fact I was quoting my Hon. Friend Mr. Isola. But that does not mean to say that I shall not have the pleasure of quoting the Hon. Leader of the Opposition. (Laughter)

Sir, the part that we play, or the contribution that we must make towards the defence of our own homeland, and towards helping commonwealth forces, which as the Honourable Member whom I have quoted just said - and I think you were referring then to my Hon. Friend, - who would be there and available to come and defend us, I would feel thoroughly ashamed if they came out to defend us and we could not help them adequately. This has been stated very clearly by the Hon. Member. I do not propose to labour this point because on this occasion, if I may say so, they have been very ably put and I entirely agree with him. That is one of the privileges of this

House, that when we differ we can say that we differ, and when we agree, we can say that we agree. Nobody toes the line on these things. I now think it is also appropriate to quote from the Hon. Member Mr. Serfaty, who also had strong words on the question of defence. He said: "There is no point in coming up at the eleventh hour to volunteer for Civil Defence or for the Army, because Civil Defence is one of the pillars on which the defence of the country will stand in a future war. We must be prepared, and if we accept the principle of preparedness we must have either a large voluntary army or conscription. I think the economy of Gibraltar cannot stand a large voluntary army - not even in numbers, let alone in pounds, shillings and pence. I have come to the conclusion in my innermost heart therefore that we must have conscription." There are a few more quotations but I don't think I need labour the point any more. The fact remains therefore, that every member of the House, it appears to me, were very conscious of the need that Gibraltar should make a contribution towards defence, and as circumstances in the world today have not changed all that much for the better - some people might say that in the circumstances of Gibraltar they have changed for the worse - I think I doubt whether there is any argument against making a contribution towards the defence of Gibraltar by the Gibraltarians ourselves. Now, the Committee of course will be free to investigate all the aspects. The Committee will have available, if they so desire, if he can be in attendance, the services of the Attorney-General, who can be of guidance as to Law generally. Naturally, the Committee can ask for evidence from different quarters. From civilian quarters, and I am sure through His Excellency the Governor, also from the Services, to ascertain whatever points they would like to clear. I have a feeling that there are three ways of making a contribution towards the defence of Gibraltar. One is by conscription, the other one is by a small voluntary force and the other one is by a mercenary force. Now, it could be one of those three, or a combination of those three. But I think we must agree that whichever one, or whichever combination of those, is finally recommended, it must be an effective defence. To do otherwise, I think, we would be behaving very much like an ostrich - exposing our posterior when we should be raising our heads and facing reality squarely and manly. I think these are the facts of life. This is the position that we here in this House must resolve. It is a difficult problem, perhaps in many ways an unpopular one, it might be a very heavy one in one way or another, but I don't think that however great this burden might be, we in Gibraltar are not prepared to bear it. Because if we are not, then everything that we say about Gibraltar, our wishes to remain in Gibraltar, in our hometown and preserve our way of life and all the freedom that we take for granted carry on being enjoyed and cherished forever, will be futile.

HON. A. P. MONTEGRIFFO:

Mr. Speaker, how very disappointed I was in 1959 when I was not re-elected to the House. How very glad I feel about that today, because that

has not given the opportunity to the Chief Minister to quote me. Sir, we support this motion of course. It is the only constitutional way that we have of giving effect to the wishes of the House in appointing a Select Committee, but the Chief Minister, and very rightly so, focused some attention on the constitutional distinctions about defence and domestic matters. And of course we are very proud too, on this side of the House, that we have entrusted our defence to Britain. But I think we ought to make it quite clear to them that although we have entrusted Britain with this responsibility, we must also be, and I am sure that both sides of the House will agree, the decisive and deciding factor in deciding the issue that affects the destiny of the people of Gibraltar in the future. I would never accept Sir, and it has been proved by the debate on conscription, in this House, any legalistic, or too legalistic an approach to the constitution that would make us work in a sort of a water tight or isolated compartment. It cannot be done in that way, Mr. Speaker, and the very fact that they were discussing conscription proved the point, otherwise the partnership which we pridefully have developed with Britain would suffer and what we want is to strengthen it with trust and confidence and make it stronger in the future. I therefore think His Excellency was very wise, very wise not to be too legalistic when he was approached on the matter by saying: "This is a question for the will of the people", and in turn Sir, the will of the people, and very particularly so, the Select Committee, must look at this matter without fear of favour and come to a conclusion which will best serve the interests of the people of Gibraltar.

HON. P. J. ISOLA:

Sir, I would support this motion. I am sure that Hon. Members who were in this House in 1960 are very grateful to the Chief Minister for reminding them of what they said on that day, and for reminding them of the principle on which they acted. I think there are a number of points Sir, that had to be made clear and I am sure Hon. Members will agree. I think one of them the Hon. Mr. Montegriffo has dealt with already and that is the question of the democratic process where an issue like conscription is involved. I think we must not confuse the constitutional position that Britain is responsible for the defence of Gibraltar with the democratic position that you cannot deprive people of their liberty, of their freedom, unless they consent to it. That is in my view what this House of Assembly is all about, and I would certainly resist the proposition that, if the British Government were to state, without convincing the Select Committee on the matter, that conscription was essential for defence, that would have to be accepted by us without question. The whole purpose, as I understand it, of the Select Committee is to enquire into this matter freely and fully and as fully as possible: to decide this issue for themselves and I think that in order to justify, and I think we would all agree on this, in order to justify this deprivation of liberty, this forced service in a democratic country, it must be proved to those representatives to be for the benefit of

that country and to be necessary for it, and the last say in the matter must be with the elected representatives of the people. This I think, is a vital part of our constitution as I understand it, whatever may be written into it, this is the spirit of the constitution. Accordingly Sir, I think it is necessary to say that this House is going to decide this matter, looking into it without fear or favour. Now, there has been a certain....this has always happened of course, there is a tremendous urge to do away with something, then the reaction sets in and then the quarrels occur. One has seen from items in the press insinuations that Hon. Members of this House are just jumping on what appears to be, a popular bangwagon to do away with conscription. They say "What is wrong with conscription? They have got it in Germany, they have got it in Denmark and in Sweden, so why should we not have it here?" That of course Sir, in my view, and I am sure Hon. Members of the House will agree, is a completely wrong approach to the matter. In Germany or Sweden or wherever it may be, if they have conscription it is because the duly elected representatives have decided that there should be conscription. And this is the principle that I think it is important to establish here. Because Sir, we are told, and the Hon. Chief Minister has said, that Gibraltar would wish to make its contribution to the defence of Gibraltar, which is, to make its contribution to its existence. The attitude that has been taken by Gibraltar representatives on both sides of the House, on many issues, not just defence also on the question of foreign affairs, is that we go along with Britain. For instance, Sir, and this is something which I think people should be reminded of, that Gibraltar, the people of Gibraltar, have survived, have submitted willingly and freely to a siege for six years, have submitted willingly and freely to an isolation from the rest of the world, rather the people around us in Spain, purely and simply because we have had the will to defend our position, we have gone along with Britain, and the Gibraltar Government as the responsible representatives of the people of Gibraltar, have not told the British Government to go to war with Spain, they are attacking us we have looked at it in the whole context of Gibraltar/Anglo-relations, in the whole context of the needs of Britain and the need of Gibraltar going along with Britain. And I think it is in that context that one must look at this issue completely. It is not fair and true to say that because we may wish to do away with conscription, because they may think it is no longer necessary, it is not fair and true to say that Gibraltar is refusing to do its bit. This is an outrageous attack, in my view, on the people of Gibraltar. Dover, if I may quote an example, is the nearest point to Europe in England, probably susceptible first to attack. Is it suggested because of this there must be conscription in Dover? That surely cannot be the right approach to the matter. I am not saying Sir, and please don't get me wrong, I am not trying to prejudge issues but I certainly refuse to be influenced by consideration that, because Gibraltar may wish to do away with conscription, we are refusing to do, or contribute our bit, towards the defence. There are many ways in which Gibraltar contributes

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to its existence. Gibraltar has shown by its sacrifice, throughout the last six years especially by its indomitable spirit, that it has a will to survive and will do everything necessary. It is unfair on the people of Gibraltar, and unfair of the elected representatives to say "If you don't want conscription, it means that you are refusing to contribute towards the defence of Gibraltar". That is an outrageous accusation and an outrageous defamation of this House and of the people of Gibraltar. Now Sir, I don't as I have said, I don't wish in any way to prejudge the issues. I appreciate that it is a matter, as the Chief Minister has said, that we would wish to look at with all due expedition, but again I have to resist the suggestion that this House should be invited to fix a date for the Select Committee to report back. This is impossible and this again is an infringement on the rights of the House to consider every aspect of the matter freely and fully. I can assure the House that as far as I am concerned I am well aware of my responsibilities; that I am not disturbed by being accused of inconsistency because I said one thing in 1960 and I may be saying something else in 1970. These accusations do not in any way disturb me. What is important is that in 1970 we should do what is right for Gibraltar; we should question; we should investigate; we should listen to the representations of the people, because in the last resort the House owes itself to the people, and if the people demand a particular matter and the House, after deliberation, says 'I am sorry, this is not on and we don't agree with you. It cannot be!' If the people after that still insist that it should be, then it may well be a question of putting the issue to the people and of resigning from office, because here in Gibraltar it is a democracy, here in Gibraltar we are not told what we have to do. We choose what we feel ought to be done and we put it to the people. If the people reject it, well, then we go; we don't stay in for the sake of staying in. I think it is important to put all these principles because I think that, once this House has committed the question of conscription to the Select Committee, I think it is right and proper that the matter should then be deliberated, quietly, carefully and coldly, by those to whom the House has entrusted the responsibility. What we are asked to consider is whether circumstances in Gibraltar warrant the continuation of compulsory military service. As far as I am concerned Sir, and I am sure as far as the members of the Select Committee are concerned, they will give this matter their urgent

MR. SPEAKER:

We are only considering in this motion, whether we should appoint a committee

HON. P. J. ISOLA:

I beg your pardon, Sir, I am sure that what the Select Committee that is being set up will obviously have to consider, and I agree that they must consider this, coldly and must investigate very fully into the whole matter, and then come to their conclusions. I am sure that the House, and in fact

the general public of Gibraltar, can be assured that those considerations of the Committee will not be influenced by high pressure tactics from one side or the other. There are pressures already in existence, obviously one way or the other, but I am sure that in committing this matter to a Select Committee, it is the wish of the House that this question of conscription, as opposed to Gibraltar's contribution to defence, if I may say to the Chief Minister, that this question of conscription as such, whether it is warranted, is something that we want now, is to be gone into thoroughly; especially Sir as this House must take account of events that have occurred and must take into account that it appears on the face of it - no doubt the Select Committee will wish to investigate the matter - it appears that on the face of it, there are a great number of people in Gibraltar who object, in principle, to conscription. That the House has to take due regard of. Thank you Sir.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I really did not feel like saying very much today in support of the motion with which we fully agree, because I felt that, since we are appointing virtually a Select Committee to look into the matter, it would be prejudging the work of the Select Committee to have a full debate on the matter. I am only going to limit my remarks to one or two points of principle, and that is, to saying that I am pleased to hear the last speaker's remarks about this, because it was perhaps unfortunate, or coincidental, that the motion sought leave to move at the time, came at the peak of this surge for revision of the matter and I am very glad to hear him say that this is a matter on which nobody should get into anybody's bangwagon. This is how we look at it on this side of the House and this why the last time I spoke on behalf of everybody, because I felt that there was only one point of view that should be said on this and that otherwise it might confuse the issue. I am not saying that it was so on the other side, but at least that was our view: it might confuse the issue by having various aspects of a matter, which was already pretty difficult, and which, in any case, one started with the feeling that it had to be investigated, because precisely there were pressures to have this matter investigated, which did not exist in 1960, and also because perhaps, and this is a matter which had to be looked into by the Select Committee, and I may ask to go to the Select Committee and express my views there, and express my experience of what happened last time, perhaps the advice given now, from the fact of the nature of the contribution to defence, is different to the one that was given in 1960 and on which we went to that time. Because equally, at that time, and I think it ought to be said somewhere in the debate; it was said that the Government, and then once the matter was brought to the House had left it - or rather the official side of the Government, there was no Government or Opposition - the official side of the Government said, it was left to the House. But of course, the decision has been taken at the Executive Council to bring the measure, and there was where the matter was gone into and those who had the

responsibility to listen, reflected the advice in the way that the debate went. So I don't want to say very much more about this matter, because I think it is essential that it should be looked at. As I said before, the burden must be on those who want to deprive people of liberty and not on those who want to get themselves free from that restriction on their liberty. And this is how I am sure the committee will look at it, with all its implications. I think it is also fair that it should be said, from this side, that however strong the feeling may be in some people, this is a matter which will have to be looked at completely, impartially and certainly with a sense of urgency, but with no sense of haste, because it is the result of that that is important in the final analysis and things like this cannot be rushed, though this should not be an excuse to delay the matter, because if it has to come, it has to come when it is required and there should be no more about it. So really, all we have to say on this side is that we support the motion, we hope that, apart from those who are objecting other people - I can't say in this case the silent majority, because in this case the majority is not silent - but anyhow, the people who have other views also may express themselves so that, whatever the result, like in any impartial investigation, whatever the result, the Select Committee can come here with a decision that will be in the best interests of Gibraltar and will reflect the feeling of Gibraltar in a matter of this nature. And let me say, in concluding, that whatever the result, I do not think that anybody should question our resolution to stand with Britain on everything and our fervent desire to defend our little Gibraltar whenever the time comes.

HON. M. XIBERRAS:

Mr. Speaker, the best way to be expeditious I think, on this occasion is to say as little as possible. I agree with the terms of the motion and support it, I do not think that it in any way limits the expression of the wishes of the people. I hope that their contributions to the select committee when it is appointed will be full and range from one end of the spectrum to the other and I think that the committee will be well apprised of what the feeling of the public is and of the importance of the issue, to deal with the subject fully, honourably and as expeditiously as is consonant with a full conscientious examination of a difficult problem. I am sure that if there is any inkling in the minds of the public that this may be subject to political manoeuvre of one kind or another, such an inkling must have been rubbed out by the speeches that have been made in this House. I think that members are well disposed to taking this and I would not minimise the position of all members in this House, altogether, as members, as representatives, and, if I may say, topically, not as delegates of the people, mostly as representatives of the people, acting in the interests of the community as a whole and not at the whim or at the behest of one group or another group. The Committee must not only take into account all ranges of opinion, but also all ranges of time that is, what is even the obvious wishes of the majority

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of the people at this stage must be viewed in perspective, for the future and I think that this will be one of the hardest tasks for the committee to try to achieve.

HON. MAJOR A. J. GACHE:

Mr. Speaker, I gratefully welcome this appointment of a Select Committee on the question of compulsory Military Service, and I hope that this Select Committee will be the forerunner of other Select Committees of the House. This procedure, Mr. Speaker, could become a very effective machinery for scrutinising and deliberating matters of great public interest in Gibraltar and I quote from the green paper, recently published in Britain on Select Committees in the House of Commons, where it says that: "Select Committees do not impair in any way the responsibilities of Ministers to Parliament or detract from the importance of proceedings of the House on the floor of the House." We now have a Subject Committee, and again the green paper comes out in favour of Subject Committees. They are referred to departmental committees because their enquiries are not inhibited by the artificial limits of departmental responsibilities. In fact, Lord Shepherd, on the 12th January, at the debate on British Colonial Territories, at which I was present, not as Lord Fisk, also did suggest that there should be a Select Committee on Colonial matters. So, Mr. Speaker, I believe there is a great future in this House for Select Committees, and I sincerely hope that the practice will be followed more frequently in the future. I would always support this procedure.

HON. J. CARUANA:

Mr. Speaker, I would like to support the motion and wish the committee success.

MR. SPEAKER:

Does the mover wish to reply?

HON. CHIEF MINISTER:

Mr. Speaker, I think I would like to clear one..... I am sorry.

HON. L. DEVINCENZI:

Mr. Speaker, the subject has been covered very well by most speakers. I am very pleased to note that perhaps everyone that has spoken is conscious of the needs of defence and the contribution that we should make towards it. However, I think we are all aware, and I am not prejudging the issue, that there is a marked distinction between contributions to defence and conscription. And surely the Select Committee, when it is finally appointed will bear this in mind. I am sure the whole House will support, and I am sure, in fact that the whole of Gibraltar is very much conscious of the need to defend ourselves, but the question is, in which way can we contribute towards this defence? I would just like to make the point, Sir, if I may, of the distinction between contribution and conscription and I am sure the Select Committee will bear this in mind and will come to a satisfactory conclusion in this matter. Thank you Sir.

HON. CHIEF MINISTER:

Mr. Speaker, I would just like to clear one or two points. I think that we should be left with no doubt whatsoever that there is no pressure coming from the official side of the Government to bias, or undermine, whatever deliberations are going to be taken by that committee. I can assure the House that that is the case. Nor is there any intention of diluting the constitutional position of this House, or of the members of this House. I think that this will be proved as time goes by, by those members who will be sitting on the committee. So, I can assure my Hon. Friend Mr. Isola, that there is no pressure whatsoever coming from the Government side in the full sense of the word, and I hope that will put him at ease on that score.

Mr. Speaker then put the question which was resolved in the affirmative, and the motion was accordingly carried.

(2) Appointment of members to the Select Committee on Compulsory Military Service.

HON. CHIEF MINISTER:

Sir, I have the honour to move that this House resolves that the following members should be nominated to the Select Committee appointed to consider whether, bearing in mind the constitutional position that defence is a direct responsibility of the Governor, circumstances in Gibraltar warrant the continuation of compulsory military service;

The Hon. M. Xiberras
The Hon. L. Devincenzi
The Hon. P. J. Isola, O.B.E.
The Hon. A. P. Montegriffo, O.B.E.
The Hon. Lt. Col. J. L. Hoare

Mr. Speaker I hope that the members that I have nominated, because I have to do so under the existing standing orders, are satisfactory and ~~accepted~~ ^{acceptable} to all members of the House.

HON. SIR JOSHUA HASSAN:

I don't know why this has to come out. This was a result of consultation and each side has appointed its own members, and I am sure that there are no dissent^{ers}ants.

Mr. Speaker then put the question which was resolved in the affirmative, and the motion was accordingly carried.

SUPPLEMENTARY ESTIMATES NO.1 of 1970/1971

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move, in the terms of the motion standing in my name, that the House should resolve itself into Committee to consider Supplementary Estimates No.1 of 1970/1971 in detail.

This was agreed to and the House resolved itself into Committee.

HOUSE IN COMMITTEE

Item 1 was agreed to and passed without amendment.

Item 2. IX. Labour and Social Security.

2. Supplementary Benefits.

HON. M. XIBERRAS:

Sir, I would like to bring to the notice of the House that what was said in previous meetings has now been done and that the Government is paying out as from the 1st of January, the increases in supplementary benefits to which we were committed from some time back. The staff in the Department has been engaged in drawing up the new rates of payments. The actual payments, with retrospective effect from 1st of January of this year, will start shortly.

HON. A. P. MONTEGRIFFO:

Mr. Speaker are we assuming that this extra £6,000 will only cover up to the end of March, 1971, or will new provisions be made in the Estimates?

HON. M. XIBERRAS:

It is up to the end of this financial year, let us put it that way. The increases in rates of course will cost a wee bit more than this.

This item was agreed to and passed without amendment.

14. Accommodation of Labour.

HON. M. XIBERRAS:

Sir, if I may impose on the House again. I think it is important, and I shall get up every time there is provision of this sort, to point out that this expenditure is for the accommodation at Casemates. We are trying to carry out very rapidly improvements in the conditions there, even though at the moment they are above those generally to be found in the private sector. The House will notice that £1,300 is in respect of 23 showers which now have cold water and will be provided with hot water. There is also a major operation in connection with giving that side of Casemates a facelift which, I am assured by the Public Works Department, would be continued up to the Arches over the road, which with the building of the Health Centre, on the far side of the road, should complete at least two sides of that square.

It would enhance and embellish it. Apart from that, of course, the resulting accommodation for labour will be better. I should also, perhaps anticipating events somewhat, say that the bottom part of that side of Casemates is also being made available for labour accommodation and that the workers who would be housed there would not in the main be additional to the labour force needed for existing industries, but will be for the development programme. Therefore those rumours that a flood of workers is expected because of the preparations being made at Casemates are not correct insofar as these workers would be mostly for extra economic activity in the shape of the building which is due to take place with the development programme.

This item was agreed to and passed without amendment.

Item 3 was agreed to and passed without amendment.

Item 4. XII. Public Works Non-Recurrent.

(1) Government 39. (New) Buffadero Bluff Stone Quarry.

HON. J. CARUANA:

Mr. Speaker I would like to inform the House that this vote, as is plainly stated in the paper, covers the cost of sinking an exploratory shaft at Buffadero Bluff which has been assigned to Government for the provision of aggregate. I think I can say quite categorically that we are doing this as quickly as possible in order that Gibraltar can once again employ a less expensive aggregate than has been imported for some time now.

This item was agreed to and passed without amendment.

40. (New) Bus Shelters.

HON. LT. COL. J. L. HOARE:

Mr. Speaker, I notice that this covers the cost of constructing three bus shelters. I think we were promised four. Is it intended to make provision for the fourth one later?

HON. J. CARUANA:

No, Mr. Speaker, I think that if the Hon. and Gallant Member opposite recalls exactly what I said with regard to bus shelters, he will remember that I specifically said we were making provision for three bus shelters and that the fourth one was in respect of the project at Glacis, is part of that project and comes under that vote. So we do not need to make provision for the fourth bus shelter.

HON. LT. COL. J. L. HOARE:

I am sorry but I was reading his answer literally where he says: "and one extra point, we are providing four bus shelters, not three." This is the thing that I was getting at.

HON. J. CARUANA:

I think that perhaps if you read a little earlier on you will find that I referred to the Glacis project where the fourth bus shelter is incorporated.

HON. LT. COL. J. L. HOARE:

Very well. One further point Mr. Speaker, does this £450 cover the cost of erecting them?

HON. J. CARUANA:

Yes, this is the estimated cost for the provision of three bus shelters fully completed. Whether once they are finished they cost a little more remains to be seen. This is only an estimate of the cost.

HON. LT. COL. J. L. HOARE:

Once again he uses the word construction, whereas previously he mentioned erection.

HON. J. CARUANA:

Mr. Speaker as I said in my statement, the bus shelters have to be constructed in the department and then erected on the site. It is not possible for the bus shelters to be taken to the Site fully erected.

This item was agreed to and passed without amendment.

(2) Municipality. 29a. (New) Maintenance of Refuse Destructor.

57a. De-tubing of spanner boiler. 69. Eastside - F replanting and fencing.

HON. J. CARUANA:

With regards to 29a Mr. Speaker. Very briefly the Destructor, as I have said before, is pretty clapped out and I think will have to close down for quite a considerable length of time. We are making arrangements to dispose of refuse when the closedown takes place. If there is therefore a little bit of inconvenience caused please bear with the Department in this respect. It is not an easy problem, over a period of two or three weeks, to dispose of garbage if the weather goes against you and the barges can't get out to the straits.

With regard to the tree planting and fencing at Eastside, I think that members who have travelled along Catalan Bay will have noticed the erection of fencing. The trees have arrived already, very much delayed, but they have arrived. We have had shipping trouble from all over the place due to inclement weather and breakdowns. I would also like to mention that several small rockfalls which one could suppose would have normally fallen onto the road have already been stopped effectively by the fencing.

HON. LT. COL. J. L. HOARE:

May I comment on that Mr. Speaker. It is rather a heavy under estimate; we have gone up to £1720 when the original estimate was £3500, nearly 50%.

Was the under-estimate in respect of the number of trees, in the cost of the trees or in the amount of the cost of the works?

HON. J. CARUANA:

Mr. Speaker, it is very difficult to cost the works accurately because when one presents the estimates it can obviously only be an estimate based on cost. When one finally goes out to tender one finds - and I am sure there are members opposite who are very much aware of this - one finds that they are out of all proportions to the estimate calculated by our own engineers.

This item was agreed to and passed without amendment.

Item 5 was agreed to and passed without amendment.

Item 6.XVI. Miscellaneous Services. (1) Government.

14. Repayment of Revenue of Previous Years.

24. Financial Aid to Cultural and Sporting Societies.

35. (New) Victoria Stadium.

HON. MAJOR R. J. PELIZA:

Mr. Speaker, perhaps we should not allow this occasion to go by without thanking the Sappers for the excellent work that they are about to complete at the Stadium. (Tapping on table)

HON. J. CARUANA:

Mr. Speaker, I would like to endorse that. I would also like to mention, so that the House and the public is aware, and without wishing to take any credit for the construction of the Victoria Stadium, that many members of the Public Works Department have been involved in the design organisation of the construction of the Victoria Stadium. For the past three or four weeks, members of the Department have been working at the Victoria Stadium, side by side with the Sappers, clearing out and remarking the new road lines and beautifying the area in front. This work has been done practically round the clock in order to meet the deadline of the handing over of the Victoria Stadium on the 23rd.

36. (New) Census 1970.

HON. MAJOR R. J. PELIZA:

Mr. Speaker, I think that members of the House would like to hear for once that the Government is doing something sooner than possible, and that is that Mr. Fell, the Census Commissioner, is due to arrive tomorrow. The census has been nearly completed and processed and he is just here for a number of queries so I think we should know the result in the very near future.

HON. LT. COL. J. L. HOARE:

May I say Mr. Speaker, that there are exceptions to every rule.

(2) Municipality 8. Ground Rents.

This item was agreed to and passed without amendment.

Item 7. XVIII. Police. 1. Personal Emoluments.29. (New) Purchase of Weights and Measures.

HON. M. K. FEATHERSTONE:

Sir, I notice we are already moving into metrication, could we have a breakdown of this £1000 of weights etc. It seems to be rather a lot, isn't it?

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I will have great pleasure in forwarding it to the Hon. Gentleman.

HON. SIR JOSHUA HASSAN:

But is this a sign that we are getting on to metrication before we reach decimalisation?

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir.

HON. A. W. SERFATY:

May I ask when are we getting on to metrication, or am I out of order, Mr. Speaker?

MR. SPEAKER:

I shall be very liberal.

HON. CHIEF MINISTER:

I have a feeling, Mr. Speaker, that all we have got to do is to get through our matriculation.

HON. SIR JOSHUA HASSAN:

Surely, Mr. Speaker, there was a question in the House, I mean this is serious, and it was said that it would be left until after the D-Day. Is it the intention to go on to metrication soon or at the same time as in United Kingdom, or has any policy decision been taken?

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

I have not seen the papers for such a long time Sir, that I would like to refresh my memory. Perhaps the Hon. Leader of the Opposition would allow me to do exactly the same with him as with his Hon. Colleague. I will send him an answer.

HON. SIR JOSHUA HASSAN:

Hear, hear.

HON. A. W. SERFATY:

Will the Hon. Financial Secretary bear in mind the metrication has already started in England?

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

If the Hon. Member also wants a written answer I will give it to him Sir.

HON. J. CARUANA:

Mr. Speaker, I remember very vividly taking a great interest in this subject when it came out in another place and I remember very well that the item in question, although under the general heading of Weights and Measures, mainly referred to weights. It is now legal in Gibraltar, for a person to use metric scales and therefore the Police must have available their British Standards Metric Weights. I remember this very clearly Sir.

HON. M. K. FEATHERSTONE:

It nevertheless seems, Sir, rather a lot of money for the police to buy a set of weights to go round to see that people's weighing machines are giving reasonable measure or not. I would have thought a set of excellent weights could be purchased for £50.

This item was agreed to and passed without amendment.

Item 8. XXVI. Tourist Office. Marketing

19. Advertising, Public Relations and Field Sales.

HON. W. M. ISOLA:

Mr. Speaker in the negotiations with the Operators and Carriers the Government agreed to increase its media advertising investment by £15,000 in addition to the normal appropriation for advertising and promotion. Because the financial year now commences in April of this year, it is necessary to vote an additional £10,000 to meet the media campaign cost for the period December 1970 to the 31st March 1971. These £10,000 would have normally been met from the current Gibraltar Tourist Office Estimate if the financial year would have remained as in the past. The House will be interested to learn that up to the second week of the media campaign we have had a coupon response from the general press in England of 16,580 as compared to 8,500 at a like period last year. The latest news we have on Agent's bookings for Gibraltar is that they are well up on last year at the same period. We have assured an increase of 40%.

HON. A. W. SERFATY:

Mr. Speaker, if I may say so, the policy of the Opposition of doing more advertising has been vindicated.

This item was agreed to and passed without amendment.

RESUMPTION

The House resumed.

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to report that Supplementary Estimates No.1 of 1970/1971 has been considered in committee and agreed to without amendments and move that it be passed.

Mr. Speaker then put the question that Supplementary Estimates No.1 of 1970/1971 be passed, this was agreed to and Supplementary Estimates No.1 of 1970/1971 was passed.

BILLS

FIRST READING

The Co-operative Societies Bill, 1970.

HON. MAJOR A. J. GACHE:

Sir, I have the honour to move the suspension of Standing Order No.30 in respect of this Bill.

This was agreed to.

The Hon. the Minister for Information, Ports, Trade and Industries moved that a Bill entitled "An Ordinance to provide for the formation, and to regulate the operation of co-operative societies" be read a first time.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

The Hon. the Minister for Information, Ports, Trade and Industries gave notice that the second reading of this Bill would be taken at the next meeting of the House.

The House adjourned at 8.45 p.m. and resumed at 10.00 p.m.

FIRST AND SECOND READINGS

The Decimal Currency Ordinance, 1970.

The Hon. Financial and Development Secretary moved that a Bill entitled "An Ordinance to make further provision in connection with the introduction of a decimal currency and to impose restrictions on the melting or breaking of metal coins". be read a first time.

Mr. Speaker then put the question which was resolved in the affirmative.

The Bill was read a first time.

SECOND READING

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I beg to move that the Bill be read a second time.

The purpose of the Bill Sir, is to introduce the statutory provisions necessary for the implementation of decimal currency in Gibraltar on the 15th of February next. In view of the great importance of this measure, Sir, I propose to deal with the matter in some detail and I would ask the House to bear with me during a somewhat lengthy peroration.

Except as already provided by the proclamations made by Her Majesty the Queen on the 20th of December, 1968, and the 19th of December, 1969, published in the Official Gazette of the 4th and 20th September, 1970, the Bill follows very closely the U.K. Decimal Currency Act of 1969, subject to such modifications as have been necessary to adapt the various sections of the Act to local circumstances.

The proclamation of the 20th December 1968, provided that as from the appointed day, i.e. the 15th of February, 1971, the denominations of money

in the currency of Gibraltar would be the pound sterling and the new penny, the latter being of course one hundredth part of a pound sterling. This proclamation also applied the Decimal Currency Act 1967 to Gibraltar and specified the denominations, weight, size and composition of the new cupro-nickel and bronze coins.

On the 19th December, 1969, two proclamations were made. The first increased the amounts for the payment of which cupro-nickel and silver coins would be legal tender:-

- (a) from £2 to £10 in the case of denominations of more than 10p or 2/-;
- (b) from £2 to £5 in the case of lower denominations; and
- (c) from 1/- to 20p or 4/- in the case of bronze coins.

A further effect of the proclamation was to make the new $\frac{1}{2}$ p, 1p and 2p coins, as specified in the proclamation of the previous year, legal tender to the extent I have just stated with effect from the 15th February. This proclamation also applied to Gibraltar Sections 15, 16 17 and 19 of the Decimal Currency Act of 1969, dealing with amendments to, and repeals of, certain sections of the Coinage Acts of 1870, 1920 and 1946 as well as the Decimal Currency Act, 1967.

The second proclamation of the 19th of December, 1969, determined the specification and design for, and gave currency to, cupro-nickel and bronze coins in Gibraltar. It authorised the issue, for use before the 15th February of 1971, of the fifty new pence, the ten new pence and the five new pence as current cupro-nickel coins of the denominations of ten shillings, a florin and a shilling respectively. This has in fact been happening for some time.

Turning now to the Bill, Sir, I shall now deal with it, clause by clause.

Clause 3 deals with Bills of Exchange and Promissory Notes

This clause Sir provides that a bill of exchange (which includes a cheque) or promissory note drawn in shillings and pence after the 15th of February, next will be invalid. The reason for this is that it would be impracticable for the banking system to work in both the old and the new currencies. Banks generally will clear £.s.d. items and then convert their machines and accounts during the four days preceding Decimal Day (the 11th to the 14th February inclusive), during those days they will be closed for normal business. In effect, there will be no change-over period for the banks, and from Decimal Day they will work exclusively in the new currency. It is, therefore, essential to provide that all Bills of exchange (including cheques) and promissory notes must be drawn or made in the new currency from Decima~~l~~y Day. The alternative would be to provide for the amendment of each document, made out or drawn in

shillings and pence, to show the corresponding amount in the new currency calculated on the basis of the whole new penny table shown in the Schedule to the Bill. The objection to this is that it would be time-consuming; would place an additional and unnecessary task on bank staff at a time when they will already be under pressure, and it could prove to be an impediment to the smooth change-over to the new currency. Because although the person paying in the documents to a bank might himself amend them it would be necessary for the bank or banks to check that the £.s.d. amount had been correctly converted to £p.

Subclause 3(1) thus provides that a bill of exchange or promissory note drawn on or after Decimal Day will be invalid if the amount payable is wholly or partly in shillings and pence. In the absence of this provision, a number of people might continue to write their cheques in £.s.d.; some because they had not yet converted their accounting system to the new currency; others merely because they did not agree in principle with the change-over to a decimal currency or merely to be different.

I understand Sir, that the banks realise that for some time after Decimal Day cheques and the like will be written in £.s.d. in genuine error or forgetfulness; and there will be an unofficial period of grace after Decimal Day during which the banks will accept at their own discretion, £.s.d. cheques in the same way as in January each year they accept cheques bearing the date of the preceding year.

Nevertheless, because post-dated bills of exchange and promissory notes are used extensively in business transactions, subclause 3(2) preserves the validity of a post-dated bill of exchange or promissory note dated on or after 15th February, 1971, provided that it bears a certificate by a banker that it was drawn or made before that day. Post-dated cheques are used for hire purchase payments and there are certain to be many of these in existence after Decimal Day issued before that day and still expressed in £.s.d. It is obviously desirable to preserve the validity of such documents, because otherwise they would have to be returned to their originators to be altered. The subclause safeguards the position. There is no need to specify whose banker should sign the certificate or what form it should take.

Clause 4 provides for the conversion from Decimal Day, on the basis of the whole new penny conversion table set out in the Schedule, of references to shillings and pence in most instruments of payment issued before Decimal Day. The instruments include cheques and other bills of exchange, promissory notes, money and postal orders, and documents for the payment of social security benefits.

Banks generally will work exclusively Sir, in the new currency from Decimal Day. Although in the four days preceding that day they will clear all £.s.d. items and documents before converting their machines and accounts to decimal working, there will be a large number of commercial instruments in existence on Decimal Day made out in £.s.d., which have to be converted to £p on being paid through the banking system, and I apologise, for this sounds like an L.P., in the absence of the provision in this Clause, which converts amounts in shillings and pence to corresponding amounts in the new currency, on the basis of the whole new penny table set out in the Schedule to the Bill, there could well be doubts about the basis of the conversion. For example, whether the £.s.d. amount should be converted to an amount in £p which was not less than the corresponding £.s.d. amount; or whether the £.s.d. amount should be converted on the basis of an exact equivalent 1/- = 5p, 1d = $\frac{5}{12}$ of a new penny and then rounded to the nearest payable amount. This in turn could lead at best to reference back to the drawer with all the delay and additional work involved; and at worst to dispute between the parties to the transaction. The provision is designed to ensure that the sum referred to is certain; and that overall, debtors' and creditors' gains and losses even out.

Formulating a legal provision for the conversion of shillings and pence in the circumstances described is complicated by the fact that, in much accounting work, the new halfpenny will never be used. Many organisations, including the banks, will ignore it for accounting purposes. A choice must therefore be made between using a whole new penny table and a new halfpenny table. Both tables even out losses and gains over a range of payments, but as the banks will ignore new halfpence (in the same way as they ignore the present halfpenny) the new halfpenny table is unsuitable for use in converting £.s.d. to £p. amounts where the transaction involves the banking system, because the loss of the new halfpenny on certain payments would to some extent nullify the basis of evening out losses and gains on which the table has been prepared. For this reason, the whole new penny table is proposed for the conversion of payable instruments, the bulk of which are paid through the banking system.

Section 64 of the Bills of Exchange Ordinance (Cap.10) provides that "Where a bill or acceptance is materially altered without the assent of all parties liable on the bill, the bill is avoided except as against a party who has himself made, authorised, or assented to the alteration, and subsequent indorsers". The Section specifically states that any alteration of the sum payable is a material alteration. The purpose of Subclause (2) of the Bill is to ensure that the alteration on the basis of the whole new penny table of the sum payable on a £.s.d. instrument will not affect the validity

of that instrument and in particular to ensure that such an alteration on a bill of exchange or promissory note will not be treated as a material alteration. The subclause applies not only to instruments to which Section 64 of the Ordinance applies but also to other instruments listed in subclause (3) whose validity might, under the general law, be affected by alteration.

Subclause (3) specifies the instruments to which the provisions of subclauses (1) and (2) apply. They must have been drawn, made or issued before Decimal Day. They are:-

(a) cheques and other instruments to which section 86 of the Bills of Exchange Ordinance applies, as listed in the Ordinance.

The case for applying the provisions of the subclause to the instruments mentioned at (a), (b) and (c) of Section 86 is self-evident because they all involve banking transactions; that for including Post Office Savings Bank warrants, money orders, postal orders and payment instruments issued by the Department of Labour and Social Security is less apparent.

Some money orders and postal orders are exchanged for cash over Post Office counters; where these were written in £.s.d. and cashed after Decimal Day it would be possible to apply the new halfpenny table. But a significant proportion of these orders passes through the banking system. If the new halfpenny table were applied for the conversion of all such orders, the amount payable would vary depending on whether the order was exchanged for cash or paid into a bank account. It would be difficult in law to distinguish between £.s.d. orders exchanged for cash at a Post Office and those paid through a bank account, in order that the new halfpenny table could be applied to the conversion of the former and the whole new penny conversion to the latter. Furthermore, this division would lead to variations in payment similar to those mentioned. For example, for a £1.6s.4d. order cashed at the Post Office the payee would receive £1.31 $\frac{1}{2}$ p. but if it were paid through his bank he would receive £1.32p. It might, however, pay a firm holding a large number of £.s.d. orders ending in anything from 1/6d to 19/6d, to receive cash for the orders rather than to pay them through their bank account since in each case they would receive a $\frac{1}{2}$ p more.

In the circumstances, it is considered more equitable, and administratively more convenient (for the Post Office and the payer and payee as well as the banks), to apply the whole new penny table for the conversion of all £.s.d. money and postal orders.

From Decimal Day, instruments of payment issued by the Department of Labour and Social Security, and payable through the Post Office, will be

expressed in £p , but there are likely to be a number of £s.d. instruments issued before Decimal Day still unpaid. The Department considers that they cannot pay anyone less than the exact £s.d. amount to which they are entitled on the instrument without statutory authority. On the other hand, if all amounts were rounded up to the nearest ~~new penny~~ there would be administrative complications and additional expenditure. In the circumstances it was considered desirable to include these instruments under subclause (3), although they do not go through the banking system.

Following publication in the U.K. of the Decimal Currency Bill in January it was found that there were a number of payment orders which would not be covered by the provision of this clause of the Bill. It was not practicable to list all such instruments; because one clearing bank alone provided a list of over 140 organisations, which issue instruments presented through the clearing system and drawn upon themselves. This list was not comprehensive and to attempt anything like a comprehensive one would have been time consuming and costly for the banks and even then this would not have been fully comprehensive. For this reason, it was decided to include a general description covering such instruments.

Clause 5. Conversion of bank balances.

Authorises the conversion from Decimal Day on the basis of the whole new penny table of references to shillings and pence in bank balances, including balances at savings banks.

In the U.K. the banks themselves asked for legal provision covering the conversion of bank balances. For their own administrative convenience, however, they would have preferred conversion to be on the basis of a short whole new penny table. This would have rounded the sixpence up to 3p in all cases as opposed to the long whole new penny table in the Schedule to the Bill. This rounds 6d up from $2\frac{1}{2}\text{p}$ to 3p but $1/6\text{d}$ down from $7\frac{1}{2}\text{p}$ to 7p . The practical difference between the two tables, is, therefore, that, with the short one, creditors gain rather than lose one new halfpenny on the conversion of amounts ending in $1/6\text{d}$, $3/6\text{d}$, $5/6\text{d}$, and so on; the principle of evening out gains and losses in the interest of overall equity is sacrificed to administrative convenience. Moreover, there is no obvious way of choosing between a short table which rounds up the sixpence and one which rounds it down.

The Decimal Currency Board, like the Halsbury Committee, recommended the long table. The Government in the U.K. accepted this recommendation because they recognised that the short table would be more convenient for a number of large organisations at the beginning of the change-over, but on balance they considered that the principle of evening out gains and losses was more important than administrative convenience.

In the absence of subclause (1), which authorises the conversion on the basis of the whole new penny table of shillings or pence in the balance standing to the credit or debit of an account at a bank on or after Decimal Day, it would have been open to bank customers with a credit balance to argue that on conversion to £p the amount standing to their credit should be rounded up.

This would have increased the cost of the change-over for the banks who are already faced with substantial expenditure on the conversion of machines and accounts. It would be equally unacceptable that the banks should profit from the conversion of balances by rounding down all £s.d. balances to the nearest £p amount. Applying the whole new penny table to account balances is the most equitable way to even out the losses and gains of the banks and their customers.

The whole new penny table may be applied to the balance of each account so that if a customer has a No.1 and No.2 current account and a deposit account the table will be applied to the balance, whether credit or debit on each one of the three accounts.

Clause 6. Payment of certain periodical payments.

Permits, with certain exceptions, the conversion on the basis of the whole new penny table in the Schedule to the Bill, of an £s.d. amount payable from Decimal Day as one of a series of the same amount payable periodically. The exceptions are wages, salaries or other remuneration, and payments under friendly societies.

Clause 7. Registered stock transferable in multiples of one penny.

Provides that from Decimal Day registered stock which is transferable in multiples of one penny, shall be transferable in multiples of one new penny; and that accordingly references to transfer multiples of one penny in prospectuses or other documents for such stock should be read as one new penny. It also provides for the conversion, on the basis of the whole new penny table in the Schedule to the Bill, of shillings and pence in account balances in the register of such stock.

Subclause (3) of this clause applies the whole new penny table to the total amount of registered stock standing to the credit of individual accounts, even though this may be made up of two or more amounts of stock. The only practical method of conversion is to look to the balance on each account as is already done when interest calculations are made.

The case for statutory cover for the conversion of such balances is:-

- (i) Stock is a form of property any alteration in the value of the total amount might affect the sale price between the date of conversion and redemption.

(ii) In general, it will be open to the parties to a contract to agree on the conversion arrangements for £.s.d. references in contracts, where the retention of such a reference makes the working of the terms of the contract impracticable. Such consultation would often be impracticable in any case and any change by unilateral administrative action would almost certainly lead to continuing acrimonious exchanges with disgruntled stockholders.

(iii) Any ambiguity, legal or otherwise about the conversion of stock registers, and in consequence the exact amount of stock involved in a transfer, could seriously impair the proper functioning of the market.

Clause 8. Payments after end of transitional period.

Provides for the conversion on the basis of the whole new penny table in the Schedule to the Bill of amounts in £.s.d. which fall to be paid after the end of the change-over period.

After the end of the period, there will be no way of paying £.s.d. amounts in £.s.d. (unless they convert exactly to payable £p amounts) because the old coins will no longer be legal tender. In the absence of statutory conversion or agreement between those concerned, the only way to pay such amounts would be to tender a higher amount in £p, e.g. for 7d, 3p (7.2d). Rounding up in every case would be inequitable, and by using a whole new penny conversion table a balance is struck which overall is equitable to both creditors and debtors whether the amount is paid in cash or through the banking system.

In speaking of the amount of money payable, the clause is referring, not to individual amounts comprising a total, but to the total itself. For example, in paying after the end of the change-over period an account rendered for a number of individual items the whole new penny table would be applied to the total of the account and not to each separate amount in respect of the individual items of which it is comprised.

It may be argued Sir that the new halfpenny table should be used for the conversion of these amounts. This was considered. But the fact that the new halfpenny will not be used by the banks means that if the new halfpenny table were used for all £.s.d. amounts payable after the end of the change-over period, its effect of evening out losses and gains would, to some extent, be nullified in respect of payments through the banking system. Either the halfpenny amount would be written on the cheque but ignored by the bank or the halfpenny amount would be rounded up by the writer of the cheque. The alternative would be to apply the new halfpenny

table to amounts paid in cash and the whole new penny table to those paid through the banking system. But it is difficult to justify a situation where the £p amount due would vary, depending on whether a bill was paid by cheque or in cash. Furthermore, it would be confusing to have two statutory conversion tables which would apply at different times, e.g. if the whole new penny table were used for the conversion of periodical payments during the change-over period and the new halfpenny table applied to these payments after the end of this period.

The use of the whole new penny table as proposed in this clause means that the amount due is certain and the same however payment is made; that a consistent approach is adopted throughout to the conversion of amounts on instruments of payment, bank accounts, periodical payments and £s.d. amounts due at the end of the change-over, and therefore to the conversion of accounts, which is important to a smooth and efficient change-over; and, finally, that overall a balance is struck which is equitable to debtors and creditors.

Clause 9. provides for the automatic conversion to the new currency on Decimal Day of references to shilling and pence in enactments and subordinate legislation on the basis of equivalent amounts, thus, subclause (1) provides that all references in legislation to amounts in shillings and pence are to be read as the equivalent £p amounts, i.e. on the basis that one penny equals $5/12$ of a new penny. This means that in most cases a specific amendment of the reference will not be required. It is only where amounts require to be increased or decreased because of decimalisation that the reference will need specific amendment to an amount in the new currency.

Subclause (2) excludes from the operation of subclause (1) £s.d. references in the Bill itself or in legislation relating to coinage or currency. The subclause also excludes from the operation of subclause (1) £s.d. references in legislation passed or made after the Decimal Currency Act 1967.

Clause 10. Power to modify the laws.

Empowers the Governor by order to amend references to shillings and pence in enactments or subordinate legislation passed or made before Decimal Day.

Clause 9 of the Bill with minor exceptions provides that all references in legislation to amounts in shillings and pence will be read as the equivalent £p amounts, i.e. on the basis that one penny equals $5/12$ of a new penny. Where these references involve a sum to be paid which does not convert exactly to an amount payable in the new coinage, or a unit of calculation which on conversion by exact equivalents results in an awkward fraction of a new penny, the reference will need to be changed.

Power is needed to make variations to legislation by order. This is partly because some general Ordinance may be overlooked, and partly because it will not always be possible for references in statutory instruments or other subsidiary legislation to be amended by further instruments made under the enactment under which the original instruments were made, because, for example, the power to make the instrument is limited to a purpose too narrow to include conversion.

It would not be entirely satisfactory Sir, if the power to amend £.s.d. references were confined solely to the actual £.s.d. amount since these may be part of an equation, and to change only that part relating to the price without corresponding changes in the rest of the equation could result in fundamental and inequitable changes in a fee, a price charged for service, or a unit cost.

Accordingly subclause (1) of this clause empowers the Governor, where a reference to an amount of money in the old currency in an enactment or subordinate legislation is not a whole number of pounds, to make an order which will have a number of effects.

It is the intention that as far as practicable amendments of amounts to be paid will be based on either the whole new penny or the new halfpenny conversion table as appropriate and amendments of units of calculation will be amended by the minimum commensurate with simplifying the work of calculating rates and solving machine problems.

Clause 11. Modifications of forms.

This clause provides for the modification from £.s.d. to decimal currency of forms set out in enactments or subordinate instruments.

Subclause (1) facilitates the continued use of forms contained in enactments and subordinate legislation made before Decimal Day.

Clause 12. which provides for Special modifications of the Bills of Exchange Ordinance declares the 11th, 12th and 13th February, 1971, to be non-business days for the purposes of the Bills of Exchange Ordinance Cap.10. This will enable the banks to remain closed for normal business on these days in order to clear £.s.d. items and convert their machines and accounts to decimal working so that they can work exclusively in the new currency from Decimal Day. The clause also provides that if the last day of grace for a bill of exchange falls on the 11th or 12th February, 1971, it will be payable on the 10th February, 1971; and that if it falls on the 13th or 14th February it will be payable on the 15th.

Clause 13. Restrictions on melting or breaking of metal coins.

Merely provides for the usual guarantee that nobody should do something which they cannot do.

The Schedule sets out the method of calculating the amounts in new pence corresponding to an amount in shillings and pence. The conversion is effected in whole pennies. It applies only to transactions referred to in Clauses 4 to 8 and 10 (1)(a). It does not apply in the case of Clause 9, where the conversion is made on the basis of the exact equivalent of an old penny being $5/12$ of the new one, or in the case of clause 10(1)(b), where the conversion will be in multiples of one new halfpenny.

Sir, that is all I want to say about the Bill but before the LP is switched off I should like to take the opportunity to ask all shopkeepers to convert to decimal currency overnight on the 15th February. Facilities are being provided in banks and official departments to change old coins into new ones. In fact, the only coins affected will be the 1d and the 3d piece as the 6d coin will continue to circulate for the time being as $2\frac{1}{2}$ p. It is hoped that the effect of the quick change-over will be that people will think in terms of the new currency without the need of going through confusing mental calculations. The posters and other conversion tables which have been circulated are intended merely as a guide or a matter of interest for people wishing to compare the equivalent of one currency in terms of another. It is felt Sir, that in Gibraltar where both traders and the general public have been accustomed to the metric system in terms of currency for many years the change-over should be comparatively easy. In fact, Sir, to my mind the only possible ground for confusion is that the description of the coin as a penny has been retained and one might be inclined to think of one coin in terms of another but I hope this will not really prove troublesome. I also hope Sir, that in effecting conversions traders will exercise circumspection in giving their clients a square deal. The posters on display should help.

Sir, I commend the Bill to the House, with my apologies.

HON. MAJOR A. J. GACHE:

Mr. Speaker, after this very long and interesting second reading speech by my Hon. Friend the Financial and Development Secretary there is very little really that I can add, except to say that the Government will be watching the conversion insofar as prices are concerned. I would also like to mention to the House what is going on in London at the moment in connection with Decimalisation and that is that the Evening Standard is playing a very important part in ensuring that when the conversion from the present penny to the new penny takes place the prices do not go up, and they are doing this by publishing

almost daily, or they will be publishing prices as they were before and the prices as they are after. And it may well be that this is something which we may well have to watch and if necessary do the same in Gibraltar.

HON. M. K. FEATHERSTONE:

Sir, there is not very much to say after the excellent review given by the Honourable Financial and Development Secretary. When a couple get married Sir, sometimes they decide to space the babies out and sometimes they decide to have them as quickly as possible and get the whole trouble of nappies etc. over all in one go. This seems to be what Gibraltar has decided with this Bill. In Britain they intend to try - I say to try Sir - to have the two different currencies running side by side for some time. But Gibraltar has chosen to make the radical change, which I think may be a little more confusing for a few days, but will prove in the long run very successful. There is just a small point Sir, that the Tourist coming here, who is used to this side by side in Britain, may be a little confused when he finds that currency which is still used in Britain is no longer legal tender here, but I am sure Sir, that the Traders and the banks will find a way out of this. Apart from that Sir, the Bill which is mainly technical has only one slight disadvantage but this is forced upon us because of the difficulty in running two tables - a halfpenny table and a penny table. The Bill is felt to be highly commendable and this side Sir, will support it wholeheartedly.

HON. SIR JOSHUA HASSAN:

There is just one point that I would like to ask the Hon. the Financial and Development Secretary to clarify for the benefit of people generally. In dealing with clause 8 he said "after the end of the changeover period there will be no way of paying £sd amounts in £sd unless they convert exactly to payable £p amounts, because the old coins the penny and the threepenny pieces, will no longer be legal tender." Do I take it that they will no longer be valid or will there be a period in which people can bring them into the Bank and convert them? It may well be that it may not be legal tender in the shops and so on, but surely we cannot give that little amount of time for the collection... I can think in terms of charitable boxes and things like that, which sometimes cannot be done in the period. Is it intended that they will not be refundable or that they will not be legal tender? And if it is going to be refundable, like it was done with the halfcrowns and the halfpennies, will there be a reasonable time limit? I think this is important.

HON. FINANCIAL AND DEVELOPMENT SECRETARY.

Mr. Speaker, it will be exactly the same actually for the purpose of the coinage as in the U.K., according to the Act. We have not changed that.

HON. SIR JOSHUA HASSAN:

But will you tell me what that is?

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

18 months.

HON. SIR JOSHUA HASSAN:

18 months from now?

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

Yes.

HON. SIR JOSHUA HASSAN:

There was not that time for the halfpennies and the halfcrowns.

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

18 months from the 15th of February of course.

HON. SIR JOSHUA HASSAN:

From the 15th of February ahead 18 months. Well that certainly gives plenty of time. Thank you.

HON. M. XIBERRAS:

Sir, I would like to associate myself with the words of my Hon. and Gallant Friend the Minister for Trade, about the likely effects on the cost of living of the change over to decimalisation. I would like to appeal to all traders, and unfortunately the gentlemen of the press do not seem to be here in force at this time of night, but I would like to appeal to traders that what they make on the swings they should ~~lose~~ ^{lose} on the roundabout and that they should try to maintain stable prices. Fortunately, with the formula being negotiated at present, if there is an increase as a result of going decimal then we hope that the formula will absorb at least a part of this increase. The speech delivered by my Hon. Friend the Financial and Development Secretary however long, is a very important one as the House is aware and the likely effects on the cost of living cannot be minimised. So I repeat what my Hon. & Gallant Friend the Minister for Trade has said: would traders please try to have the consideration that if prices go up now wages will go up to.

Mr. Speaker put the question which was resolved in the affirmative.

The Bill was read a second time.

The Hon. the Financial and Development Secretary proposed that the Committee Stage and 3rd Reading of the Bill should be taken at a later stage in the meeting.

This was agreed to.

SECOND READING

The Labour from Abroad (Accommodation) Ordinance, 1970.

The Hon. the Minister for Medical and Health Services moved that the Bill be read a second time.

HON. MISS C. ANES:

Sir, since the withdrawal of the spanish labour which used to reside outside Gibraltar the community has been faced with the enormous task of housing all the labour it needs. This amounts to some 2,700 Moroccans; 600 United Kingdom workers and 500 Portuguese, and a smattering of other nationalities. Despite the firm control exercised by the Department of Labour over the number of work permits granted there have inevitably been a number of workers from abroad living in very poor accommodation. At the present moment this is estimated at some 800, most of whom are Moroccans living in accommodation in town. The Government's method of handling this situation has been as follows (a) to control firmly the number of work permits issued and to get employers to become used to doing with less labour than before; (b) to increase the accommodation available, both that provided by Government and that provided by employers and private landlords; - The Minister for Labour's statement on Accommodation for Labour sets out the policy - and (c) to institute procedures to ensure that the standard of existing accommodation, and that which becomes available, is not only not allowed to deteriorate but is gradually improved. It is the community's duty to protect the labour they import. It is also to the community's advantage that this be done since a contented labour force will give better results. The Bill before the House aims at providing the protection in law which is required at this stage in respect of Accommodation. Potentially it covers all types of accommodation used by workers who come into Gibraltar under the Control of Employment (Amendment) 1970 Ordinance irrespective of such numbers lodged in such premises or the size of these. It is considered necessary to have such a far ranging law because the types of premises being used are tremendously varied and because it is mostly in the smaller premises where there are only 2 or 3 workers living, that conditions are, generally speaking, worse. However it is acknowledged that there will be great difficulty in the implementation of the Law. Too strict, rigid and immediate implementation would be to the detriment of the workers themselves, since some 800 beds would be lost and the occupants would have to be sent home. On the other hand we would lose 800 workers who at the present level of employment we can barely afford to loose. This is why there is an exemption clause in this Bill. It is proposed by rules to allow the Director of Medical and Health Services to apply the law only gradually to certain types of premises, whilst having the power to ensure that any new premises which become available conform to the desired standard, which will be defined very clearly and specifically by rules made under the Bill. It is proposed that the hotels should be exempted from the Bill.

The Bill sets out also to control charges made in respect of accommodation. Again the Government is under no illusions as to the difficulties involved in classifying premises for the purpose of stipulating maximum charges, but there can be little doubt that it is necessary to attempt this task in view of shortage of accommodation and the abuses which undoubtedly exist. At present a bed could cost anything between 10/0 and £6 a week depending on the type of premises, of course. But even those in good type of accommodation the difference in charges is sometimes very great. I shall be proposing an amendment under which there will be set up an Appeals Board which can review any decisions of the Director with which the Landlord disagrees. Often it is the man in charge of the day to day running of the hostel who makes or breaks the establishment. There are examples of good and bad managers. The Bill sets out to define the responsibilities for the running of any premises and makes the Manager share in the responsibility. It also attempts to create a type of manager or landlord who can be increasingly trusted to run a good House without too much Government interference. This is very important. At the moment the enforcement officer, who is doing a marvelous job, and the Health Authorities generally, have to chase up every worker individually and despite the fact that some 120 are covered a week, it is quite impossible to get abreast of the situation. The Bill therefore aims at providing a system of good managers who can be checked and relied upon, and a list of acceptable premises which again do not have to be inspected everytime a new worker takes up accommodation. The rules which will be made under the Ordinance are likely to be very comprehensive but it is necessary in the present circumstances to have a check list, as it were, of basic requirements. They will deal not only with the requirements of safety and public health but also with details such as bedding, cooking facilities etc. This will be useful insofar as even where the bill, an immediate application of the law would cause hardship to the workman, certain rules, for example those dealing with bedding, decor etc. could be applied, and an immediate if minor improvement effected. It may be asked why existing Public Health Legislation is not deemed sufficient for the purpose today. The answer is, I would suggest, that the situation facing us now is completely different and more critical than when the Public Health Legislation was drawn up. Today we are concerned not only with the maintenance of Health and Safety Standards but with a legitimate protection of workmen. Nor, I would

suggest, would it have been wise to inject completely new elements into existing Public Health Legislation whose purpose and uses are much wider. However, the powers of inspection of premises provided by the Bill under discussion are taken from the Public Health Ordinance and confined to this extent. I should add that the Bill will not, if enacted, be brought into force until rules have been prepared, an Appeals Board constituted and the categories of premises to be exempt in addition to hostels settled. The Bill is of course somewhat experimental in its nature. We shall have to see how it works. I shall have to ask the indulgence of the House if further amendments are required, but let me say that I am most grateful to the Hon. A. P. Montegriffo for his helpful and constructive interest in the Bill. I commend Sir, the Bill to the House.

HON. A. P. MONTEGRIFFO:

Mr. Speaker, we on this side of the House of course support the Bill. I understand that at a later stage some amendments will be made which will meet one or two objections, if you want to put it that way, which we have against certain clauses of the Bill, and I myself will be moving an amendment to clause 11. On my part, may I reciprocate the kind words of the Lady Minister and express my thanks to the Minister of Labour & Social Security by saying that they have been most courteous in dealing with all the problems and points I have raised and I think this sets an example for the future which I look forward to. Perhaps we could get along much finer that way.

Mr. Speaker then put the question which was resolved in the affirmative.

The Hon. the Minister for Medical and Health Services proposed that the Committee Stage and Third Reading of the Bill should be taken at a later stage in the meeting.

This was agreed to.

COMMITTEE STAGE AND THIRD READINGS

The Hon. Attorney-General moved that the House should resolve itself into Committee to consider the next 5 Bills on the Order Paper, clause by clause.

This was agreed to and the House went into Committee.

The Shop Hours (Amendment) Ordinance 1970.

The Bill passed the Committee without amendment.

The Public Health (Amendment) Ordinance, 1970.

The Bill passed the Committee without amendment.

The 1969 Supplementary Appropriation Ordinance 1970.

The Bill passed the Committee without amendment.

The Decimal Currency Ordinance 1970.

The Bill passed the Committee without amendment.

The Labour from Abroad (Accommodation) Ordinance, 1970.

Clauses 1 to 10 were agreed to and stood part of the Bill.

Clause 11.

HON. A. P. MONTEGRIFFO:

Now, Sir clause 11 deals with the upgrading of premises and although I entirely agree that Government should keep a very close watch on premises which have already been graded and see that the standards are maintained, I feel that when these premises suffer an improvement it should be up to the keeper, manager or whoever it might be, to bring this to the notice of the Government, on their own initiative, to see that their premises are upgraded if they so feel. I therefore move Sir, that the last three words in line 5 of subclause 2 of clause 11 should be deleted and replaced by the following words "being given notice by".

Mr. Speaker put the question which was resolved in the affirmative.

The clause as amended stood part of the Bill.

HON. MISS C. ANES:

I ask for leave under Standing Order 54(7) to move the inclusion of a new clause 12.

MR. SPEAKER:

I believe that the Hon. Minister has an amendment to clause 11.

HON. MISS C. ANES:

Yes, to add subsection 3.

"(3) Any person aggrieved by any notice given by the Director under subsection (1) or (2) of this section may, within twenty-one days from the date of the giving of such notice, appeal to the Governor whose decision thereon shall be final and conclusive."

Sir, the classification of accommodation is regulated by rules made by the Governor under clause 8(6) of the Bill. The application of such rules is vested in the Director, and in relation to initial classification a right of appeal exists under clause 6. No such right is expressly conferred in relation to a re-classification effected under clause 11. The object of the above amendment is to confer such a right.

Mr. Speaker put the question which was resolved in the affirmative.

The clause as amended stood part of the Bill.

HON. MISS C. ANES:

Sir, I again ask for leave under S.O. 44(7) to insert a new clause 12.
 "Appeals 12(1) The Governor may by order establish for the purposes of
 Board. this Ordinance an Accommodation Appeals Board, and may by such
 Order provide for -

- (a) the constitution, membership and procedure of the Board;
- (b) the appointment of a chairman, deputy chairman and secretary to the Board; and
- (c) such other matters as appear to the Governor to be necessary or expedient for carrying out the purposes of this section.

(2) When an Accommodation Appeals Board has been established by an order made under subsection (1) of this section, the provisions of Sections 6 and 11 shall have effect as if for references therein to the Governor there were substituted references to such Board; and the Board may thereupon hear and determine any appeal under Section 6 or 11 and may give the Director such directions as may be necessary for the purpose of any such appeal and for giving effect to any decision of the Board thereon."

Sir, the above clause is designed to enable the Governor to establish by Order an Appeals Board for the purposes of the Ordinance. Once an order is promulgated, the Board will take over jurisdiction to hear and determine all appeals under the Ordinance, in place of the Governor (who in this context, as in the Bill generally, will be acting on the advice of the Council of Ministers).

HON. SIR JOSHUA HASSAN:

We welcome this as it was one of the points we had worries about because not only was it undesirable, but it burdened very much the Executive to have to deal with appeals as was the case before. I particularly welcome the remarks made by the Hon. Minister who has moved the second reading, that it is not intended to bring this Ordinance into effect when passed until the Appeals Board and the Regulations are ready for implementation, so that everything will come in at the same time.

Mr. Speaker then put the question which was resolved in the affirmative, and the new clause stood part of the Bill.

Old Clause 12.

HON. MISS C. ANES:

Sir, I move that (a) clause 12 should be renumbered as 13 and (b) to insert the words "without lawful excuse" before the word "permits" where it appears in subsections (2) and (4).

Sir, (a) is of course consequential; (b) the insertion of the words "without lawful excuse" is proposed so that owners who occupy the premises should not be subject to an absolute liability in respect of permitting the use of premises for accommodation.

HON. SIR JOSHUA HASSAN:

I have a small amendment to propose too. Perhaps we could take the first one, the one you are putting forward.

Mr. Speaker then put the question which was resolved in the affirmative.

HON. SIR JOSHUA HASSAN:

I mentioned this in coming in to the Attorney-General. I did not have an opportunity of mentioning it to the Minister. It is just for the sake of some sequence and regularity. In subclause 6 of the new clause 13, the penalty clause, I suggest that instead of the word "and" in the last line, the word should be "or". That is to say that on a second offence it is not necessarily compulsion to imprisonment. We had this same point in dealing with the question of statistics and it was readily agreed. Whether we want to have at the same time an increase in the fine for a second offence, I would say yes, I would be prepared to put it at £200 or imprisonment. I hope that this is acceptable.

HON. ATTORNEY-GENERAL:

Sir, I should just like to comment on that point. May I say at once that I have no personal **objection**, in fact I would support the amendment, but I would draw the attention of the Hon. and Learned Leader of the Opposition to the Clause in the Interpretation Ordinance, which I myself had overlooked in relation to the Statistics Bill, which provides as follows "that where in any ordinance more than one penalty is prescribed for an offence the use of the word 'and' shall unless a contrary intention appears mean that the penalties may be inflicted alternatively or cumulatively." Well I don't wish to belabour the point I am quite happy to accept that.

HON. SIR JOSHUA HASSAN:

I think you are right and it is possible to argue, but I would like people to know, when they read a law; to be able to understand it without having to have the services of a lawyer.

Mr. Speaker then put the question which was resolved in the affirmative. The clause as amended stood part of the Bill.

Old Clause 13.

HON. MISS C. ANES:

Once again, Sir, I have to ask your indulgence and this is to renumber clause 13 as 14, and of course the explanation is consequential.

Mr. Speaker put the question which was resolved in the affirmative and the clause as amended stood part of the Bill.

HON. MISS C. ANES:

Sir, I seek leave under Standing Order 34(7) for the inclusion as follows: Insert immediately after the newly renumbered clause 14 the following new clause:

"Prosecutions. 15. No prosecution for an offence under this Ordinance shall be commenced without the consent of the Attorney-General."

In view of the nature of the penalties set out in the newly renumbered clause 13 (which are necessarily wide in their scope) it is considered desirable that the consent of the Attorney-General should precede any prosecution under the Ordinance.

Mr. Speaker then put the question which was resolved in the affirmative and the new clause stood part of the Bill.

Old clause 14.

HON. MISS C. ANES:

Sir, I now move that clause 14 be renumbered as clause 16. This is consequential on the rest of the clauses.

Mr. Speaker then put the question which was resolved in the affirmative and the clause as amended stood part of the Bill.

The Long Title was agreed to and stood part of the Bill.

The House resumed.

HON. ATTORNEY-GENERAL:

Sir, I have the honour to report that the Shop Hours (Amendment) Bill; the Public Health (Amendment) Bill; the 1969 Supplementary Appropriation Bill and the Decimal Currency Bill, have been considered in committee and agreed to without amendment, and that the Labour from Abroad (Accommodation) Bill, has been considered in committee and agreed to with certain amendments. I now move that they be read a third time and passed.

This was agreed to and the Bills were read a third time and passed.

HON. CHIEF MINISTER:

Sir, before moving the adjournment I think the House would like me to pay a tribute to two very distinguished gentlemen: Mr. Gustavo Bacarissas, a Gibraltarian, and Mr. George Jeger, a fellow citizen of the U.K., who departed this life in this last fortnight and who, in many ways, I think, have worked for Gibraltar, and for which work the people of Gibraltar, and I am sure the House, have only got words of praise and admiration. Mr. Bacarissas distinguished himself in the world of Art, and I doubt whether Gibraltar could have had a more honourable person to represent us abroad as our ambassador. We all know that apart from the admiration that we had for him, he was also very much liked by those who knew him and also by those who knew of him. I think, and I am already giving consideration to this matter, it would be appropriate for this great Gibraltarian, who was the first freeman of Gibraltar, and the only one, that somehow this should be commemorated and perhaps it would be appropriate, if it was possible, to acquire one of his masterpieces and have it properly installed here in Gibraltar. I believe that this was his desire but I also believe that there were difficulties in obtaining it. However, perhaps some initiative could be taken and I am already looking

into that matter.

Mr. George Jeger we all know stood up very valiantly in the House of Commons on many occasions and for many years in defence of our cause. No doubt he was as many people called him "Gibraltar's M.P." and he was so interested in our affairs that, very naturally, at one stage he himself became directly concerned with us. But whatever his views were there is no doubt in anybody's mind that he was always doing his best for Gibraltar. I think it was very appropriate too that the Minister for Information, Port, Trade and Industries was able to pay the last respects, on behalf of this House, and of Gibraltar at the funeral and was also able to express personally to his wife and daughter our sincere condolences. No flowers were sent because it was not his wish that this should be done, but instead a donation was made to the Heart Foundation in memory of him. There is perhaps a lot more than can be said about these two distinguished men, but all I can say is that Gibraltar mourns the loss of these two great friends.

HON. SIR JOSHUA HASSAN:

Mr. Speaker, I would like to associate myself entirely with the remarks of the Chief Minister. In the case of Mr. Gustavo Bacarissas, he was humility and kindness personified. I had known him for many years and his heart was always here. He could have had much higher posts in Spain had he given up his British nationality which he never did. As regards the suggestion about a painting, in fact his desire was that some of his paintings should come back to Gibraltar, he was so much in love with his paintings that he would very rarely sell any of them, and if one went to his studio in Seville, in a beautiful penthouse which the Municipality had provided for him, so that he could have the best possible view of the whole landscape of Seville and beyond, you would see all his paintings. The ones he had painted in Madeira, others that he had not been persuaded to sell. And it was his wish that in particular one painting would be coming to Gibraltar. I hope that before anything is done on that we might have a word together because we don't want to throw good money away if we can have it free as was his intention. In fact so much so that we were also very grateful in the City Council for the gift of an excellent and very valuable frame which he had seen and approved and had in fact started to paint a picture for the frame. Steps were taken some little time ago, with the British Embassy in Madrid and the British Consul in Seville, in order to be able to see how that painting could come to Gibraltar, but I am sorry to say that despite the efforts that were made very little response came from where it should have come. But I agree that, if we can, and perhaps now that he is dead it may not be so easy to get it out without currency difficulties or what

have you, I entirely agree that if we cannot get it, as was his wish, we ought to acquire one. That is the least we can do to honour his memory. Mr. Jeger of course was a great friend of Gibraltar, and as the Chief Minister has said, also one who has done a lot for Gibraltar. Mr. Jeger came to Gibraltar the first time that there was a C.P.A. Delegation in January, 1955 following on the first C.P.A. delegation that went to Britain in November 1954 following on the restrictions which were imposed after the Queen's visit. He came with Norman Dodd, another Labour member and two Conservatives, Lord Balfour of Inchrye, and a man called Commander Lynch Maden. I am sorry to say, and I am not taking part in party politics that neither the two Conservatists ever showed any interest subsequent to their visit to Gibraltar, but both Norman Dodd and George Jeger were wonderful champions of the Gibraltar cause. Norman Dodd died at the time when the majority.....

HON. MAJOR A. J. GACHE:

I am sorry to interrupt, and I appreciate you are not making party politics, but Lord Balfour of Inchrye did take part in a number of debates in the House of Lords on behalf of Gibraltar I can mention one in particular, in October 1964. In actual fact it was the first time that there had been a debate on Gibraltar in the House of Lords.

HON. SIR JOSHUA HASSAN:

I stand corrected in a limited way. I should have said they never took as much an interest as these other two members took. Certainly they were giants on the Gibraltar question at the time when it was most needed. And in fact Norman Dodd died as a result, not of coming to a vote on Gibraltar but coming to a vote on gypsies. No comparison but he did take up the case of the gypsies and when there was such a small majority of one or two - let the other side take note of this - he was taken in a stretcher for a vote and he got pneumonia and died. But George Jeger continued to carry on and it was fantastic the interest he took on any matter, however small. You need only mention it casually to him, you forgot and eventually got a letter from a Minister in reply to him for having taken however small a matter, and in fact the last speaker, Dr. Horace King, whenever there was a debate on Gibraltar and Ministers spoke, he gave him the first opportunity of speaking because he was considered in the House as being the most knowledgeable on the affairs of Gibraltar and I think we owe a great debt to him for what he has done and I think this House can do better than record our sense of loss at his death and that officially you Mr. Speaker, on behalf of the members of the House should also write formally about this resolution that we take on the adjournment of the House in tribute to him..

MR. SPEAKER:

May I also say that with the death of Mr. Bacarisas and Mr. Jeger Gibraltar has lost two very good friends. And it is with a feeling of deep sorrow that I associate myself with the words of sympathy expressed by both the Chief Minister and the Leader of the Opposition.

AJOURNMENT

HON. CHIEF MINISTER:

Sir, I have the honour to move that this House do now adjourn sine die.

Mr. Speaker then put the question which was resolved in the affirmative.

The House adjourned sine die.

The adjournment was taken at 11.20 p.m.