

HOUSE OF ASSEMBLY

HANSARD
OF MEETING

HELD ON 14TH OCTOBER 1975

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Twentieth Meeting of the First Session of the Second House of Assembly held at the Assembly Chamber on Tuesday the 14th October 1975, at the hour of 10.30 o'clock in the forenoon.

PRESENT:

Mr Speaker (In the Chair)

GOVERNMENT:

The Hon Sir Joshua Hassan, CBE MVO QC JP, Chief Minister.
The Hon A W Serfaty, OBE JP, Minister for Tourism, Trade and Economic Development.
The Hon A P Montegriffo, OBE, Minister for Medical and Health Services.
The Hon M K Featherstone, Minister for Education.
The Hon A J Canepa, Minister for Labour and Social Security.
The Hon I Abecasis, Minister for Information and Postal Services.
The Hon Lt Col J L Hoare, Minister for Public Works and Municipal Services.
The Hon H J Zammitt, Minister for Sports and Housing.
The Hon J K Havers, OBE QC, Attorney General.
The Hon A Mackay, CMG, Financial and Development Secretary.

OPPOSITION:

The Hon M Xiberras, Leader of the Opposition.
The Hon P J Isola OBE
The Hon W M Isola
The Hon J Bossano
The Hon L Devincenzi

ABSENT:

The Hon Major R J Peliza, Member of the Opposition (Away from Gibraltar)
The Hon J Caruana, Member of the Opposition (Away from Gibraltar)

IN ATTENDANCE:

Mr P A Garbarino, ED (Clerk to the House of Assembly)

PRAYER.

Mr Speaker recited the prayer.

CONFIRMATION OF MINUTES.

The Minutes of the Meeting commencing on the 14th July 1975, having been previously circulated were taken as read and confirmed.

HON M XIBERRAS:

Mr Speaker, with your leave I would like to make a brief statement concerning certain statements made by Mr Roy Hattersley, Minister of State at the Foreign and Commonwealth Office in his recent visit to Gibraltar. The Opposition and Integration with Britain Party considers that certain remarks made by Mr Hattersley constituted a gross interference with the local political scene. Accordingly, the Opposition in close consultation with the Party, has decided that we have no option but to show our displeasure and dissatisfaction against Mr Hattersley's remarks by withdrawing from this meeting and boycotting the House of Assembly in the forthcoming month. And with your permission, Mr Speaker, we shall leave the Chamber at this moment.

MR SPEAKER:

withdraw from the Chamber,

You do not require my permission to / it is your prerogative. You are entitled to walk out if you feel you ought to in the circumstances. Does the Chief Minister wish to say anything?

HON CHIEF MINISTER:

Just this, Mr Speaker, that I was told at 5 past 10 this morning by the Leader of the Opposition of his intention and I very much regret that a quarrel which has nothing to do directly with the business of the House should deprive us of their contribution particularly in this Agenda which is so important under which there is so much social change which we propose to introduce which we have to get on with.

DOCUMENTS LAID.

The Hon the Minister for Tourism, Trade and Economic Development laid on the table the following document:

The Merchant Shipping Ordinance (Amendment of First Schedule)
Notice 1975.

Ordered to lie.

The Hon the Minister for Labour and Social Security laid on the table the following document:

The Employment Injuries Insurance (Medical Certification and Treatment) (Amendment) Regulations 1975.

Ordered to lie.

The Hon the Minister for Public Works and Municipal Services laid on the table the following document:

The Water Rules 1975.

Ordered to lie.

The Hon the Minister for Sports and Housing laid on the table the following documents:

- (1) The Landlord and Tenant (Communal Services Tenements)(No.3) Notice 1975.
- (2) The Traffic (Public Service Vehicles)(Drivers' and Conductors Licences and Badges)(Amendment) Regulations 1975.
- (3) The Public Service Vehicles (Identification Disc) Regulations 1975.

Ordered to lie.

The Hon the Attorney General laid on the table the following documents:

- (1) The Jurors' Compensation Rules 1975.
- (2) The Judgment Debts (Rate of Interest) Order 1975.
- (3) The Extradition (Hijacking)(Amendment) Order 1975.

Ordered to lie.

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

- (1) The Imports and Exports (Control)(Amendment) Regulations 1975.
- (2) Supplementary Estimates No.6 of 1974/75.
- (3) Supplementary Estimates Improvement and Development Fund No.5 of 1974/75.
- (4) Supplementary Estimates No.1 of 1975/76.
- (5) Supplementary Estimates Improvement and Development Fund No.1 of 1975/76.
- (6) Statements of Virement Warrants approved by the Financial and Development Secretary 1974/75 and 1975/76.

Ordered to lie.

ANSWERS TO QUESTIONS

MR SPEAKER:

May I explain that there are 25 questions down for answer at this meeting. The questioners are not in the House to ask the questions therefore the questions cannot be answered in the normal oral manner. Standing Orders provide that the answers will be laid on the table, that the meeting will continue as normal, and if within three days following the adjournment of this meeting each questioner requests that his questions should be left over until the next meeting, they are entitled to be so left over for the subsequent meeting of the House of Assembly. If nothing happens within three days of the adjournment of the meeting then the questioners will be entitled to be forwarded a written copy of the answers and thereby lose their rights to supplementary questions.

HON CHIEF MINISTER:

Perhaps I may have some guidance from you, Mr Speaker, as to the rule referred to in your statement.

MR SPEAKER:

The rule I have referred to just now is Standing Order 16(1) which reads: A question shall be answered by laying a written answer on the Table of the Assembly unless the Member asking the question shall in the notice of the question state that he requires an oral answer. When the Member has so stated an oral answer shall be given. (2) If any question remains unanswered - for whatever reason - when the Assembly adjourns on the last day of a meeting, a written answer shall be sent to the Member who put the question: Provided that where the question has been set down for oral answer the Member who put the question may within three days, exclusive of Sundays and public holidays next after the adjournment of the Assembly, require in writing that the question be postponed to a day at the next meeting of the Assembly.

HON CHIEF MINISTER:

Well, it is slightly different to House of Commons procedure which if oral answers are not reached they are taken to be written answers and the Member gets his answer straight away.

MR SPEAKER:

This is the way I read this Standing Order. Perhaps the Attorney General might wish to add something.

HON ATTORNEY GENERAL:

Mr Speaker, I don't think there is anything I can usefully add. I with respect agree that that is the procedure.

STATEMENT BY THE MINISTER FOR EDUCATION

HON M K FEATHERSTONE:

Work has started on the construction of the new Special School for Severely Handicapped Children at the West Place of Arms. The tender has been awarded to Peter Morello Construction Ltd at a cost of £115,016, exclusive of furniture and equipment, and the school is scheduled for completion on the 31 August 1976. The total cost of this project is estimated to be £145,000 of which £12,000 has been provided by the Gibraltar Society for Handicapped Children.

2. Careful Planning has gone into the design of this school, starting in late 1972 with a detailed enquiry by a UK Adviser into the provision of special educational treatment and facilities for Handicapped children in Gibraltar. His recommendations were incorporated in the brief to the Government Architect and each stage of the planning has since received his advice and guidance, together with a critical examination by the Architect and Buildings Branch of the UK Department

of Education and Science and by the Ministry of Overseas Development. The architect responsible for the plans visited special schools in England before commencing his work and the final plans were the subject of discussion with teachers and with members of the Gibraltar Society for Handicapped Children.

3. Criticism has been expressed by parents of pupils attending St Bernadette's, both in discussion with the Director of Education and in a letter for my attention that the school has not been planned to take all ages of handicapped children and has no residential accommodation. I can only state that these aspects were discussed extensively in early planning stages and rejected on educational and financial grounds. The new school will be a day-school with an enrolment of thirty pupils over an age-range of two-sixteen plus. However, I do appreciate the need to provide a workshop for the care and training of handicapped persons beyond this age range and I shall be enlisting the support of my colleagues in ensuring that St Bernadette's will be used for this purpose when the new school opens.

4. The planning I have referred to has resulted in a school which will cater for the fullest possible range of handicaps - the teaching accommodation consists of three group rooms for most severely handicapped children, younger children aged 2 to 9 years and older children above 9 years respectively. These are linked with a general purpose area for physical activity, assembly and recreation. The most severely handicapped children share a splash room with the younger children who also have the advantage of a home centre. The older children have work shop and house-craft facilities to provide the fullest possible range of secondary school activities. Since they will all receive a midday meal, a kitchen and dining room are provided in the schedule of non-teaching accommodation together with offices, staff and medical rooms and a reception area. An external tarmac play area is to be provided, together with vehicle access under a covered porch to the entrance of the school. The Head of the new Special School will be recruited initially from the United Kingdom and counterpart training for a selected local member of the teaching staff will be effected. The staffing ratio will be one teacher per 10 pupils together with a Matron, Assistant Matron and ancillary staff.

5. I am convinced that the continuation of St Bernadette's as a workshop for handicapped persons and the operation of this new school, with its purpose built facilities and enrolment at the earliest possible age, will mark a significant step forward in the care and education of handicapped persons in Gibraltar.

STATEMENT BY THE MINISTER FOR LABOUR AND SOCIAL SECURITY
HON A J CANEPA:

Later in the proceedings I shall be asking the House to pass four Bills, the general effect of which will be to increase, as from January 1976, the benefits payable under the various aspects of our social security scheme

by about 25% on the current rates, which came into force in January 1975. It goes without saying that, hand in hand with this, we must give our attention to reviewing the level of Supplementary Benefits which are paid to those of our community whose interests must be our major concern. Government has therefore seen fit to approve an increase of 25% in the rates of Supplementary Benefits as from January 1976, which will increase the basic weekly rate for a married couple living on their own by £2.40, from £9.50 to £11.90, and for a single person by £1.40 from £5.50 to £6.90. I think it is fair to say that these are the basic rates, but that in most cases actual entitlement is higher because of the payment of extra nourishment, long-term or other allowances which are, themselves, also being increased.

The rate of benefit for persons living with relatives, etc, who are not on Supplementary Benefits, is being raised from £2.60 to £3.20, and the maximum payable to any applicant (which really applies only in the case of a large family) from £16 to £20.

These increases are expected to cost Government an additional £33,000 in a full year. For the financial year, therefore, it is likely that I shall have to seek additional provision of about £3,000 to cover the three months from January to March, 1976, although the actual figure will not be known until the interrelationship with other benefits - such as old age pension and elderly persons pension - has had its effect, following the implementation of increases for all of them.

MOTIONS

1. SUPPLEMENTARY ESTIMATES NO. 6 OF 1974/75.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, before moving that this House resolves itself into Committee to consider the Schedule of Supplementary Estimates in detail, may I just briefly say to the House that this is the last Schedule of Supplementary Estimates in respect of the recurrent budget of 1974/75 for which the approval of the House and the appropriation is necessary before the accounts for the year 1974/75 are finally closed. I might just refer to the schedule of Supplementary Estimates No. 5 of 1974/75 on which we had some considerable debate just prior to the budget debate itself and I explained then that we had amended that Schedule and had removed from it certain items of expenditure which were not either interim award or COLA. There were such expenditures as overtime in certain cases and other staff changes which involved additional cost. I said that for authority for these expenditures I should have to come later to the House and these expenditures are, in fact, in the present Schedule before us as well as other expenditures on items other than personal emoluments of any kind which have to be brought to account in the final reckoning and closing of the books. Thank you, Sir. I now move that this House resolves itself into Committee to consider Supplementary Estimates No. 6 of 1974/75.

1. Head IV. Education was agreed to and passed.
2. Head VI. Fire Service was agreed to and passed.
3. Head VIII. Judicial (2) Supreme Court was agreed to and passed.
(3) Magistrates & Coroners Court was agreed to and passed.
4. Head IX. Labour and Social Security was agreed to and passed.
5. Head X Public Works was agreed to and passed.
6. Head XI. Public Works Annually Recurrent was agreed to and passed.
7. Head XIV. House of Assembly was agreed to and passed.
8. Head XV. Medical and Public Health was agreed to and passed.
9. Head XVIII. Police was agreed to and passed.
10. Head XXI. Prison was agreed to and passed.
11. Head XXIII. Revenue was agreed to and passed.
12. Head XXVI. Tourist Office was agreed to and passed.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to propose that the votes detailed in Supplementary Estimates No.6 of 1974/75 be approved.

Mr Speaker proposed the question.

Mr Speaker then put the question which was resolved in the affirmative and Supplementary Estimates No.6 of 1974/75 was agreed to and passed.

2. SUPPLEMENTARY ESTIMATES IMPROVEMENT AND DEVELOPMENT FUND NO.5 OF 1974/75.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, before moving again that the House should resolve itself into Committee to consider Supplementary Estimates Improvement and Development Fund No.5 of 1974/75 I would just say that this again is the clearing up of the financial year 1974/75 and there is this small amount of £1043 in total which we must consider and subsequently, I hope, resolve to approve. I now move, Sir, that this House resolves itself into Committee to consider Supplementary Estimates Improvement and Development Fund No.5 of 1974/75.

Improvement and Development Fund (F) Municipal Services was agreed to and passed.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to propose that the votes detailed in Supplementary Estimates Improvement and Development Fund No.5 of 1974/75 be approved, and that the sum of £1043 be appropriated to meet the expenditure detailed therein.

Mr Speaker proposed the question.

Mr Speaker then put the question which was resolved in the affirmative and Supplementary Estimates Improvement and Development Fund No.5 of 1974/75 was agreed to and passed and the sum of £1043 appropriated to meet the expenditure detailed therein.

3. SUPPLEMENTARY ESTIMATES NO.1 OF 1975/76.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, before moving that the House resolves itself into Committee to consider these estimates in detail I might just state that of course this is the first schedule of supplementary expenditure in the recurrent budget in 1975/76 which comes fully mid-way through the year at a total of £102,019 which considering that we are now running a recurrent budget of the order of £10m is a moderate sum in total. Furthermore there are in this schedule several revotes from expenditure from the previous year, and there are a number of not only inevitable additional expenditure but what I like to claim as real improvement such as at the Waterport building. Sir, I would now move that the House resolves itself into Committee to consider this schedule of Supplementary Estimates.

1. V. Electricity Undertaking was agreed to and passed.
2. VI. Fire Service was agreed to and passed.
3. XI. Public Works Annually Recurrent was agreed to and passed.
4. XII. Public Works Non-Recurrent was agreed to and passed.
5. XIII. Law Officers was agreed to and passed.
6. XIV. House of Assembly was agreed to and passed.
7. XV. Medical and Public Health was agreed to and passed.
8. XVI. Miscellaneous Services was agreed to and passed.

- 9. XIX. Port was agreed to and passed.
- 10. XXI. Prison was agreed to and passed.
- 11. XXIV. Secretariat was agreed to and passed.
- 12. XXVI. Tourist Office was agreed to and passed.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to propose that the votes detailed in Supplementary Estimates No.1 of 1975/76 be approved.

Mr Speaker proposed the question.

Mr Speaker then put the question which was resolved in the affirmative and Supplementary Estimates No.1 of 1975/76 were agreed to and passed.

4.SUPPLEMENTARY ESTIMATES IMPROVEMENT AND DEVELOPMENT FUND NO.1 OF 1975/76.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, before moving that the House resolves itself into Committee to consider the Schedule in detail I will just say that this again is the first Schedule of Supplementary Expenditure related to the Improvement and Development Fund in respect of the year 1975/76. In this Schedule as will be seen there is a very large amount of money revoted from the previous financial year and it will be seen on page 3 of the Schedule that of the total of £192,478 proposed, there is shown that £37,803 will fall upon the British Government ODA Development Aid Funds and I might add that we may mentally add to that figure of £37,803 the £19,300 which occurs in the very last item - the expenditure on site investigation at the Gasworks and New Camp site - which is work on which we are spending Gibraltar funds in the first instance but which we are confident we shall recover from Aid when we have the development projects on these sites. Sir, I have the honour to move that this House resolves itself into Committee to consider Supplementary Estimates Improvement and Development Fund No.1 of 1975/76 in detail.

MR SPEAKER:

I imagine this £19,300 will appear in another Improvement and Development Fund Schedule in due course as a contribution from ODA, but not now. Am I right in saying that?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, may I explain it this way. A year or more ago, I thought that when the House was considering estimates of expenditure on the Improvement and Development Fund, it must be useful to see to what extent we were considering expenditure of our own Gibraltar Government Fund and Funds representing Development Aid from HMG. That has been done in the little summary table on page 3.

MR SPEAKER:

Yes, but I was referring to the comment - if I may interrupt - the £19,300 will be attributable later on to ODA but not now.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is right.

MR SPEAKER:

Thank you very much indeed for clearing that point.

Improvement and Development Fund

(B) Schools was agreed to and passed.

(C) Medical was agreed to and passed.

(D) Tourist Development Projects was agreed to and passed.

(E) Other Development was agreed to and passed.

(F) Municipal Services was agreed to and passed.

(H) Roads was agreed to and passed.

(I) Refuse Destructor was agreed to and passed.

(K) Tourist Office was agreed to and passed.

(M) (New) Site Investigation at Gasworks and New Camp Site was agreed to and passed.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to propose that the votes detailed in Supplementary Estimates Improvement and Development Fund No.1 of 1975/76 be approved and that the sum of £192,478 be appropriated to meet the expenditure detailed therein.

Mr Speaker proposed the question.

Mr Speaker then put the question which was resolved in the affirmative and Supplementary Estimates Improvement and Development Fund No.1 of 1975/76 was agreed to and passed and the sum of £192,478 appropriated to meet the expenditure detailed therein.

(5) MOTION RE ELECTRICITY CHARGE S

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to move the following motion:

"In the exercise of the powers conferred by section 12 of the Public Utility Undertakings Ordinance this House resolves that the tariff for the supply of electricity to be applied and charged in respect of the accounting period including 1 November 1975 and every such period thereafter under the Commercial Three Part Tariff - Tariff No.4 to be as follows:

First 30 units at 3.76 p per unit

Next 170 units at 2.525p per unit

Sir, may I intervene to say that the figure before Hon Members is a missprint.

MR SPEAKER:

May I thank you for your benevolence. It is due to lack of accuracy by my office in inverting the numbers when the Agenda was circulated. The notice that you sent was completely and utterly correct and we are responsible for the typing error.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Thank you, Sir. May I now say that if I were reading from the motion set before Hon Members I would continue with a reference to a remainder. There is a line there which reads: "Remainder at 2.71p per unit" which as one sees is superfluous and I would like to suggest that it be deleted from the motion in case it could cause ambiguity. It is not wrong but it is superfluous.

MR SPEAKER:

You are still in time. The motion has not been proposed and therefore you can read it without the insertion of that line and that is what will be before the House for discussion.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Thank you, Sir.

Then I will continue my reading if I may.

MR SPEAKER:

Yes, continue your reading. If you start again at "Next 170" and you read on leaving out "Remainder" so that we have our records right and you read the proviso, then it will be perfectly in order.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I repeat, Sir. The first 30 units at 3.76p per unit, the next 170 units at 2.525p per unit. Provided that where total monthly consumption exceeds 200 units all units shall be charged at a rate of 2.71p per unit. Sir, in explaining this notion and commending it to the House I should say that it is purely an adjustment. We are proposing a new two-part tariff in place of a previous three-part tariff which applied to commercial consumers for the sole and simple reason that we got new billing machines coming into use this month which can much more satisfactorily take the detail in the two-part tariff proposed. Now, Sir, great pains have been taken to ensure that the new tariff which we devised with its two stages compared with three in the previous tariff, would not lead to any consumers finding that their charges would under the new tariff work out higher. We got it as close as can be but we have not succeeded in making the change without the result that we shall probably lose we reckon about £350 of revenue in the year. We couldn't get nearer to that and at the same time ensure that no one would find his bill increased and it was not our intention in this administrative proposal to make anyone pay more.

Mr Speaker then proposed the question.

HON LT COL J L HOARE:

Mr Speaker, Sir, I would merely like to elaborate just a little bit more on what the Hon Financial and Development Secretary has said. This is essentially a cleaning-up operation on this one particular tariff which is the only three-part tariff existing in our charges for electricity. And the revised charge is designed, and I must emphasise this to ensure that the charge to consumers stays as nearly as possible the same as it is at present with none being adversely affected. Nobody will pay one halfpenny more than they ~~are~~ at present. In fact there are 1,334 consumers at present of whom 472 consume over 200 units a month and these obviously are not affected in the slightest as the rate remains the same. Of the 862 remainder who use under 200, there are 503 who use up to 20 units with an average of 10 units. None of these 862 will pay more than they do at present. 113 will pay exactly the same and the other 749 a little less - from a penny a month less to 17p a month less - and the monthly loss to revenue is round about £30 and as the Hon Financial and Development Secretary has said a total for the year of £350; but we think that the saving in our clerical establishment and work will more than compensate for that loss of revenue.

MR SPEAKER:

Well, if there are no other contributors and the mover does not wish to reply I will put the question. The motion before the House reads as follows:

"In the exercise of the powers conferred by section 12 of the Public Utility Undertakings Ordinance this House resolves that the tariff for the supply of electricity to be applied and charged in respect of the accounting period including 1 November 1975 and every such period thereafter under the Commercial Three Part Tariff - Tariff No.4 to be as follows:

First 30 units at 3.76p per unit

Next 170 units at 2.525p per unit

Provided that where total monthly consumption exceeds 200 units all units shall be charged at a rate of 2.71p per unit."

The question was resolved in the affirmative and the motion was accordingly carried.

BILLS

FIRST AND SECOND READINGS

(1) The Animals and Birds (Amendment) Ordinance 1975.

HON A P MONTEGRIFFO:

Sir, I beg to move that a Bill for an Ordinance to amend the Animals and Birds Ordinance (Cap.4) be read a first time.

Mr Speaker put the question which was resolved in the affirmative, and the Bill was read a first time.

SECOND READING.

HON A P MONTEGRIFFO:

Sir, I now move that the Bill be read a second time. Sir, this is a small but not insignificant and unimportant bill. The main purpose, Sir, is to control the potential danger of rabies. It is true, Sir, that people in most parts of the world especially in the western world, accept rabies as something of a medieval disease but with the influx of tourists crossing frontiers of distant countries and being lured into bringing into their country of origin illegally pets like cats or dogs or birds the danger of rabies is rearing its ugly head again in Europe. So much so that it is being said that it is now at the gates of Paris and that in a year's time it will be in the Channel Ports. But it is more than that, Sir, we know that recently there has been quite an outbreak in a city not far from Gibraltar. Well, Sir, I don't want to put the fear of the Lord into people but this legislation is meant to be enforced and I hope enforced strictly otherwise its value would be lost and therefore, Sir, if I may I would read from a particular magazine a description of what rabies can mean.

It says: "Rabies is a terrifying disease. The sinister folk legend of mad dogs foaming at the mouth and attacking young children is not so very misplaced. The disease attacks the central nervous system and a particular danger is that domestic pets which have contracted it can become unusually docile at certain stages and consequently a considerable threat to the unknown child. The thought of contracting rabies strikes fear into the heart of any human being. And well it might for without prompt treatment the likelihood of a person bitten by a rabid animal recovering is remote and treatment which is available is far from pleasant and is only partially successful". It is therefore, Sir, my earnest hope that owners of dogs will take note of what I have said in the House today and also will take note of the facilities we are giving them by extending under Section 6 the date up to which they can vaccinate the dog without the necessity of having to licence it to the 31st March. Therefore, we are giving them 6 months in which to be able to do this sort of exercise. The vaccines will be sold by the Public Health Department at a very reduced subsidised price and the RSPCA is cooperating in vaccinating the dogs. Sir, I would like to draw attention because the opportunity has been taken to do so, to section 4 and here we are imposing a fine of £200 for anyone importing any animal into Gibraltar in breach of the rules. In this we have followed the stringent rules in the importation of animals followed by other countries particularly Britain and more specifically the Common Market countries and though the fine in Britain is £400 we have taken note of the Scamp Report and formula and we are only imposing a fine of £200. As regards Section 5, this is a tidying up operation. Whereas at the moment anybody could import illegally any animal and a penalty could be imposed, there was no way either of destroying or asking the owner of that particular animal to send it back. We are now getting the power to be able to destroy it if they don't comply with the spirit and the letter of the law. Sir, I commend the Bill to the House.

Mr Speaker invited discussion on the general principles and merits of the Bill.

HON ATTORNEY-GENERAL:

Mr Speaker, Sir, if I could with the very greatest respect to my Hon Friend the Minister for Medical and Health Services, just correct one statement he made in referring to Section 4 and the new penalties which the rules may provide. It doesn't mean of course, that a person infringing the rules must be fined £200 or must be sent to six month's imprisonment. It means he is liable to. It depends of course on the circumstances of the particular case as to what sentence the Court will impose. And if I could add, perhaps, one thing on the danger of rabies. I am told with very good authority that once the disease has manifested itself only one person has been known to recover, the rest unfortunately have all come to a very painful end. One person in the whole of medical history has recovered once the symptoms have shown themselves. So it is as the Minister said very important that we should take all steps possible to prevent this disease taking hold.

he ordered to pay a fine of up to £200 or sent to prison for a period of up to six months.

MR SPEAKER:

Is imprisonment envisaged in the alternative? Or is it mandatory? It says "and".

HON ATTORNEY GENERAL:

The provisions I think, Mr Speaker, of the Interpretation and General Provisions Ordinance say that "and" in the question of a penalty means that the penalties may be inflicted alternatively or cumulatively.

Mr Speaker then put the question which was resolved in the affirmative, and the Bill was read a second time.

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

This was agreed to.

THE EMPLOYMENT INJURIES INSURANCE (AMENDMENT) ORDINANCE 1975.

HON A J CANEPA:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Employment Injuries Insurance Ordinance (Cap.49) 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 A J CANEPA:

Mr Speaker, I have the honour to move that this Bill be now read a second time. Sir, there isn't a great deal that I can say about this Bill other than that it is part and parcel of the improvements which are being carried out to our social security scheme under the various bills before the House today and that in line with this review both contributions and benefits, namely injury benefits, disablement benefits and disablement gratuity are being increased by 25% as from next January. Much as I dislike harping too much on percentages, Mr Speaker, I feel in conscience bound to point out, however, that with the passing of this Bill the benefits under the Ordinance will have been increased by no less than 275%, that is, almost quadrupled, in a matter of 2½ years. The increase in the contribution represents only one penny for the employee and one penny for the employers. Perhaps I should mention, Sir, that there was no increase in the employment

to increase contributions

injuries contribution when benefits were raised by 20% last January and that it has, therefore been thought advisable on this occasion, particularly since there can be a spate of unfortunate fatal accidents as we have had, Mr Speaker, in the last few months. A sum of about £10,000 will have been paid out of the fund as a result of very unfortunate fatalities. Because of that it is advisable, I think, on this occasion to provide for a small increase, which according to the Government Actuaries and as is also the case with the Social Insurance Fund, will be sufficient to provide the higher rate of benefits for the next 10 years or so. Sir, a full actuarial review of both the Employment Injuries Insurance Fund and the Social Insurance Fund is due at the end of 1975, and the financial position of the schemes will then be considered in the longer term although, unfortunately, in this day and age any long term assessment loses much of its value with benefits having to be raised at much more frequent intervals than before. Whilst the present rate of inflation continues, Mr Speaker, at close on about 20% ~~more~~ it is of course, the intention of the Government to review, particularly benefits, at least annually. Sir, I commend the Bill to the House.

in particular

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Minister for Labour and Social Security gave notice that the Committee Stage and Third Reading of the Bill be taken at a later stage in the meeting.

This was agreed to.

THE SOCIAL INSURANCE (AMENDMENT)(NO.3) ORDINANCE 1975.

HON A J CANEPA:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Social Insurance Ordinance (Cap.145) be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON A J CANEPA:

Mr Speaker, I beg to move that the Bill be now read a second time. Sir, on the 14th July 1975, I made a statement in this House in which I gave details of the changes which it was proposed to make to our social security

Schemes as from January 1976, in pursuance of the Government's intention to review benefit rates annually at least whilst as I have said previously the present inflationary trends continue. The Bill now before the House is intended to give effect to these proposals and without wishing to tire the House by repeating what I said three months ago I will explain as briefly as possible what it sets out to do. Firstly, Sir, the basic rates of old age pension and other long terms benefits which were increased by 40% last January are being increased a further 25% as from next January. This means, in effect, that a single person's old age pension will go up from the present £6.20 to £7.70 a week and that of a married couple from £10 to £12.50. We are at the same time, Sir, continuing the process of gradually doing away with the lower rates of pension for those who reached pensionable age before 1968. And this will mean that some such persons who are receiving a lower pension will enjoy higher cash increases which will represent anything up to 53% and thereby raise the full pension for a couple to £11 per week. In fact for those who qualified prior to 1968 the pension *will* ~~will be~~ more than trebled over the past two and a half years. While still on the subject of old age pension, I would like to point out that the first qualifying condition for a pension which relates to the total number of contributions which must have been paid is being reduced from 500 to 156 in line with the practice in the United Kingdom. The second condition which requires a yearly average of at least 13 contributions remains unaltered. ~~So that,~~ In general, the change will not create any appreciable additional liability on the Social Insurance Fund but it will enable a small number of persons to qualify for pensions who have hitherto been unable to do so. *have been* Even though, of course, the pension will be at ~~the~~ reduced rate and provided of course, that they still fulfil the second qualifying condition of an average of not less than 13 contributions a year. As for the other benefits Mr Speaker, such as widows benefits, maternity grant and death grant, these are also being increased by 25% though here I must repeat what I said in my statement of last July, *that* that maternity grant and death grant will now be substantially higher than in the United Kingdom and that therefore next time that pensions are again reviewed after January 1976, it may be considered advisable to leave the level of these grants unaltered. The cost of the substantial increases in the benefit rates of course has to be met from somewhere and it is therefore necessary to increase contributions. The male adult weekly contribution is increased by about 30p of which in the case of an employed person half is payable by the employer. The total weekly contribution including the higher contribution under the Employment Injuries Insurance (Amendment) Bill also before the House, together with ~~the~~ *the* contribution to the Group Practice Medical Scheme will now be £1.77, of which 97p will be payable by the employer and 80 pence by the employee. There are, Sir, of course, lower increases in respect of women and juveniles and again, Sir, the Government's Actuaries department in the UK have advised that the new rates of social insurance contributions should be sufficient together with the interest accruing on the fund, to provide the new scales of benefits for at least the next 10 years. This is of course, on the extremely unlikely assumption that there will be no need to increase benefits again within that time. That, Mr Speaker, in as few words as possible, is what this Bill mainly sets out to do. There are several other matters which are largely of a consequential nature with which I do not think that I need to take up more time now and, therefore, Sir, to sum up, this Bill taken together with the others which are before the House today

really marks a further step forward in the development of our social security system. The Bills, Sir, were all published during the summer recess over two months ago and I am glad to say that I have not received any representations about them from any quarter and I would like to think that this is an indication that they meet with general approval. Sir, I commend the Bill to the House.

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker put the question which was resolved in the affirmative and the Bill was read a second time.

HON A J CANEPA:

Sir, I beg to give notice that I propose to take Committee Stage and Third Reading of the Bill at a later stage in this meeting, if all members agree. As I said previously, Sir, I did mention in the statement that I made on the 14th July, 1975, that it was proposed to publish the Bills during the summer recess and give all Members as much time as possible - in fact over two months - because it was intended with the approval of all Members, of course, to take the Bills through all stages at this meeting.

This was agreed to.

THE NON-CONTRIBUTORY SOCIAL INSURANCE BENEFIT AND UNEMPLOYMENT INSURANCE (AMENDMENT) ORDINANCE 1975.

HON A J CANEPA:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Non-Contributory Social Insurance Benefit and Unemployment Insurance Ordinance (Cap.113) be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON A J CANEPA:

Sir, I have the honour to move that the Bill be now read a second time. Mr Speaker, with this Bill which is really part of the general review of the social insurance schemes to which the House is being asked to give its blessing under the four Bills which are on today's agenda, it is proposed

to increase the weekly rates of transitional retirement pensions and unemployment benefit. Mr Speaker, it is usually my practice when I move the second reading of this Bill, to give a short account of what the transitional retirement pensions are all about, because I am aware of the fact that there is always a certain amount of confusion, ~~because~~ ^{since} in fact we have old age pensions and retirement pensions whereas in the United Kingdom that is not the case. There it is called a retirement pension. But what is a retirement pension in Gibraltar, Mr Speaker is not necessarily what it is in the UK. This pension, Sir, is in fact paid from the Consolidated Fund, in other words from General Revenue and it applies to a gradually dwindling number of persons, though very, very hardy I am glad to say, of about 100 or so who are all over the age of 75. ~~and~~ ^{These} persons, Sir, were insured under the Social Insurance Ordinance when our scheme started in 1955 but they were within 10 years of retirement age and, therefore, they could not possibly qualify for the old age pension, even though they might have had a satisfactory employment record, because they just couldn't make up the necessary number of 500 contributions as it was at the time. The pensions, Mr Speaker, were first paid in 1960 and until July 1973, the basic single person's rate stood at the princely sum of £1 a week. This was then raised to £2 and then doubled again to £4 last January. It is now proposed Mr Speaker, to bring it further into line with old age pensions by raising it further to £6.30 together with a £4 addition for the wife as from next January and this, in fact represents Mr Speaker, an increase of about 60%. When considering improvements in the rate of this pension, care has had to be taken, Mr Speaker, that it would nevertheless be kept at a level which will not create anomalies in relation ~~to~~ ^{the} old age pension and the rate which we are therefore proposing is equivalent to that which would be payable to an old age pensioner under the Social Insurance Ordinance with an approximately similar employment record. The extra cost to Government will be of the order of £13,000 and it may therefore be necessary for me to come to the House, Sir, at a later date to seek some additional provision which may be of the order of £3,500 to complete the current financial year - £3,500 for a quarter of the year ~~Jan 1976/March 1976~~. Insofar as unemployment benefit is concerned, Sir, the rates are being increased in consonance with the general increases in other social insurance benefits and there is little else that I can say except that as I have already given notice, I propose to move at the Committee Stage that the table of rates of unemployment benefit which emanates from clause 4, be substituted by another one which, on reflection is considered tidier and which treats all juveniles under the age of 20 on the same basis. Even with the increases which have taken place in recent years, Sir, a weekly rate of £1.80 for youngsters even if under 13 and with no dependants to support, nevertheless seems to be somewhat low. So from next January, with the amendment which I have already given notice of, they will receive £3.30 per week. The beneficiaries to whom this applies, young persons formerly in the 15 to 18 age bracket, are very few and far between and therefore, Sir, the effect on the social insurance Fund from which unemployment benefit is paid will be negligible. Sir, I commend the Bill to the House.

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Minister for Labour and Social Security proposed that the Committee Stage and Third Reading of the Bill be taken at a later stage in the meeting.

This was agreed to.

THE ELDERLY PERSONS (NON-CONTRIBUTORY) PENSIONS (AMENDMENT) ORDINANCE 1975.

HON A J CANEPA:

Mr Speaker, I have the honour to move that a Bill for an Ordinance to amend the Elderly Persons (Non-Contributory) Pensions Ordinance 1973 (No.27 of 1973) be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON A J CANEPA:

Sir, I beg to move that this Bill be now read a second time. Again, Mr Speaker, in the statement which I made to the House on the 14th July, 1975, on the subject of social security, generally, I said that by 1976 it was proposed to take the final step towards universal pensions at age 65. When the elderly persons pensions were first introduced in January 1974, the qualifying age was 75 for both men and women. Later, Sir, when the Bill reducing the age to 70 for men and 65 for women was taken in the House in October 1974, I pointed out that the step then being taken all but achieved the final aim of pensions for all at the age of 65. At the time, Sir, as the House will recall, I explained my reasons for resisting pressure from the other side of the House to bring down the age to 65 for men also. However, I assured the House that the final step for pensions for all at 65 would be taken at the next revision of the scheme and this is the pledge which I am fulfilling today not, of course, without a certain amount of pride in the achievement. As from next January, therefore, every person in Gibraltar who has reached the age of 65, who has been ordinarily resident here for at least 10 out of the last 20 years and, of course, who has no other social security pension payable under the laws of Gibraltar, shall be entitled to a pension in his own right. The other main object of the Bill, Sir, is to increase the rate of weekly pension from £2.60 to £3.20 more or less along the lines of the increases which are being made to the Social Insurance pensions under another Bill also before the House. The combined additional cost in respect of the additional number of men who will qualify by the reduction of the age qualification together with the increase in the rate of the pension, will require supplementary provision during the current financial year, and we estimate Sir, that this will be

about £10,000 in respect of the quarter of the current financial year. As Hon Members are aware this pension is paid out of the Consolidated Fund and I am sure that the House will not raise any objection when I ask it to vote supplementary provision in due course. Sir, I would like to draw the attention of the House to clause 3. Strange as it may seem, it is the longest clause in the Bill but it is, in fact, of no great consequence. All it does, Sir, is to eliminate the payment of broken weeks at the beginning and at the end of the pension period and thereby make administration easier. Under the other Bills before the House, Sir, this will be done by regulation but in the case of this particular Bill it had to be made part and parcel of the Ordinance. Sir, I commend the Bill to the House.

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Minister for Labour and Social Security proposed that the Committee Stage and Third Reading of the Bill be taken at a later stage in the meeting.

This was agreed to.

THE TRAFFIC (AMENDMENT)(No.2) ORDINANCE 1975.

HON H J ZAMMITT:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Traffic Ordinance (Cap.154) be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON H J ZAMMITT:

Sir, I have the honour to move that this Bill be now read a second time. Sir, the proposal in this Bill is merely to amend section 12(1) of the Traffic Ordinance by the deletion of the words "one month" and the insertion of the words "three months". I think the explanatory memorandum is rather explicit and it only seeks to alleviate the present situation whereby all goods vehicles must be examined within a period of 60 days and it is found that it is virtually an impossibility for the examiners to so do within that short period. As is stated here there are some 500 goods

vehicles and therefore if we care to work it out it means something like 12 vehicles must be examined per day to fulfil this. This is considered to be of great concern to the examiners who find that it is very burdensome at this particular stage. I think there is very little more I can add to this, Mr Speaker, other than saying that it has been done with the idea of alleviating the department which is very much burdened at that particular time of the year. I commend this Bill to the House.

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker put the question which was resolved in the affirmative, and the Bill was read a second time.

The Hon the Minister for Sports and Housing gave notice that the Committee Stage and Third Reading of this Bill should be taken at a subsequent meeting of the House.

THE SALE OF GOODS (AMENDMENT) ORDINANCE 1975.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that a Bill for an Ordinance to amend the law with respect to the terms to be implied in contracts for sale of goods be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I am afraid that this Bill is of a somewhat technical nature and will be more readily understood by persons who are reasonably familiar with the law relating to the sale of goods than by persons who are not so acquainted. I shall, however, explain as best I can the import and effect of the various clauses of the Bill.

The main change effected by the Bill is the limitation which it places on the freedom of parties to certain contracts of sale to exclude or vary the statutory warranties and conditions which the Ordinance lays down as forming part of every contract of sale; the most important warranty is, perhaps, the implied warranty that the goods are fit for the purpose for which they are wanted. The aim of the Bill which is based on similar legislation in the United Kingdom in 1973, is to protect the ordinary buyer when I may call the man in the street, and in the case of any sale to him he may no longer be put in the position where say a shopkeeper

sells him goods but excludes, possibly by some document which the buyer does not understand, warranties as to the fitness so that the buyer is prejudiced: In the case of international sales, where the parties can reasonably be expected to be in a similar position as to their knowledge and their rights under the law and how to guard them, it is still permissible for the parties to agree to exclude the conditions and warranties imposed by the Ordinance.

Now, dealing if I may with the clauses one by one, clause 3 is intended to clarify rather than change the existing law but the existing provision that the warranty as to title may be excluded if the circumstances of the sale show that it was intended to be excluded now disappears. The proposed new section 14(2) which is contained in the clause, sets out certain new warranties as to title.

Clause 4 of the Bill removes doubts which have arisen in the past as to whether there is a sale by description with the consequential warranties which attach to such a sale where the sale is in a self-service store where goods are placed on sale for selection by the buyer. The new subsection makes it quite clear that in a case which would otherwise be of sale by description it is not taken out of that class merely because the sale is in a self service shop.

Clause 5. Subsection (1) of the proposed new section reproduces, with minor drafting amendments, the opening words of the former section 16 of the Ordinance.

Subsection (2) corresponds with the former paragraphs (a) to (d) but introduces two important changes. Firstly, the section we are repealing applies only to sale of goods by description but this is no longer to be the case. And secondly, under the existing section, for the conditions as to fitness to apply, the seller has to be one "who deals in goods of that description" Now, the seller must merely be a person who sells in the course of business. He cannot get out of it by selling something which he doesn't usually sell. If he sells in the course of business then he is caught by this particular warranty.

Subsection (3) corresponds with the remaining part of the existing subsection (1) but again there are two major changes. Firstly, the requirement that "the seller sells goods in the course of a business" replaces the former requirement that "the goods are of a description which it is in the course of the seller's business to supply". This dispenses with the need for a plaintiff to prove that the seller has dealt with similar goods in the past. And secondly, under the section as it stands at the moment, it is for the buyer to prove that the purpose for which he required the goods had been made known to the seller so as to show that he relied on the seller's skill and judgement. Now, it is for the seller to prove that under the circumstances of the particular sale there was no relying on the skill or judgement or that such reliance was unreasonable.

Clause 6, I think it is this section which contains the main effect of the Bill. It is this section which prohibits a seller from contracting out of the terms of the Ordinance, except of course as I have said before, in the case of international sales.

And lastly, Mr Speaker, Sir, clause 7. The purpose of this section is to prevent evasion of the prohibitions imposed by clause 6 by inserting in the provisions of a contract which would normally be governed by Gibraltar law, that it should be subject to some other law than Gibraltar. One could get round, if one chose the provisions of the Sale of Goods Ordinance by saying in your contract that the contract should be governed by the law of Tahiti and if Tahiti had no provision of the sale of goods all the benefit of this Ordinance would be lost. And, therefore, we are providing that you cannot change the law of the contract so as to evade your duties - if I may put it that way - to a buyer. Mr Speaker, I commend the Bill to this House. govern

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Attorney General gave notice that the Committee Stage and Third Reading of the Bill be taken at a subsequent meeting of the House.

THE LEGITIMATION (RE-REGISTRATION OF BIRTH) ORDINANCE 1975.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that a Bill for an Ordinance to extend the operation of the Schedule to the Legitimacy Ordinance be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that this Bill be now read a second time. The necessity for this Bill has been shown by an application for re-registration of the birth of a child which was born out of wedlock and subsequently legitimated by the marriage of its parents, which was recently made and showed that there is a gap in our law. Our Ordinance which was passed in 1927 was based on the corresponding English Act of 1926; the same gap was found in the United Kingdom in the 1950's and legislation was taken to close it but no similar legislation was taken here at that time.

Our Ordinance provides that a child born out of wedlock shall be legitimated in two classes of case. The first is where the child's parents have married after the date of the child's birth and the father of the child was at the date of marriage domiciled in Gibraltar. ~~*The second class of case is where the parents of the child have married after the birth and the father of the child was at the time of marriage domiciled in a country which did not recognise legitimation. In both these classes of case where the child is born in Gibraltar the Ordinance allows the birth of the child to be re-registered so that the child's birth certificate does not show that it was born illegitimate. Where, however, a child is born in Gibraltar -- and of course the birth registered here -- and at the time of the marriage, the father was domiciled in a country which recognised~~ legitimation per subsequens matrimonium, there is no provision under our Ordinance for re-registering the birth. The child becomes legitimate not by our Ordinance, it becomes legitimated by the law of the country of its father's domicile. Now, cases do arise where a person, perhaps an Englishman, comes to Gibraltar and works here for a considerable period of time, he doesn't change his domicile. Domicile, Mr Speaker, is a fairly complex concept and I think it is far more difficult to change one's domicile than one appreciates. If an Englishman comes here, he lives and works here for perhaps 20 years, a child is born out of wedlock, he subsequently marries the mother, that child is not legitimated by our law, it is legitimated by the law of England but the birth cannot be re-registered here. Now, by this Bill, we are enabling such a birth to be

re-registered here, It is, I won't say an act of charity, but it is common sense and humane because it enables the stigma, if you like to put it that way, of illegitimacy to be removed from a child's birth certificate. Mr Speaker, I commend the Bill to this Honourable House.

Mr Speaker invited discussion on the general principles and merits of the Bill.

HON CHIEF MINISTER:

Mr Speaker, just a few words to say how very welcome this Bill should be to society as a whole which has tried for the last few years not to visit the sins of the parents on the children and, therefore, to cover as much as possible any misdeeds of the parents and this is one which in practice one has come across cases where there would have been difficulties in re-registering the child. I welcome the Bill.

Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Attorney General gave notice that the Committee Stage and Third Reading of this Bill be taken at a later stage of the meeting.

This was agreed to.

* The second class of case is where the parents of the child have married after the birth and the father of the child was at the time of the marriage domiciled in a country which recognised legitimation per subsequens matrimonium but at the time of the birth was domiciled in a country which did not recognise legitimation. In both these classes of case where the child is born in Gibraltar the Ordinance allows the birth of the child to be re-registered so that the child's birth certificate does not show that it was born illegitimate. Where, however, a child is born in Gibraltar (and, of course, the birth registered here) and at the time both of the marriage and the birth the father was domiciled in a country which recognised

THE WIRELESS TELEGRAPHY (AMENDMENT) ORDINANCE 1975.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that a Bill for an Ordinance to amend the Wireless Telegraphy Ordinance (Cap. 162) be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that this Bill be now read a second time. In 1970 the Wireless Telegraphy Regulations were amended to provide that any licence issued under the Regulations would expire on the 30th of September immediately following the issue of the licence and not on the 31st March in each year as had previously been the case. Since that time, as Members will be aware, the Wireless Officer has issued licences which expire on the 30th of September. However, it would appear that at the time the Regulations were amended the provisions of section 3(3) of the Ordinance which provides all licences shall, unless previously revoked, continue in force until the 31st of March next following the date of issue, the provisions of this subsection were overlooked. There is, as members will see, a direct conflict between the Ordinance and the Regulations. Ordinance says licences expire on the 31st of March the Regulations say 30th of September. It is a principle of law that where there is a conflict between subsidiary and principal legislation the latter must over-ride the former. The result is that between the 1st April and 30th September in every year since 1971 people who use wireless or television sets or any other apparatus which requires to be licensed have, technically, been in breach of the law although they had a licence which purported to apply to that period. Clause 2 of the Bill removes the conflicting provision from the Ordinance and will mean that the present state of affairs will now hereafter carry on and will be legal.

The Ordinance confers upon the Wireless Officer a general power to issue licences and such licences may be subject to - I quote here - "such terms, provisions and limitations as the Wireless Officer may think fit". Now, certain types of licence are prescribed in the existing regulations but the Wireless Officer is not restricted in his powers to the type of licence set out in the Regulations. As I say the regulations do prescribe certain types of licences and lay down the appropriate fee to be demanded for such licences. However, as a licence can be issued which is not one of the types described in the Regulations for which a specific fee is prescribed, the Wireless Officer cannot demand any fee at all for such a licence. This is clearly unsatisfactory. It is impossible to prescribe by regulations fees for every type of licence as it cannot be known beforehand what types of licence may be applied for and issued in the future. Clause 3 of the Bill, therefore enables Regulations to be made allowing the Wireless Officer where he issues a licence for which no specific fee is prescribed to charge

such a fee as seems to him to be proper. This provision does not apply to licences designed to meet the needs of persons desiring to use on a private dwelling house and without making any charge to other persons, apparatus not designed or adapted for emission. And of course, there is one vital provision. Any person who is aggrieved by the fee charged by the Wireless Officer may appeal to the Governor. So if, in fact, the Wireless Officer should choose to prescribe some fee which is clearly unreasonable an appeal will lie against such charge. Mr Speaker, Sir, I commend the Bill to ~~this~~ Honourable House.

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Attorney General gave notice that the Committee Stage and Third Reading of the Bill be taken at a subsequent meeting of the House.

THE FRIENDLY SOCIETIES (AMENDMENT) (NO.2) ORDINANCE 1975.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that a Bill for an Ordinance to amend the Friendly Societies Ordinance (Cap.63) be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to move that this Bill be now read a second time. There is at present no provision in our Friendly Societies Ordinance whereby a Friendly Society can carry on what is generally called life assurance business. And Clause 3 of the Bill, therefore, amends the principal Ordinance by allowing a society to carry on such business and also the business of insurance providing for endowment on marriage.

Where a Society carries on life assurance business it is, where the business includes the collection of premiums at frequent intervals which tend to be the case where premiums come from less well off members of society, it is essential that there are stringent provisions to ensure that the interests of such persons paying these premiums are amply protected and their contributions are not lost. For this reason clause 5 of the Bill introduces provisions which are aimed at ensuring that such societies are properly run and controlled and that if I might say so an eagle eye

is kept upon them. These conditions are taken from corresponding legislation in the United Kingdom relating to Friendly Societies which carry on similar business. I do not think it is necessary for me to go through the provisions one by one but Members will see a Society is required to make a deposit of £20,000 which will provide at least some security should the Society fail. It is to be observed that any interest on this deposit accrues not to Government but to the Society itself so that there is no great hardship caused to the Society. Its money may be 'locked up', I will put it that way, in the sense of not being available but it is still earning interest for the Society. Now, in the case of a Society which carries on life assurance business but which is not subject to the provisions of section 19A and the following sections because of the manner in which it collects its premiums, that is a Society which tends to collect premiums at greater intervals than those laid down in the Ordinance, there are at the moment no restrictions on the way the Society carries on its business. Our Assurance companies Ordinance which controls all forms of insurance, including life insurance does not apply to bodies which are registered under the Friendly Societies Ordinance. So you get a Friendly Society which carries on life assurance business but is not subject to the more stringent provisions because of the length of time over which it collects its premiums, now we are going to control it (a) they have got to make a deposit; and (b) the Registrar can impose such conditions as he sees fit. Again we are taking the safety precaution of making sure that even those Societies are conducted properly. And the only other provision of the Bill, Mr Speaker, to which I should make reference is clause 4 which imposes on all registered societies whatever kind of business they are carrying on, they have to provide a 5-year valuation so that the Registrar can ensure that the interests of members of the Society are protected. However, when I say all societies it will be seen that the smaller type of society, a benevolent society, a working mens club or Old People's Home Society, they are not required to provide a 5 yearly valuation nor is any other society which the Registrar signifies that the provisions of the section need not apply to that society. That, in general, will be the case of a very small society where perhaps the cost of providing a valuation would not be worth the candle bearing in mind the small funds which the society has at its disposal. Mr Speaker, I commend this Bill to this Honourable House.

Mr Speaker then invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Attorney General gave notice that the Committee Stage and Third Reading of the Bill should be taken at a subsequent meeting of the House.

THE SUPPLEMENTARY APPROPRIATION (1974-75)(NO.2) ORDINANCE 1975.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to move that a Bill for an Ordinance to apply further sums of money to the service of the year ending on the 31st day of March 1975, be read a first time.

Mr Speaker put the question which was resolved in the affirmative, and the Bill was read a first time.

SECOND READING.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that this Bill be now read a second time. Sir, this is the formal requirement that the supplementary expenditure which is contained in schedules presented and approved by the House should be appropriated.

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Financial and Development Secretary gave notice that the Committee Stage and Third Reading of the Bill be taken at a subsequent meeting of the House.

THE SUPPLEMENTARY APPROPRIATION (1975-76) ORDINANCE 1975.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to move that a Bill for an Ordinance to apply further sums of money to the service of the year ending on the 31st day of March 1976, be read a first time.

Mr Speaker put the question which was resolved in the affirmative and the Bill was read a first time.

SECOND READING.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to move that this Bill be now read a second time. The Bill carries out the legislative requirement that the supplementary expenditure already approved by this House in respect of 1975-76 be appropriated.

Mr Speaker invited discussion on the general principles and merits of the Bill.

There being no response Mr Speaker put the question which was resolved in the affirmative and the Bill was read a second time.

The Hon the Financial and Development Secretary gave notice that the Committee Stage and Third Reading of this Bill be taken at a subsequent meeting of the House.

COMMITTEE STAGE.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I beg to move that this House will resolve itself into Committee to consider the following Bills clause by clause.

MR SPEAKER:

May we take it slowly because we have been caught out by the speediness of the meeting and I want to make sure which Bills we are going to deal with. So if you would just read them through and we will put them in order.

HON ATTORNEY GENERAL:

The Town Planning (Amendment) Bill 1975; the Equal Pay Bill 1975; the Employment Injuries Insurance (Amendment) Bill 1975; the Social Insurance (Amendment)(No.3) Bill 1975; the Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment) Bill 1975; the Elderly Persons (Non-Contributory) Pensions (Amendment) Bill 1975; the Legitimation (Re-Registration of Birth) Bill 1975, and the Animals and Birds (Amendment) Bill 1975.

THE TOWN PLANNING (AMENDMENT) BILL 1975.

Clauses 1 to 7 were agreed to and stood part of the Bill.

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

THE EQUAL PAY BILL 1975.

Clauses 1 to 8 were agreed to and stood part of the Bill.

New Clause 9

HON A J CANEPA:

Sir, I have given notice of my intention to move an amendment to this Bill at the Committee Stage, namely, that a new clause 9 be inserted immediately after clause 8 as follows:

"9. Where any order which has been made under Section 8 of the Regulation of Wages and Conditions of Employment Ordinance and which is in force at the coming into force of this Ordinance contains any provision where in conditions of employment applying to men are different from the conditions of employment applying to women, the Governor may, notwithstanding that no conditions of employment recommendation has been received from the Regulation of Conditions of Employment Board, amend such order so that the same conditions of employment shall apply to men and women provided that such conditions shall be not less favourable to men than they were before the making of such amending order."

Sir, when the Bill was drafted it was not considered necessary to make any provisions as ~~exists~~ in the United Kingdom Act for dealing with any discriminations which might exist in existing minimum wage orders. It was confidently felt Mr Speaker, that this would be taken ^{care} of in good time by the Regulation of Conditions of Employment Board recommending such amendments as ^{needed} ~~were~~ necessary. However, Sir, the difficulties which have arisen with regard to appointments to the Board could make this ~~possible~~ ^{impractical} before the end of the year and therefore thought has had to be given as to how to deal with the situation and what is proposed, Mr Speaker, is to empower the Governor ^{that} where no recommendation is received from the Board before the end of the year, then the Governor can make the necessary Orders. The intention would be, Mr Speaker, to publish these on the same day that the Bill becomes law, namely the 29th December 1975. Perhaps I should, for the information of the House, just mention that the legislation which currently provides for different conditions of employment as between men and women and which would have to be therefore amended in this way, is in the first place, the Conditions of Employment Retail Distributive Trade Order. This one lays down different minimum wage rates for males and females and secondly, the Conditions of Employment Annual and Public Holidays Order and this one prescribes different minima as between males and females in the holiday pay of employees whose remuneration is wholly or mainly derived from tips or commissions. — Waiters and waitresses come to mind in this connection. Sir, I commend the amendment to the House.

Mr Speaker proposed the question in the terms of the above amendment.

Mr Speaker put the question which was resolved in the affirmative and New Clause 9 was agreed to and stood part of the Bill.

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

THE EMPLOYMENT INJURIES INSURANCE (AMENDMENT) BILL 1975.

Clauses 1 to 13 were agreed to and stood part of the Bill.

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

THE SOCIAL INSURANCE (AMENDMENT) (NO.3) BILL 1975.

Clauses 1 to 8 were agreed to and stood part of the Bill.

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

THE NON-CONTRIBUTORY SOCIAL INSURANCE BENEFIT AND UNEMPLOYMENT INSURANCE (AMENDMENT) BILL 1975.

Clauses 1 to 3 were agreed to and stood part of the Bill.

Clause 4

HON A J CANEPA:

I beg to move that clause 4 be amended by the substitution of the proposed new Part 1A of the Third Schedule to the principal Ordinance by the following:

"PART 1(A)

UNEMPLOYMENT BENEFIT

Section 8

| Beneficiaries | | Weekly Rates Payable | |
|---|----------------------------------|---|---|
| Column 1 | Column 2 Weekly Basic Rate | Column 3 Increase for Wife or dependant (where applicable) | Column 4 Increase for children per child (where applicable) |
| | £ | £ | £ |
| (a) Persons, other than married women, over 20 | 6.90 | 3.30 | 1.50 |
| (b) Married women over 20 and young persons (ie over 15 but under 20) | | | |
| (i) During any period during which the person is entitled to an increase of benefit in respect of a child or adult dependant. | 6.90 | 3.30 | 1.50 |
| (ii) During any other period. | 3.30 | - | - |

Well, Sir, all that this very imposing amendment really does is to increase the rate which was previously laid down in respect of an unemployed juvenile aged between 15 and 18 from £1.80 to £3.30. Under the Table as it stood in the Bill, Sir, there was a distinction drawn between those juveniles who were over 15 but under 18 and those juveniles or those youngsters, I should say, who are over 18 but under 20. ~~and~~ What the amendment proposes to do, Mr Speaker, is to remove the distinction, namely, any young person under 20 or any juvenile for that matter under 18, will ~~all~~ be entitled to £3.30 a week unemployment benefit if they have no dependants. Sir, I commend the amendment to the House.

Mr Speaker proposed the question in the terms of the above amendment.

Mr Speaker then put the question which was resolved in the affirmative and Clause 4 as amended, was agreed to and stood part of the Bill.

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

THE ELDERLY PERSONS (NON-CONTRIBUTORY) PENSIONS (AMENDMENT) BILL 1975.

HON A J CANEPA:

Sir, if I may for a moment. I said earlier when moving the Second Reading of the bill, that the proviso regarding entitlement was that the would-be beneficiary was not already in receipt of any Social Security pension payable under the laws of Gibraltar. I should have said under the laws of any territory for that matter. The proviso is that the would-be beneficiary must not be in receipt of a social security pension payable under any law.

Clauses 1 to 4 were agreed to and stood part of the Bill.

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

THE LEGITIMATION (RE-REGISTRATION OF BIRTH) BILL 1975.

Clauses 1 and 2 were agreed to and stood part of the Bill.

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

THE ANIMALS AND BIRDS (AMENDMENT) BILL 1975.

MR SPEAKER:

After reading the local press I thought there was going to be an amendment to this Bill to call it the Mammals Bill.

Clauses 1 to 6 were agreed to and stood part of the Bill.

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

THIRD READING.

HON ATTORNEY GENERAL:

Mr Speaker, Sir, I have the honour to report that the Town Planning (Amendment) Bill 1975; the Equal Pay Bill, 1975; the Employment Injuries Insurance (Amendment) Bill 1975; the Social Insurance (Amendment)(No.3) Bill 1975; the Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment) Bill, 1975; the Elderly Persons (Non-Contributory) Pensions (Amendment) Bill 1975; the Legitimation (Re-Registration of Births) Bill, 1975, and the Animals and Birds (Amendment) Bill, 1975, have been considered in Committee and agreed to. In the case of the Equal Pay Bill 1975, and the Non-Contributory Social Insurance Benefit and Unemployment Insurance (Amendment) Bill 1975, with amendment, and I now move that they be read a third time and passed.

Mr Speaker then put the question which was resolved in the affirmative and the Bills were read a third time and passed .

PRIVATE MEMBERS' MOTION.

MR SPEAKER:

There was a notice of a Private Members Motion but it seems it is not going to be moved so we will go on to the adjournment of the House.

HON CHIEF MINISTER:

Mr Speaker, before I come to move the adjournment I ought to draw the attention of Honourable Members that this will be the last meeting which the Honourable the Financial and Development Secretary will be attending since he is due to retire some time next month and I think it is only fair and proper that we should take this opportunity of thanking him for his services particularly to this House and the Treasury for a very difficult task well performed. We must remember that he started his tenure of office with a different administration and he has had as a loyal civil servant to deal with two administrations which occasionally appear to have differences of opinion in many matters. And he has had to bear the brunt of criticism I would like to think much more severe now than at the early part of his terms of office and I would like to say that above everything else what has struck us who have worked with him all this time is that he has always spoken and has always had in mind the good of Gibraltar despite the fact that he had to some extent a dual responsibility. I think it was Sir Alec Douglas Home who when I introduced him and told him that he had belonged to the Treasury before he came here, who described him as the game-keeper turned poacher. As a person who has been living with us and our problems every day I think Gibraltar owes a great debt of gratitude to him for his sound advice if I may say so particularly in the very big things where he masters things as rightly it should be, where his judgement has never failed to be the best for Gibraltar and I am sure I am expressing the feelings of everybody even those who are not present here particularly in wishing him well in his well-earned retirement and thanking him for what he has done for us.

MR SPEAKER:

I would like to join with the words expressed by the Chief Minister to bid farewell to someone who I think on his departure from this House goes not just as a colleague but as a sincere friend of all Members of the House and of Gibraltar. It has been for me a pleasure to chair a House where Alistair has at all times been so concerned about his contributions to its work. If criticisms have been levelled I think that is the measure of true democracy and I think everyone will join me when I say that your concern, Alistair, has always been to be as helpful and to contribute as much as possible to the good working of the House. That has been my inference from your conduct in this House. It has always been a pleasure to chair meetings with you and we say farewell to you as friends and ask that when you are labouring with your golf clubs in the wonderful country you are going back to, that you remember your friends in Gibraltar. So, farewell, and I am sure I am expressing the views of everyone in this House with what I have said.

HON CHIEF MINISTER:

I would like to say, Mr Speaker, that pleased as one might be in trying to finish the business of the House so quickly, it is no pleasure to do so, in a free society, because of the absence of the Opposition. Very particularly when it happens through no fault of the Government which I have the honour to lead. In consequence, whilst I now have the honour to move the adjournment of the House sine die, I can assure the public that I do not intend to call a meeting within the month which the Opposition has stated they will be absent in order to take advantage of their attitude. I move the adjournment.

The adjournment of the House sine die was taken at 12.45 p.m. on Tuesday the 14th October 1975.