



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.10 p.m.

Gibraltar, Monday, 20th May 2013

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

**Clerk:** Sitting of Parliament, Monday 20th May, 2013.

**Mr Speaker:** Before we proceed with Questions, the Chief Minister has asked leave to make a Statement.

5 The Hon. the Chief Minister.

### 10 **Writ of Election** **Statement by the Chief Minister**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, with your permission, I rise to deliver a Statement of Information to the House.

15 Mr Speaker, a few moments ago I met with His Excellency the Governor, at the Convent, and advised him to issue a writ for an election to fill the seat vacated by the death of the Hon. Charles Bruzon. I advised His Excellency to issue the writ for that by-election to be held on 4th July. Importantly, Mr Speaker, the business of Government and of this Parliament will continue whilst the by-election process is under way.

20 That will, no doubt, make huge demands on the staff of the Parliament, because although this is not a general election we are now meeting monthly as a Parliament and that timetable will not be abated by the calling of this by-election. I understand that the timetable will require candidates to have signed nomination papers before noon on Thursday, 13th June.

I believe, Mr Speaker, that this is a historic occasion. With all the surviving Chief Ministers, elected

25 Members of this House today, or you as a Member of this House today, I believe it is true to say that this is the first time that a Chief Minister has come to this House from the Convent, having convened an election for a vacant seat, in the history of the by-elections held in our democracy. In doing so, Mr Speaker, I believe I am demonstrating that, where possible and relevant, the Government will seek to make statements of national importance in this Parliament.

30 Mr Speaker, an election, whether for one seat or for all of the seats in this Parliament, in other words whether a by-election or a general election, is an important democratic opportunity to test ideas, to consider political performance and to hear the voice and will of our people.

35 I trust that, in particular, given the tragic circumstances which give rise to *this* election, all those who contest the seat will do so in the spirit of presenting their policies and ideas to the electorate genuinely and honestly, presenting their respective visions for the future of our nation with tenacity but with respect and presenting always the best of each of themselves.

Our nation is an established and respected democratic tradition which, once again, comes to the fore today because, however tragic the cause of this election, the cause of democracy requires that we press on to hear the will and voice of the people of our nation.

40 Mr Speaker, I confirm that the Gibraltar Socialist Labour Party, which I lead, will in coalition with the Liberal Party present a candidate to fill the seat presently vacant. The selection process within the GSLP will start tonight at our AGM and our candidate will be presented to the electorate at the end of that process.

45 Finally, Mr Speaker, when I arrived this afternoon I found that the Clerk has facilitated to me a note from Mr Faulds in the Tynwald in the Isle of Man, who do our *Hansards*. In an email from him he says this: 'In noting the changes to the technical way in which we record our proceedings, may I say that the Hansard team has been shocked to hear of the sudden death of Mr Bruzon' and then he goes on to say 'who invariably managed to sound polite and understanding even during difficult debates.'

Mr Speaker, thank you for your indulgence in allowing me to make this Statement.

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## Questions for Oral Answer

55

### TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

#### GibiBike parking stations Potential safety hazard

60

**Clerk:** Answers to Questions continue.  
Question 210, the Hon. J J Netto.

65 **Hon. J J Netto:** Mr Speaker, is the Government aware that some of the parking stations for bicycles belonging to the Gibraltar Bus Company in various areas around Gibraltar have exposed electricity cables and metal rods lying on the ground, and that this is likely to be a safety hazard and if the Government is aware of this, when will it take steps to deal with this potential danger?

70 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the areas the hon. Gentleman refers to have already been made safe.

75 **Hon. J J Netto:** Mr Speaker, I am grateful to the hon. Member for that particular answer because, obviously, the sooner the potential hazard is removed the better to avoid any particular action, but could I quickly ask the hon. Member, because I am informed that at the particular bicycle station which is sited in the Port area next to the Coviran run supermarket that considerable members had seen on Saturday – Saturday 11th May at 10.00 o'clock at night – two particular workers, working with a van called Site Trading Limited, actually go to the bicycle station, put their headlights on and then started removing the cables and metal rods. Once they had finished all that particular work, they actually laid a concrete slab to finish the particular job.

80

Why do this kind of work on a Saturday at 10.00 o'clock? Has the Hon. Minister got an answer for that?

85 **Hon. N F Costa:** Mr Speaker, the specificity of that question would require notice. I would have no idea why a particular company would proceed to do works in a particular way at a particular time. Surely, the hon. Gentleman should be satisfied that having brought to my attention the fact that there were certain areas of Gibraltar that may not have been particularly safe, I moved immediately to make them safe?

90

**Bus advertising contract  
Details of tenders**

95 **Clerk:** Question 211, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes, Mr Speaker, good afternoon.

100 Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with details of the offers of revenue made by tenderers for the advertising contract in respect of the buses prior to the award of the contract to Big Publications Limited during 2012?

**Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

105 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question Nos. 212 and 213.

**Clerk:** Question 212.

110 **Hon. S M Figueras:** Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with details of the level of advertising revenue being generated by Big Publications Limited to the Government since it secured the contract for administering advertising on the buses in 2012?

115 **Clerk:** Question 213.

**Hon. S M Figueras:** Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port confirm the purpose for which a payment of £15,000 was made to Big Publications Limited in December 2012, described as, and I quote, 'Provision for Bus Advertising'.

120 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Hon. N F Costa:** Mr. Speaker, I will answer this question together with Questions 211 and 213.

125 **Clerk:** You now need to answer Question 21...

**Hon. H F Costa:** Yes, Mr Speaker, I will now hand over to the hon. Member a schedule in answer to Question No. 211/2013.

**ANSWER TO QUESTION 213**

**ANSWER TO QUESTION NO 211**

130

	Big Publications	FotoGraphiks	Sign- IT	ColorWorks
Offers of Revenue	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company
	<b>£122,034.00</b>	<b>£54,000</b>	<b>£54,880.00</b>	<b>£86,400</b>

Mr Speaker, it is not appropriate for me to disclose, across the floor of the House, the specific profits or losses of a private company, even if that company has been contracted by the Government to provide a particular service. I will, of course, one year from the date that the Government entered into the contract

135 with Big Publications, be more than happy to indicate whether or not the Government has received the expected revenue as indicated in answer to Question 212/2013.

In answer to Question 213/2013, I confirm that upon commencement of the agreement Big Publications Limited received the sum of £15,000 to cover initial costs relating to the productions and installations of the advertisements. These costs have been paid back in full to the Gibraltar Bus Company Limited, as stipulated in the agreement.

**Hon. S M Figueras:** Thank you.

140 Mr Speaker, in relation to the point that the Hon. Minister makes about disclosing information about profits or losses, with respect to the Hon. Minister it is not what the question is requesting. It is requesting information in relation to the offers of remuneration, effectively, that the tenderers in the process had made to the Government, which are the basis of Question 211. I would ask the Minister whether their decision in that respect has precluded him for reviewing that particular information?

150 **Hon. N F Costa:** Mr Speaker, in respect of the question that he asked me as to the offers of revenue, I have answered the hon. Gentleman by providing him the schedule. I see that he accepts that I have... Therefore, in answer to the second supplementary, I am not sure whether he withdraws it in the light of the schedule that he has now seen?

155 **Hon. S M Figueras:** Mr Speaker, indeed I am happy to withdraw the supplementary. I had not actually noticed that the schedule dealt with specifically that information.

Another supplementary in relation to 211 was whether the Minister had been able to check if the process of procuring the services, the renewal of the contract or the awarding of a contract to Big Publications Limited, had been or the process as a whole, had been as a result of the termination of the existing contract. I will remind the Hon. Minister, to assist, that in a discussion with my hon. and Learned Friend Mr Bossino, the question had been asked and the Minister at the time was unsure of whether that had been the case, and he undertook to check that for this House.

160 **Hon. N F Costa:** Mr Speaker, *Hansard* will reflect that I did ask for specific notice of that question. It is not a question that has been asked. If he does ask, I will answer the question, but that is not the information that I have before me.

165 **Hon. S M Figueras:** Not to be petty, Mr Speaker, but I have a copy of the *Hansard* and he did not request notice of the question, particularly given the fact that it was a relatively straightforward matter. Be that as it may, Mr Speaker, it is something that I will pursue with the Hon. Minister after this session.

170 In relation to the payment of £15,000 that was made to Big Publications, I note the answer of the Hon. Minister that the £15,000 has now been paid back in full and that it was a payment to assist in relation to the initial start up costs of that entity. Can the Minister say whether this had been the case or whether the Government had had to provide any kind of financial support to the previous contractor, before the award of the contract to Big Publications Limited. (*Interjection*)

175 Yes, Mr Speaker, I will just repeat the supplementary. Could the Hon. Minister say whether his Government had needed to contribute financially to the contractor that was in place before Big Publications Limited in relation to the production of the advertising?

180 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman knows that if I have the information before me I always give it to him, but I do not know the answers to questions in relation to previous contracts entered into by the last administration. If he asks me the question, I will be more than happy to give it to him. If he writes to me or if he gives me notice of the question. I can answer questions about the current contract but I am afraid that I cannot enter into the specifics of the last contract.

185 **Hon. S M Figueras:** I am grateful to the Hon. Minister for his contribution. I will review the answer and the schedule and revert, if necessary, at the next session. I am grateful.

190 **Hon. D A Feetham:** Mr Speaker, I have the schedule in front of me – the answer to Question 211 – and it says ‘estimated income to the Bus Company’. Can the Minister explain how that is calculated as I understand with this particular answer there is no guaranteed income to the Bus Company. This was an estimated maximum income by each of the tenderers, but can he explain to the House how the income to the Bus Company is going to be calculated, in relation to the successful tenderer, please?

195 **Hon. N F Costa:** Yes, Mr Speaker, with pleasure.

Each of the tenderers had submitted the amount that they would charge per advert, where it is on the rear of the bus or on the side. The only tenderer that had submitted different prices depending on the

200 location of the adverts, differently to the other tenderers, from the supplementary information that I have  
before me, related to Big Publications. Without giving the name of any particular tenderer, there was one  
tenderer that cited, for instance, bus rear advert £300 per month – which came up to £3,600 a year – and  
side windows £250 per month – which amounted to £3,000 a year. In relation to Big Publications, which  
was the company that was awarded the contract, you had a much more sophisticated pricing structure: for  
instance, bus rear advert, £4,000; bottom side banner, £1,000; top side banner, £1,000; entrance mat,  
205 £750; entry doors, £1,000... and it carries on and catalogues how the company intends to charge and  
therefore generate the revenue for the Bus Company. Of course, like the hon. Gentleman rightly says, it is  
an estimate of maximum revenue annually for the Bus Company.

210 **Gibraltar Bus Company withdrawal of court action  
Compensation paid to Mr Sardeña**

**Clerk:** Question 214, the Hon. S M Figueras.

215 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs,  
Public Transport and the Port say whether any compensation has been paid to Mr Peter Sardeña in respect  
of the Gibraltar Bus Company's withdrawal of its defence in respect of his unfair dismissal claim.

220 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the  
Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr  
Speaker, the claim has not progressed to a final hearing.

225 **Hon. D J Bossino:** Mr Speaker, I think the position is that it is the compensatory element of the claim  
which still requires determination by the Industrial Tribunal. Perhaps the Minister can confirm whether  
that understanding is, in fact, correct. Secondly, Mr Speaker, I would like to ask the Minister whether he  
has any indication from the Government lawyers as to when they expect that the hearing will take place.

230 **Hon N F Costa:** Mr Speaker, on the last occasion that, or perhaps not the last, but the second last  
occasion, when the hon. Gentleman asked me questions about this case, I particularly made the point that  
the matter is *sub judice* and that I will not be entering into the realm of answering *any* matters relating to  
the case.

235 As to when the case will be heard, there is a tentative date of when the next hearing will be, but I am  
not in a position to tell him what exactly the matters are that will be determined.

**Hon. D A Feetham:** Mr Speaker, but surely it is a matter of public record that, in fact, the  
Government withdrew its defence to the unfair dismissal claim so that, therefore, without going into any  
of the facts of the case – we are not asking that – what we are asking is, is it not the case that all that  
needs to be determined is just simply the quantum of any damages and compensation payable. Nothing  
240 else, that is the...

245 We are not asking, with respect, the Hon. the Minister to actually overstep the line into any discussion  
of any of the details of the case. All that has been asked is whether just simply quantum of damages and  
quantum of compensation needs to be determined and a timeframe in which the Minister believes that that  
will be, in fact, be determined.

**Hon. N F Costa:** Mr Speaker, as I already mentioned, the matter was fully ventilated during the  
course of a question and answer session, as to when I expect the matter to conclude, hopefully during the  
course of this year.

250 **Hon. S M Figueras:** Mr Speaker, one final supplementary.

Just for the sake of clarification, can the Hon. the Minister say whether his first answer – I will give  
the Hon. Minister the opportunity to listen to the supplementary – could the Hon. Minister say whether  
his first answer means that no payment has been made to Mr Peter Sardeña?

255 **Hon. N F Costa:** Mr Speaker, the Question specifically asks whether there has been, and I shall read  
it, so as not to make a mistake: 'whether there has been any compensation paid to Mr Peter Sardeña as a  
result of the unfair dismissal claim'. The answer is that the matter has not yet progressed to a final  
hearing, so surely it is implicit in my answer what the answer is. But the matter is *sub judice* and he

260 should not be asking me any further questions.

**Hon. S M Figueras:** Mr Speaker, subject, of course, to what the Hon. Minister is saying about the matter being *sub judice*, I have to disagree with him that the answer that he has provided actually answers the question, and that is whether any compensation has been paid, whether on an interim basis or otherwise. The answer that the Hon. Minister has given is that the matter is yet to go to hearing, and whilst the Hon. Minister may say that it is implicit in the reply that no payment has been made, I am asking the Minister the question for his confirmation in explicit terms.

**Hon. N F Costa:** Mr Speaker, I practised employment law humbly for nine years and never once have I ever heard of an interim payment being made before a final adjudication on quantum.

**Hon. S M Figueras:** Sorry, but can the Hon. Minister confirm that no payment has been made, then?

**Hon. N F Costa:** I have already exhausted the answer to the Question, Mr Speaker.

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#### **Gibraltar bus fleet Update on replacement**

280 **Clerk:** Question 215, the Hon. S M Figueras.

**Hon S M Figueras:** Yes, Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with an update in respect of the replacement of Gibraltar's bus fleet?

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**Clerk:** Answer, the hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Procurement Office Tender Board met recently to consider the tender for the procurement of eco-friendly buses. At present the tender is at stage two. Buses are being tested for suitability throughout the Gibraltar road network and an evaluation process is ongoing.

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**Hon. S M Figueras:** I am grateful to the Hon. Minister for his answer in that regard. I wonder whether perhaps the Minister might be able to give us an indication as to how long he might anticipate the process to take from this stage. I understand that it will be subject to a number of factors, but any indication at this stage would be helpful.

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**Hon. N F Costa:** Well, Mr Speaker, I will provide him with the supplementary information that was provided to me by the Tender Board and that may assist us both in making an educated estimate. The Procurement Office has met on various occasions, the last time being on 29th April, to decide on the tests to be undertaken by the buses that have been brought over to date.

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The tender procedure is still ongoing and, of course, as I have said in the answer, the Government is testing potential vehicles.

A prospective vehicle was tested last week, last week as at the date that the answer was drafted, and other vehicles are expected to be tested within the next couple of months. After all the vehicles have been tested, an expert technical report is submitted. The Procurement Office will then make a recommendation to Government.

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#### **GPS-enabled tracking device on taxis Update on installation**

**Clerk:** Question 216, the Hon. S M Figueras.

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**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port say whether the installation of a GPS-enabled tracking device on Gibraltar's taxis has now been completed and how the Government expects that this will alleviate the issue of availability of taxis at Gibraltar Airport at peak times?

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**Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

325 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the installation of the new meters, which incorporate a GPS tracking device, has been almost entirely completed, although they are not yet in service, pending completion. The meter will be fully operational once the calibration service that has been tailor made to meet Gibraltar's requirements is complete.

330 Due to the fact that these newly incorporated taxi meters are a modern and reliable dispatch system, Government is confident that good communications between the vehicle and a central office will go a long way to alleviate the availability of taxis not only to the Gibraltar Airport but all around Gibraltar.

For instance, this booking system is optimised to automatically assign jobs to the nearest vehicle. It even looks into the future, by analysing each vehicle's job queue: the system is capable of determining which vehicle will be closest at the scheduled time of pick up.

335 Moreover, the installation of these newly incorporated taxi meters will also allow all the vehicles' job details to be tracked.

**Hon. S M Figueras:** Yes, Mr Speaker, I am grateful to the Hon. Minister for that.

340 I have a number of supplementaries that I am going to be asking, but they are going to arise in the context of other Questions along the Order Paper and it would probably be best to take it in the next Question.

345 **PSV access to airport/border  
Alternative during peak times**

**Clerk:** Question 217, the Hon. S M Figueras.

350 **Hon. S M Figueras:** Yes, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port say whether the Government is exploring access options for public service vehicles to the area of the airport/border for use during peak times as an alternative to the current runway crossing?

355 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

360 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Government is considering a number of such options.

**Hon. S M Figueras:** Can the Hon. Minister say how far along in this exploration of options the Government is, and is he at liberty to provide this House with some details of what it is that they are looking at.

365 **Hon. N F Costa:** Mr Speaker, at this point I would only like to say that there has been some extensive consultation with different operators, different interested parties, Gibraltar Federation of Small Businesses, the Chamber of Commerce: they all, of course, have an input and a stake into considering this matter. I would not at this point like to give any details because the matters discussed have been extensive and we are not in a position to firm up any of the options that have been discussed.

370 Perhaps, if the hon. Gentleman wishes to ask me this question in a couple of sessions' time, we may be able to be more accurate or fuller in the answer.

375 **TRAFFIC, HOUSING AND TECHNICAL SERVICES**

**User and trip survey  
Timetable for completion of Mott Macdonald Report**

380 **Clerk:** Question 318, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical

Services say whether the Government has established a timetable for the completion of the Report by Mott Macdonald following the conclusion of the user and trip survey underway in Gibraltar?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the first draft of the sustainable traffic, transport and parking plan is expected to be completed in late 2013 for internal review. It is expected that the final version of the plan will be ready during the first quarter of 2014.

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**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister confirm whether the Report will be published?

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**Hon. P J Balban:** Mr Speaker, the Government will publish the Report once it is completed.

**Hon. S M Figueras:** In relation to the survey that is currently underway, some concerns have been expressed to us by constituents about the manner in which it is being conducted. The comments have been limited to saying that constituents have been pulled over when they were on their way to work and that they were, and I quote, 'being harassed' in respect of the survey. Is the Minister able to say whether this, in fact, has been the case or what the MO has been in that context during the survey?

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**Hon. P J Balban:** What people feel when they have been pulled over is very much up to the individual, whether they feel harassed by having been pulled over or not. Obviously, the actual surveys have been conducted in the way that the consultants conduct the surveys world-wide, as to the best practice, and people are not obliged to have to give any information if they do not wish to.

405

All that happens is that they are briefly pulled over to one side, some of which do not even say 'Look, I am in a rush and continue.' You know, the survey literally takes minutes – in fact, it takes a minute! As to being harassed, personally I sincerely think not.

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**Hon. S M Figueras:** I would say to the Hon. Minister that it is only in relation to the fact that they actually do get pulled over first thing in the morning when they are heading to work, that they consider they are getting harassed.

415

More generally in relation to the survey, is that now complete or is that still underway?

**Hon. P J Balban:** The survey phase is programmed to be finished the first week of June.

**Mr Speaker:** Next Question.

420

**Hon. D J Bossino:** Mr Speaker, just to understand this: in terms of the stages, by the first week of June, the user and trip survey is expected to be finalised and the Minister has advised this House that he expects to receive, internally, the Report in October of this year, I think he said, or at the end of this year. Are there any stages, anything else, any activity which needs to be undertaken by the Government between the closure of the user and trip survey and the production of the report internally to the Government?

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**Hon. P J Balban:** Mr Speaker, now begins the process of actually taking all that data that has been collected, which is a vast amount of data that has been collected by different methods of survey, and all that data will then be used to collate the Report. So now we come into the biggest part of the process, if you so wish, which is the sorting out of data and from there preparing a recommendation as to where we go from here.

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**Hon. S M Figueras:** One final supplementary, Mr Speaker, if you will allow it.

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I have personally in this House commended the Minister in respect of the initiative in relation to the traffic lights at the junction of Europort and Queensway, as an initiative taken by the Government outside the scope of the user and trip survey and my question to the Hon. Minister is this: given that there is some time still for the completion of this survey and certainly eventually for the implementation of whatever plan may arise from it – are the Government's plans for development and infrastructural implementation of solutions that they are aware may be relevant today, are those plans on hold pending completion of this survey and the plan that will follow it?

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**Hon. P J Balban:** Mr Speaker, things that are seen as urgent have been tackled as, for example, the lights in question. There are other things like speed ramps perhaps that could be considered urgent and



445 they will not wait for the outcome of the plan itself. But, obviously, to have contracted consultants to give  
us advice and for us not to wait to be able to heed their advice before we progress in the bigger light of  
things, I think that would not be recommended. So, as I said, the plan will give us ideas and give us a way  
forward generally but the actual consultants review will not stop us from continuing with what we are  
450 doing at present if we feel it is urgent or necessary.

**Mr Speaker:** Next Question.

455

**Improving road safety for cyclists  
Advanced stop lines and riding in non-pedestrian areas**

**Clerk:** Question 319, the Hon. S M Figueras.

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**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services state the Government's policy in relation to the use of advanced stop lines for cyclists on our roads to improve safety for the growing number of cyclists on our roads?

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**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Question 320/2013.

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**Clerk:** Question 320.

**Hon. S M Figueras:** Can the Hon. the Minister for Traffic, Housing and Technical Services state the Government's policy in relation to the use of bicycles on non-pedestrian sections of Main Street and Irish Town during off peak periods and at weekends to improve the safety and incentivise the adoption of cycling as a means of alternative transport as well as a leisure activity.  
475

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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**Hon. P J Balban:** Mr Speaker, the sustainable traffic, transport and parking plan will look at ways of encouraging alternative forms of transport, including cycling. It is, however, too early to say what Her Majesty's Government policy will be in this respect and what measures will be necessary to implement these.

485

**Hon. S M Figueras:** Mr Speaker, a number of non-Governmental organisations – one in particular springs to mind in town without my car – has, over the years, made certain recommendations in relation to advancing the use of bicycles as an alternative form of transport in Gibraltar. Can the Minister say whether there are any red lines in the sand beyond which they will not go, whether there are any initiatives which they will simply not entertain, whether they are recommended or not – in particular, whether either of these two falls within that category?

490

**Hon. P J Balban:** Mr Speaker, in terms of cycling, the Government, as we know, are very keen on encouraging a shift towards alternative forms of transport and the Government will look at different ways of making this possible and go beyond simply just ordering and placing bikes on stands and no more. We will be looking at every method possible to encourage the decreased use of cars and other forms of vehicles that produce emissions and, obviously, cycling is one of these that we are keen to look at.  
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**Hon. S M Figueras:** I am grateful for that but can the Minister limit himself to saying whether either of the two initiatives mentioned are off the cards, so to speak?

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**Hon. P J Balban:** Mr Speaker, until we get the results from the traffic plan the consultants have been briefed as to where the Government wants to go and, as I have said already, the Government wants to encourage a shift in transport to other more environmentally friendly methods, inclusive of cycling. So it is not until we get a full idea back from the consultants we will be in a position to actually state where we go from here. Needless to say, the Government is looking at different ways of making the cycling experience more enjoyable and safe in Gibraltar.  
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**Trafalgar Interchange  
Possibility of pedestrian crossings**

510 **Clerk:** Question 321, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Hon. the Minister for Traffic, Housing and Technical Services say whether the Government is contemplating the installation of pedestrian crossings within the Trafalgar Interchange?

515 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the sustainable traffic, transport and parking plan will carry out a comprehensive assessment of Gibraltar's transport network and consider what improvements can be made. It is too early to say what these will be but the possibility of introducing new pedestrian crossings in the Trafalgar interchange area cannot be discarded.

525 **Car parking spaces at Commonwealth Parade  
Number prior to work on Commonwealth Park**

530 **Clerk:** Question 322, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services say how many car parking spaces were available at the site of the Commonwealth Parade prior to works on Commonwealth Park commencing?

535 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, there were a total of 342 existing car parking spaces at the site of the Commonwealth Parade prior to works on Commonwealth Park commencing.

540 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister tell us how far along the Government is in delivering its Manifesto commitment to doubling that number of parking spaces?

545 **Mr Speaker:** Will the hon. Member ask that question again, please, because I am not sure whether it really does arise from the written Question.

**Hon. S M Figueras:** Mr Speaker, yes, I am happy to ask the question again. The number of car parking spaces –

550 **Mr Speaker:** You have asked how many car spaces...

**Hon. S M Figueras:** – there were before the start of Commonwealth Park – correct – and that is relevant, Mr Speaker, because there is a Manifesto commitment to *double* the number of parking spaces available.

555 **Mr Speaker:** And you have been told that there were 342.

**Hon. S M Figueras:** Correct, and my supplementary was –

560 **Mr Speaker:** I understand the question now. Your supplementary.

**Hon. S M Figueras:** Is how far along is the Government in delivering its Manifesto commitment of doubling the number of car parking spaces?

565 **Mr Speaker:** I am sorry, I will pull that supplementary out. It does not arise from the Question. I have brought the Members' attention to the rules. A supplementary question must not introduce matter not included in the original Question. That is not included. You have asked a specific Question: how many car spaces were there, and you have been given the answer, 342. Now you are introducing

570 something which is new. It is not in your original Question, therefore I rule it out.  
Next Question.

**Hon. S M Figueras:** Mr Speaker, with respect I could re-phrase the Question and that may help to –

575 **Mr Speaker:** I will let you try to re-phrase the question. Yes, go on.

**Hon. S M Figueras:** Mr Speaker, could the Hon. Minister provide this House with details of the number of car parking spaces that have been provided in the alternative, having lost those parking spaces to the commencement of works on Commonwealth Park.

580 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I am asked precisely that question in one of my questions further down in the order paper.

**Mr Speaker:** Next Question.

585

#### **Parking at Catalan Bay Additional spaces for bathing season**

590 **Clerk:** Question 323, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services say whether additional parking for Catalan Bay is planned to be provided before the start of the bathing season?

595

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

600 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, there are currently no plans to provide additional parking at Catalan Bay over and above those which existed last year.

#### **Highways Enforcement Agency Role in traffic and parking management**

605

**Clerk:** Question 324, the Hon. S M Figueras.

610 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing, Health & Safety and Technical Services state the Government's policy on the Highways Enforcement Agency's continued role in assisting the relevant authorities in the management of parking and other road traffic issues today and in the future?

615 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the Highways Enforcement Agency has for some time been seconded to the RGP and is a key component in traffic management.

620 Working singly and alongside RGP officers, they perform a whole host of services, including enforcement of the Traffic, Parking and Waiting Order, enforcing the Traffic Act, clamping and towing away of vehicles, including abandoned and derelict. In addition, they assist the RGP with traffic control at both public events and with the border queues. Their future role will be reviewed in line with the recommendations arising from the Government's Traffic Survey, which is in the process of being compiled.

625

630 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer. Perhaps he can provide some clarification to report... I have not seen official press releases on the subject but I am given to understand that part of the review, or a review, had already been conducted that had seen some changes affected to the Agency. If this is not the case, I am happy to be corrected certainly and if it is, then I would be grateful for some details of that review, if it has happened.

**Hon. P J Balban:** Mr Speaker, I must clarify that the actual... the hon. Gentleman is asking about the Highways Enforcement Agency.

635 The Highways Enforcement Agency does not exist: there is no such Agency. These are Highways Enforcement Officers who came under Gibraltar Car Parks Limited and now they are seconded to the Royal Gibraltar Police. The Royal Gibraltar Police are in charge, or responsible, for the officers and they are briefed and conduct duties as given by the RGP and not by Gibraltar Car Parks.

**Hon. S M Figueras:** I am grateful, Mr Speaker.

640 That is, in fact, what I was referring to and, yes, the use of the term 'Agency' was accidental. So the officers have now been seconded to the Royal Gibraltar Police, as the Hon. Minister has told us. As a result of what initiative or factors was this change effected?

645 **Hon. P J Balban:** Mr Speaker, they have in fact been seconded for quite a while, I believe it was sometime in June last year that they were seconded. The idea behind it was to try to actually combine all, to have the enforcement of traffic under one umbrella, as opposed to having the parking management on one side, RGP on the other, so we thought it was a much more effective way of running management under one umbrella.

650 **Hon. S M Figueras:** Mr Speaker, I potentially run the risk here of having my supplementary overruled as inadmissible but I will ask it and take Mr Speaker's guidance on it. Were there any changes to terms and conditions associated with this re-allocation to the Royal Gibraltar Police of the officers?

655 **Hon. P J Balban:** Mr Speaker, this is a secondment, so the terms and conditions have remained identical.

**Hon. D J Bossino:** Mr Speaker, other than the secondment, can the Minister advise this House whether there were any other features which distinguish what was GSD policy when we were in Government?

660 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, we assume that we know what GSD policy was, based on what was public, but we do not know what it was that the thinking behind the creation of those Highways Enforcement Officers was, other than what was made public.

665 But there is a major difference in policy, Mr Speaker. We believe in one unified command of traffic and that comes under the RGP, not that there should be two diversified centres of command of traffic.

**Mr Speaker:** Next Question.

670 **Frontier traffic management  
Response to Spanish policy**

**Clerk:** Question 325, the Hon. S M Figueras.

675 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for Traffic, Housing and Technical Services say whether the Government is exploring, or has explored, in conjunction with the Royal Gibraltar Police and Highways Enforcement Officers the possibility of developing a system or protocol to divert queue traffic and/or streamline the deployment of the third lane in the area of the frontier/runway crossing/Winston Churchill Avenue to enable a quicker response to the now well-documented strategy employed by Spanish frontier officials of freezing traffic going through the border without warning.

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

685 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, a tried and tested traffic diversion is in place to deal with the impact of traffic fluidity created by the border queues. The diversion is subject to a staged response and this is dependent on the volume of traffic on our roads and the restrictions in place at the frontier. The three phases are designed to seamlessly interlink and maximise traffic fluidity towards the frontier while catering for local traffic.

690 Phase 1 consists of the implementation of the third lane up to the Sun Dial Roundabout. This phase can be implemented in a very short time period with signage permanently available at the frontier. Queuing can take place across the runway but only when the Airport is closed.

Phase 2 consists of diverting Spain-bound traffic along Devil's Tower Road with a single carriage

way being dedicated to this. In this phase, traffic is asked to turn around at the Ariel Farm Roundabout.

695 Phase 3 incorporates the use of holding areas in the East Side. Season permitting, the diversion  
extends to make use of the reclamation area and Eastern Beach Car Parks. Clearly, this cannot be used  
during the summer season and, therefore, following a consultation and feasibility process between the  
RGP and Government Technical Services Department, a plot of land situated on the southern side of the  
700 reclamation area by the approaches to Catalan Bay has been identified as a holding area. It is envisaged  
that this area has the capability of accommodating approximately 600 vehicles and works are scheduled  
within the next week and the area should become operational within a fortnight after this.

705 **Dudley Ward Way tunnel**  
**Protection of pedestrians**

**Clerk:** Question 326, the Hon. S M Figueras.

710 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic, Housing and Technical Services say  
whether the Government is considering strategies to protect pedestrians in Dudley Ward Way tunnel?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

715 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the  
Government is currently not considering any strategies to provide pedestrian access along Dudley Ward  
Way tunnel. In this respect, the tunnel remains exactly as on 8th December 2011.

720 **Hon. S M Figueras:** Mr Speaker, the Question is asked in the context of being aware that no  
pedestrian access is allowed in Dudley Ward Way tunnel. Certainly, the signs have been there, and have  
always been there, since the tunnel reopened.

725 However, the reality is that pedestrians do access the tunnel and, in that context, it may well be that  
the Government's answer to the supplementary is 'Well, the pedestrians that do access the tunnel in  
contravention of the rules, which are clearly set out, take their lives into their own hands.' But I would be  
grateful if the Minister could tell this House what the Government's policy is in relation to protecting  
those pedestrians who do, in a way, take their own lives into their own hands in the tunnel.

**Hon. P J Balban:** Mr Speaker, the situation is exactly the same as it was prior to 8th December 2011.

730 **Hon. S M Figueras:** Mr Speaker, that was then. This is now. Can the Minister tell this House whether  
today's Government of Gibraltar is planning, or is considering, taking any steps to protect pedestrians  
who access Dudley Ward Way tunnel?

735 **Hon. P J Balban:** Mr Speaker, the tunnel was opened by the previous administration and obviously I  
would have thought that they would have been, you know, should have been just as concerned about the  
safety of pedestrians who were then also not allowed to walk through the tunnel and it was by way of  
signage that they were advised not to.

At the present moment this sign still exists, the tunnel is in exactly the same position as it was then  
and people are adverted that the tunnel is not a place where they should be walking and it is not safe to do  
so. Those that decide to walk through do so with that in mind but it is not something that we will change.

740 **Mr Speaker:** Next Question.

**Gibraltar's roads**  
**Large-scale resurfacing**

745 **Clerk:** Question 327, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic, Housing and Technical Services say  
whether the Government is planning any largescale resurfacing of Gibraltar's roads?

750 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the physical condition of our road network is such that investment in its repair is considered necessary by Government. As stated in my 2012 Budget Speech, it is this Government's intention to accelerate the annual planned works on our roads over the next three years to correct this.

755

**Hon. S M Figueras:** Mr Speaker, has the acceleration taken place already?

**Hon. P J Balban:** Mr Speaker, the roads in question are being assessed at present and, obviously, this will start pretty soon. We will need to correct and put right what has been left to go to pot for many, many years, so it is this Government's intention to actually start fixing our roads, as promised within our Manifesto and in my last year's Budget Speech.

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765

**Government motor vehicles and plant  
Details of acquisitions during 2012-13**

**Clerk:** Question 328, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Government provide this House with a list of all motor vehicles and plant acquired by the Government during the financial year 2012-13, detailing the following information in respect of each of them – make and model; field type – petrol, diesel, hybrid, electric, other; emissions; efficiency ratings, the identity of the dealer from which it has been purchased, the process by which the vehicle was acquired – tender or other; the Government Department to which it is assigned and the use to which it will be applied.

770

775

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

780

Answer to Question 328

	Vehicle/Plant	Quantity	Make	Model	Fuel type	Emission level	CO2	Purchase Source	Purchase Process	Govt Dept	Use
1	Vehicle	1	Renault	Trafic	Diesel	Euro 5	190g/km	Europa Enterprise	Open local Tender	Tourist Board	General Transport
2	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Borders & Coastguard	General Transport
3	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	HR	General Transport
4	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Dept of Environment	General Transport
5	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	GCPL	General Transport
6	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	GHA	General Transport
7	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Port Dept.	General Transport
8	Vehicle	1	Land Rover	Defender	Diesel	Euro 5	295g/km	AM Capurro	Open local Tender	City Fire Brigade	General Transport
9	Vehicle	2	Volks Wagon	ITU Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
10	Vehicle	2	Volks Wagon	Local Patient Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
11	Vehicle	1	Volks Wagon	Long Distance Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
12	Vehicle	1	Ford	Transit Minibus	Diesel	Euro 5	207g/km	Lucas Imossi	Direct Purchase	Bus Company	Bus
13	Vehicle	2	Toyota	Dyna	Diesel	Euro 5	236g/km	Bassadone	EU Tender - Open	Dept of Environment	Refuse Collection
14	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	Borders & Coastguard	General Transport
15	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	GHA	General Transport
16	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	MEFS	General Transport
17	Vehicle/Scooter	2	Yamaha	Xmax 250cc	Petrol	n/avail	n/avail	Autosport	Open local tender	RGP	General Transport
18	Vehicle/Scooter	1	Yamaha	YBR 125cc	Petrol	n/avail	n/avail	Motorcycle Pitstop	Direct Purchase	Licensing Authority	General Transport
19	Vehicle/Scooter	1	Honda	Vision 110cc	Petrol	n/avail	n/avail	Motorcycle Pitstop	Direct Purchase	Licensing Authority	General Transport
20	Plant/Column Lifts	4	Somerstotal kare	S6ng/7.5t	Elect	n/applicable	n/applicable	Somerstotalkare	Direct Purchase	TSD/Garage & Workshop	Garage use
21	Plant/Bandsaw	1	Saws (UK)	Alligator HD 360LR	Elect	n/applicable	n/applicable	Saws (UK)	Direct Purchase	TSD/Garage & Workshop	Workshop use

785

**Mr Speaker:** In order to make progress, may I suggest that we carry on with the next Question which is down to the Hon. Mr Reyes and then, if the Hon. Mr Netto wishes to ask a supplementary arising from his perusal of the schedule, he can do so.

**Proposed housing developments  
Update to Table PC1 and details**

790

**Mr Speaker:** Question 329.

**Clerk:** Question 329, the Hon. E J Reyes.

795

**Hon. E J Reyes:** Mr Speaker, can Government provide updated details pertaining to Table PC1 which was last updated on their website in January 2013 and, in particular, can the Minister for Housing furnish this House with a breakdown of details in respect of proposed housing developments, thereby indicating to whom and when these payments were made, together with the purpose or purposes for which these consultancies were required.

800

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

805

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member pertaining to Table PC1 is contained in a schedule which I now hand over to him, together with a breakdown of details in respect of the proposed housing developments.

Amount Paid	To whom	When	Purpose
£ 5,032.50	WSRM	10-7-12	Conceptual designs for use in Devil's Tower Road housing tender document
£ 5,207.00	WSRM	10-7-12	Conceptual designs for use in Europa Point housing tender document
£ 2,850.00	WSRM	10-7-12	Conceptual designs for use in North Gorge housing tender document Option 2
£ 8,900.00	D M Orfila Associates	11-7-12	Conceptual designs for use in Coach Park housing tender document
£ 4,400.00	D M Orfila Associates	11-7-12	Conceptual designs for use in Bishop Fitzgerald car park housing tender document
£ 7,000.00	AKS Architects and Engineers	23-8-12	Conceptual designs for use in North Gorge housing tender Option 1
£ 9,000.00	AKS Architects and Engineers	23-8-12	Conceptual designs for use in Aerial Farm housing tender document
£ 28,900.00	Belilo's Limited	12-2-13	Preparation of tender package for Government housing schemes for four sites
£ 8,500.00	Belilo's Limited	10-4-13	Preparation of Tender package for Government housing scheme
£ 10,467.50	JLC Consulting Ltd	23-4-13	Assessment of tenders and tender reports for Aerial Farm and Bishop Fitzgerald sites

Table.PC.1

**Number of private consultants engaged by Government, 2013**

Consultant Areas	Value (£)
Project management and supervision of various site projects	£4,175.00
Preparation of Tender package for Gov Housing Scheme-.Coach Park Project	£8,500.00
Review of tender reports ref Bishop Fitzgerald & Aerial Farm	£10,467.50
Project management and supervision of various site projects	£4,175.00

Updated 8 May 2013

Sources:  
Ministry for Tourism, Public, Transport and Port  
Office of the Chief Technical Officer

810

**Mr Speaker:** In view of the fact that the next Question also is probably going to have a schedule attached to it, may I ask the Hon. Mr Reyes to ask Question 330.

815

**Reallocation of empty homes  
Update to Table H48 and details**

**Clerk:** Question 330, the Hon. E J Reyes.

820

**Hon. E J Reyes:** Can Government provide updated details in respect of expenditure incurred as from December 2012, which is the latest available date shown in Table H48 on the Government's website, in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid and indicating if they were for repairs or cleaning?

825

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 330**

CONTRACTOR	Jan-13	Feb-13	Mar-13
A & K GENERAL BUILDERS	£0.00	£7,710.00	£10,535.00
S J BUILDER	£770.00	£2,063.00	£3,271.46
SA CONSTRUCTION LTD	£0.00	£9,845.04	£21,430.05
C.I.A.P CONSTRUCTION CO LTD	£0.00	£7,800.00	£6,790.80
SFA TOTAL REFURBISHMENTS	£14,815.58	£1,620.00	£17,739.00
W & N WORKS LTD	£6,825.90	£0.00	£7,358.00
ABEGON FITTERS	£0.00	£20,151.00	£13,017.24
ENVIRONMENTAL SUPPORT SERVICES LTD	£33,835.14	£0.00	£15,776.78
GARCIA & PEREZ CONSTRUCTION CO LTD	£0.00	£0.00	£13,120.00
SARAH JANE CONSTRUCTION CO LTD	£0.00	£9,314.00	£5,844.32
R RUTHERFORD CONSTRUCTION CO LTD	£900.00	£4,240.00	£2,250.00
501 CONSTRUCTION LTD	£16,473.39	£0.00	£11,057.92
ACE PLUMBING	£0.00	£0.00	£9,950.00
ERNEST LOPEZ & SONS	£0.00	£0.00	£12,251.49
KOALA	£40,468.43	£13,941.39	£0.00
XL SCAFFOLDING	£700.00	£0.00	£0.00
NO 1 LIMITED PROPERTY MAINTENANCE	£2,697.18	£0.00	£0.00
AVANTI	£0.00	£5,900.00	£4,000.00
DESOISA BUILDING & WORKS	£0.00	£3,787.00	£5,230.20
BRIGHT COMPANY LTD	£0.00	£37,582.00	£0.00
SITE TRADING	£0.00	£7,900.00	£0.00
LEED TRANSPORT	£0.00	£340.00	£1,915.00
GREENARC	£0.00	£0.00	£700.00
LC GROUNDWORKS	£0.00	£0.00	£1,500.00
A.J.R WINDOWS	£0.00	£0.00	£2,741.00
PLUMRITE	£0.00	£0.00	£1,630.00
ACE PLUMBING	£0.00	£0.00	£1,500.00
PW CONTRACTING GIB LTD	£0.00	£0.00	£28,790.87
INCHARLAH GARDENING	£0.00	£0.00	£300.00
CLIVE CHICHON SERVICES	£0.00	£0.00	£6,637.60

All works involves repairs with the exception of Greenarc and Incharlah which were involved in cleaning.

830

**Mr Speaker:** We are now back to Question 328.  
Are there any supplementaries arising from the answer to that Question?

**Hon. J J Netto:** No, Mr Speaker.

835

**Mr Speaker:** I will give the hon. Mr Reyes, or any other Member of the Opposition, an opportunity to study the schedules in case they have any supplementaries.

**Hon. E J Reyes:** Thank you, Mr Speaker.

840

On the table provided for Question 329, the third item from the bottom lists £28,900 paid as preparation for tender packages for Government Housing Schemes for four sites. I see that, previous to that, the sites that these were indicated by location. Does the Hon. Minister have any indication of location for those four sites?

845

**Hon. P J Balban:** Mr Speaker, would the hon. Gentleman repeat the supplementary, please.



850 **Hon. E J Reyes:** Yes, Mr Speaker. I was noting that, in the first set of information provided – for example, No. 1 says conceptual designs for use in Devil’s Tower Road housing – so we have an actual location. On the third one from the bottom the expenditure relates to preparation of tender packages and it refers to four sites but no indication what those sites are. Therefore, I have no idea if they refer to the same sites as the ones before. Am I wrong in assuming it is Devil’s Tower, Europa, North Gorge and Bishop Fitzgerald, or is it something else? Could it be different sites? That is what I am asking.

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am handling, as the hon. Gentleman knows, an element of these projects at No. 6. That is a generic package for the four of the estates which will be for affordable co-ownership.

I think he will be able to determine from the information that he already has that Bishop Fitzgerald, for example, is not going to be a co-ownership estate, it is going to be for elderly residents and, therefore, the remaining sites will be the ones to which this generic package applies.

860 **Hon. E J Reyes:** Yes, Mr Speaker, on the lower part, referring to Table PC1, where it says ‘number of private consultants’, the £10,467.50 there is a mixture of – am I right in assuming? – co-ownership would be the Aerial Farm and yet Bishop Fitzgerald is a rental... Are those two inter-linked and not therefore separate rental and co-ownership?

865 **Hon. Chief Minister:** Mr Speaker, what the final entry that the hon. Gentleman is referring to, relates to, is an assessment of tenders. That is both in relation to co-ownership and in relation to non co-ownership estates. It is an assessment of the tenders submitted to build. It has got less to do with the documentation that would follow which is what the other one, the tender package, related to.

870 **Hon. E J Reyes:** Mr Speaker, those private consultants engaged by the Government, is it possible to have an indication who these private consultants are?

875 **Hon. Chief Minister:** Well Mr Speaker, it is who it says they are, JLC Consulting Limited is a company and Belilo’s Limited is a company. I think, in both instances, the names of the companies represent the names of the individuals who are behind them.

**Hon. E J Reyes:** That does clarify that one, Mr Speaker.

880 **Clerk:** Question 331, the Hon. E J Reyes.

**Hon. E J Reyes:** Sorry, Mr Speaker, I thought the Clerk was going to prompt us if there were any supplementaries in respect of 330. May I?

885 **Mr Speaker:** Yes.

**Hon. E J Reyes:** Thank you, sir.

890 The final words of my Question 330 asked for an indication if they were for repairs or cleaning. Can the Minister guide me that the information has been provided and guide me a bit through the table. It is a bit too much to digest in just a few seconds.

**Hon. P J Balban:** Mr Speaker, at the bottom of that table it says ‘All works involve repairs, with the exception of Greenarc and Incharlah, which were involved in cleaning’.

895 **Hon. E J Reyes:** Thank you for that clarification, Mr Speaker. Therefore especially seeing that, in some cases, the repairs being carried out are much bigger sums than others, does the Minister have an indication as to the number of properties that it refers to? Is it just one particular flat or does it refer to half a dozen of them and so on?

900 **Hon. P J Balban:** Mr Speaker, the cost is indicative of the state of the property. Obviously, a property which is in a close to derelict state would cost more than a property requiring minor works.

905 **Hon. E J Reyes:** Yes, Mr Speaker, thank you for that but it still does not say whether each one of those sums just refers to... For example, if I may perhaps explain myself further, in January 2013 there is a payment of £40,468. Is that just in respect of one flat or could it be that there is more than one home involved in that sum?

**Hon. P J Balban:** Mr Speaker, to give a precise reply to that question I would have to ask but the way

910 I see it, the way I believe it is, is that each of these refers to either a flat or one building and whether the building could have three flats, or whether it is a flat on its own, it refers either to a flat or a building that could contain more than one flat. But to give you a precise reply based on that I would have to find out for him.

915 **Hon. E J Reyes:** I accept, Mr Speaker, that the Minister wants to make certain he has the correct information. Could it be possible for him to pursue that information for me and pass it on, if possible, during the tenure of this particular sitting or session? If not, as soon as possible thereafter he can forward it to me by correspondence or whatever.

920 **Hon. P J Balban:** Mr Speaker, if the Gentleman would care to write to me, I will happily provide him with the information he is requesting.

**Mr Speaker:** If the hon. Member writes, the Minister can deal with the matter sooner than if he waits for the *Hansard*.

925 **Hon. E J Reyes:** Not my experience with all the Ministers on that side of the House, Mr Speaker!

**Hon. Chief Minister:** Or, Mr Speaker, indeed, ours when we used to write and perhaps not ever get a reply!

930 **Mr Speaker:** Next Question.

**Ministry for Housing and Housing Works Agency  
Details of comprehensive review**

935 **Clerk:** Question 331, the Hon. E J Reyes.

940 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question 886/2012, can the Minister for Housing now provide this House with details of the comprehensive review which Government is undertaking of the Housing Works Agency and the Ministry for Housing?

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

945 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, this matter remains a subject of consideration by the Cabinet.

**Co-ownership of residential property  
Procedure for returning Gibraltarians**

950 **Clerk:** Question 332, the Hon. E J Reyes.

955 **Hon. E J Reyes:** Can the Minister for Housing explain what procedures should be followed by Gibraltarians who, after having co-owned a residential property in Gibraltar but then subsequently sold and moved to reside in Spain, in order to be once again eligible to either rent or repurchase on a co-ownership basis back in Gibraltar?

960 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

965 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, irrespective of whether a person who sells a co-owned or an unrestricted property goes to live in Spain or not, the sale of a property in Gibraltar is governed by the 5(d) Clause introduced on 5th August 2005. Hence a previous home owner is not eligible to become an applicant for Government Housing again unless they can satisfy either of the requirements (a) and (b), as follows:

(a) If the sale is as a result of a separation, then the Deed of Assignment of separation or divorce papers need to be provided. The Housing Allocation Committee will consider the case and recommend it to the Housing Authority, the acceptance of the application for Government Housing or otherwise

(b) If the sale of the property was not as a result of a separation, then a financial assessment must be

970 completed as at the time of sale, together with supporting documentation. The result of this financial assessment is referred to the Housing Allocation Committee who, in turn, recommend to the Housing Authority if the application for Government Housing may be accepted.

975 Reference a previous home owner repurchasing within a co-ownership estate, consent for such purposes are directed via LPS. Gibraltarians would require proof of residence for one year in order to qualify.

980 **Hon. D A Feetham:** Mr Speaker, I realise that the policy is a policy that we instituted when we were in Government, but does he not agree with me that the policy perhaps ought to be reviewed to actually make it more flexible?

I will give him an example of somebody who came to see me recently, who I felt had a genuine case for inclusion within the Government Housing List. This is a couple who effectively sold their property here in Gibraltar and then bought a property in Spain. They have gone through financial hardship in Spain – well, financial hardship in their lives – they have had to sell their property in Spain and lost everything that they made here in Gibraltar on the sale of their property. Now, because they sold a property here in Gibraltar, it means that they are not allowed onto the Housing waiting list. In that kind of situation, they have been told that they are not eligible to go onto the Housing waiting list.

985 Now, that is the kind of example where I believe that the Housing Department ought to be more flexible and ought to look at the individual circumstances of the case and see whether it is a genuine case. Does the Minister not agree with me or, indeed, the Chief Minister, that perhaps that particular guideline ought to be looked at in order to give the Housing Department a little bit more flexibility to look at the individual facts of each case in a little bit more detail?

990 **Chief Minister (Hon F R Picardo):** Mr Speaker, in fact the Housing Allocation Committee is the one that, initially, is charged with looking at the enforcement of these rules. This is the famous Clause 5(d) that was introduced by hon. Members when they were in Government. There are a number of discretions which can be engaged in the right case. The hon. Gentleman probably understands that there are many cases which may be deserving at first blush but that there is a hierarchy of deserving cases and that not all cases can be considered as deserving in present circumstances. I am not going to make much of this but the hon. Member knows – and I am sure he accepts this is a factual issue – that on the day that we were elected, there were 1,500 people on the Housing waiting list. That causes a number of different problems because, of course, the circumstances that he explains, which we may all agree are the sort of circumstances that should engage the discretion, also ignore that there are much more deserving circumstances than those. That is not to say that, in the hierarchy of deserving circumstances, there are not all those on that list who might feel that theirs is the most important case but, as his predecessor will know and I, unfortunately, am now more than aware of, there are some very, very deserving cases in Gibraltar where discretions have to be exercised. It is sometimes incumbent on the persons who have to make these decisions, to tell people that, although they may be uncomfortable in their present circumstances, they should actually be grateful that they are not in the *most* deserving cases when things have to be moved, sometimes overnight, to deal with issues – because there are some very, very serious issues that his predecessor and the Housing Allocation Committee have come across, where it is necessary to have the ability to act in a moment.

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1005  
1010 Now, Mr Speaker, in circumstances where, hopefully, the Housing Waiting List will be eradicated, it will be possible to look at these issues all over again and, therefore, before the end of the lifetime of this Parliament, I trust that people who are in such circumstances will be able to be accommodated by the changes we hope to introduce to the way these lists are compiled. It is not, I am sure, Mr Speaker, either under their administration or our administration that somebody whose case is deserving is not assisted, but there has to be that hierarchy of deserving cases, unfortunately.

1015  
1020 **Hon. D A Feetham:** Mr Speaker, I fully realise that there has to be a hierarchy of deserving cases and, indeed, the issue here is not that the rules are changed so that somebody can actually skip the queue and go at the top, or near the top. The issue here is that, because that particular individual had a home that was owned under co-ownership terms and they sold, in order to buy a home – in the particular circumstances that I am referring to, a home in Spain – they have lost all their money, they have lost everything that they have made, as a consequence of the situation, the property market in Spain. Indeed, there may be other circumstances: one of the issues that we had to also grapple with when we were in Government were a number of debates, internal in relation to 5(b), was whether 5(b) operates unfairly, for example, to somebody who is a father in a divorce situation and does not have the children. It is one of the reasons, actually, that motivated me to introduce and to push quite heavily this question of joint parental responsibility and joint residence in relation to family cases, because once there is a joint residency order, then that joint residency order can then be taken to the Housing Authority and, of course, on that basis, then instead of being granted for example a one bedroom or a studio flat, they can take into

account that the person has a number of children as well that not only belong to his wife but belong to him. They are his children.

1035 Now what I am saying to the Hon. the Chief Minister, it is not about skipping the queue, it is about opening that particular Clause 5(b) which I always felt could have harsh consequences if one was really bookish about the way one operated that Clause, and it is there for everybody to see, to introduce an element of discretion so that not that anyone skips the queue but that, in appropriate circumstances, you allow somebody in, if necessary obviously at the bottom of the queue on the Housing waiting list.

1040 **Hon. Chief Minister:** Mr Speaker, it is not 5(b), it is 5(d). It is 5(d).

Mr Speaker, I think it is worth reading the clause to the Parliament: it is two sentences. The relevant part is this:

1045 'People who have been home owners and have chosen to sell their homes'

– the words 'have chosen' are important –

1050 'to sell their homes shall not be entitled to go on the public waiting list unless, in the judgement of the Housing Allocation Committee, the sale was genuinely necessary or there is some justification for being admitted. No other person shall be allowed to earn over-crowding points when people move into his home after having sold their own home unless the Housing Allocation Committee rule that the sale was genuinely necessary.'

1055 There are, in that sentence, Mr Speaker, a number of discretions that can be engaged. The first is a judgement about whether somebody has *chosen* to sell a home or not. In the example that the hon. Gentleman has given, there is a clear choice. In the examples where there is a marital breakdown issue, or where there is another reason why a couple *have* to sell their home, then the first limb of that section is not engaged. There is no choice there.

1060 Then, Mr Speaker, the question of the judgement of the Housing Allocation Committee comes in, as to whether the sale was genuinely necessary or – and this is the wider discretion, Mr Speaker – where there is *some* justification for being admitted. So, Mr Speaker, we have considered very carefully whether this clause should change. But our determination has been that there are three gateways through which the discretion of the Housing Allocation Committee can be engaged, should they consider that there are reasons why, in deserving cases, people should be allowed to go back on the Housing waiting lists.

1065 What I am saying to him, Mr Speaker, is that in the circumstances of a waiting list which, on 9th December, was 1,500 people, the Housing Allocation Committee has been very reticent to ensure that it allows those discretions to engage only in circumstances which are the most deserving. There are deserving cases where people have not, in my view, been able to persuade the Housing Allocation Committee, perhaps harshly, and people have not been allowed back on the list.

1070 Now, in the context of a Housing waiting list that is more manageable – and there are changes to the way that the Housing waiting list is compiled, all of which we have said we are looking at in the context of housing everybody who was on the Housing waiting list on the 9th December – I believe it will be possible to be much more amenable to allowing individuals in circumstances such as the ones that he has described to come back on to the public waiting list. But that is not because there are not already discretions that can be engaged to allow registration of people in genuinely deserving cases. But I think that the way those discretions have been exercised at the moment reflects the dire circumstances that we inherited.

1075 **Mr Speaker:** Any other supplementary?

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**Government Housing Rental Estates  
Details of contract cleaning**

1085 **Mr Speaker:** Question 333, the Hon. E J Reyes.

1090 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all contracts to carry out cleaning of communal areas in Government Housing Rental Estates, inclusive of the names of companies contracted and cost?

**Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon P J Balban):** Mr Speaker, three contracts will be awarded to clean the communal areas, El Turno, on a yearly basis, as follows:

1095 The company contracted: ESSL at a total contract sum per month of £10,816.  
The company: JFM Shine at a contract sum per month of £3,328.  
The company contracted: MCS with a contract sum per month of £2,392.  
At present they have been engaged on a trial monthly contract.

1100 **Hon. E J Reyes:** Mr Speaker, were these contracts awarded as a result of a tender process, or how did they come about to contracting these?

1105 **Hon. P J Balban:** Mr Speaker, the contracts were actually... following a tender and, in each case, it was the cheapest of the companies that were the cheapest price were the ones that were contracted.

**Mr Speaker:** Question 334, the Hon Mr –

1110 **Hon. J J Netto:** Mr Speaker, could I ask a supplementary question perhaps on Question 333. Obviously, the Government – and I take on board the fact that it is the type of work that goes out to tender and the company will provide the services, so therefore there is no interference between Government and the company how to run the services as such, but I have heard some constituent people say that, in the context of Laguna Estate, there are just two cleaners doing El Turno, so to speak, for the whole number of blocks that there is. Putting such an amount... a volume of work on just two particular persons to do such a vast area is a huge demand, which probably takes, I do not know, all day probably. Is there any relationship, you know... I know the Government does not intervene in what the company does, but is there any relationship that, perhaps, too much work is being placed by the company on too few individuals to do this type of work?

1120 **Hon. P J Balban:** Mr Speaker, the Government will be looking into this.  
This is, as I said, a trial so it is happening on a monthly basis on a trial basis. At the end of the day, as you rightly say, it is the company that decides, you know, how many cleaners they have per estate... and the Government does not interfere with that. Needless to say, if the job is seen that it is not being well done, or the Government sees that other things could be better, the company will be told and if it is not to their satisfaction then, obviously, we would have to review this in the future.

1125 **Hon. E J Reyes:** May I, Mr Speaker – sorry sir – seeing that the contract awarded to one of the companies is thrice that given to the others, is the Minister able to provide information of which of these companies cleaning contract pertains to which particular housing area?

1130 **Hon. P J Balban:** Mr Speaker, yes, the first company, it is thrice because they have thrice the amount of work.

1135 ESSL is responsible for the Estates, Mid Harbours, Glacis, Laguna and Varyl Begg Estates, whereas JMF Shine is responsible for Alameda Estate and MCS does Moorish Castle Estate, Edinburgh and Chilton Court.

### Homes and residential properties Sale details

1140 **Mr Speaker:** Question 334, the Hon. Mr Edwin Reyes.

1145 **Hon. E J Reyes:** Can the Minister for Housing provide details, if any, in respect of homes or residential properties sold to persons or companies other than by those sold by an Official Public Tender process or to ‘Sitting Tenants’ since January 2012?

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

1150 **Mr Speaker:** Just a moment: that Question – was it 334, or 335?

**Hon. E J Reyes:** 335.

1155 **Mr Speaker:** Have we dealt already with 334, or have we jumped it?

**Hon. E J Reyes:** We have left it out, Mr Speaker, sorry.

**Government rental properties  
Details relating to use of scaffolding**

1160 **Mr Speaker:** Right, Question 334 then, the Hon. Mr Edwin Reyes.

**Hon. E J Reyes:** Yes, Mr Speaker, whilst I ask that Question, seeing that the Hon. Minister said there was a schedule, can we anticipate the time, because you normally then have to allow me a few seconds... Perhaps one of the ushers can start to –

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**Mr Speaker:** Yes, I will allow the schedule to be circulated because we make better progress that way, so let us go back to 334 now. The Hon. Mr Edwin Reyes.

1170 **Hon. E J Reyes:** Thank you, Mr Speaker.

Question 334: can the Minister for Housing provide this House with an updated list of all Government buildings used for rental accommodation which, since 6th March 2013, have had scaffolding erected, indicating the dates when the scaffold was first erected, the companies contracted to erect these, cost incurred and estimated date of dismantling?

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**Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 334**

Location	Date Erected	Estimated Removal	Cost to Date	Company
Wilson's Ramp	12/12/2009	Pending	£386.25	A&M Scaffolding & Cradles Ltd
Bado's Building	12/01/2010	Pending	£22,596.36	Gibfirst Scaffolding
Sandpits House	22/11/2012	August 2013	Cost Included In Contract	A&M Scaffolding & Cradles
Danino's Ramp (14)	29/10/2012	Pending	£3,451.43	Gibfirst Scaffolding
Renown House	28/10/2012	Pending	£650	Gibfirst Scaffolding
Royal Sovereign House	16/04/2013	Pending	Cost included in Contract	Gibfirst Scaffolding
Seaview House, 5	12/03/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Hargrave's, 9	08/04/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Willis's House	13/03/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Crutchett's Ramp	13/03/2013	18/03/2013	£440	Gibfirst Scaffolding
Scud Hill House	15/03/2013	18/03/2013	£325	Gibfirst Scaffolding
Genoa House	11/04/2013	17/04/2013	£120	Gibfirst Scaffolding
Renown House	09/04/2013	29/04/2013	£200	Gibfirst Scaffolding
Crutchett's Ramp	17/04/2013	24/04/2013	£120	Gibfirst Scaffolding
MacMillan House	04/05/2013	08/05/2013	£600	Gibfirst Scaffolding
Crutchett's Ramp	07/05/2013	Completion Date Pending	£240	Gibfirst Scaffolding
Tarik House	06/05/2013	13/05/2013	£1,100	Andy Holdings
GBC – Broadcasting	27/04/2013	Completion Date Pending	£800	Avanti
Archbishop Amigo	25/02/2013	15/03/2013	£1,100	Sarah Jane Construction Co Ltd
Renown House, 20a	03/05/2013	13/05/2013	£1,000	SA Construction
Tankerville House, 33	09/04/2013	29/04/2013	£480	W&N Construction
King's House	22/04/2013	16/05/2013	£1,400	LC Groundworks
Portmore House	13/02/2013	08/03/2013	£3,680	Sarah Jane Construction Co Ltd
Custom Recreation Club	15/03/2013	Completion Date Pending	n/a to date	501 Construction Ltd

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**Homes and residential properties  
Sale details**

1185

**Mr Speaker:** I will call out again Question 335, the Hon. Mr Edwin Reyes.

1190 **Hon. E J Reyes:** Thank you, Mr Speaker.

I will re-read the Question, can the Minister for Housing provide details, if any, in respect of homes or residential properties sold to persons or companies other than those sold by an Official Public Tender process or to 'Sitting Tenants' since January 2012?

1195 **Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Hon. Minister for Traffic, Housing and Technical Services (Hon P J Balban):** Mr Speaker, no homes or residential properties have been sold to persons or companies during the period January 2012 to date, other than those sold through an Official Public Tender process or to 'Sitting Tenants'.

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**Government rental homes  
Details of lift repairs**

1205 **Mr Speaker:** Question 336, the Hon. Mr Edwin Reyes.

1210 **Hon E J Reyes:** Can the Minister for Housing provide details in respect of all repairs undertaken to lifts servicing Government rental homes, since the reply to Question No. 152/2013, showing (a) Location of lift requiring repairs; (b) Date and time when the lift breakdown was first lodged; and (c) Date and time when the lift was duly repaired and, therefore, fully functional?

**Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1215 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 336**

LOCATION	DATE & TIME REPORTED	DATE & TIME REPAIRS COMPLETED	CONTRACTOR
CONSTITUTION HSE	08/02/13 11:10:00	08/02/13 11:32:00	OTIS
VALIANT HSE	09/02/13 17:00:00	09/02/13 17:48:00	OTIS
REFERENDUM HSE	10/02/13 09:05:00	10/02/13 17:48:00	OTIS
PENNEY HSE	13/02/13 17:40:00	13/02/13 17:52:00	OTIS
CONSTITUTION HSE	14/02/13 15:15:00	14/02/13 15:42:00	OTIS
REPULSE HSE	14/02/13 16:00:00	14/02/13 16:16:00	OTIS
WAVE CREST HSE	14/02/13 16:25:00	14/02/13 16:39:00	OTIS
ORSOVA HSE	18/02/13 15:45:00	18/02/13 15:55:00	OTIS
REFERENDUM HSE	19/02/13 19:20:00	19/02/13 19:31:00	OTIS
CONSTITUTION HSE	19/02/13 19:00:00	19/02/13 19:23:00	OTIS
CHUSAN HSE	20/02/13 18:15:00	20/02/13 19:03:00	OTIS
REFERENDUM HSE	21/02/13 20:30:00	21/02/13 20:49:00	OTIS
CHUSAN HSE	25/02/13 13:00:00	25/02/13 16:23:00	OTIS
AQUITANIA HSE	26/02/13 20:30:00	26/02/13 21:10:00	OTIS

**CONTD ANSWER TO QUESTION 336**

SEA WAVE HSE	01/03/13 10:30:00	01/03/13 10:40:00	OTIS
ARCHBISHOP AMIGO HSE	02/03/13 14:00:00	02/03/13 16:54:00	OTIS
PICTON HSE	02/03/13 16:15:00	02/03/13 16:58:00	OTIS
GEORGE DON HSE	08/03/13 08:30:00	08/03/13 08:44:00	OTIS
ALAMEDA HSE	07/03/13 13:30:00	07/03/13 14:05:00	OTIS
ROSS HSE	07/03/13 16:50:00	07/03/13 17:13:00	OTIS
CHUSAN HSE	07/03/13 19:55:00	07/03/13 20:34:00	OTIS
BLUE WAVE HSE	07/03/13 20:17:00	07/03/13 20:34:00	OTIS
ROSS HSE	08/03/13 12:00:00	08/03/13 12:20:00	OTIS

CONSTITUTION HSE	08/03/13 10:30:00	08/03/13 10:40:00	OTIS
ARCHBISHOP AMIGO HSE	12/03/13 10:05:00	12/03/13 10:24:00	OTIS
IRONSIDE HSE	14/03/13 08:27:00	14/03/13 08:32:00	OTIS



**CONTD ANSWER TO QUESTION 336**

ARCHBISHOP AMIGO HSE	14/03/13 08:30:00	14/03/13 08:37:00	OTIS
MAURETANIA HSE	14/03/13 12:45:00	14/03/13 13:00:00	OTIS
REFERENDUM HSE	15/03/13 13:50:00	15/03/13 14:03:00	OTIS
KINGSWAY HSE	14/03/13 17:00:00	14/03/13 19:43:00	OTIS

MAURETANIA HSE	15/03/13 15:00:00	15/03/13 21:45:00	OTIS
BLUE WAVE HSE	16/03/13 12:15:00	16/03/13 12:44:00	OTIS
WHITE WAVE HSE	18/03/13 12:20:00	18/03/13 12:41:00	OTIS
OCEAN WAVE HSE	19/03/13 20:40:00	19/03/13 20:52:00	OTIS
BLUE WAVE HSE	19/03/13 20:20:00	19/03/13 20:44:00	OTIS
CANTON HSE	21/03/13 15:50:00	21/03/13 16:18:00	OTIS

CARMANIA HSE	21/03/13 19:10:00	21/03/13 19:46:00	OTIS
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**CONTD ANSWER TO QUESTION 336**

ROYAL SOVEREIGN HSE	21/03/13 19:50:00	21/03/13 20:11:00	OTIS
ARCHBISHOP AMIGO HSE	22/03/13 19:40:00	22/03/13 20:09:00	OTIS
CATHAY HSE	22/03/13 20:15:00	22/03/13 20:47:00	OTIS
BLUE WAVE HSE	24/03/13 17:10:00	24/03/13 17:17:00	OTIS
IRONSIDE HSE	25/03/13 13:00:00	25/03/13 13:19:00	OTIS
REFERENDUM HSE	25/03/13 20:55:00	25/03/13 21:15:00	OTIS
CONSTITUTION HSE	25/03/13 20:10:00	25/03/13 20:51:00	OTIS
CONSTITUTION HSE	26/03/13 13:20:00	26/03/13 18:01:00	OTIS
BARHAM HSE	27/03/13 13:50:00	27/03/13 14:05:00	OTIS
BOW WAVE HSE	28/03/13 15:30:00	28/03/13 17:02:00	OTIS
SEA WAVE HSE	30/03/13 16:15:00	30/03/13 17:00:00	OTIS
OCEAN WAVE HSE	31/03/13 09:20:00	31/03/13 10:03:00	OTIS

**CONTD ANSWER TO QUESTION 336**

CARMANIA HSE	01/04/13 14:15:00	01/04/13 14:44:00	OTIS
GEORGE JEGER HSE	02/04/13 10:10:00	02/04/13 10:40:00	OTIS
IRONSIDE HSE	02/04/13 13:30:00	02/04/13 14:38:00	OTIS
CATHAY HSE	02/04/13 15:20:00	02/04/13 16:11:00	OTIS
REPULSE HSE	02/04/13 19:30:00	02/04/13 21:46:00	OTIS
CATHAY HSE	03/04/13 11:00:00	03/04/13 13:36:00	OTIS
ALAMEDA HSE	05/04/13 15:50:00	05/04/13 16:18:00	OTIS
CONSTITUTION HSE	05/04/13 17:45:00	05/04/13 18:22:00	OTIS
REFERENDUM HSE	05/04/13 17:00:00	05/04/13 17:38:00	OTIS
REPULSE HSE	06/04/13 13:00:00	06/04/13 14:51:00	OTIS
CONSTITUTION HSE	06/04/13 10:45:00	06/04/13 14:52:00	OTIS

**CONTD ANSWER TO QUESTION 336**

REFERENDUM HSE	06/04/13 23:45:00	06/04/13 00:08:00	OTIS
CARMANIA HSE	07/04/13 13:10:00	07/04/13 14:33:00	OTIS
BLUE WAVE HSE	07/04/13 20:55:00	08/04/13 08:32:00	OTIS
WHITE WAVE HSE	08/04/13 13:44:00	08/04/13 14:13:00	OTIS

GOVERNORS MEADOW HSE	07/04/13 20:45:00	07/04/13 21:01:00	OTIS
REFERENDUM HSE	08/04/13 18:45:00	08/04/13 20:19:00	OTIS
SEA WAVE HSE	08/04/13 20:15:00	08/04/13 20:20:00	OTIS
GOVERNORS MEADOW HSE	09/04/13 11:50:00	09/04/13 12:00:00	OTIS
OCEAN WAVE HSE	09/04/13 13:55:00	09/04/13 14:31:00	OTIS
KINGSWAY HSE	09/04/13 18:15:00	09/04/13 20:51:00	OTIS
REFERENDUM HSE	09/04/13 22:50:00	09/04/13 23:38:00	OTIS

**CONTD ANSWER TO QUESTION 336**

KINGSWAY HSE	10/04/13 09:55:00	10/04/13 10:36:00	OTIS
WHITE WAVE HSE	10/04/13 13:00:00	10/04/13 13:18:00	OTIS
REFERENDUM HSE	10/04/13 12:00:00	10/04/13 14:57:00	OTIS
ROSS HSE	11/04/13 12:40:00	11/04/13 13:01:00	OTIS
REPULSE HSE	11/04/13 20:15:00	11/04/13 21:08:00	OTIS
KINGSWAY HSE	11/04/13 21:30:00	11/04/13 22:05:00	OTIS
OCEAN WAVE HSE	12/04/13 15:45:00	12/04/13 17:29:00	OTIS
SEA WAVE HSE	12/04/13 21:30:00	12/04/13 22:23:00	OTIS
GOVERNORS MEADOW HSE	12/04/13 20:30:00	12/04/13 21:15:00	OTIS
CONSTITUTION HSE	13/04/13 13:50:00	13/04/13 14:18:00	OTIS
GEORGE DON HSE	15/04/13 17:40:00	15/04/13 18:15:00	OTIS
KINGSWAY HSE	18/04/13 09:00:00	18/04/13 12:17:00	OTIS

**CONTD ANSWER TO QUESTION 336**

REFERENDUM HSE	22/04/13 17:50:00	22/04/13 17:56:00	OTIS
CANTON HSE	22/04/13 12:30:00	22/04/13 12:58:00	OTIS
ALAMEDA HSE	22/04/13 19:30:00	22/04/13 21:08:13	OTIS
ROSS HSE	22/04/13 21:00:00	22/04/13 21:46:00	OTIS
IRONSIDE HSE	24/04/13 10:15:00	24/04/13 10:30:00	OTIS
REFERENDUM HSE	25/04/13 10:45:00	25/04/13 11:15:00	OTIS
CONSTITUTION HSE	25/04/13 19:00:00	25/04/13 19:40:00	OTIS
GEORGE DON HSE	25/04/13 20:30:00	25/04/13 21:55:00	OTIS
REFERENDUM HSE	25/04/13 20:00:00	25/04/13 20:31:00	OTIS
KINGSWAY HSE	27/04/13 08:50:00	27/04/13 09:34:00	OTIS
BARHAM HSE	28/04/13 17:50:00	28/04/13 18:04:00	OTIS

**CONTD ANSWER TO QUESTION 336**

ROYAL SOVEREIGN HSE	29/04/13 15:50:00	29/04/13 16:24:00	OTIS
PENNY HSE	29/04/13 18:50:00	29/04/13 19:44:00	OTIS
PENNY HSE	30/04/13 10:45:00	30/04/13 11:26:00	OTIS
PICTON HSE	30/04/13 11:25:00	30/04/13 11:59:00	OTIS
ORONSAY HSE	30/04/13 13:00:00	30/04/13 13:21:00	OTIS

SEA WAVE HSE	01/05/13 14:00:00	01/05/13 14:49:00	OTIS
PENNY HSE	01/05/13 16:50:00	01/04/13 17:31:00	OTIS
PENNY HSE	02/04/13 11:15:00	02/05/13 12:35:00	OTIS
SEA WAVE HSE	05/05/13 15:00:00	05/05/13 15:58:00	OTIS
VICTORIA HSE	05/05/13 21:10:00	05/05/13 22:16:00	OTIS
REPULSE HSE	06/05/13 21:00:00	06/05/13 21:26:00	OTIS
ROSS HSE	06/05/13 19:45:00	06/05/13 20:54:00	OTIS

**CONTD ANSWER TO QUESTION 336**

REPULSE HSE	07/05/13 16:40:00	07/05/13 17:19:00	OTIS
BISHOP CANILLA HSE	15/03/13 18:15:00	15/05/13 18:25:00	EMBARBA
BISHOP CANILLA HSE	08/04/13 10:23:00	15/05/13 10:55:00	EMBARBA
ALBERT RISSO HSE	25/03/13 14:55:00	25/03/13 15:17:00	FAIN
ALBERT RISSO HSE	29/04/13 10:35:00	29/03/13 10:58:00	FAIN
ALBERT RISSO HSE	03/05/13 10:11:00	03/05/13 10:33:00	FAIN

**Mr Speaker:** This is a rather lengthy schedule. I would like to call the next Question, if I may.

1220

**Government rental homes  
Details in respect of outstanding repairs**

1225

**Mr Speaker:** The Hon. Mr Edwin Reyes, Question 337.

1230

**Hon. E J Reyes:** Further to the answer to Question No. 43/2013, can the Minister for Housing provide details of how many of the 288 applicants who were assigned a home during 2012 are still waiting for repairs to be completed, stating if these works are to be carried out by the Housing Works Agency or by contractors, stipulating which contractors, if any, will carry out the works, and the cost?

**Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1235

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, none of the 288 applicants who were allocated a home during 2013 are awaiting repairs to be completed. All 288 have signed the Tenancy Agreements and have taken the key to their property.

1240

**Hon E J Reyes:** Mr Speaker, because, last time, the Minister in his answer said that there was a difference between assignation and allocation, I have purposely used in my Question the 288 applicants who were 'assigned'. I note that the Minister, in his reply, has used, instead, '288 allocated'. Can I, therefore, Mr Speaker, try to explain myself? Are there any applicants who were assigned homes and are still waiting for those to be fully repaired and so on, and therefore that is why things when they become allocated... if I understood in the last Parliamentary session the Minister correctly?

1245

**Hon. P J Balban:** Mr Speaker, I should have said in that Question who were 'allocated', not 'assigned', but if you look at the reply once again, it says clearly all 288 have signed the Tenancy Agreement and have taken the key to the property. So, regardless of whether it was allocated, the persons have taken the keys to the property.

1250

**Hon. E J Reyes:** Because, if I may, Mr Speaker, it therefore follows that they have now accepted the key and are now, therefore, eligible to pay full rent and so on and there is not that lead-in period, yes? I have understood it correctly?



1255 **Hon. P J Balban:** Mr Speaker, that is right. When the person takes the key, it is because he has accepted the property and that is when the tenancy begins.

1260 **Government rental homes**  
**Details in respect of urgent decanting**

**Mr Speaker:** Question 338, the Hon. Edwin Reyes.

1265 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question No. 149/2013, indicating the reasons why, the dates when said decanting became necessary and the dates when these tenants were able to return to their homes?

1270 **Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 338**

A total of five tenants have required urgent decanting. The reasons why, the dates when said decanting became necessary and the dates when these tenants were able to return to their homes, is as follows:

	Reason	Date decanting became necessary	Date when tenant returned home
Tenant 1	Severe water ingress as result of storm	22/2/13	10/4/13
Tenant 2	Remedial works necessary	8/4/13	22/4/13
Tenant 3	Major works	1/3/13	Permanent decanting
Tenant 4	Govt projects	5/3/13	Permanent decanting
Tenant 5	Govt projects	5/3/13	Permanent decanting

1275 **Mr Speaker:** Now the schedule here is quite short, so we will pause for a few moments to allow hon. Members of the Opposition to ask supplementaries before we move on to Question 339.

1280 **Hon. E J Reyes:** May I, Mr Speaker... Can the Minister provide a little bit further information: the tenants, numbers 4 and 5, the reason for decanting says 'Government projects' – can he enlighten us with a bit more detail in that respect?

1285 **Hon. P J Balban:** Mr Speaker, may I ask the hon. Gentleman to repeat the question. I was absorbed by the coughing.

1290 **Hon. E J Reyes:** Yes, Mr Speaker, sir, I was saying that, from the schedule, tenants numbers 4 and 5, the reason for the decanting means Government projects. I am imagining from there that it does not necessarily follow that it was because the house needed major repairs or major works, like I am interpreting tenants 1, 2 and 3 were. So can he explain what the 'Government projects' were and that might clarify the matter?

1295 **Hon. P J Balban:** Mr Speaker, with regard to tenants 4 and 5, those two were decanted as a result of the ongoing decanting – started by the previous administration – of police barracks. With these two families, the decanting of the building is now complete.

**Hon. E J Reyes:** Is it similar with tenant number 3? Does the Minister have any additional information?

**Hon. P J Balban:** Mr Speaker, the third family decanted was as a result of major works required to

1300 the roof of the property.

**Hon. E J Reyes:** Yes, but I see, Mr Speaker, that the Minister has listed that one as being a permanent decanting, so if that roof is being repaired is the Government not willing to offer that family the opportunity to return back to that home?

1305

**Hon. P J Balban:** For more specific... I would need to ask my staff but the actual supplementaries that were prepared for me state that... I mean, no doubt, I would think that the works required were so great that the family was permanently decanted, either because they just... I do not know the reasons why it was permanent. I would just assume that the works were too great to have them back. I would need to find out.

1310

If the hon. Gentleman writes to me, if he is very keen to know the particular details of that family in question, well, that circumstance in question, to let me know and I will find out the specifics.

1315

**Assigned Government rental homes  
Required repairs: details of allocations and assignments**

1320

**Mr Speaker:** Question 339, the Hon. Mr Edwin Reyes.

**Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Housing provide details as to how many of the rental homes assigned so far in 2013 still require repairs to be undertaken, indicating how many will be repaired by: (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

1325

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Question 340.

1330

**Clerk:** Question 340, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details in respect of how many rental homes have been; (a) allocated; and (b) assigned since the answer provided to Question No. 147/2013, showing the room composition of the respective homes?

1335

**Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Hon. P J Balban:** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

1340

**ANSWER TO QUESTION 340**

**Answer to Question 339**

A total of 10 flats have been assigned so far in 2013. The repairs are to be undertaken by the following:

- (a) Housing Works Agency - 1
- (b) Sub-contractors - 6
- (c) The assigned tenants themselves - None.

The other three flats were, at the time the answer was provided, accepted. We are in the process of assigning them either to the Housing Works Agency or to a sub-contractor.

1345

Answer to Question 340

A total of 63 rental homes have been allocated and/or assigned as follows:

ALLOCATED	
1RKB	2
2RKB	12
3RKB	30
4RKB	9
5RKB	0
<b>TOTAL</b>	<b>53</b>

ASSIGNED	
1RKB	0
2RKB	1
3RKB	7
4RKB	2
5RKB	0
<b>TOTAL</b>	<b>10</b>

1350 **Mr Speaker:** Does the Hon. Minister have any supplementaries – the hon. Member, sorry – have any supplementaries?

**Hon. E J Reyes:** Yes, Mr Speaker does the Minister have information pertaining to, in the first part of his answer, under (b) sub-contractors, there are six of them, does he have any information in respect of who these sub-contractors are?

1355 **Hon. P J Balban:** Mr Speaker, no, unfortunately not.

1360 **Hon. E J Reyes:** Would the Minister accept, Mr Speaker, that if I wrote to him, he will he give me the details of the six sub-contractors and I will throw in, as well, an indication of the estimates costs that will entail. Can we come to that gentleman's agreement, sir?

**Hon. P J Balban:** Mr Speaker, yes, if the hon. Member cares to write to me, I will provide him with the names of those six sub-contractors.

1365 **Hon. E J Reyes:** Mr Speaker, so that it is for the future record, and especially on *Hansard*.

I accept the note that the other three flats were, at the time the answer was provided, accepted. Then they are in the process now of assigning them either to the Housing Works Agency or to a sub-contractor. In order that we have updated information... perhaps the Minister, once he knows exactly they are going to be the Housing Works Agency or sub-contractor, or in what ratio between the two of them, how can we get that information and therefore it becomes part of the Parliamentary record?

1370 **Hon. P J Balban:** Mr Speaker, yes, I was very careful, when actually preparing the questions. Obviously, I was preparing these questions some time back and things can change so he can either pose the same question next month and we can give him an update or he can write to me and we can update that, if necessary, if there has been a change. There might not have been.

1375 **Clerk:** In writing to the Hon. Minister, that information will not be recorded in *Hansard*, so I think perhaps you might wish to consider asking the Question again next time.

1380 **Hon. E J Reyes:** Yes, Mr Speaker, thank you for that advice. I was conscious of that, which was why I looked with my school child type of smile for guidance for those who have been here far longer than I have. Yes, I shall consider that, Mr Speaker, and then take a decision whether I wish to write or to pose it in the next parliamentary session.

1385 **Clerk:** Question 341 has already been answered in a previous sitting, so we are now going to proceed to Question 385, and those are Questions which are going to be posed to the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.  
385.

1390 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Companies Registry  
Number of company incorporations in 2012-13**

1395 **Clerk:** Question 385, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Education, Financial Services,

1400 Gaming, Telecommunications and Justice say how many new companies were incorporated in Gibraltar by the Companies Registry in 2012 and 2013?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1405 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the new companies incorporated in Gibraltar by the Companies Registry in 2012 and 2013 are as follows: 2012 – 1,912; 2013 up to the end of April of this year – 170.

1410 **Mr Speaker:** Any supplementary? No.

**Companies Registry  
Number of company liquidations in 2012-13**

1415 **Clerk:** Question 386, the Hon. S M Figueras.

1420 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice say how many Gibraltar companies (a) commenced liquidation proceedings and (b) were liquidated in 2012 and 2013?

**Clerk:** Answer. the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1425 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, in answer to part (a) of the Question, 228 Gibraltar Companies commenced liquidation proceedings in 2012, and 65 companies commenced liquidation proceedings in 2013 – so far in 2013. That is January to April. Part (b), 146 companies were liquidated in 2012 and 50 companies have been liquidated in 2013, again January to April.

1430

**Financial Services Commission  
Company / Investment Fund statistics for 2012-13**

1435 **Clerk:** Question 387, the Hon. S M Figueras.

1440 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice say how many new Gibraltar companies or entities were licensed by FSC in 2012 and 2013 (excluding the extension of licences of existing licensed companies) providing a breakdown by class (i.e. professional trustee, insurer, bank)?

1445 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker I will answer this Question together with Questions 388, 389, 390, 391 and 392/2013.

1450 **Clerk:** Question 388.

1455 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many Gibraltar companies or entities surrendered their FSC licences in 2012 and 2013?

**Clerk:** Question 389.

1460 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many FSC regulated companies or entities ceased trading but are not subject to liquidation or bankruptcy proceedings in 2012 and 2013?

**Clerk:** Question 390.

1465 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many FSC regulated companies or entities were subject to liquidation or bankruptcy proceedings in 2012 and 2013?

**Clerk:** Question 391.

1470 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice please provide a list to this House of investment funds liquidated in 2012 and 2013?

**Clerk:** Question 392.

1475 **Hon S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many investment funds surrendered their authorisation or licence in 2012 and 2013?

1480 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Hon. G H Licudi:** Mr Speaker, the statistical information requested by the hon. Member is set out in the schedule that I now hand to him.

**SCHEDULE TO QUESTION 392/2013**

**FINANCIAL SERVICES LICENCES**

Summary	2012			2013		
	Q387 Granted	Q388 & Q392 Surrendered	Q390 & Q391 Liquidation	Q388 Granted	Q388 & Q392 Surrendered	Q390 & Q391 Liquidation
Audit Firms	1	2	0	1	0	0
Statutory Auditors	7	13	0	2	5	0
Representative Offices (banks)	0	2	0	0	0	0
Banks	0	1	0	0	1	0
E-Money Firms	2	0	0	0	0	0
Consumer Credit	3	2	0	0	0	0
Collective Investment Scheme Operators	1	1	0	0	0	0
Experienced Investor Funds	24	16	0	7	8	0
Sub-Funds	31	23	0	9	4	0
EIF Directors	11	11	0	1	2	0
Insurance Companies	3	1	0	1	2	3
Insurance Intermediaries	5	1	0	2	3	0
Insurance Managers	1	0	0	0	0	0
Company Managers	12	20	0	13	15	0
Professional Trustees	0	2	0	0	2	0
Bureau de Change	1	1	0	0	0	0
MIFID	3	2	0	3	3	0
MIFID Branches	2	1	0	0	0	0
Pension Schemes	0	0	0	0	1	0
	107	99	0	39	46	3

1490 With regard to Questions 389 and 390, the Government is not able to say how many FSC regulated companies or entities ceased trading or were subject to liquidation or bankruptcy proceedings in 2012 or 2013 *after* they surrendered their licences. Perhaps I should explain a little bit more about that last remark.

1495 Mr Speaker, the hon. Member – and I see that he is getting the schedule now – if the hon. Member looks at the schedule, there is a column which is headed ‘liquidation’, and at the last column of that schedule – 2013 – the hon. Member will see three companies in liquidation – that relates to insurance companies – and these are companies that commenced liquidation proceedings without surrendering their licences. What happens *after* they surrender their licence we are not able to say.

Perhaps we can assume, and it is only speculation and an assumption, that if an entity, all it does is FSC-regulated activity, and it surrenders its licence then that entity or that company ceases to trade.

1500 There are some... for example, in the headings, the hon. Members will see ‘EIF Directors’. The fact that an EIF Director surrenders a particular licence, as an EIF Director, does not mean that that person ceases trading altogether. Equally, we are not able to say, *after* they cease trading, which of the companies have actually commenced liquidation proceedings.

1505 The hon. Member will have had, in answer to an earlier Question, the numbers which have  
commenced liquidation proceedings and the numbers liquidated in 2012 and 2013. It is not possible to  
correlate those numbers with a surrender of licences unless we went through each particular file, looked  
at each company that had commenced liquidation proceedings or had been liquidated, checked whether  
they had been an FSC-regulated entity and surrendered their licence and then I would be able to give that  
list. So that is why I have qualified the answer by saying that we are not able to say how many of these  
companies, *after* they surrender their licences, actually cease trading or are subject to liquidation  
proceedings.

1510

**Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer.

1515 One particular number that stands out in relation to what has gone off 2013... and that is the column of  
company managers in relation to Question 388 and 392 surrendered, and that is 15. It is a significant  
number and I wonder whether, perhaps, the Minister can offer some indication of why that number is  
quite so significant. I am certainly not aware of reasons for that, and if he is not and he requires notice of  
it, then I will be happy to provide him with it at the next session.

1520 **Hon. G H Licudi:** Mr Speaker, I am not aware of the *specific* reasons, but what I have looked is at the  
trend over the last few years, and the fact that the numbers that stand out are company managers is a case  
in point in 2009, 2010 and 2011. In 2010, for example, there were 20 company managers licences granted  
and 38 surrendered, so that seems to be a common trend over the years, but if the hon. Member wants  
more specific information about these particular company managers, I will be happy provide it if he were  
to write to me or give me notice.

1525

**Mr Speaker:** Any other supplementary arising from those numerous questions?  
Next Question.

1530

**ECJ ruling on Jyske Bank  
Implications for financial sector**

**Mr Speaker:** Question 393, the Hon. Mr Figueras.

1535

**Hon. S M Figueras:** Thank you, Mr Speaker.

Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and  
Justice set out the Government's assessment of the impact of the recent ruling by the European Court of  
Justice in the Jyske Bank matter, case C-212/11, for local banks and other financial services providers?

1540

**Mr Speaker:** Answer, the Hon. the Minister for Education, Financial Services, Gaming,  
Telecommunications and Justice.

1545 **Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice**  
**(Hon. G H Licudi):** Mr Speaker, this matter is still the subject of proceedings in the Spanish Courts. An  
assessment of the impact of the ruling will be made once those proceedings are concluded. I will,  
however, be happy to give the hon. Member the Government's initial assessment but I am hesitant to do  
so publicly, given that there are ongoing proceedings. There are, in fact, live issues in those proceedings  
still.

1550

**Hon. S M Figueras:** I am grateful for the Hon. Minister's reply in this context and I am alive to those  
issues.

I will happily take him up on the offer of the discussion behind the Speaker's Chair. I am grateful.

1555

**IOSCO Multilateral Memorandum of Understanding  
Government legislation to enable signature**

1560

**Mr Speaker:** Question 394, the Hon. Selwyn Figueras.

**Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Minister for Education, Financial Services,  
Gaming, Telecommunications and Justice say if the Government is now in a position to pass relevant  
legislation and thereby procure Gibraltar's removal from the IOSCO list of non-signatories to the

1565 Multilateral Memorandum of Understanding as soon as possible?

**Mr Speaker:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1570 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government expects to be in a position to publish a Command Paper with a draft of the relevant legislation soon.

1575 **Hon. S M Figueras:** Mr Speaker, can the Minister say when he expects... he has just soon, before he rises to repeat the answer. Is he in a position to say when, whether there is a timeframe in mind for this?

**Hon. G H Licudi:** Mr Speaker, I expect that to be within a matter of weeks.

1580 **Sex Offenders List  
Number of individuals**

**Mr Speaker:** Question 395, the Hon. Mrs I M Ellul-Hammond.

1585 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice say how many individuals are on the Sex Offenders List?

1590 **Mr Speaker:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there are currently three persons on the Sex Offenders Register.

1595 **Rehabilitated sex offenders  
Monitoring in the community**

1600 **Mr Speaker:** Question 396, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice say what monitoring or spot checks are carried out on those who have served a sentence for sexual offences and are back in the community?

1605 **Mr Speaker:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1610 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, under Part 13 of the Crimes Act 2011 and subject to the provisions contained therein, in particular section 306, persons convicted of a sexual offence set out in Schedule 3 of the Act are liable to be placed on the Sex Offenders Register.

Persons on the Register become subject to a monitoring and visitation regime combining, at the RGP's discretion, pre-arranged visits and checks conducted without prior notification to the registered sex offender.

1615 The regularity of these visits and checks is determined by the assessed risk that the registered sex offender poses to the community. The risk assessment is undertaken by trained RGP officers, acting as designated Risk Managers at the time the individual is put on the Sex Offenders Register. Designated Risk Managers will put together a risk management plan. Those involved in the management of sex offenders may include, apart from the RGP, the Prison Service, the Care Agency, the Probation Service and the GHA.

1620 Persons who have been convicted of sexual offences, who have served their sentence and are back in the community, that do not meet the section 306 registration criteria may, nevertheless, become subject to inclusion in the RGP's Integrated Offender Management Programme, which incorporates all criminality. This is a new programme by the RGP which will be commenced shortly.

1625 As with the management of sex offenders, the Programme is based on risk assessment. Persons

assessed by Designated Risk Managers to pose a risk to society are approached by police, who may then recommend their inclusion in the Integrated Offender Management Programme. If the offender consents, they may then enter into an agreed programme designed to manage the risk of their re-offending. This is voluntary but the UK experience on which this programme is based shows a good proportion of engagement between offenders and the police service.

1630

In addition, there are provisions in the Crimes Act to deal with convicted sex offenders who are not captured by section 306 of the Act, provided that the offence for which they are convicted is included in Schedules 3 or 4 of the Act. Under section 326 of the Act, I, as Minister with responsibility for Justice, may direct the Attorney General to make an application to the Magistrates' Court for a Sexual Offences Prevention Order.

1635

The making of a Sexual Offences Prevention Order will lead to the individual being placed on the Sex Offenders Register and may include other conditions and restrictions.

The monitoring regime pursuant to a Sexual Offences Prevention Order is similar to the one for registered sex offenders, although frequency and intrusiveness may increase.

1640

It should be noted that Sexual Offences Prevention Orders can also be applied for in respect of sex offenders registered under section 306 of the Act when it is assessed that additional restrictions are required in order to protect the public or any particular member of the public from serious sexual harm.

Furthermore, under section 341 of the Act, which deals with sexual activity or sexual communications with children, I, as Minister with responsibility for Justice, may direct the Attorney General to make an application to the Magistrates' Court for a Risk of Sexual Harm Order.

1645

Here again, the monitoring regime pursuant to a Risk of Sexual Harm Order is similar to that exercised in respect of registered sex offenders and is designed to protect children from harm from the defendant.

Applications for a Sexual Offences Prevention Order and a Risk of Sexual Harm Order can be made, provided that the statutory criteria is satisfied, regardless of the date when the offence was committed, whether it was committed before or after the coming into force of the Act and whether the offence was committed in Gibraltar or abroad.

1650

**Hon. D A Feetham:** Mr Speaker, the Hon. the Minister for Justice has broken it down into various categories and, broadly speaking, one of those categories are offenders that may be subject to the Crimes Act, but then, of course, there are offenders that because the Crimes Act came into operation subsequent to them, for example, leaving H M Prison, many of these provisions – I think all of them, but I will be corrected if I am wrong, I have not actually looked at whether some of these Prevention Orders actually apply retrospectively – may I please – regardless of the legislative changes that the Government made, in order not to make the Sexual Offenders Register retrospective last year.

1655

He may recall that, of course, the Crimes Act has only become operational towards... it was sometime – November of last year, thank you very much. Prior to that, of course, the Government had taken the decision not to make the Sexual Offenders Register retrospective and, as part of the arguments that the Government then deployed justifying that, the Government said well, the Police do monitor these people.

1660

Now, I note that in the answer you said that there is going to be a programme of monitoring for those who are not covered by the Crimes Act, shortly, but what is the position in relation to monitoring of those individuals at the present moment prior to the new policy being introduced? Because, of course, it was that very same argument, the fact that these people are monitored anyway, the argument that was deployed by the Government in order to justify amending the legislation so as not to make the Sexual Offenders Register retrospective.

1665

1670

**Hon. G H Licudi:** Mr Speaker, the premise upon which the hon. Member asked the supplementary is completely mistaken. He started by saying many of these provisions and these orders do not apply retrospectively before the coming into force of the Act.

1675

The hon. Member had heard the last couple of sentences, or indeed the last sentence of the answer that I gave and I will repeat it for his benefit. Applications for a Sexual Offences Prevention Order and for a Risk of Sexual Harm Order can be made, provided that the statutory criteria is satisfied, *regardless* of the date when the offence was committed, whether it was committed before or after the coming into force of the Act and whether the offence was committed in Gibraltar or abroad. This deals with the issue that I know the hon. Member raised in press releases at the time, when we were having this discussion, and we even considered this matter in this House, as to whether these Orders were available or whether there was any protection from people coming from abroad and whether anything could be done to protect the public from harm in respect of offences committed prior to the coming into force of the Act.

1680

These Orders are available where the Royal Gibraltar Police assesses, through the designated Risk Managers, assesses that there is a risk in respect of *any* type of criminality. This does not just apply to sexual offences. It applies to offences in Schedule 3, which are the sexual offences and Schedule 4, which are wider offences, as the hon. Member will know. If there is a risk of sexual harm or sexual offences

1685



1690 being committed, then an application can be made and I, as Minister for Justice, can direct the Attorney General to make that application and that application, as I have said, can be made regardless and is completely unaffected... The provisions that I have quoted in respect of these type of Orders are completely unaffected by the amendment that the Government made, I seem to recall it was last year, in relation to these provisions. Those amendments only affect the issue of automatic notification.

1695 The second part of the supplementary talks about monitoring. What we said last year was that persons who have been convicted of offences previously are known to the Police. If the Police, therefore, assess that people who are known to the Police involve any kind of risk which justifies an application to the Court, we have the statutory mechanism for the Police, after having assessed that risk, to advise me and, if I am satisfied that an application needs to be made to the Court, then I will direct the Attorney General to make that application to the Court. Therefore we consider that all the bases are covered.

1700 The hon. Member has mentioned that the Integrated Offender Management Programme is due to be commenced shortly but that is a separate issue. That is a specific programme which is modelled on what exists in the UK and it affects all types of criminality and that involves engagement with the offender. It involves coming to an agreement with the offender for the monitoring in the future of that offender and that involves monitoring for the purposes of reducing any risk of re-offending. It is part of a rehabilitation process of the offender and I am sure the hon. Member will be glad that such a programme will be put into place and will wish the RGP generally every success in reducing the risk of re-offending and the rehabilitation provisions which they are intended to address.

**Hon. D A Feetham:** Mr Speaker, of course I do and I think that it is a worthwhile programme indeed.

1710 But, with respect, he has not really answered the question. I quite understand what you are saying, that last year it was possible for the RGP to advise you that there is a particular individual who is particularly dangerous and therefore ask you to make an Order, actually, as from November of last year – that is when we introduced the Crimes Act, sorry, the Crimes Act was brought into force, it was obviously introduced by us when we were in Government. I quite understand that the RGP advises you to make an application, you then make an application, but that is not the substance of the question that I am asking.

1715 What I am asking is... well, you decided to amend the legislation in order not to make the list retrospective and one of the arguments that you deployed in relation to that was, well, these people are sufficiently monitored now, anyway, without the Crimes Act. They are sufficiently monitored because this was pre-Crimes Act. They are monitored by the Police. Now the hon. Lady has asked a question about monitoring – what monitoring or spot checks are carried out and, of course, it appears to me, that actually until you introduce your very worthwhile scheme, the position in terms of monitoring continues to be the position in terms of monitoring that existed last year, save that, now, post- the Crimes Act, what you can have is a situation where the Police ask you to make an application.

1720 But I am not asking about applications, I am asking about monitoring because it is important to the community. What monitoring is actually taking place now and what monitoring was taking place last year to justify the Government's policy in terms of not making the list retrospective?

**Hon. G H Licudi:** Mr Speaker, it seems that the hon. Member is quite intent on re-opening the debate, notwithstanding that the debate, which we had last year, we have already had in Parliament and which was based on a full –

1730 **Mr Speaker:** Yes, and I must remind Members that they cannot go back to matters which have been debated here in the House within a given period.

1735 **Hon. D A Feetham:** Mr Speaker, this is not about me opening the debate on the amendment to the Sexual Offenders Register, it is the fact that the Government spoke about monitoring: she has asked the question, the hon. Lady has asked the question, about what monitoring takes place. We received an answer in relation to – which I have described as a very worthwhile initiative by the Government – as from the next few weeks they are going to up the monitoring structure or scheme for these types of individuals, but what monitoring actually takes place now, or took place a year ago? That is nothing to do with the debate that we had.

1740 **Mr Speaker:** Let us see if we can have an answer to that question.

1745 **Hon. G H Licudi:** Mr Speaker, let me say, first of all, that this is an initiative by the RGP. This is not something that the Government itself has looked at. It is certainly a laudable and worthwhile initiative but it is an initiative by the RGP.

The hon. Member says that last year we spoke about monitoring... I do not have the record of what we talked about last year but my recollection is that it was felt that the people who have committed offences previously are sufficiently known to the Police for the Police to be able to assess as and when they

1750 consider necessary, in respect of any type of criminality, whether or not those persons *should* be included  
in the Sexual Offences Prevention Order. So the only thing that has changed is that the *automatic*  
notification procedure in respect of previous offenders is not automatic, it is subject to the RGP making  
1755 an assessment of that risk, advising me of that risk and I, being satisfied of that risk, giving a direction to  
the Attorney General. So the automatic notification procedure has simply been changed to an assessment  
of risk procedure and an advice given to me and then an application is made to the Magistrates Court. We  
consider that that is the right approach, that that is the way to proceed, and I am not sure whether it is too  
early to say, but the system seems to be working.

1760 **Hon. D A Feetham:** Can the Minister for Justice allay any concerns that there may be in the  
community in relation to this and confirm to this House that this new scheme that is going to be  
introduced in order to, effectively, assess and monitor – and I think it is very worthwhile that one has a  
scheme that involves not only input from the Police but also from Social Services and any relevant  
1765 service that may be able to provide any worthwhile contribution in relation to these types of offenders –  
that this will also apply not only to offenders that are subject to the notification procedures – I think it is  
Section 306 – but also to those that the Government took off the Sexual Offenders Register when it  
changed the law? And that the scheme is going to be operated not only in relation to those individuals, the  
ones that have been removed, not only in relation to individuals that the RGP thinks may be a risk and  
advises the Minister to make an application, but also at a lower level because, Mr Speaker, in fact in order  
1770 to properly assess whether people pose a risk, you have obviously got to do a risk assessment? Therefore,  
my question is can the Minister confirm that this is going to be applicable across the board, whether you  
are on the Sexual Offenders Register or you are not on the Sexual Offenders Register?

1775 **Hon. G H Licudi:** Mr Speaker, let me correct, first of all, what the hon. Member has said in  
suggesting that the Government took certain people off the Sexual Offenders Register. Let us not forget  
that there was nobody on the Sexual Offenders Register when we came into office. The legislation had  
been passed but *they* decided not to commence it and, therefore, not to start a Sex Offenders Register  
before they left office. Even though they passed legislation in June, I seem to recall, by December that  
had still not been commenced. So we certainly did not take anybody off the Sexual Offenders Register.  
1780 What we have done is commence the provisions which have now led to certain people being included in  
the Sex Offenders Register.

And I can confirm, Mr Speaker, as the hon. Member has asked me to do, that this is a scheme that  
applies across the board. As I stated in the answer to the original question, it applies to all criminality and  
it does not depend on when a particular person was convicted. It certainly applies across the board, as the  
hon. Member suggested it should. It certainly does.

1785 **Hon. D A Feetham:** Thank you, and the Minister is absolutely satisfied, is he, that none of the  
amendments that he made last year in relation to the Sexual Offender Register provisions of the Crimes  
Act, in order so that list is not made retrospectively – let us not forget the effect of that amendment was  
that it took out, from the scope of the legislation, some 24 individuals would have been within the scope  
1790 of the legislation, had he not made the amendment that he brought to this House – is he satisfied that none  
of the amendments that he made last year to the Crimes Act will have a negative impact on the ability of  
the RGP to actually require these individuals to go through that kind of assessment which, of course, is a  
very intrusive assessment? My gut feeling, in relation to something like that, is that it may require some  
sort of statutory underpinning to allow it. But I am just asking the hon. Gentleman whether he is satisfied  
1795 that there is no impact.

**Hon. G H Licudi:** Well, Mr Speaker, I am entirely satisfied that the statutory provisions which are in  
place and which were enacted by the hon. Member, and commenced by us, are sufficient in order to  
provide the protection which is necessary.

1800 In respect of the persons that the hon. Member has indicated, if there are any of those individuals that  
are assessed by the Royal Gibraltar Police as posing any particular risk, such that certain restrictions  
should be included – and let us not forget that this is not just about inclusion on the Sexual Offenders  
Register, because the tools which are available now are tools to go to Court and include *restrictions* in  
1805 respect of what an individual can do or cannot do – and therefore I am entirely satisfied that those tools  
are available to the RGP, to myself as Minister for Justice, to the Attorney General, to make that  
application to the Court. Therefore, there is absolutely no need for any concern.

The hon. Member talks about concern in the community. It seems to me the only persons creating that  
concern are the hon. Members. There is no concern because the tools are there and can be used  
effectively.

1810 **Mr Speaker:** Any other supplementary?

**Adults working with children  
CRB checks in voluntary sector**

1815 **Clerk:** Question 397, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice explain what the process is for adults to be able to work with children in the voluntary sector. Do they require a licence to do so and how are Criminal Records Bureau, or CRB, checks conducted in Gibraltar?

1820 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1825 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there is currently no statutory provision requiring adults who wish to work with children in the voluntary sector to be licensed or formally vetted. The process of vetting adult volunteers is determined by the practices and policies of the organisation in question.

1830 It is open to an organisation to require the adult volunteer to provide a certificate of good conduct from the RGP or from the Criminal Records Bureau in the UK, or to authorise the organisation to vet the volunteer through RGP checks or to provide references. But the law does not expressly require them to do so.

1835 This is a gap in our legislation which has been identified by the Government. The Government is, therefore, already looking at the introduction of statutorily mandated vetting of adult volunteers who work with children and vulnerable adults.

**Hon. Mrs I M Ellul-Hammond:** I am grateful for that, Mr Speaker.

1840 I know that the Care Agency conducts checks – obligatory checks – on its staff. Can the Minister confirm that, at present, the Education Department, GHA and other Government Departments where staff are in contact with children, also conduct obligatory checks?

**Hon. G H Licudi:** Mr Speaker, I am not sure whether the hon. Member is asking the question in respect of the same... I am not taking a Point of Order in respect of this; I just want to understand the question. The question was originally about those who work with children in the *voluntary* sector. The hon. Member has talked about people who work for the Care Agency.

1845 The Care Agency certainly conducts all those checks, as do all other Government Departments and authorities in respect of any person who is going to be engaged to work with children or vulnerable adults. That is a process that the Government always goes through.

1850 **Hon. D A Feetham:** Mr Speaker, the Minister, no doubt, is aware that, in the UK – and we did take this into account but we decided that we should keep them for the time being separate but open to review in the future – the UK has actually moved from having various lists, for example, a Sexual Offenders List and a list of people that are unsuitable to work with children. We have a list, we introduced a list of people who are unsuitable to work with children as part of the Children's Act and, of course, we passed the legislation through Parliament in relation to the Sexual Offenders Register...

1855 Is it part of the Government's future plans to consider whether to have one database, one list, kept in one central databank in relation to these issues or is that something that the Government is not considering?

1860 **Hon. G H Licudi:** Mr Speaker, this is the administration of the scheme that would be introduced and certainly the Government, in looking at the legislation, will look at how it should be administered and what the most effective way is.

1865 I am grateful for the comment on the possibility of one list and integrated database or the possibility of different lists. All those things will certainly be considered as part of the legislation that the Government is considering, in terms of what is the most effective way of putting that into practice.

**Transport for educational and sporting needs  
Increased provision**

1870 **Clerk:** Question 398, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education provide details of what plans the Government has to

1875 increase provision of transport for educational and sporting needs?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1880 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Department of Education has a dedicated twenty-two seater bus which is used for the schools' education and sporting needs. Additional transport facilities are provided whenever necessary, either by private operators or by the Gibraltar Bus Company. Arrangements with the Gibraltar Bus Company involve an extra bus which is operated during term time to take children from the Mid Harbours area to Sacred Heart School, an extra bus from Catalan Bay and an extra bus from the South District. On top of this, changes to bus route No. 1, which runs between Market Place and the Upper Town, means that the bus also picks up and drops off children from Mid Harbours.

1885 The Government considers that the current arrangements are adequate but will continue to monitor this and will increase transport facilities if this is thought to be necessary.

1890 **Hon. E J Reyes:** Mr Speaker, can the Minister confirm if, by now, we already have in place the driver for this twenty-two seater bus which, in previous answers, he said they were in the process of completing the selection procedure?

1895 **Hon. G H Licudi:** Mr Speaker, in respect of the specific person to be engaged as a driver, the selection process has been completed, a person has been selected and the information I had last week is that the appointment was simply subject to a medical. The person has already gone to the medical check-up and the Government is awaiting the results, or rather Human Resources Department is awaiting the results, simply to finalise the arrangements.

1900 I should say that, although that process has taken longer than perhaps I would have liked, we have had a driver available, both somebody who is employed by the Education Department and, when necessary, we have been able to call upon drivers employed in the Government's garage section.

Therefore it is not as if the bus has been idle all along but that selection process is almost complete and I very much hope that the driver will be engaged at the earliest possible opportunity.

1905

#### **National Institute for Adult Continuing Education Plans and timescale**

1910 **Clerk:** Question 399, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education say what plans and timescale this Government has to establish a National Institute for Adult Continuing Education as per their Manifesto commitments?

1915 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1920 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the position remains as stated in the answer to Question 900/2012.

**Mr Speaker:** Any supplementary?  
Next Question.

1925

#### **Old St Bernard's Hospital Conversion to school use**

1930 **Clerk:** Question 400, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education confirm if any section or sections of the old St. Bernard's Hospital will be converted into a school or schools in order to cater for the replacement of the present St. Bernard's First and/or Sacred Heart Middle Schools?

1935 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming,

Telecommunications and Justice.

1940 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government is working on plans for the old St. Bernard's Hospital site and an announcement will be made soon.

**Hon. E J Reyes:** Therefore, Mr Speaker, there are no concrete plans yet that the Minister could inform us in respect of the future for St. Bernard's First and Sacred Heart Middle Schools.

1945 **Hon. G H Licudi:** Mr Speaker, I expect to be in a position to make an announcement on this very soon, certainly before the House next meets.

1950 **Old St Bernard's Hospital  
Demolition of ex-Sisters' quarters**

**Clerk:** Question 401, the Hon. E J Reyes.

1955 **Hon. E J Reyes:** Can Government confirm if they have any plans to knock down the ex-Sisters' quarters at the old St. Bernard's Hospital and, if so, provide details of such plans.

1960 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government does not plan to knock down the ex-Sisters' quarters at the old St. Bernard's Hospital.

1965

**School drop-out rate  
Academic year 2012-13**

1970 **Clerk:** Question 402 the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education state how many 15-year olds have dropped out of school so far during the academic year 2012-13, providing a breakdown by school?

1975 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1980 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, fourteen 15-year olds have dropped out of school during the current academic year, ten from Bayside and four from Westside.

1985 **Countering tax evasion  
Formal mechanisms**

**Clerk:** Question 403, the Hon. P R Caruana.

1990 **Hon. P R Caruana:** Mr Speaker, can the Government say whether it will enter into a FATCA agreement with the United States of America?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1995 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Questions 404 and 405/2013.

**Clerk:** Question 404.

2000 **Hon. P R Caruana:** Mr Speaker, can the Government say what is the formal mechanism by which Gibraltar is subscribing to the G5 pilot multilateral automatic exchange of tax information with the United Kingdom, France, Germany, Spain and Italy and when will its provisions become binding on Gibraltar?

2005 **Clerk:** Question 405.

2010 **Hon. P R Caruana:** Mr Speaker, in its Press Release No. 289/2013, dated 2nd May, the Government said that 'the other element in eliminating any remaining hiding places is to improve the availability of information on beneficial ownership' and that the Government was committed 'taking this agenda forward'. Can the Government say what measures it envisages to take this agenda forward?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2015 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, on 2nd May 2013 the Government issued a press release entitled Eradicating Tax Evasion in which, *inter alia*, it stated that Gibraltar was committed to entering into a FATCA agreement with the United States of America. In that press release the Government also announced that it has committed to being part of the pilot multilateral automatic exchange of tax information with the UK, France, Germany, Spain and Italy. The manner in which that pilot will come into effect is still not finalised. The Government will be having further discussions with the UK on the formal mechanism by which Gibraltar will subscribe to the pilot, as well as on the timing of the implementation of the pilot.

2020  
2025 The Government has also committed to taking forward the agenda on the availability of information on beneficial ownership in the context of the fight against tax evasion and fraud. It is right that criminals should not be able to hide behind structures to evade their responsibility to pay tax. The whole agenda on transparency and on exchange of information for tax purposes is based precisely on that premise. Gibraltar will continue to take such measures as may be necessary as part of a global strategy against tax evasion. Gibraltar will therefore continue to negotiate and sign Tax Information Exchange Agreements to build on the twenty-six TIEAs which have already been signed. Gibraltar will continue to work with, and assist, the OECD in Phase 2 of the peer review, which is expected to commence in 2014.

2030 It will be recalled that the report following Phase 1 of the review was, to a very significant extent, favourable to Gibraltar. There were several recommendations made which Gibraltar has not only taken on board but has passed the necessary legislation in the form of amendments to the Companies Act, the Trustees Act and the Partnership Act. These amendments create statutory requirements in relation to the keeping of proper books of account and the maintenance of records identifying settlors, trustees and beneficiaries of trusts. The legislation also abolishes share warrants to bearer.

2035 In addition, the Government introduced legislation earlier this year to transpose the new Mutual Assistance Directive – that is, EU Directive 2011/16. As confirmed to us by the OECD, this includes TIEA-equivalent provisions with all EU States. This is in addition to the bilateral TIEAs which we already have with some EU States. It is thus now open to all EU States, including Spain, to make a TIEA or TIEA-equivalent request to Gibraltar. This legislation also provides for some automatic exchange of information as from 1st January 2015.

2040 Gibraltar thus complies with all international standards and requirements and is at the forefront of the global fight against tax evasion. We will continue with this agenda as we have shown with our commitment with a FATCA agreement with the US, a FATCA style agreement with the UK and being part of the pilot on automatic exchange of information with the EU G5 countries.

2045 Gibraltar is a part of a group of nations setting the standards for the eradication of tax evasion. In doing so, Gibraltar has emphasised the fundamental importance of maintaining a level playing field in the international financial services area and the need to take firm enforcement action against non-compliance. The Government is equally committed to act in consultation with the financial services industry in Gibraltar when addressing all of these issues.

2050 **Hon. P R Caruana:** Well, Mr Speaker, there is no doubting the international political momentum behind the campaign to eradicate what the Hon. Minister refers to as illegal activity and I think it is right that Gibraltar should not be left in any sort of exceptional category in that and that was certainly my policy when I had the ministerial responsibility that he now has for Financial Services and I am sure that the Hon. Minister was not intending to suggest, when he says that the signing up to the public availability of information on beneficial ownership, reflected any desire that Gibraltar should not be a place where criminals can hide their ill-gotten gains or words that he may have used to that effect.

2060 We have not had such a regime in the past and, of course, much as we are willing to subscribe to  
 changing international consensuses, by the same token we are not recognising that the last fifty years of  
 our financial services industry has been based on ‘harbouring criminal activity’. The fact that the  
 international community changes the goalposts is not to suddenly and retrospectively criminalise what we  
 2065 were all doing at a time that the international community had not yet moved the goal posts to cover it. I  
 think it is important that, as we move along with the times, we do so in terms that does not signal, sort of,  
 historical unacceptable behaviour.

But can I just ask the hon. Member by way of supplementary – and I apologise for that long preamble  
 – a supplementary in relation to Question 403, whether the hon. Member is able to give the House any  
 2070 assurance that, having committed to a FATCA agreement with the US, whether the Government will  
 insist on this being a direct arrangement, a direct agreement, between the Gibraltar Government and the  
 United States Government and that it will be signed by the Gibraltar Government and it will not be  
 Gibraltar having extended to it the UK’s Agreement with the United States on FATCA?

2075 **Hon. G H Licudi:** Mr Speaker, I entirely agree with the preamble which the hon. Member has  
 indicated, has set out, which suggests that these are not new measures which in any way signal that  
 Gibraltar was something different in the past, that in Gibraltar, ill-gotten gains could be hidden away  
 because that is something that Gibraltar has not played a part in for many, many years. But there is, as the  
 hon. Member has again alluded to, a global agenda on this. There are things which are moving at a pace  
 2080 and which Gibraltar is a part of, so there are new initiatives being taken as part of the agenda which  
 Gibraltar has already put in place in respect of our own provisions on anti-money laundering, on anti-  
 terrorist financing and all the measures that we have taken previously to make sure that tax evasion has  
 absolutely no place in a jurisdiction such as ours, such as Gibraltar.

With regard to the FATCA Agreement, I can confirm to the hon. Member that the contact we have  
 2085 had in relation to FATCA has been direct with the United States. In fact, the first contact where we had a  
 discussion was in South Africa, where I attended the OECD Global Forum on Transparency and Tax  
 Information Exchange, where the US Representative was there and made a presentation and a speech in  
 relation to FATCA and we had an engagement with the US Representative directly at that time. It was  
 followed by a press release, I seem to recall, the following week by the United States, which  
 2090 acknowledged that it was already engaging in discussions with Gibraltar in relation to this. So it is  
 certainly our intention to continue to have these discussions with the United States, to finalise the terms of  
 the arrangement, and to sign up directly with the United States and not in the form of any kind of  
 extension to any existing Agreement. That is certainly Gibraltar’s intention and it is Gibraltar’s  
 commitment, as well, to do it in that particular way.

2095 **Chief Minister (Hon. F R Picardo):** If the hon. Gentleman will just allow me to say something in  
 respect of how he couched his preliminary remarks.

The hon. Gentleman said that Gibraltar was not in an exceptional category, or should not be seen to be  
 in an exceptional category, but I think he will agree with me that Gibraltar, to a very great extent, *benefits*  
 2100 from being in one particular exceptional category and that is that we are the only one of the Overseas  
 Territories that, as a member of the European Union, has been complying with obligations emanating  
 from Brussels from the moment that we were required to comply with them.

If he will just allow me this comment, if he looks at exactly what it is that is *behind* the agenda today,  
 it is almost the G8 and the rump of the 27 Member States requiring that others play by the rules that they  
 2105 have set for themselves. And I think the exceptional category that Gibraltar is entitled to say it belongs to,  
 in respect of Overseas Territories financial services centres, is that we are the only Overseas Territory  
 financial services centre that has complied with the rules that have applied amongst the 27 Member States  
 of the European Union from the moment that we were required to comply with them. We are, therefore,  
 in a different category to those other territories that are now signing up to much of what we have been  
 complying with for some time.

2110 Of course, he knows and he will have seen, that a lot of what is being played out in the press, if I may  
 say so, is about the tax avoidance agenda, but when he looks at the detail of what it is that we are looking  
 at in terms of these agreements etc., it is the tax *evasion* agenda. There was a very salutary intervention  
 last week in the UK Parliament by one of the heads of HMRC, who told a Select Committee of MPs that  
 2115 they need to understand that tax avoidance is actually complying with the rules that are laid down by the  
 national Parliaments as to what it is that a particular individual or company needs to pay in respect of tax.

I think, Mr Speaker, it is important to have those things in mind when we look at where Gibraltar is on  
 the radar in respect of all those issues and where Gibraltar can expect to sometimes be seen as a class  
 apart. It is sometimes unfortunate when we are listed just with other Overseas Territories and I am sure  
 2120 his battle when he had the hon. Member’s portfolio and my portfolio for Finance, was very often actually  
 to *show* that Gibraltar was *apart* and not just one of the list of Overseas Territories that deals in financial  
 services.

2125 **Hon. P R Caruana:** Well, of course, Mr Speaker, the exceptional category I was describing was the  
 negative one, in other words that we should not be in an exceptional, out of the mainstream... and thought  
 to be non-compliant. Of course, I do welcome what the Hon. the Chief Minister has now said, that  
 Gibraltar, having complied with a certain number of EU-related measures over the years, should indeed  
 2130 welcome a re-levelling up of the playing field in our favour, so to speak, by bringing others into a net  
 where we have been for some time: that is true. Whether this G5 European version of FATCA amounts to  
 no more than bringing others up to speed with where we already are, or whether it will take us all,  
 including us, further forward than where we currently are, in other words amount to *additional* measures,  
 2135 restrictions, disclosures, transparency, of course remains to be seen and takes me, if I may, to my first  
 supplementary to the Hon. Minister – I am grateful to the Chief Minister for his explanations to me in that  
 respect – whether the Hon. Minister is aware whether the UK Government has shared with him, what will  
 be the process for establishing the detailed content of the European version of FATCA. Is it identical to  
 the US version so, if we look at the US FATCA model agreement, is that what is going to emerge as the  
 intra-European version? Is there just a borrowing of the concepts but the detail may be very different and,  
 if it is the latter, is there a process now going to take place and has the Gibraltar Government been  
 offered, or promised or going to be allowed, any contribution, albeit through the UK, into that process?

2140 **Hon. G H Licudi:** Mr Speaker, it is our clear and firm understanding that what we are talking about  
 in relation to the pilot on Automatic Exchange between those G5 EU countries is essentially a European  
 FATCA, so it is to be modelled on the European FATCA... (*Interjection by Hon. P R Caruana*) Well, the  
 American FATCA, on which the UK FATCA-style arrangement is also going to be modelled. So we are  
 starting with the US FATCA, that is being transformed into a FATCA-style arrangement with the UK on  
 2145 the same basis and it is that which is also being used, as we understand it, as the model for the pilot with  
 the G5 countries.

Yes, Mr Speaker, perhaps I should also add that, as I mentioned in the original answer, we already had  
 provisions in the Mutual Assistance Directive, which we have already transposed, which involve  
 automatic exchange of information as from 1st January 2015. So, in a way, what has been proposed at a  
 European level with these G5 countries is an acceleration, on a pilot basis, of measures which we already  
 2150 have in place in our legislation.

**Hon. P R Caruana:** Finally, on this one, Mr Speaker, is the hon. Member able to tell me whether it  
 has been shared with him whether there is any intention that there should be an element of retrospection  
 to the European version of FATCA? I have in mind a situation where, for example, we just need to be  
 2155 careful where countries like Liechtenstein, having negotiated an agreement, for example, with the UK  
 that allows UK taxpayers who have arrangements in Liechtenstein to sort of regularise them, if I can just  
 use a neutral phrase, in a way that avoids them being criminalised as a result, that we should find  
 ourselves in a worse position: in other words, that customers of Gibraltar financial services should  
 suddenly find themselves, that the guillotine comes down one day without an opportunity to regularise,  
 2160 for example by the application of retrospective measures, without the same opportunity to regularise your  
 affairs ahead of incurring criminal sanction, that customers of Liechtenstein, by bilateral agreement, will  
 have had the opportunity to do.

There is a, sort of, tension there, indeed, I read – and the Hon. Minister may not have seen it, he may  
 be interested to know of it – I read the other day on an aeroplane some clever tax planner actually  
 2165 suggesting, in the context of all these initiatives of European FATCA, that the escape route for clients of  
 the Overseas Territories and Crown Dependencies was actually to now transfer their business to  
 Liechtenstein so that they can exit to the UK from Liechtenstein, rather than from Jersey, Guernsey or  
 Gibraltar because, in that way, they can take advantage of the Liechtenstein cleansing arrangements, if I  
 can call them that.

2170 Would the hon. Member consider raising this issue with the United Kingdom Government to see if  
 such a buffer period, or buffer arrangement, can be written into our arrangements with the UK and with  
 other European countries through the G5 pilot as well? It is not right that Liechtenstein should have an  
 advantage in that respect.

2175 **Hon. G H Licudi:** Mr Speaker, it is certainly true that *no* country should have an advantage over us in  
 any type of arrangement and that is why we say in both our press release and the answer that I have given  
 today that Gibraltar needs to be part of a group of nations and that there must be an international level  
 playing field of which Gibraltar forms part.

2180 Specifically on retrospection, let us not forget, Mr Speaker, that we are simply talking about exchange  
 of information, not the creation of new criminal penalties retrospectively and there is a general consensus  
 that, in respect of *criminal* investigations, there should be some retrospection, some element of  
 retrospection. The hon. Member may recall that we passed legislation, or we brought in legislation,  
 recently because we had a gap in respect of our TIEA requests which did not provide for the passing of



2185 information retrospectively in respect of a criminal investigation – that was a gap which we cured following a particular request. But it is *certainly* an issue that we will be raising with the United Kingdom and it is *certainly* an issue that we will be alive to and we will *certainly* not want any particular jurisdiction to have any kind of advantage over Gibraltar when Gibraltar forms part of these arrangements.

2190 **Hon. P R Caruana:** Mr Speaker, I have one supplementary to ask in relation to Question 405 but, just before I move to that, I mean this is an important issue, I appreciate that we are talking just about exchange of information and not the creation of offences but the question that will be pressing people who are suddenly caught out by a new initiative is, alright, if I decide to be compliant *as of now*, will  
2195 information about me from five years ago be subject to being disclosed under this arrangement. Now there is a difference there between the case where there is a specific request in the context of a criminal investigation which is undertaken – which is the case that he is referring to, where retrospection... there is a very big difference between that and *automatic* exchange of information, as a matter of wholesale compulsion, in respect of everybody, going back five years. In other words, here is everybody's banking  
2200 information in relation to Gibraltar for the last five years, French Finance Minister. You know, that is a wholly different situation and that is where Liechtenstein has got... Liechtenstein's deal with the UK allows, in respect of the past, people to extricate themselves from any uncomfortable place in which they may find themselves without the sanction of criminality, provided that, for the future, they do... and that is the disadvantage.

2205 But in respect of Question 405, can I just ask the Hon. Minister, I do not know if the hon. Member is aware – this is the question about... 405, as you will recall, is the question about the beneficial ownership transparency... The hon. Member may be aware that the internet is a-buzz today, online news about letters that the Prime Minister is alleged to have written to all the Overseas Territories, including our own, telling us to get our house in order and that transparency means, basically, that the beneficial ownership  
2210 of every company should be known. I think those words are actually quoted on the BBC website. My question was whether the hon. Member... I mean, alright, we know that the Government has signed up to transparency on this – and I know just how Governments come to sign up to these sorts of things: I have been there, I have got the T-shirt! – the hon. Members are now being made to wear the T-shirt and I hope they enjoy it more than I did. This is an inexorable direction of travel, and I acknowledge the difficulty involved in one jurisdiction resisting or, indeed, I do not agree that it is sensible that we should resist  
2215 in terms of the opprobrium that comes with it.

That said, is the hon. Member able to shed any light upon what form that will take? There are various models. There could be... the Prime Minister might have meant that the information of beneficial  
2220 ownerships of companies and trusts, I think they said, might just be available through private enquiry from one regulator, from one authority to the other, or I have also heard mooted the idea of a more public arrangement, a public register of these things. Is the Government aware yet of what may be involved, what sort of ideas are being mooted and is there anything that he can say to the House at this stage about this?

2225 **Hon. G H Licudi:** Mr Speaker, we are certainly aware of the letter that the hon. Member has referred to. The Chief Minister has received that letter and we have seen that letter.

As the hon. Member says, one of the important issues is that beneficial ownership should be known and that is absolutely right. Beneficial ownership –

2230 **Hon. P R Caruana:** I have not said that...

**Hon. G H Licudi:** Well, no, the quote, (**Hon. P R Caruana:** I see.) the apparent quote that the hon. Member said: beneficial ownership should be known. There should not be situations where structures are set up, either with financial services providers in Gibraltar or other kind of arrangements and that  
2235 beneficial ownership is not known... (*Interjection by Hon. P R Caruana*) Of course, people, yes, and we provide... (*Interjection by Hon. P R Caruana*) No, (*Laughter*) I am not talking of publicly. Beneficial ownership clearly needs to be known. One of the issues that we dealt with quite recently was the abolishing of bearer shares... That is a case in point, where it is important that that should be the case and beneficial ownership should be known.

2240 The hon. Member says that there are various possibilities being mooted. There is a possibility mooted of a central register, there is a possibility mooted of a public register, but these are just possibilities. I mean, Gibraltar will certainly be examining those possibilities with the United Kingdom but, in respect of the fundamental premise that everybody who deals with a corporate structure or trust structure should know where the beneficial interests in that lie and, therefore, if information were to be required to be  
2245 made available under whatever arrangement we make – whether it is a pilot, the UK FATCA, or the US FATCA – that the information should be known to that entity, then that is absolutely right. But, in terms

of where we are going to get to about those various possibilities, that is still clearly a matter that is being considered and there is nothing concrete at this stage.

The Chief Minister may want to add to that.

2250 **Hon. Chief Minister:** Mr Speaker, yes, I am grateful to the hon. Member for giving way.

The hon. Gentleman is right that this letter that has been sent to all Overseas Territories leaders raises this issue of beneficial ownership and how that is somehow going to be reflected and he will know from the agenda that was set out, I think, two or three weeks ago, which led to a press release also by us and by H M Treasury and some of the other Overseas Territories, where Gibraltar was actually specifically taken out of the list of all the other Overseas Territories and put in a paragraph on its own that dealt with all the issues that Gibraltar already complied with. This question of the beneficial ownership was already on the radar.

2260 I am happy to tell the hon. Gentleman that I have not detected anything, in the letter from the Prime Minister to me, that concerns me about where that agenda may be going because I agree that we – and that is how the Prime Minister put it – do need to know who is the beneficial owner of companies doing business, or trusts that own companies that do business, from each of our particular jurisdictions.

2265 Of course, this is where Gibraltar has already got the upper hand, because since 1994 when the anti-money laundering Directive first became an issue on the agenda, Gibraltar practitioners have had an obligation to know who the beneficial owners behind the structures that they are dealing with are. The question is whether we now take a further step and take that information as to beneficial ownership out of the hands exclusively of the practitioners and put it in some sort of central registry, but accessible *only*, accessible only to law enforcement agencies and tax enforcement agencies in the context of tax claims, and tax claims in that context would mean claims for tax due. In other words, somebody who has not managed to avoid a tax liability, has incurred a tax debt and there is now an attempt to understand where that individual has beneficially parked that potential tax liability in cash somewhere else.

2270 In that context, I think that a lot of this, Mr Speaker, is about finally levelling the playing field for Gibraltar and requiring many of the other Overseas Territories to do things that Gibraltar has not yet done and that further step of considering, because we are not being told that this is something that the G8, or that the European Union, has yet determined *must* happen, that the information as to beneficial ownership should pass from the hands of the practitioners into a central registry – but, even then, certainly not on the basis of automatic exchange. That is not where the agenda is at the moment. (*Interjection by Hon. P R Caruana*) I hope that is useful.

2280 **Hon. P R Caruana:** Yes, it is, and even more useful if he could answer this final question.

Can I safely interpret, can the House safely interpret, what he has just said as meaning that he is not aware of any plan to make this information about beneficial ownership which passes, as he has described it, from the practitioners to this central law enforcement – if it happens – but that he is not aware of any proposal or discussion to make it the subject matter of either public inspection ability or of automatic exchange, automatic and spontaneous supply at the end of the year like, for example, FATCA-style information?

2290 **Hon. Chief Minister:** Mr Speaker, I think it is fair to say that there are groups of countries that would wish to see that be automatic and groups of countries that do not necessarily agree that it should be an automatically accessible register. But, Mr Speaker, he will no doubt agree with me that this raises issues beyond tax.

2295 We have got to understand that the United Kingdom and the Overseas Territories and the Crown Dependencies are not Civil Law jurisdictions and, therefore, the concept of equity exists in our law, where people have rights of ownership that are not recorded in writing. Now, is it that the United Kingdom is saying that it is going to do away with centuries of law as to equitable ownership? I think that is also an issue to be flagged up when understanding how this could work. If it were to be made to work in a Civil Law-style system where everybody needs to have written down what their legal entitlements may be, this is then very easy to transpose to a register because the information exists elsewhere. He will know, as well as I do, Mr Speaker, that there are very complex trust arrangements which are often set up for reasons completely unrelated to taxation. Some of them may be set up for business purposes unrelated to taxation, complex ownership structures; some of them may be related to families and inheritances etc. and, of course, the very concept of the secret and the semi-secret trust of the United Kingdom – which had nothing to do with tax in the 19th century and had more to do with whether a particular individual had more than one mistress and more than one illegitimate child – you know, complexities beyond tax...

2300 Now, I do not see that the United Kingdom is saying we are going to do away with the concept of equity and that *all* beneficial ownership must be recorded. What I do see is that that which jurisdictions like Gibraltar have been doing, for the purposes of ensuring that *crimes* are not committed using companies and trusts as fronts – and, therefore, we have recorded the beneficial ownership behind those

2310 types of vehicles for those purposes – will now simply put that information either in the public domain, or very easily accessible, when there is no need, because of a tax claim being met, in a central register, or that that is even possible in all instances because of the concept of equity sometimes complicating the principle of beneficial ownership.

2315 The hon. Gentleman will have seen, as I have, that there have been articles in the press in the United Kingdom, they have been very critical of one particular device, which is that idea that you might designate a charity as the beneficiary of a trust, simply for the purposes of hiding those who might be the real ultimate beneficial owners, or the parties the trustees may wish to see, or trustees may be required to benefit, by settlors.

2320 That, I think, has created a lot of opprobrium in the United Kingdom, because charities' names have been taken in vain. The charities do not even know that they are named as beneficiaries of trusts. They sometimes do not even receive a benefit before they are removed, and all of this, I think, is playing to an agenda where, you know, where austerity is an issue in many Member States, and the rich or big companies are being seen to 'get away' with not paying their tax liabilities.

2325 Now, in everything that I have seen there are two types of approaches. One of which is: you will be able to access this information when the claims are made, because there is evasion, which is a criminal offence or fraud. And then there is another agenda that comes from some European countries, which is to say we should have *free* access to that information.

2330 He will know, as I do, and all practitioners in this field will know, that if there were to be registers of beneficial ownership available for free access by States whose taxes may have been *avoided*, not evaded, as a result of particular structures being used, then those registers will only show States how their laws have been avoided. In other words, not that any crimes have been committed, just that their laws are deficient by allowing particular structures to be set up to avoid taxation being paid.

2335 There is a tension there, but I do not see that the United Kingdom is *yet* of the view that this should be automatically available for exchange. Will the United Kingdom move towards that before the G8 meeting? Will it move towards that after the G8 meeting? These are issues that we all need to keep under constant review, always remembering that Gibraltar has been complying with the same obligations as the United Kingdom, as members of the European Union now, for the better part of 40 years.

**Hon. P R Caruana:** It will not escape him, of course, that the –

2340 **Mr Speaker:** Could I ask the hon. Members to endeavour to bring these very interesting exchanges to a conclusion.

**Hon. P R Caruana:** Well, my contribution will be that I will not ask my last supplementary.

2345 **Mr Speaker:** No, no, please do. Please do.

2350 **Hon. P R Caruana:** Yes, does the hon. Member acknowledge that the danger for us in particular is that, albeit that a register might only show that a law has been... French law, for example, has been successfully *avoided*, the danger is, for us, that because some countries regard Gibraltar, wrongly, as a tax haven, they automatically disregard *any* structure located in a tax haven, so then the distinction between evasion and avoidance is lost. Because they say if you are set up in Gibraltar or in the Channel Islands, I am not interested: it is yours. That is the danger.

2355 The hon. Member's analysis, shed of prejudices about places, is fine, but *coupled* with the prejudice about certain places, which is, to boot, reflected in some national laws – Spain's for example – puts us in a position where we are not free to argue the distinction, and clients here will not be free to argue the distinction that he has intellectually, correctly, made, but which, in practice, will not avail them.

2360 **Hon Chief Minister:** Yes, Mr Speaker, we are alive to those issues and that is why I told him that there are Civil Law countries that do not understand the concept of beneficial ownership in the same way that we do. Of course, he is right to add the layer that there are – and I think it is principally Civil Law – countries that also do not appreciate the distinction between evasion and avoidance, and simply have a view that, if you are *located* in a particular jurisdiction, then you are to be regarded as having been involved in something which cheats their exchequer. Those issues are all live issues, he will be happy to know.

2365 The letter from the Prime Minister does not look quite like the articles about the Prime Minister's letter. I am sure he has had that experience, as well. It is actually an invitation to be involved in a conference about these issues, to consider these matters further.

2370

**Financial Services Commission CEO  
Local appointment**

**Mr Speaker:** Question 406, the Hon. Mr Feetham.

2375

**Hon. D A Feetham:** Mr Speaker, is the Government's policy with regard to appointment of the new FSC CEO, that it would be desirable for the individual to be local?

2380

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's position is that the person found to be most suitable for the job should be appointed as the new Chief Executive Officer of the FSC.

2385

**Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister for Financial Services and Gaming perhaps update the House on where we are with the recruitment of a new CEO for the Financial Services Commission?

2390

**Hon. G H Licudi:** Mr Speaker, as the hon. Member knows, it is the Commission that appoints, subject to the approval of the Minister with responsibility for Financial Services. As the hon. Member will know from public pronouncements, a UK firm has been engaged to assist in this process. The closing date, I cannot remember offhand, I seem to recall was the 17th May, so we have either just passed the closing date or are very close to the closing date for applications. So those who are now looking at this particular firm in the United Kingdom, will now be assessing and analysing the applications that will be made, or have been made, in order to make their recommendation to the Commission initially.

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2400

**Company gaming licences  
Number granted and surrendered in 2012-13**

**Mr Speaker:** Question 407, the Hon. D A Feetham.

2405

**Hon. D A Feetham:** Mr Speaker, will the Government state how many new companies were issued with gaming licences by the Minister as licensing authority in 2012 and 2013?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2410

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, in 2012, 4 new...

**Mr Speaker:** You were going to answer together with 408.

2415

**Hon. G H Licudi:** Mr Speaker, I apologise, I will answer this question together with Question No. 408/2013.

**Clerk:** Question 408.

2420

**Hon. D A Feetham:** Mr Speaker, will the Government state how many existing Gibraltar gaming companies surrendered their licences or ceased trading in 2012 and 2013?

**Clerk:** Could I ask the hon. Member to repeat the Question again, please?

2425

**Hon. D A Feetham:** Will the Government state how many existing Gibraltar gaming companies surrendered their licences or ceased trading in 2012 and 2013?

2430

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon G H Licudi):** Mr Speaker, in 2012 four new companies were issued with a total of five remote gambling licences, and one existing licensed company was issued with one additional remote gambling licence.

2435 One new company has been issued with one licence in 2013.

Two companies surrendered two licences in 2012. One was surrendered as part of a company restructure, which resulted in a new company being issued two licences. The other licence was surrendered as a result of the licensee selling the company to a new operator, which was issued with a new licence.

2440 In 2013, one company surrendered two of its four licences for operational reasons, and one other company ceased trading in Gibraltar.

**Hon. S M Figueras:** Mr Speaker, alive as I am to potential sensitivities, I wonder whether perhaps the Minister can say which licensee ceased trading. It was the last part of his answer in 2013?

2445

**Hon. G H Licudi:** Mr Speaker, the company that surrendered its licence was Partouche. Partouche is a French, mostly land-based casino operator. They obtained their licence in 2008 in anticipation of providing a French-focused operation. The reality is that the operation never took off and they never had more than a handful of employees in Gibraltar, and they have now decided... In fact, I am not sure whether... I did not actually say that the company 'surrendered' its licence: the company ceased trading. It simply did not renew its licence when it came up for renewal. So it did not actually surrender the licence.

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**Financial and Gaming Sector  
Details of conference attendances**

**Clerk:** Question 409, the Hon. D A Feetham.

2460

**Hon. D A Feetham:** Mr Speaker, can the Government please provide a list of all conferences, seminars and events attended by Government (including Ministers) in the Financial and Gaming Sectors in 2012 and 2013, listing each one, who attended at Government expense and the cost involved?

2465 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

**ANSWER TO QUESTION 409**

2012			
Date	Event	Attendees	Costs
23 - 27 January 2012	International Casino Exhibition and Conference (ICE) in London	The Hon Gilbert Licudi QC, Gambling Commissioner (Mr P Brear) and Gambling Division staff (Mrs L Britto, Mr N Macias, Mr P Fox and Mr D Montegriffo)	£4,626.00
21 - 24 February 2012	Finance Centre Event - attending presentation in London and meeting journalists	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£3,622.27
14 - 21 April 2012	European Commission seminars in Brussels - Gaming	Gambling Commissioner (Mr P Brear)	£972.00
19 - 30 April 2012	Attending Las Vegas and San Francisco (GiGse)	The Hon Gilbert Licudi QC and Gambling Commissioner (Mr P Brear)	£12,264.28
16 - 19 May 2012	Vienna - 2nd annual meeting dialogue and cooperation for change	The Hon Gilbert Licudi QC	£747.18
22 May 2012	OGIS Welcome Reception at the Garrison Library	The Hon Gilbert Licudi, Mr Guy Canessa, Mrs Nyoka Catania, Mrs Sabrina Rammage and Mrs Maite Mir Parody	£940.00
22 - 25 May 2012	iGaming Conference in Dublin	Gambling Division staff (Mrs L Britto and Mr N Macias)	£1,638.00
12 - 17 June 2012	Gambling Regulators European Forum (GREF) in Portugal	Gambling Commissioner (Mr P Brear)	£1,910.00
18 - 19 June 2012	Monaco - Financial Services GAIM conference. Leading hedge fund and alternative investment management event.	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£18,885.10
08 - 13 September 2012	Canada - World Lottery Summit	Mr C Riddell	£3,111.07
9 - 12 October 2012	Invest '12 Forum in Geneva	Mr James Tipping	£1,892.93

Cont....

**CONTD ANSWER TO QUESTION 409**

14 - 16 October 2012	Gib Day in London and Financial Services Lunch / MEFS Interview with Bloomberg TV, MEFS Presentation at a GFIA Breakfast Seminar and MEFS Interview with UK Journalists	The Hon Gilbert Licudi QC, Finance Centre Director (Mr J Tipping), Mr J Baldachino, Mrs S Ramagge and Mrs M Parody	£38,672.43
16 - 17 October 2012	EiG Barcelona (European iGaming Conference)	The Hon Gilbert Licudi QC	£1,861.76
16 - 27 October 2012	EiG Barcelona (European iGaming Conference), International Association of Gaming Regulators and International Association of Gaming Associates in Singapore	Gambling Commissioner (Mr P Brear)	£4,944.00
12-15 November 2012	European Captive Forum 2012 in Luxembourg	Mr James Tipping, Mrs Nyoka Catania and Mrs Joanne Martinez	£5,680.15
27 - 29 November 2012	European Commission seminars in Brussels - Gaming	Gambling Commissioner (Mr P Brear)	£1,145.00

2013			
Date	Event	Attendees	Travelling Costs
04 - 08 February 2013	International Casino Exhibition and Conference (ICE) in London	Gambling Commissioner (Mr P Brear) and Gambling Division staff (Mrs L Britto, Mr N Macias, Mr P Fox, Mr D Montegriffo)	£4,725.00
05 - 08 February 2013	I.C.E. And Fonds Exhibition and Conference Zurich	The Hon Gilbert Licudi QC	£2,018.49
30 January - 01 February 2013	India Wealth Forum in London	The Hon Gilbert Licudi QC, Finance Centre Director (Mr J Tipping), Mr M Aston and Ms Edwina Omahony	£4,586.20
05 - 08 February 2013	Fonds Exhibition and Conference in Zurich	Mr James Tipping, Mrs Maite Mir Parody and Mrs Joanne Martinez	£6,921.35

Cont...

**CONTD ANSWER TO QUESTION 409**

11 - 13 February 2013	Captive Live Exhibition and Conference in London	Mr Michael Ashton, Mrs Nyoka Catania and Mrs Nadiuska Segovia	£11,200.88
12 - 14 February 2013	Round Table AIFMD Presentation in London	Mr James Tipping	£1,232.98
14 - 22 March 2013	Brazil - Hedge Fund Forum	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£17,393.42
17 - 18 March 2013	GamCare presentation in London	Gambling Regulator (Mr N Macias)	£441.00
23 - 25 April 2013	Hedge Fund Start-up Exhibition and Conference in London	Mr James Tipping, Mr Paul Astengo and Ms Edwina Omahony	£7,680.12
07 - 08 June 2013	European Commission Seminars/MEP Meeting in Brussels	Gambling Commissioner (Mr P Brear)	£1,369.00

2470

**Mr Speaker:** This is a rather lengthy schedule. I will allow hon. Members of the Opposition to study it and raise supplementaries subsequently.

I think we can now move on to the next Question because it involves another Minister. Question 343.

2475

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if it is of any use, I am going to move the adjournment now so hon. Members may wish to come back with supplementaries when we return.

2480

**Mr Speaker:** We are on supplementaries, then, arising from Question 409.

**Hon. G H Licudi:** Mr Speaker, I understand that my microphone was not on when I read out the answer. Perhaps I can just answer it again and this is to 409.

The information requested by the hon. Member is set out in the schedule that I now hand to him.

2485

**ADJOURNMENT**

2490

**Chief Minister (Hon. F R Picardo):** Mr. Speaker, I move that the House do now adjourn to Thursday, 23rd May at 2.30 p.m.

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 23rd June (**Hon. Chief Minister:** May.) 23rd May at 3.00 p.m. (**Hon. Chief Minister:** 2.30 p.m.) At 2.30 p.m.

2495

**Hon. D A Feetham:** Mr Speaker, did you say Thursday 23rd?

2500 **Mr Speaker:** Yes. I now put the question, which is that this House do now adjourn to Thursday, 23rd May at 2.30 p.m.

Having confirmed that Thursday is 23rd May, (*Laughter*) I now put the question, which is that this House do now adjourn to that date at 2.30 p.m.

Those in favour? (**Members:** Aye.) Those against? Passed

The House will now adjourn to Thursday, 23rd May at 2.30 p.m.

2505

*The House adjourned at 6.10 p.m.*