



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.04 a.m. – 12.19 p.m.

Gibraltar, Monday, 25th March 2019

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The Gibraltar Parliament

The Parliament met at 11.04 a.m.

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

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Amendments to neutral motions – Ruling by Mr Speaker

Clerk: Meeting of Parliament, Monday, 25th March 2019.

Mr Speaker: Before we proceed with this morning's parliamentary business, I want to make a ruling.

Members will recall that I have for some time now been encouraging you to use the mechanism of a neutral motion.

The Chief Minister, on 14th March 2019, gave notice that he intended to table a motion requesting that 'This House notes the Tax Treaty between Gibraltar and Spain entered into on 4th March and signed by the Rt Hon. David Lidington MP, the Chancellor of the Duchy of Lancaster, on behalf of Gibraltar, given the United Kingdom's responsibility for Gibraltar's external relations.' The next day, 20th March 2019, the Hon. Roy Clinton gave notice that he intended to amend the Chief Minister's motion.

It is my considered view that the motion tabled by the Chief Minister is couched in neutral terms. The Standing Orders of this House do not provide for neutral motions. Accordingly, Standing Order 55 applies, and this states:

(1) In cases of doubt the Standing Orders of the Parliament shall be interpreted in the light of the relevant practice of the Commons House of Parliament of Great Britain and Northern Ireland.

(2) In a matter for which these Standing Orders do not provide, the said practice shall be followed, but no restrictions which the House of Commons has introduced by Standing Order shall be deemed to extend to the Parliament or its Members until the Parliament has provided by Standing Order for such restriction.

In the case of the House of Commons, Rule 24(b) of the House of Commons Standing Orders Public Business 2018 provides – and I have consulted a copy of these, which I have with me:

Where, in the opinion of the Speaker or the Chair, a motion, That this House, or, as the case may be, the committee has considered the matter, is expressed in neutral terms, no amendments to it may be tabled.

This is corroborated by *Erskine and May* in its 24th edition at page 409, which states:

No amendments may be tabled to a motion that the House has considered a matter expressed in neutral terms pursuant to Standing Order 24B.

I then instructed the Clerk to seek guidance from the Clerk of the House of Commons enclosing a copy of the Chief Minister's motion together with the Hon. Mr Clinton's proposed amendments, and after receiving their advice it is my ruling that where a motion is expressed in neutral terms no amendments to it may be tabled.

Therefore, in the light of the above ruling, I have concluded that the Hon. Mr Clinton's amendments would undermine the neutrality of the Chief Minister's motion and are therefore

not admissible. This does not mean that the hon. Member cannot rehearse his arguments during the course of the debate on the motion or indeed table a substantive motion in due course.

It is not the practice after a ruling of the Speaker for any Member to stand and speak on the matter.

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Hon. R M Clinton: Can I make one observation, Mr Speaker?

Mr Speaker: No, I am sorry. That is the procedure here and elsewhere.

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Hon. R M Clinton: Just one small thing?

Mr Speaker: No. that is the practice in the Mother of Parliaments and I follow that practice. I have previously rehearsed that situation. There have already been occasions when I have made a ruling, and I am sorry but hon. Members cannot speak on that ruling.

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What they are able to do if they wish, for instance, to challenge the ruling is to bring a substantive motion to do so. That is the practice of Parliament.

Hon. R M Clinton: Can I just make one point of order?

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Mr Speaker: I honestly do not think that you can make a point of order arising from a Speaker's ruling.

Hon. R M Clinton: It is for the House's benefit, Mr Speaker. I am not going to say anything about what you have just said.

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Mr Speaker: Let us carry on with the business.

I am very sorry, but I am following the well laid down practice here in Gibraltar, which I myself have previously ruled, and in the House of Commons. When the Speaker makes a ruling, that is the end of the matter. That is the opinion and the ruling of the Speaker, and the only way that the rules provide for the matter to be taken up is by means of a substantive motion where the hon. Member may do as he pleases.

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Call the next business now.

Order of the Day

BILLS

FIRST AND SECOND READING

Sanctions Bill 2019 – First Reading approved

Clerk: (ix) Bills for First and Second Reading.

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A Bill for an Act to make provision enabling appropriate sanctions to be imposed including in respect of any persons, entities, groups, organisations, States and territories for the purposes of the security of Gibraltar or international peace and security or in any other circumstances where

it would be appropriate to do so and for implementing in Gibraltar any restrictive measures imposed outside Gibraltar; and for connected purposes.

The Hon. the Chief Minister.

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Mr Speaker: Just for the record to say that for both this Bill and the next one I have received certification from the Chief Minister that they are urgent.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to make provision enabling appropriate sanctions to be imposed including in respect of any persons, entities, groups, organisations, States and territories for the purposes of the security of Gibraltar or international peace and security or in any other circumstances where it would be appropriate to do so and for implementing in Gibraltar any restrictive measures imposed outside Gibraltar; and for connected purposes should be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to make provision enabling appropriate sanctions to be imposed including in respect of any persons, entities, groups, organisations, States and territories for the purposes of the security of Gibraltar or international peace and security or in any other circumstances where it would be appropriate to do so and for implementing in Gibraltar any restrictive measures imposed outside Gibraltar; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Sanctions Act 2019.

**Sanctions Bill 2019 –
Second Reading approved**

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Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that the Bill for the Sanctions Act 2019 be read a second time.

Mr Speaker, this Bill provides for a new regime to implement both international and domestic sanctions in Gibraltar. These sanctions include financial sanctions, immigration sanctions, trade sanctions, aircraft sanctions and shipping sanctions.

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The Bill creates two separate regimes. The first, contained in Part 2, provides for the automatic recognition and enforcement of international sanctions regimes in Gibraltar without the need for further implementing legislation. These include restrictive measures imposed by the UN Security Council, by the European Union, the designations made in the UK and under its terrorism legislation. The second regime, in Part 3, is for domestic sanctions that may be imposed by regulations for a number of different purposes, including the prevention of terrorism, the financing of terrorism, the proliferation of weapons of mass destruction, etc.

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Mr Speaker, there are a number of amendments to the Bill which I will be proposing at Committee Stage. These amendments are both the result of an audit of the Bill taking into account Gibraltar's international obligations and also feedback from stakeholders received after the Bill was published. Indeed, Mr Speaker, I understand that hon. Members have had notice of these amendments now since 7th March when I sent those amendments to you.

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Mr Speaker, Part 1 of the Bill comprises clauses 1 to 5 and includes the general introductory and interpretive provisions.

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The international sanctions regime comprises clauses 6 to 14 of the Bill, which is the Bill's Part 2.

Clause 6 describes the purpose of that Part, which is to provide for the automatic recognition of sanctions imposed by the United Nations, the EU or the United Kingdom. This means that

international sanctions will not require implementing legislation in Gibraltar and will have immediate effect as soon as they are made. This Part, and in particular clause 6, are aimed at satisfying the Financial Action Task Force requirements for international sanctions to have almost immediate effect.

This clause is subject to two amendments which I will be proposing at Committee Stage. They are both future-proofing amendments and set out that any restrictive measures imposed by the United Kingdom under the Sanctions and Anti-Money Laundering Act 2018 will have effect, and in relation to any restrictive measures that have been imposed by both the United Kingdom and the European Union the restrictive measures imposed by the UK shall take precedence. These amendments are to ensure that, moving forward, Gibraltar and the United Kingdom's sanctions regimes in relation to international sanctions are fully aligned.

Clause 7 is the enabling provision that accords legal effect in Gibraltar for such international sanctions. Mr Speaker, at Committee Stage I will be proposing an amendment to this clause following comments that have been received on the draft. The amendment is there to ensure that any modifications necessary to adopt international instruments to our law maintain the minimum standards of those international instruments.

Clause 8 provides for judicial notice to be taken of the lists that are produced and imposes an obligation on persons undertaking relevant financial services business to have procedures and policies in place which ensure that they are aware of the list of persons to whom sanctions apply and that they undertake the appropriate checks in respect of such sanctions when undertaking relevant business – in fact, it is relevant financial business, not just financial services business. There is also an amendment to this clause which includes the United Kingdom's list in its scope, Mr Speaker.

Clause 9 creates the offence of breaching international sanctions, whereas clauses 10 and 11 provide for licences to be issued where these are permitted under the terms of international sanctions and also creates the offence of breaching the terms of the licence.

Clauses 12 to 13A set out procedures for Gibraltar to make requests of the United Nations or other bodies for particular listings or de-listings to be made. Mr Speaker, I will be proposing amendments to clauses 12, 13 and 14, again as a result of comments that have been received on the draft. These amendments set out on the face of the legislation the objective standard of proof that is required for such a designation proposal and that the designation proposal is not reliant on there being criminal proceedings instituted, and also what needs to accompany such a proposal and the manner in which proposals are to be made. The amendments also set out the manner in which such requests are sent to the appropriate bodies.

Part 3 deals with domestic sanctions. The main power for imposing sanctions is contained in clause 15. This is a regulation-making power which may be used in two different instances. The first is where the purpose of the sanctions falls within subclause (2) of that clause. The second is where the purpose is compliance with an international obligation. Although Part 2 provides for the direct recognition of international sanctions, the power in 15(2)(b) is included so that there is the opportunity to respond to any international sanctions by specific legislation where that might be considered appropriate, particularly if the nature of the international sanctions is difficult to transpose otherwise into the Gibraltar context. Also, there is an inbuilt facility which is future-proofing in case it is considered appropriate to impose sanctions as a result of obligations that may arise outside of the UN/EU context. The list of purposes for which sanctions may be made is largely those available to Her Majesty's Government under the United Kingdom's Sanctions and Anti-Money Laundering Act. These include the prevention of terrorism, the financing of terrorism, the proliferation of weapons of mass destruction, the interests of security, providing accountability with respect to human rights, etc.

Mr Speaker, there is an amendment to clause 15(1), which has been made to reflect the Governor's special responsibilities under the Constitution with respect to external affairs and internal security as well as clarifying the standard that needs to be met for such regulations to be made.

160 Clauses 16 to 16B build upon clause 15, including setting out procedures and tests to be followed where there is a request for a designation from outside Gibraltar. Mr Speaker, I will be proposing an amendment to clause 16B and a new clause 16C, which respectively set out the evidentiary standard approved to be applied in making a determination in respect of a request received from outside Gibraltar and the making of such requests from Gibraltar.

165 Clauses 17 to 21 set out the types of sanctions that can be made. These are financial sanctions, immigration sanctions, trade sanctions, aircraft sanctions and shipping sanctions.

Clause 22 as read with clause 15(5)(f) allows for domestic sanctions to be imposed as a result of any international obligations where these are required because the international sanctions cannot be complied with. Separately, the Chief Minister may also invoke this power where he deems international obligations are better implemented or enforced by regulation.

170 Clauses 23 to 26 are provisions that allow for persons, groups and ships to be designated.

Clause 27 provides for exceptions and licences. These exceptions may be made under regulations made under regulation 15, for example to make provisions for reasonable living and legal costs to be made. In addition, regulations may provide for the issue of licences where this is an appropriate avenue to provide particular exceptions.

175 Clause 28 is an information-gathering power that may be included in regulations made under clause 15. This is aimed at allowing for relevant information to be obtained and also to make information gathering from records or registers an obligation in relevant circumstances.

Clause 29 provides for the enforcement powers that may be included in regulations under clause 15.

180 Clause 30 allows for the extraterritorial application of regulations where conduct occurs in Gibraltar or outside Gibraltar by a Gibraltarian or a Gibraltar resident.

Clauses 31 to 36 apply to persons who have been designated and to ships that have been specified under the review procedures that are required in respect of the constitutional and human rights of those who have been subjected to sanctions.

185 Clauses 37 to 39 provide for the review mechanisms for the regulations that are made under clause 15.

Part 4 of the Bill contains provisions allowing for a review by the court of a number of decisions made under the Bill, including decisions regarding reviews of designation.

190 Part 5 contains general provisions, including the general penalty for the commission of an offence under the Bill.

Mr Speaker, if the House will just bear with me for a moment before I commend the Bill to them ... I am conscious that in the preparation of this Bill, because we have had to consult so widely, hon. Members will have seen and I have referred to the fact that there are numbers which are 16A etc. The Bill has had sections inserted to it once the format of it has been agreed. Mr Speaker, I intend to ask, with the leave of the House, that the draftsman should, before final publication, renumber the Bill so that it is numbered appropriately from section 1 through to its final section without it having to have the capital A sections inserted to it, which is something that has arisen in the course of the preparation of this Bill.

200 This is a Bill that is essentially required also because as a result of leaving the European Union we are leaving that sanctions regime and we need to make provision for it, but it will be future proofed and will be well received in the context of the international compliance by Gibraltar in particular of the Financial Action Task Force's own approach to sanctions.

205 Just anecdotally, Mr Speaker, before I sit down, hon. Members should know that one of the things that the Chief Minister of Gibraltar does a lot of almost every morning is sign legal notices in respect of sanctions which are being applied to individuals around the world since the invasion of part of Ukraine. One of the things that is constant and hon. Members will have seen in the Gazette is that the European Union is imposing sanctions on different people in the Ukraine, indeed on assets in the Ukraine. The European Union has named even those military officers who were in charge of vessels at the time of that conflict, and so there is a constant stream of people that are being subjected to sanctions. Our current regime requires that the

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incumbent of the office of Chief Minister sign off all of these things every morning, so this is a more effective way of dealing with that requirement which I therefore entirely endorse and I commend the Bill as a whole to the House, Mr Speaker. *(Banging on desks)*

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Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Leader of the Opposition.

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Hon. E J Phillips: Mr Speaker, I am grateful to the Chief Minister for comprehensively addressing his amendments to the Bill as notified to the Parliament and going through a number of the clauses in respect of this important Bill. This Bill will have the full support of this side of the House.

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Hon. Chief Minister: Mr Speaker, I am grateful for that indication from the hon. Gentleman, not just hon. Gentleman but all Members of the Official Opposition. I do not know what position the hon. Lady will take, but I am sure it will be supportive from the indications that she has given. Therefore, Mr Speaker, I would suggest that when we are dealing with the amendments in Committee – hon. members have the letter – if possible, we take the Bill as including those amendments, with the Clerk calling those out as appropriate.

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Mr Speaker: I then put the question, which is that a Bill for an Act to make provision enabling appropriate sanctions to be imposed including in respect of any persons, entities, groups, organisations, States and territories for the purposes of the security of Gibraltar or international peace and security or in any other circumstances where it would be appropriate to do so and for implementing in Gibraltar any restrictive measures imposed outside Gibraltar; and for connected purposes be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

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Clerk: The Sanctions Act 2019.

**Sanctions Bill 2019 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading be taken today? **(Members: Aye.)**

**Tobacco (Amendment) Bill 2019 –
First Reading approved**

Clerk: A Bill for an Act to amend the Tobacco Act 1997.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 and for connected purposes be read a first time.

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Mr Speaker: I put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Tobacco (Amendment) Act 2019.

**Tobacco (Amendment) Bill 2019 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that the Bill be now read a second time.

This Bill amends the Tobacco Act 1997 by the insertion of a new section 4A for minimum retail prices of tobacco and a new section 6(4)(c).

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The Bill arises from the need to amend the Tobacco Act in order to create the legislative framework for Gibraltar to give effect to the new regime for the retail pricing of tobacco in our market. This is set out in part in the Memorandum of Understanding on Tobacco under the Withdrawal Agreement. All hon. Members will know that the MoU on Tobacco follows the position that the Government has been putting to this House for all of the period since we have been elected.

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We have put up the price of tobacco by over 148% since we were elected. I have repeatedly said that the price of tobacco is only moving in one direction. It is on an escalator and I have, in effect, demonstrated that in Budget after Budget. Additionally, we have also been loading the deck in favour of our law enforcement agencies by adding layers of controls and powers to those that are available when dealing with the illicit trade in tobacco. We are, however, always going to ensure that our legitimate trade in tobacco is not affected by the untruths told about it in the international press usually, if not exclusively, at the suit of Spain.

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So, in creating a new regulation to give the Collector of Customs the power to restrict the price at which tobacco can be sold at retail what we are doing is protecting our legitimate duty-free market in tobacco retailing whilst at the same time continuing our agenda of raising the price of tobacco to do two things. The first is to reduce the price differentials with Spain from those which would encourage an illicit market. The second is to continue to make tobacco a less attractive commodity for those who are hooked on it. The reason for this is driven by pure public health considerations. Indeed, Mr Speaker, no one in the world now thinks that tobacco is anything other than bad for the health of those who smoke. In that sense it is also bad for governments that provide universal healthcare for all, as it causes myriad different health problems. That is why I have consistently said to this House that the price of tobacco is on that constant escalator that I referred to earlier.

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This Bill creates a separate and potentially sharper escalator for retail tobacco prices. The provisions of the MoU that are relevant on tobacco are those set out in Article 1 of it, which provides as follows:

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The Government of Gibraltar, being concerned about the health consequences of smoking and the existence of an illicit trade in tobacco in the area around Gibraltar, alongside the legitimate market in said commodity, has committed to ensure that, by 30th June 2020 the average retail price differential of tobacco products (cigarettes, cigars, fine cut tobacco, and other tobacco products) will be no more than 32% greater than the most recently published Spanish prices for the equivalent tobacco products in mainland Spain and the Balearics. The commitment on retail price differential will not apply to duty free sales of tobacco products to passengers in ports and airports. For cigarette products the market will be divided into four categories of product: premium

cigarettes, mid-high cigarettes, mid-low cigarettes and lower-price cigarettes with a minimum price provided for each category. For fine cut tobacco, the market will be divided into two categories of product: premium and non-premium with a minimum price provided for each category.

The Gibraltarian competent authorities will set minimum retail prices for each of the categories of tobacco products, which will be published quarterly in the Gibraltar Gazette. The necessary mechanisms will be put in place to ensure effective compliance by all retailers with the minimum prices provided for in the law.

This is what the Bill will enable, Mr Speaker, but not require. This is an important distinction. This is a Bill for an enabling Act, not a prescriptive Act.

290 Section 4A of the Bill is the section that allows but does not require the Collector of Customs to publish on a quarterly basis by notice in the Gazette minimum retail prices of tobacco. This is therefore an enabling power.

295 The Collector of Customs, however, may only publish in situations where he has proceeded to divide types of tobacco sold in Gibraltar into different categories. If the Collector of Customs categorises such tobacco, a requirement to publish arises. It must be highlighted that the minimum retail prices of tobacco as published by notice by the Collector of Customs do not apply to duty-free premises within the departure and arrivals halls of Gibraltar International Airport, the cruise liner terminal and the ferry terminal, or any other duty-free premises designated by order by the Collector of Customs.

300 As it stands, section 6(4) currently contains conditions pertaining to the issue of a retail licence. The inclusion of a new subparagraph (c) within this section now additionally requires holders of retail licences to adhere to the minimum retail prices published by the Collector of Customs in the notice as published in the Gazette from time to time. Failure to do so constitutes a breach of the retail licence and would be dealt with in accordance with the provisions of the Tobacco Act 1997.

305 Lastly, Mr Speaker, at the Committee Stage I shall be moving an amendment to clause 4 of the Bill to substitute the reference to 'Tobacco Act 1997' with 'this Act'. This is just to make a better and more appropriate reference grammatically to the Act. It is the Tobacco Act 1997 that is being referred to, but as it is in the Act itself that the reference will be contained, it is more appropriate from a drafting point of view to refer to 'this Act'.

310 This clause is in place to cover existing retail licences issued before the commencement of the Act in order to make them compliant with the provisions contained therein, namely adherence to the minimum retail prices of tobacco as published by notice by the Collector of Customs.

315 Mr Speaker, regulating the retail price of tobacco in Gibraltar, whether agreed with others or otherwise, is a good thing. It is an important part of better regulating our market in this commodity. That is what this Bill before the House does and I therefore commend the Bill to the House. *(Banging on desks)*

320 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Leader of the Opposition.

325 **Hon. E J Phillips:** Mr Speaker, whilst we agree with the Chief Minister's comments in relation to tobacco smoking being bad for the health of our community; we wholeheartedly accept that insofar as what the Chief Minister says in relation to the changes made to the law to increase the powers available to our law enforcement agencies to tackle the illicit activity in tobacco, and we again support those measures that the Chief Minister speaks about today.

330 Mr Speaker, we would also, in relation to the control of tobacco pricing as a social measure, in principle ... This is something, of course, that will enjoy support from many of us on this side of the House, but we have been clear as to the Memorandum of Understanding on Tobacco. We have said the Memorandums of Understanding are bad for Gibraltar and therefore we will be voting against this Bill.

335 There is nothing, in our view, that secures enduring benefits for our community. This deal provides for Spain having a say in our affairs and it protects frontier workers permanently. We have, on numerous occasions, raised serious concerns about the Government's lack of strategic direction and inconsistency in respect of Brexit. We believe it was wrong for the Chief Minister of the day to align himself with the Prime Minister, it was wrong of the Chief Minister not to pursue a differentiated position for the people of this community and it was wrong for the Chief Minister to give away the biggest bargaining chip, on frontier workers, without obtaining anything permanent and enduring for Gibraltar.

340 We have said on many occasions that the Memorandums of Understanding do very little to advance the interests of this community. The Memorandum of Understanding in substance allows encroachments into our domestic affairs by Spain in relation to matters concerning our waters, the environment, fishing and tobacco. The Tobacco Bill, therefore, Mr Speaker, on the face of it,, is tied inextricably to the Memorandum of Understanding and we believe that the Memorandum of Understanding is not in our community's wider interest and we will not support it.

Mr Speaker: The Hon. Marlene Hassan Nahon.

350 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the Tobacco Act brings about some material changes affecting retailers in Gibraltar, but in the first instance and on behalf of the many tobacco retailers in Gibraltar who have made representations to me, I have to ask the question: why is Government in such a hurry to pass this Bill now, and can this be better explained to the tobacco retailers of Gibraltar? As far as we know, if Mrs May's deal were to go through, the EU would still give the UK time to pass the relevant legislation, so the rush to pass this Bill through is still unclear.

355 Further, what is the sense in passing this Bill without the existence of the Withdrawal Agreement, as governments should be taxing according to their policies but should not interfere with market forces by setting selling prices?

360 Furthermore, Mr Speaker, in clause 4A(1) it says:

The Collector of Customs may divide types of tobacco sold in Gibraltar into different categories.

I have to ask: will this apply to all brands – premium brands, cheap brands, English brands?

365 In clause 4A(2) it also says that the Collector of Customs will publish minimum retail prices in the Gazette. Once the prices are set out by the Collector of Customs, how will they know if the retailers are really selling at minimum prices, and will Customs do the patrolling to make sure that these prices are abided by? Many retailers are very confused, so further explanation of the mechanisms of this would be very much appreciated.

370 Also, the Bill allows wholesalers to sell tobacco at the same prices as previously, while retailers cannot, given that they will have a minimum selling price. Does this reality not have the propensity to skew the market as the trade could shift to the wholesalers directly?

In addition, in clause 4A(3) it says:

The minimum retail prices published by the Collector of Customs in subsection (2) shall not apply to duty free premises within the Departure and Arrivals Halls at the Gibraltar International Airport, Cruise Liner Terminal and Ferry Terminal or any other duty free premises designated by the Collector of Customs by order in the Gazette.

375 I do not know whether the Chief Minister is aware of this, but cruise passengers are actually buying tobacco on their way into town on disembarkation from the ship, walking into town with the duty-free prices and actually turning them for a profit, because they can, and I can vouch for this as I have seen it with my very own eyes. This is causing unfair competition at the very minimum, taking into account that they then stroll through town and see the shops in town

advertising higher prices than the ones in the terminal. The tourists then rebuy the tobacco on their way back on to the ship. So how are traders supposed to compete fairly?

380 Mr Speaker, for reasons of principle, conscience and in terms of public health and environmental implications and the like, I would like to be able to support this Bill but would just appreciate some clarification of what I have stated above in light of what I see as some contradictions, inconsistencies and pitfalls in this piece of legislation.

Thank you.

385 **Mr Speaker:** Does any other hon. Member wish to speak on the Second Reading of the Bill? I will ask the mover, the Chief Minister, to reply.

Hon. Chief Minister: Mr Speaker, I am grateful for the Hon. the Leader of the Opposition indicating his party's support of all of the principles underlying the bringing of this Bill. I was
390 therefore a little surprised to see where he went with the rest of his speech, because if somebody considers that what a piece of legislation does is the right thing to do for the right reason, how can that person vote against the legislation in question simply because it arises also in the context of an agreement done internationally?

395 There are many reasons not to agree to do things because Spain might think that they are a good thing, but there are also many things on which we all agree in the western world – even, dare I say it, with Spain. When we passed the Terrorism Act the hon. Gentleman must have known that there are agreements at international levels between governments, including the government of the United Kingdom and the government of Spain, in respect of the control of terrorism. So, is it that because there is, somewhere in the chain, an agreement between the
400 United Kingdom and Spain to which Gibraltar is also agreeable, it is a good reason to vote against a Bill before this House? Of course, it is not, Mr Speaker, but hon. Members simply want to make the point that they are against this because it is connected to the mechanisms that we have strategically pursued under the requirements that we are going to leave the European Union.

405 Mr Speaker, I think it is the first time in this House that somebody gets up and says, 'This is the right thing to do but we won't do it because you have agreed this with Spain.' I read to the House that part of the Memorandum of Understanding that deals with the agreement as to prices. It is not a requirement. If hon. Members go to the MoU, there is not a requirement on Gibraltar; there is a reflection of what Gibraltar is going to do – I have already read that Article
410 into the *Hansard* – but that is not to give anybody a say in our affairs by any stretch of the imagination.

I think hon. Members are pursuing the principle that if you repeat something which is manifestly untrue often enough, it might persuade some people that that is the truth. They can pursue that politics again, if they wish to. They did it in the context of the LNG facility that we
415 are now about to see finally commissioned and operating. They have done it in myriad other instances. It just does not stick, because if there is one thing that is true it is that the electorate is always cleverer than the politicians and the electorate sees through any attempt to obfuscate or to mislead that politicians may come up with. So, the fairer thing to do is just to tell our community all of the facts and let them decide for themselves.

420 There is no say in our affairs for Spain. Or is it that hon. Members have not worked out – since they lost their corporate memory in the shape of almost all those who were in government with the party the initials of which they carry, clearly all of the decision makers in the governments of the party the initials of which they carry – of how the price of tobacco is set in Gibraltar? It is absolutely straightforward and normal that if you have a territory with a land
425 border to another territory, one of the ways that you fix the commodities that are subject to arbitrage is by looking at the price in the other territory. I will tell them something for nothing, in case they did not know: every time I have dealt with the price of tobacco in the successive Budgets I have dealt with the price of tobacco putting the price of tobacco up by 148% since I

430 was elected, I did it by looking at the price of tobacco in Spain – or is it that they have not
worked that out? – because it is the way that they used to do it as well. The rule of thumb has
been to look at when the price goes up there, so the price goes up here. But price, of course, in
Gibraltar, because we have a different currency, is also subject to the vicissitudes of the changes
in the value of the currency. That is the way that successive Governments of Gibraltar have fixed
the price of tobacco. It does not give anybody a say in our affairs. Or is it that other contiguous
435 countries that have similar agreements are giving says in their affairs to their neighbours? It is
absolutely ridiculous.

The hon. Gentleman makes my case even easier to prove when he says that the structure of
the MoUs as a whole gives Spain a say in our affairs. That is what he said in dealing with this part
of the Bill. Well, Mr Speaker, it is a part of the MoUs which is unilateral, where Gibraltar is
440 unilaterally giving a commitment. All of the others – and he referred in particular to the
environment – are reciprocal; in other words, both sides agree to do the same thing to each
other. So, he gives me the opportunity to say again – I think because he has not understood it,
but I will say it again – that if we have given Spain a say in our affairs in any aspect of the MoUs
which he has referred to, like the environment, because they are reciprocal then Spain has given
445 us a say in their affairs.

If they wanted to attack the MoUs, I will give them this piece of advice – and they never
follow my advice, so I will be very pleased if they continue doing what they are doing to date: do
not suggest that the effect of the negotiation that the Deputy Chief Minister, the Attorney
General, the Financial Secretary and the Chief Minister of Gibraltar have run has been to manage
450 to get control, sovereignty or jurisdiction or say over the affairs of Spain, because it would be the
greatest political negotiating victory since Robert the Bruce. (*Laughter*) It is remarkable that the
hon. Gentleman is saying that we have given Spain a say in our affairs in respect of areas of
reciprocal compromise.

So, just so that I spell it out for him, when he goes to the estates – I do not know whether he
455 knows where the estates are, Laguna, Glacis, all these other estates that he sometimes visits at
election time (*Interjection*) – if he wants to make an argument which might somehow enable
him to pretend that the GSD are the hard guys on sovereignty and the GSLP are the soft guys, let
alone the Liberals on issues of sovereignty, he should not make the argument that we have
achieved the greatest negotiating coup in the history of negotiation, because it will not persuade
460 anyone.

Why am I giving him this advice? I do not know, Mr Speaker. I must have some sort of
residual affection for him, because what he is doing is making my argument easier. We have not
given Spain any say in our affairs whatsoever, but the suggestion at the same time that he
logically must therefore be conceding, if he maintains that position, that we have given them a
465 say in our affairs and therefore we have got a say in their affairs, runs completely contrary to the
suggestion that we have no strategic direction. Or is it that he is saying that we have by mistake,
accident and error obtained a say in the affairs of Spain? Or is it that he does not think through
the things that he is saying with logic?

There could be nothing more dangerous than somebody holding themselves out to run this
470 nation who does not think through the principles that they set out in the speeches that they give
and the natural, logical consequences of what they have said. That is that perhaps even more
dangerous, Mr Speaker, because we do have strategic direction – strategic direction that has
been explained insofar as is possible whilst not denuding ourselves of strategic advantage to the
whole community and to them in private.

475 Mr Speaker, sometimes I am struck by the fact that hon. Members say the Government is not
saying enough. When we meet them and we give them a briefing and they go on television they
say, 'Well, look, I know what's going on but I can't say more because it wouldn't be in the
interest of Gibraltar.' That in itself demonstrates that there must be some strategic direction
that they appreciate in what we tell them, because they agree that they should not then go and
480 say more about it – not because I would not want to bring into my confidence the 32,000 people

of Gibraltar, but because of course there are others who are machinating to damage us and we have to ensure that we do not. So, there is a lot of strategic direction and if hon. Members bother to look at the logical consequences of the things that they say and have said, they will realise that they accept that there is strategic direction.

485 Mr Speaker, that it is not the Government's policy to have found a differentiated solution for Gibraltar of course is also contrary to the facts and to what the hon. Gentleman is saying. One of the reasons that they object to the MoUs is because they differentiate us from the rest of the United Kingdom in the Withdrawal Agreement. Therefore, we have differentiated for Gibraltar. But the first time that somebody used the terminology 'a differentiated solution for Gibraltar' it was on my lips, not theirs, and I was roundly criticised by them for suggesting that there had to be a differentiated solution. We have a differentiated solution, not as differentiated as we might have liked because we would have liked to have stayed in the European Union, finding a mechanism that might have allowed those nations of the United Kingdom and Gibraltar to have stayed in the European Union whilst those nations of the United Kingdom that had voted to leave might have left. That would have been the zenith of differentiation. We were not able to achieve it. It is obvious. Neither would they have been able to achieve it. Or is Elliott Phillips saying that if he had been the Chief Minister of Gibraltar he would have persuaded Theresa May, Boris Johnson, then the Foreign Secretary and now Jeremy Hunt, and everybody else to have given Gibraltar the differentiated solution that Michael Llamas, Joseph Garcia, Albert Mena and Fabian Picardo were not able to persuade them to give us? Is that what they are saying? This has no logic behind it. This is a differentiated solution, even if not as differentiated as we might have wanted.

In any event, what hon. Members do not seem to appreciate in the criticisms that they constantly put is that they are falling into the trap of those in the United Kingdom who are criticising the Withdrawal Agreement as if it were the permanent solution for post-EU life. It is not. This is the mechanism for leaving the European Union. This is not the future relationship between the United Kingdom and the EU. This is the mechanism for leaving with a managed exit.

A differentiated future relationship with the European Union is something else, on which hon. Members opposite are obviously bitterly divided, as bitterly divided as they are on whether we should be leaving the European Union or not, because members of the party opposite's executive are saying we should leave without a deal – and if the hon. Gentleman is shaking his head he should just look at the Twitter feeds of some of the members of his executive. I am sorry, it is not his executive; it is the executive of somebody else who is not in this House. (Laughter) Other members of the executive on which he also sits are saying we should leave without a deal, that the European Union is a bad thing and we should leave immediately and without a deal. Others, rightly, are marching for a second referendum because they agree that we should remain in the European Union. Revoke, referendum, remain; the three Rs. Well, Mr Speaker, with that I agree, it has been our position all along, but when it comes to the future relationship, what I was dealing with now, they are bitterly divided because the one who is not here – I do not mean the one who is never here because he is not a member of here; I mean the one who is not here because he is away on the demonstration – has said that in the future we should have exactly the same relationship as the United Kingdom has, and on some occasions has said something slightly different. No surprises there. And now the hon. Gentleman is saying we should have a differentiated solution not just for leaving – he must be talking about the whole of the future.

Mr Speaker, we do not know whether we will have a differentiated solution going forward or not but let's be very clear: there are many different shades of differentiation. There is a nation to our north that has said that we must have a differentiated solution. In other words, nothing that the United Kingdom and the European Union agree will apply to Gibraltar. That is a very differentiated solution. So, at the moment, Mr Speaker, his position and the position of the Government of Spain might be indistinguishable. But again it is logic. When you think things

through you see all of the dangers in what one might say in an exuberance of spittle that then drives you up the wrong way up a one-way road.

535 Mr Speaker, I was particularly shocked by the unfair, ill thought through and frankly morally bankrupt approach that the hon. Gentleman has suggested we should take to frontier workers. To say that we should have used frontier workers as a bargaining chip demonstrates that the hon. Gentleman has very little regard for workers: somebody who comes to Gibraltar to work every day; who is, as I have said consistently since I was elected and have been delivering Budgets, is a part of our economic success; who, as much as he and I, wishes that Gibraltar was
540 going to remain in the European Union; who is suffering the devaluation of the pound more than he and I, because he or she changes money into euros every week. That we should have used them as a bargaining chip and to say so explicitly, as he has, cannot be defended.

545 The most rabid Brexiteers in the United Kingdom have been saying from the first moment that the Prime Minister should not use EU citizens in the European Union as bargaining chips. It has been the one thing on which there has been unanimity across the 650 Members of the House of Commons, Mr Speaker. It is the one thing on which there has been almost unanimity across the European Union because matters of international relations operate on the basis of reciprocity.

550 What does the shining light of logic that I am replying to think would have happened if Gibraltar had pretended to use frontier workers as a bargaining chip? What does he think would have happened to us? Does he think that we would have been included in the Spanish provisions in law for no deal? Does he think that we would have been included in the Withdrawal Agreement? Does he think that that is the way to drive a hard bargain? Does he think that that is the way to hold the moral high ground in international relations, to hold people hostage? Is that
555 how the hon. Gentleman thinks that we should be running our affairs? Although he might think it might make a sweet headline that may make him seem like the tough guy, his toughness would have lasted a moment. His arguments would have been turned to ash. He would have lost the support of every ambassador in Brussels and every head of government in Brussels. He would have made Gibraltar's arguments absolutely impossible to defend if he had polluted our
560 position in that way. That is the most dangerous approach that we could have taken.

Mr Speaker, I really do think that at this time in our affairs, of course we can have disagreements about the MoUs and the detail of them, of course we can have disagreements, and hon. Members are paid a very good wage to find those areas of disagreement and rightly highlight them and point them out. That is their role. I am going to deal with an hon. Member
565 who has done that now, in the context of the hon. Lady's interventions in respect of this Bill. But to plumb the depths of how to negotiate with the idea that we explicitly, as a strategic objective, set out to use the most vulnerable workers as a bargaining chip shows that this man should not be in the casino of politics, because that is obviously how he sees this. He sees this as a casino and I am not ready to use people as bargaining chips and I am not ready to take risk with our
570 nation, which is what he would have done if he had pursued that alleged strategy. Much better the strategic objective we have pursued to ensure that Gibraltar is protected in every eventuality, that our people of course come first but that also we ensure that those who come to Gibraltar to add to our wealth can continue to do so.

575 Mr Speaker I am not surprised, however, that the hon. Gentleman has taken this attitude to workers because when he was asked in a recent television programme whether he committed himself to the labour standards of the EU after we have left the EU, all he said was that he was very impressed by the document produced by Unite on apprenticeships. He did not give that commitment, a commitment which this Government has given before the referendum, during the referendum campaign and after the referendum campaign.

580 Mr Speaker, turning to a much more edifying, although equally disagreeable in some respects, contribution from the hon. Lady – I will point out to her where I disagree with her – I do not believe that it is right to say that tobacco retailers are all of one mind thinking that this is a bad thing. I have met many tobacco retailers and I have met all the tobacco wholesalers. Why

585 have I met all of one and only some of the others? For a simple reason. The hon. Lady will know that there is not a handful but I think 12 or 20 wholesalers and there are over a couple of hundred retailers and therefore it is easier to meet one lot and not the other, but a lot of the retail activity is in retail outlets owned by wholesalers also. The tobacco retailers I met and the wholesalers I met fully understand what the implications of this Bill are, but in case some hon. Members do not understand it I will make it a little clearer.

590 Today, the differentiated price between some premium brands of tobacco between Gibraltar and Spain is in the region of between 25% and 28%. In other words, we are closer in price to Spain than the MoU, when it is, in June 2020, will require us to be. So, a top premium brand will, under the MoU requirements, have to be at a 32% price difference between Gibraltar and Spain. That top premium brand today is between 28% and 25% difference with Spain – and people still
595 buy it. Some of the cheaper brands may not be within that price differential and will be in the future. So, what we have detected – and this is our own law enforcement telling us this – is that we have some illicit activity, a lot less than we had in the past, still ongoing because some retailers are selling in excess of the requirement of their licences in the number of transactions that they do with some people; not all, of course, the vast majority of tobacco retailers comply
600 with the requirements of their licences and comply with the law. So, it has become clear to us that the problem area in tobacco is in the retailing of tobacco in some particular respects, in some particular brands.

Dealing with the issues that the hon. Lady raised, I shall start first with the issue as to mechanism. Why is there a need to do this Bill, even if there is not a Withdrawal Agreement?
605 Well, I do not know whether the hon. Lady is clairvoyant and knows what is going to happen – if she is, she should please share with me and perhaps even with the Prime Minister an insight into what is going to happen – but nobody knows whether there will be a Withdrawal Agreement later on today or the middle of this week, or next week, or not at all. In fact, I would say that, for the first time, we would all be very happy to think that there is a possibility, that I do not think
610 there has been before, that we might remain in the European Union. Nothing could make me happier than that all my work in the past three years should be as for nothing in respect of withdrawal and that we should remain, but it is also possible that there could be a Withdrawal Agreement and that that Withdrawal Agreement could be in place even during the course of this week. That is why I sought to emphasise to hon. Members when I presented the Bill that the changes to the legislation enabling are not prescriptive. In other words, this creates a regime
615 that may be pursued by the Collector of Customs, and it may be pursued when the time comes or it may be pursued even if the time does not come.

I am quite happy to say to her in the context of answering another one of her questions, if I may just interpose that answer, that in fact controlling the retail price of tobacco is very
620 common in many jurisdictions. It is another lever that law enforcement uses in order to ensure that there is control of the tobacco market. So, we are not exclusive in going into the market and controlling the price of the retailing of tobacco; it happens in many jurisdictions around the world. My own view, my own policy position, is that this is a particularly helpful way of dealing with the tobacco market that we would want to pursue even in a remain world because it gives
625 us additional helpful levers to control that market.

But in any event, if there is a Withdrawal Agreement, it could be visited upon us within hours or days. Frankly, it looks like there may not be a Withdrawal Agreement, if you look at the mathematics in Parliament etc., but hon. Members will know that with Brexit things are no longer moving day by day; they are moving hour by hour. We can go to bed one night being told
630 that things are going in the direction of Members of that group known as the European Research Group and the Democratic Unionist Party being more likely to support the Prime Minister, and we can wake up to changes that suggest that that is not going to happen, and then to a ruling by the Speaker of the House of Commons that suggests that the political dynamics in London are moving in a different direction. So, I think, again, if the hon. Lady will bear with me, this is about

635 being prepared and about being ready. That is why I emphasise to her that it produces legislative changes that are enabling and not prescriptive.

Mr Speaker, just today I am conscious of the fact that, as we met at 11 o'clock, the Prime Minister was holding a special Cabinet meeting in London at 10 o'clock United Kingdom time. Members of the Cabinet had been brought into Downing Street to look at documents *in camera* before they had the debate on those documents in Cabinet. I might be bitten by that bug, Mr Speaker, and give the hon. Members of my Cabinet just an hour to look at something that I put before them an hour later! I think it is absolutely remarkable – I do not infer you would ever get away with it – to deal with colleagues in that particular way, but that is not the politics of today. The reason I am saying that is because at 12 the Prime Minister has a meeting with the Leader of the Opposition, then at 4.30 there is a further Statement to the House of Commons and at five o'clock the debating and the voting will start in the House of Commons. So, I really am not able to tell the House that there will or will not be a Withdrawal Agreement before the House meets again, and I think on that we are likely agreed but that is what is driving the mechanism that we are putting before the House today to ensure that the Collector has power in the event that there is a requirement to comply with Withdrawal Agreement provisions.

Mr Speaker, I have dealt with her question of why we should or should not interfere with the pricing of this particular commodity by illustrating to her that this happens in many other jurisdictions. The classes of tobacco I took her through in my speech. I am quite happy to share those with her later as well, if she wishes. The classes of tobacco are the mid-high, mid-low, premium and cheaper – although we do not use the word 'cheap' and we try to avoid using that terminology.

The hon. Lady says that retailers are confused by the measures. I would put it to the hon. Lady that this is just a piece of legislation which enables the Collector to do something and we are very clear that, because this is something that affects not just retailers but also retail purchasers, the mechanism that will emerge from this enabling legislation, which I have already seen, is a very clear Gazette that sets out prices very clearly so that purchasers can go to the Gazette – which is now available online – and see the prices. So, it will be very easy and very transparent in that sense.

The hon. Lady says that the wholesalers could take the market. Well, it is not possible for wholesalers to take this market, Mr Speaker, because wholesalers cannot sell retail, in particular in this commodity. So, under our system of regulated sales, in particular in this commodity, in order to be able to sell at retail – in other words, to sell a carton or a packet – you have to have the retail licence and sell through a retail establishment. It is not possible for the wholesalers to do that; they would not be able to do that. But in any event, if a wholesaler made a retail sale it would be subject to the requirements set out in this legislation because otherwise there would be a breach of the legislation. Therefore, it is not possible for wholesalers to take the retail market.

Mr Speaker, it is also, in my view, clear that there will be profit here, and so it will be a question of negotiation between retailers and wholesalers as to who takes what element of the profit. The Government may also be moving in respect of its ability to raise duties against tobacco once the prices are moving also, but that would be a different policy decision to be made.

I do not recognise the hon. Lady's suggestion that cruise passengers are buying tobacco on disembarkation and then coming into town, turning them for a profit. I do not see anybody who buys tobacco on a cruise ship then selling that tobacco in our city. I have not seen any example of that. None of the law enforcement agencies have brought that to my attention. It is true that there is a shop at the cruise-liner terminal that sells tobacco for prices that are lower than in town and it is true that people can buy from that shop, if they have access to the cruise-liner terminal as cruise passengers, both on the way in and on the way out, but I have not heard that anybody is going on a cruise in order to come to Gibraltar and sell the tobacco in town. It would not make any financial sense that that is the case.

690 I have been in discussions with the Chamber of Commerce about that particular shop – the opening on which arises from the closure by the former administration of the ferry terminal and the litigation which was started against the Government as a result – to see what controls we can put there. The hon. Lady should know that the terms of operation of that shop are the same as the terms of operation of the shops at the duty-free terminals in the Airport, but of course there is not the easier access in and out of the Airport that there is from the cruise-liner terminal, where passengers come in and out of the terminal because they are able to and we want them to come into Gibraltar. So, the Government is already trying to deal with the issues that have arisen which the Chamber of Commerce have put to us in relation to that shop. That is, in my view, completely unaffected by this change, but there may be things that we need to do in respect of how that shop sells and that it can only sell to people on the way into the vessel rather than also on the way out of the vessel into Gibraltar. It is something that is very much on the Government's agenda.

700 Mr Speaker, there is absolutely nothing in this Bill that gives Spain a say in our affairs, that deals with any of the mischief that the hon. Gentleman says, incorrectly, is created by the MoU. This is a freestanding piece of legislation which creates a power for the Collector of Customs. The Collector of Customs will likely use it in the way that I have set out dealing with the issues that are set out in the MoU, but this Bill does not do that. This Bill does the things I told the House, all of which the Hon. the Leader of the Opposition said he agreed with.

705 I therefore commend the Bill to the House. *(Banging on desks)*

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 and for connected purposes be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

710 How is the hon. Lady voting? She is not? *(Interjection by Hon. Ms M D Hassan Nahon: I haven't decided yet.)* Then you are abstaining, unless you tell me to the contrary. Very well.

715 There are 9 Government Ministers who have voted in favour, 5 Members of the Official Opposition against, the hon. Lady has abstained. So the Second Reading of the Bill is carried. *(Banging on desks)*

Clerk: The Tobacco (Amendment) Act 2019.

**Tobacco (Amendment) Bill 2019 –
Committee Stage and Third Reading to be taken at this sitting**

720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading be taken today? **(Members: Aye.)**

COMMITTEE STAGE AND THIRD READING

Mr Speaker: I now call on the Chief Minister to move that the House resolve itself into Committee.

725

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should resolve itself into Committee to consider the Sanctions Bill and the Tobacco (Amendment) Bill clause by clause.

In Committee of the whole Parliament

**Sanctions Bill 2019 –
Clauses considered and approved**

Clerk: A Bill for an Act to make provision enabling appropriate sanctions to be imposed including in respect of any persons, entities, groups, organisations, States and territories for the purposes of the security of Gibraltar or international peace and security or in any other circumstances where it would be appropriate to do so and for implementing in Gibraltar any restrictive measures imposed outside Gibraltar; and for connected purposes.

730

Clauses 1 to 5.

735

Mr Speaker: Stand part of the Bill.

Clerk: Clause 6 as amended.

740

Mr Speaker: The Chief Minister has an amendment to clause 6. It has been circulated. Unless hon. Members disagree, I move that it be approved.

So, the Chief Minister's amendment is approved and therefore clause 6 as amended stands part of the Bill.

745

Clerk: Clause 7 as amended.

Mr Speaker: Again, an amendment has been circulated. All Members are in agreement and therefore clause 7 as amended stands part of the Bill.

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Clerk: Clause 8 as amended.

Mr Speaker: The amendment, again previously circulated on 7th March, so clause 8 as amended stands part of the Bill.

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Clerk: Clauses 9 to 11.

Mr Speaker: Stand part of the Bill.

Clerk: Clause 12 as amended.

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Mr Speaker: Clause 12 as amended stands part of the Bill.

Clerk: Clause 13 as amended.

765 **Mr Speaker:** Stands part of the Bill.

Clerk: Clause 14.

770 **Mr Speaker:** Stands part of the Bill.

Clerk: Clause 15 as amended.

Mr Speaker: Stands part of the Bill.

775 **Clerk:** Clause 16 as amended.

Mr Speaker: Stands part of the Bill.

Clerk: Clauses 17 to 54.

780

Mr Speaker: Stand part of the Bill.

Clerk: Schedules 1 to 5.

785 **Mr Speaker:** Stand part of the Bill.

Clerk: The long title.

Mr Speaker: Stands part of the Bill.

**Sanctions Bill 2019 –
Clauses considered and approved**

790 **Clerk:** A Bill for an Act to amend the Tobacco Act 1997.
Clauses 1 to 3.

Mr Speaker: Stand part of the Bill.

795 **Clerk:** Clause 4 as amended.

Mr Speaker: The amendment is just the substitution of 'the Tobacco Act 1997' by 'this Act'.
Stands part of the Bill.

800 **Clerk:** The long title.

Mr Speaker: Stands part of the Bill.

**Sanctions Bill 2019 –
Tobacco (Amendment) Bill 2019 –
Third Reading approved: Bills passed**

805 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Sanctions Bill 2019 and the Tobacco (Amendment) Bill 2019 have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed.

Mr Speaker: I now put the question, which is that the Sanctions Bill 2019 and the Tobacco (Amendment) Bill 2019 be read a third time and carried. Those in favour? (**Members:** Aye.) Those against?

810 You are voting against the Third Reading of the Tobacco Act? Is a Member absent? I do not know if he would want to vote. Two Members absent. The four Members of the Opposition present – that is the Hon. Edwin Reyes, the Hon. the Leader of the Opposition, the Hon. Roy Clinton and the Hon. Lawrence Llamas – are voting against the Third Reading of the Tobacco (Amendment) Bill.

815 Other than that, I now move that they be read a third time and carried.

Clerk: Bills for First and Second Reading.

820 **Chief Minister:** Mr Speaker, I now move that the House should adjourn to Friday, 5th April at three o'clock in the afternoon.

Mr Speaker, I think I share the views of the whole House, indeed probably our whole community, when I say that I hope that by then we shall all have greater clarity as to what position the United Kingdom Parliament is likely to take in respect of withdrawal from the European Union or not at all.

825 **Mr Speaker:** The House will then adjourn to Friday, 5th April at three in the afternoon.

The House adjourned at 12.19 pm