



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.07 p.m. – 4.20 p.m.

Gibraltar, Thursday, 11th April 2019

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The Gibraltar Parliament

The Parliament met at 3.07 p.m.

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

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

Precincts of Parliament – Statement by Mr Speaker

Clerk: Meeting of Parliament, Thursday, 11th April 2019.
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Mr Speaker:** Before the Chief Minister moves the suspension of Standing Orders, I think it is incumbent upon me to make a Statement. It is not a prepared Statement, as I would have preferred, very much off the cuff but given the events this afternoon I think there are certain matters that I need to clear up.

10 On 3rd December 1993, the then Speaker, Maj. Robert Peliza, made a ruling in which he designated what the Precincts of Parliament were. What it amounted to was that the pavement in Main Street on the west side was designated by him as being part of the Precincts of Parliament. He had taken legal advice, obviously, on the matter beforehand and he was acting very much in accordance with the practice both in the House of Commons and in the House of Lords. He said clearly that anyone wishing to demonstrate in the area could do so on the pavement on the east side of Main Street but not on the west side. It was section 2 of the House of Assembly Ordinance that empowered him to designate the Precincts. The Parliament Act also allows the Speaker from time to time to designate what the Precincts of Parliament shall be. I certainly have no intention of departing from the ruling of Maj. Robert Peliza. Indeed, I endorse that ruling 100%, but there seem to be doubts in the minds of certain people whom I will not state publicly who they are at this stage.

15 When I arrived, just before 2.30 this afternoon, I found the entrance to the gate downstairs blocked by two rows of two young men with placards, and then another two behind. I had to stop and ask them to step out of the way and let me through. I would have thought that having arrived in an official car and with there being a number of police officers downstairs, and being on television so often, they would have known who the Speaker of Parliament is and that my way would not have been blocked in any way whatsoever. The gates downstairs, at least the gates should have been entirely clear. Whether there were people, against the ruling of Maj. Peliza, on the west side or not, at least the gates should have been clear. I went downstairs and I cannot say that I received from the police officer, from the inspector, the response that I would have expected.

20 There seem to be people who wish to query the ruling of Major Robert Peliza. If so, it is for Members of Parliament to make that abundantly clear, if necessary by amending legislation that would make that abundantly clear.

25 This is a situation and I think it is most unfortunate. The information that we had previously was that if there was going to be any demonstration it was going to be in John Mackintosh Square. I certainly from the news it seemed to me that it was going to be on the other side, but in any case people are entirely free to demonstrate on the east side, on the pavement there

opposite Parliament, but not to obstruct in any way the entrance to Parliament, as I myself have been this afternoon. Perhaps if I had not gone downstairs afterwards and remonstrated, maybe
40 the access to some hon. Members may have been obstructed as well to the extent that it was in my case.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I, no doubt on behalf of all Members of the House, associate with your Statement in respect of the ruling of Speaker Peliza and how it
45 must be respected and honoured both by those who wish to exercise their perfectly legal right to demonstrate and those who are charged with enforcing our laws and rules.

To see a demonstration must never be something which causes us alarm or concern. It is the expression of people's rights to demonstrate. They do so under the protection of our law and indeed they must do so within our laws, and in the context of the areas around Parliament our
50 law is made by the rulings of Mr Speaker.

Mr Speaker, I very much welcome that you have reminded all those who may be listening and wishing to exercise their right to demonstrate of the requirement to comply with these rules, which are indeed intended simply to allow them to exercise their right to demonstrate and not impede access to this place in any way whilst at the same time ensuring that they are able to
55 exercise that right near enough to this place, which is the heart of our democracy.

Standing Order 7(1) suspended to proceed with Government Statements

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Statements.
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Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

EU withdrawal developments – Statement by the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, the United Kingdom has agreed a further extension for its and our departure from the European Union.

As hon. Members will be aware, the second Special Meeting of the European Council on
65 Article 50 of the Treaty, held last night in Brussels, resulted in an offer being made to the United Kingdom for such an extension. The President of the European Council, Mr Tusk, offered the Prime Minister, Mrs May, an extension of the Article 50 notification period until 31st October 2019. Mrs May has accepted that proposal for an extension.

The extension contains no condition that Gibraltar should consider objectionable. The
70 extension has set a maximum period, subject to future negotiations for a further extension. It has not, however, set out a minimum period. The United Kingdom can leave the European Union if a Withdrawal Agreement has been finalised before then. Alternatively, the UK can crash out of the EU as a matter of EU law if no Withdrawal Agreement is finalised and the UK fails to hold European elections. The holding of those elections is a condition of the long extension, but it is
75 not one we would find objectionable.

In this latter respect, the United Kingdom has already legislated to hold the EU elections, as we have in Gibraltar. The whole House will want to reflect our nation's thanks to the Clerk, in his capacity as the returning officer for Gibraltar in EU elections, for having moved quickly to ensure

that we are able to hold the 2019 European parliamentary elections in Gibraltar on Thursday, 23rd May this year. I have promised him I shall not be calling a meeting of the House for that day, Mr Speaker! Not since our first opportunity to vote in these European elections will our vote have meant so much and been so important in such elections.

The politics and drama of Brexit are playing out on the screens of international news channels and all Members will be aware of what is unfolding. The Prime Minister has made a statement this afternoon to the House of Commons upon her return from Brussels.

All hon. Members will know that on Monday the House of Commons had legislated a non-government Bill into law by the European Union (Withdrawal) (No. 5) Bill 2019. The Cooper-Letwin legislation, as the law is known, in effect rules out a departure of the UK from the EU without a deal as a matter of UK law. The underlying reality, though, is that UK law and EU law need to align in order for a no-deal Brexit to be avoided even by accident. Those mechanisms are now being put in place. I will shortly, therefore, be signing a further amendment to our own European Union Withdrawal Act 2019 to amend the date provided for in our own law for exit day. Hon. Members will recall I did that already on 28th March to change the date of 29th March and replace it with references to tomorrow or 22nd May.

Essentially, Mr Speaker, the pressure for the Prime Minister to revoke the Article 50 notification in the absence of an agreed or agreeable long extension is now off. There is now no need for a revocation of the Article 50 notice to avoid a no-deal departure from the EU tomorrow.

I discussed the circumstances in which such a revocation might be necessary or indeed appropriate and preferable with the Prime Minister herself on Friday of last week. These related principally to a cliff edge or an extension which contained objectionable conditions. There was no such objectionable condition in the long extension offer last night from the EU Council which might have led Gibraltar to push for a revocation instead of acceptance of the long extension, other than of course the possibility that we might end the nightmare of Brexit immediately and completely and would allow the UK to take back control of the Brexit timetable. The pressure in that respect is now off, but there is now time and, as President Tusk said, we should not waste that time.

If the House of Commons is not able to agree to give effect to the Withdrawal Agreement, and given it has also wisely now legislated not to allow the UK to leave the EU without a Withdrawal Agreement, the fact is that the stalemate reached in the UK Parliament is unlikely to shift or change. In those circumstances we must be alive to the fact that there are ongoing talks between the Conservative government and the Labour opposition. These talks could lead to a breakthrough on agreement for the UK to pass the or a Withdrawal Agreement. This could include a requirement for a so-called confirmatory referendum.

Mr Speaker, given where we are now, the Government will continue to take the position it has consistently taken. We will continue to insist that the safest option for Gibraltar is to remain in the European Union. We will continue to support the Withdrawal Agreement as a way for the UK to leave the EU with a deal. We will continue to support a referendum being held, now referred to not as a second referendum but as a confirmatory referendum. The long extension now agreed gives us time for that.

To this end, I accepted an offer to address a 'put it to the people' rally in Westminster in London on Tuesday. I was happy to speak alongside serving UK Minister the Hon. Hugh Merriman MP. Also speaking at the rally were the Leader of the Liberal Democrats, Sir Vince Cable MP, who kindly introduced me to the audience; Ms Caroline Lucas MP, the Leader of the Green Party; Mr Ian Blackford, the Leader of the Scottish National Party at Westminster; Ms Anna Soubry, one of the members of Change UK or the Independent Group, or Tiggers; Mr David Lammy of the Labour Party; Ms Anna Turley of the Labour Party; Ms Liz Saville of Plaid Cymru; Mr Sam Gyimah, the Conservative former Minister for Universities; the Rt Hon. Dominic Grieve, the Conservative former Attorney General; and indeed Dame Betty Boothroyd, former Speaker of the House of Commons and dear friend of Gibraltar, of whose visit to Gibraltar we

have a plaque in our lobby that I was pleased to remind her of at the People's Rally event. All political parties were therefore represented and Gibraltar was represented.

Mr Speaker we continue our intergovernmental work and planning with the UK government to leave the EU with the or a deal, in case that happens. We continue our intergovernmental work and planning with the UK government in case we leave without a deal, in case that happens. And, Mr Speaker, we continue to represent the mandate of the people of Gibraltar in the 2016 referendum to remain in the EU, warts and all, at every opportunity we have to promote that as a realistic alternative option.

Although the pressure is off in public, we had worked very hard indeed to be ready for the morning of 30th March to ensure we could handle a departure from the EU with or without a deal. We had done the same again for a potential no-deal departure tomorrow night and we continue to work in the background in that respect to ensure the work we have done is useful if we need to rely on it at a later date. We plan for everything, we ignore nothing and we prepare for everything, and hope that we shall be able to look back and consider all of that wasted time if we ultimately remain in the EU, although even if we were to remain in the EU, we would now do so in much better shape in some respects.

I should also add that the measures taken by the 27 for a no-deal Brexit, in particular on visa-free travel, that some have trumpeted triumphantly, are going to be of no effect, at least not this week.

So, we continue our work, Mr Speaker, and we will also, as a people, know who to vote for in the EU elections, if they are held, once we know who stands for a confirmatory referendum or other mechanism that enables us to show our preference continues to be to remain in the EU.

For the House, Mr Speaker, we expect we will now be able to resume normal service. I therefore expect to adjourn this afternoon to return to the House on Friday, 3rd May at 3 p.m. to continue with Questions, motions, etc. I shall very much look forward to that and I am sure all hon. Members will too.

If I may say so, Mr Speaker, these past couple of weeks, as the political leaders of our nation at this time in the history of our affairs, Ministers in my Government have looked over the cliff edge that a no-deal Brexit represents. We would easily survive such a Brexit, but it would be unpleasant. It would undoubtedly bring difficulties to some aspects of people's lives, despite our greatest efforts, and it is ultimately unnecessary. For those reasons, I am very happy that this is an outcome that is, at least for now, avoided and which we should seek to continue to avoid going forward.

I therefore commend this Statement to the House and trust that, as matters develop, the outcomes that have hitherto appeared inevitable may seem less and less certain or inescapable as they now also appear less and less impending. (*Banging on desks*)

Mr Speaker: The Hon. Danny Feetham.

Hon. D A Feetham: Mr Speaker, questions, I understand, arising out of a public Statement, but before I do that, on behalf of my colleagues we welcome the Hon. the Chief Minister's Statement.

We also welcome, it has to be said, the fact that the Hon. the Chief Minister has undertaken not to keep us in this place for too long because of course we have an excellent meeting of the GSD at an AGM at seven o'clock today, to which all members of the public are welcome to attend – (*Interjection*) including, of course, Members of the Government should they wish to cross the floor!

The Hon. the Chief Minister touched upon the fact that the extension is to 12th October. My understanding of the position is that if the Withdrawal Agreement, or a version of the Withdrawal Agreement or a different withdrawal agreement is not agreed, then of course we would crash out of the European Union without a deal on 12th October. We have the incongruous situation of Parliament in the United Kingdom having voted against going out of the

European Union without a deal. Does he not agree with me that, therefore, the only alternative, if the will of Parliament is going to be observed, is to revoke Article 50 in a situation where there is no agreement in relation to a withdrawal or a version of the withdrawal? The government in the United Kingdom could do so, but it would lack democratic legitimacy to also go to the people of the United Kingdom in a people's vote, a second referendum on the Withdrawal Agreement, bearing in mind that it has also been rejected three times by the Parliament of the United Kingdom, and therefore, in those circumstances, a revocation of Article 50 would appear to be the only appropriate alternative.

The Hon. the Chief Minister also then referred to the discussions that are now taking place between the Conservative ... well, between the Prime Minister and the Leader of the Opposition, and he said the or a withdrawal agreement might emerge out of that. Has he got any commitments, or has he discussed with the Prime Minister or anyone else and has he received any assurances that if there is a variation, or if it is a different withdrawal agreement, that would also extend to Gibraltar and everything else that has been negotiated on behalf of Gibraltar etc. would also apply to a different version of the Withdrawal Agreement?

Hon. Chief Minister: Mr Speaker, do you wish me to reply to that or to hear other hon. Members?

Mr Speaker, thank you to the hon. Gentleman for welcoming my Statement. We are indeed in a new stage of our political relationship. It is not often that he has got up in this House to welcome anything I have said, so I am very grateful indeed that at least on this issue – not just today but in recent memory – he has wanted to associate himself with much of what the Government has said and indeed done in respect of this matter.

I do not recall having given any undertakings as to the time that this House will sit today. Indeed, I have not given any such undertakings – although I am aware that there is a public meeting this evening elsewhere in respect of hon. Members' party. But hon. Members opposite should not fret: I am not going to do anything to stop people from going to their meeting. It is, after all, a meeting to which they have invited 32,000 people – they have said it is a public meeting – and so I am sure that they will be very disappointed if they do not get many thousands of people attending, given that it is not a meeting for Members; it is a public meeting. Indeed, I know that my hon. Friend the Minister for Culture is promoting stand-up comedy in Gibraltar. Jimmy Carr is here soon and he was sold out, so I would expect they will do no less than at the very least sell as many tickets as Jimmy Carr: there are at least six of them and there is only one of him. As it is a public meeting, Mr Speaker, I know a lot of our people will be going to listen to what they have to say about us, with no impediment as they do not have to show a membership card – something which they would find anathema, but given that it is public they will go just to listen. Indeed, I invite many people to go and listen to them to be able to see why they are not a wise choice for Gibraltar for the future. So, if they are not full to the rafters, they cannot say it is because I kept them here or I did not indeed join him in trying to promote the event this afternoon alongside expensive advertisements in some local newspapers.

Mr Speaker, it is a matter of agreement between us that the revocation of Article 50, although no longer pressing as the only alternative to avoid a cliff-edge Brexit on 12th April, is still very much the advisable course of action for the UK Prime Minister, but it is no longer the only course of action available. Just to develop the thinking the hon. Gentleman was, I think, trying to pursue, given that there is now an Act of Parliament that requires the United Kingdom not to leave the EU without a deal, and given that the Withdrawal Agreement has not been approved yet – to take the lexicon of what I was saying earlier – in the event that there were no agreement with the EU, it is not legally possible under English law for the Prime Minister now to envisage a no-deal Brexit. So, the Cabinet Manual comes into play and the Cabinet Manual requires Ministers to act only in keeping with the law. It is therefore not possible – I think this is the point that the hon. Gentleman was getting to – for the Prime Minister to receive advice that

she can allow the United Kingdom to fall over a cliff edge when there is a mechanism which is in her hands to enable her to prevent that, in other words to prevent a breach of UK law.

Forget the politics of Article 50 now. Forget the politics of leaving without a deal. Hon. Members will have seen ERG members. Some say that a no-deal Brexit or a WTO Brexit is what they prefer. English law now does not allow that. So, the Cooper-Letwin Bill needs to be revoked for that to be an option that is on the table or the Prime Minister would be in breach of the Cabinet Manual and therefore in breach of UK law, because nobody could give her advice to allow that no-deal Brexit. It is now illegal in UK law.

Indeed, Mr Speaker, when the Prime Minister got up today to make her Statement, the first thing that she referred to was the arrest of Julian Assange of WikiLeaks this afternoon. In making that introduction to her Statement and referring to a topical matter before she started on EU matters, she said it was a demonstration that no one in the United Kingdom is above the law. He and I know, as lawyers, and others will know just from our own general knowledge as British citizens, that the only person above the law is the monarch – that is why criminal proceedings are brought in the name of the monarch against any third party – but the Prime Minister and any Minister is not able to allow something to happen which is contrary to the law.

So, Mr Speaker, I think we are entirely of the same view there, but when that becomes necessary ... In other words, the Article 50 revocation being desirable is something he and I will agree we are happy to see today. That is why I said it would make the nightmare of Brexit immediately disappear and is something we would find very positive, subject to having to deal with the democratic aspects of the outcome of the referendum. But when it becomes necessary is something quite different and it would have become necessary tomorrow night at one minute before midnight Gibraltar time, one minute before 11 o'clock British time.

Hon. Members may also want to reflect that in the comments of the European Council there is the reference to the availability of the Article 50 mechanism, so if anyone in the United Kingdom doubted the availability of the Article 50 revocation mechanism, the Court of Justice of the European Union has already made that clear in the Brightman case and yesterday the chief negotiator emphasised that point.

Mr Speaker, the hon. Gentleman then asked me about the idea of the or a withdrawal agreement, in other words referring me to the possibility that there might be a new withdrawal agreement. In that respect, he will know that the Labour Opposition and the Conservative government – and I said that advisedly: he said the Prime Minister's team and the Leader of the Opposition's team; that is why I said the Conservative government, referring to the executive not the benches, and the Labour Opposition, again referring to the Shadow Cabinet, not the Opposition benches as a whole – are engaged in talks. What the EU has made clear is that they are happy to look at what changes are proposed but that the Withdrawal Agreement is closed at least on the red lines that had been put, and that the political declaration may be relevant. And indeed, just from the point of view of what we all see publicly and from the discussions that I had – I met with Keir Starmer in London yesterday and have spoken, as he knows, to David Lidington on a number of occasions and to the Prime Minister about this subject – the issues that are being put on the table, which are a customs union or access to the single market, are not about what happens on withdrawal, because the Withdrawal Agreement already contains a customs union continuing and the single market continuing; so, it is about the future and that is for the political declaration and how the red lines that led to the political declaration being agreed might be altered about a future agreement. They could have backward consequences into the Withdrawal Agreement. The aspect of the Withdrawal Agreement that has caused most difficulty is the backstop, which relates to Northern Ireland. If, in the political declaration about the future, the United Kingdom government goes back to the EU with the agreement of the Labour Opposition saying that they want a customs union, that half resolves the issue of the backstop – not in the Withdrawal Agreement, because the issue of the backstop is not in the Withdrawal Agreement; it is about it not being released once the future starts, so to speak. And so, in that respect, the position of the Europeans is that the Withdrawal Agreement is done and

dusted and will not be reopened. But, in any event, I had the assurances that the hon. Gentleman said we should have in respect of Gibraltar continued to be covered under the Withdrawal Agreement, even if that were to change. I am very pleased to be able to say that. In fact, it is something that I have shared before.

290 I think on that basis I have dealt with all of the points that the hon. Gentleman has put to me, but I just want to reflect that in putting the final point, that the hon. Gentleman is seeking to have reassurances that we have had reassurances – and we have had them, Mr Speaker, from the Prime Minister – they sometimes, and it is not him that does it, do not reflect so generously on the fact that we have received these assurances as a result of the relationship that we have
295 enjoyed and the work that we have done with this Prime Minister and indeed with other Members of Parliament. I think at times like this they, and in particular he throughout, have noted the importance of that, and I am grateful for that reflection.

Mr Speaker: The Hon. Roy Clinton.

300 **Hon. R M Clinton:** Thank you, Mr Speaker.

I would just like to ask the Chief Minister one point really about his Statement, and that is he did say he attended the People's Vote campaign meeting in London along with various other Members of the UK Parliament and I was just wondering whether the Chief Minister would
305 welcome a motion of this House setting out in a substantive motion its view that the preference of this House would be for – call it a people's vote, a referendum, a confirmatory vote, as being the resolution of this House; and if the Chief Minister is in a position to say whether the Government would support that motion.

Certainly we on this side would be willing to consider it and indeed we would be willing to
310 propose it if he is not in a position to do that from his side. I would be interested to know his view on that, and of course anything else that may help him to put across the unique view of Gibraltar to the Prime Minister.

Thank you, Mr Speaker.

315 **Hon. Chief Minister:** Mr Speaker, I am grateful for that invitation from the hon. Gentleman. I do not think that a motion of this House is required for me to be able to put the views of Gibraltar to the Prime Minister or indeed the force with which those views are held, but it is not necessarily something that we should discard in the event that there is a different Prime Minister at some stage, or indeed if we felt that it became appropriate at a different time.

320 What I would say to the hon. Gentleman is that this House is able to do many things on the basis of not working together; it is able to do many more things on the basis of working together. Indeed, if we were to take the view that this was necessary and if hon. Gentlemen thought that it was necessary, I would invite them to work with us on the timing and wording of this and how it is presented and not to trigger it in a way that they might consider is appropriate
325 if they wanted to do it in a way that is going to have the maximum effect.

I do not think the moment has come yet. I think there are a number of things that we need to see play out, not least – and I have given an indication of this in the Statement I made a moment ago – the positions that political parties take in the European elections. The European elections may be the first referendum on Brexit since the Brexit referendum, after the General Election of
330 2017. In 2016 when the referendum occurred, the two leaders of the main political parties defended one position. In the General election their manifestos reflected the position that prevailed in the referendum. Now, in the European elections, we have yet to see what proposition the leaders of the main political parties will put, and the people of Gibraltar will want to choose very carefully the options in those European elections if it is possible to use the
335 European elections as a first plebiscite on the issue of Brexit. There is an opportunity there which those who represent the Leave side in the referendum campaign have already seen. There is now a Brexit party alongside UKIP and votes will be counted, in my view, if the vote goes

ahead, in respect of votes for those parties who have stood for a further referendum or remaining and votes for those parties who have stood for just continuing with the Brexit result of the referendum in 2016. So, I think before we move this House into another position we need to observe what happens there and consider that very likely to be the first opportunity to cast a vote to remain.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, the last few weeks have given us in Gibraltar a lot of anxiety with the pressing deadlines for Brexit looming nearer and without a clear indication from the House of Commons as to what sort of a Brexit we would end up with. As I have said repeatedly in my press statements and my statements to Parliament, the lack of leadership in the UK has been unfortunate and given rise to a situation which, although not of our making, has caused us a lot of anxiety.

The agreement to a long extension gives us some breathing space and allows us to plan for the future with a bit more serenity and calm, but we must not let down our guard, and for sure we must continue trying to influence efforts to revoke Article 50 or, failing that, another people's vote, given the lack of unity and clarity in the UK. Any demonstrations, speeches and the like is never enough and we should do as much of it as possible.

I take note of Government's continuous assurances that all preparations for a potential no-deal Brexit are in hand and that, regardless of what may happen, we are prepared, and I do hope this is indeed the reality. Therefore, I thank not only the Members opposite but the many people behind the scenes who have contributed to this hard work.

From this corner of the House I remain, as always, ever ready to assist in whatever role is required of me while continuing to represent the many voices in our community who have any doubts or concerns about the future, and bring them before this Parliament.

Thank you.

Hon. Chief Minister: Mr Speaker, the hon. Lady will be interpreted by me to ask me whether I agree with that at the end of her statement, and I do agree with that. I agree with the fact that it is important that if she receives any concerns from any member of the public about preparations for no deal etc. she does share them with us. She knows that she has access to all of us, as do other hon. Members, if she needs to raise issues with us. To raise issues with us, if I may say so with respect to hon. Members, is better than to raise the temperature publicly on the subject, so I do appreciate her saying that she will do that.

It is important not just to be prepared but for people to understand that we are prepared and to feel that we are prepared. In particular, if things go belly up, others might be trying to use the moment to try and propagandistically suggest to people who do business in Gibraltar that Gibraltar is not ready to deal with the circumstances of a Brexit and to try and lure them somewhere else. So, I do welcome the fact that she will be in touch with any concerns that she has.

She says that there has been a lack of leadership in the UK. Mr Speaker, can I just nuance that for her and for the House a little, because I think there has been a lot of leadership in the UK, leadership in respect of different very strongly held points of view that have indicated, more starkly perhaps than ever before, that there is a lack of a majority in the House of Commons for one particular view. Indeed, never before has it been so obvious that the House of Commons is made up of 650 different points of view, some of them across party lines and some of them coalescing around a party line, but just not enough of them to get one particular option over the 325 required to deliver a guaranteed majority in anything.

She will agree with me, no doubt, that there have been many outstanding voices in the Commons, and not just that of the Prime Minister, who has been caring and sensitive when it has come to Gibraltar throughout this period, but indeed many others who have demonstrated

390 their clarity of thinking, their passion, both in respect of leaving the European Union and remaining in the European Union or having a further referendum, and all of them people who the Deputy Chief Minister, other Ministers and I have been talking to about the Gibraltar issue so that the Gibraltar issue is not lost on any shade of opinion.

395 There are some who say that this is a bad time for British democracy. Probably history will say that this is one of British democracy's strongest moments with the House of Commons really coming into its own. I do not yet see what judgment history will pass, but I think on the Commons, on Parliament and on the Speaker in London the judgment of history will eventually demonstrate that they were on the right side, doing what their consciences required, always representing passionately their point of view and not allowing themselves to be pushed in one direction or another, despite the intimidation that one has read that many of them are suffering. I think she will join me in that interpretation.

Mr Speaker: The Hon. Trevor Hammond.

405 **Hon. T N Hammond:** Mr Speaker, in light of the news today, that we read in the *Chronicle*, from the House of Lords Select Committee regarding the lopsided nature and potentially the breach of human rights that constitutes the Tax Treaty that has been signed between the United Kingdom and the Kingdom of Spain on behalf of Gibraltar and with the assent of the Gibraltar Government, and in light of the fact that that Treaty will be binding, regardless of the outcome of the Brexit negotiations as they go forward – and any future extensions or any revocations of Article 50, or indeed any future referendums on the matter which may halt the entire process – does the Chief Minister in any way regret not having had wider discussions about the content and nature of that Treaty, perhaps including the community at large in understanding the potential impact of that treaty on Gibraltarians, on people resident in Gibraltar? And does he perhaps regret not having put the signing of the Treaty in abeyance until such time as we actually knew the outcome of the Brexit process, rather than having had it signed and now tying our community to a treaty which, as I say, has been declared by a Select Committee of the House of Lords to be potentially in breach of human rights?

420 **Mr Speaker:** I am being very liberal in allowing the hon. Member to raise the question of the Tax Treaty. It can only be said very loosely to have anything to do with the Chief Minister's Statement. I am stretching the point very much in allowing ... The moment I heard the words 'Tax Treaty' I could have asked him to discontinue, but I am being very liberal. It is up to the Chief Minister whether he wishes to deal with the matter, or not. Also, we are anticipating events. There is a motion on the agenda to debate the Tax Treaty. It is up to the Chief Minister. I do not think he can be compelled under the Rules to answer the point raised, unless he wishes to do so.

430 **Hon. Chief Minister:** Well, Mr Speaker, having heard the point raised by the hon. Gentleman, I do wish to deal with the things that he has said, with the caveat that there is a motion to come and that I did not refer to the Tax Treaty in the context of the Statement I have made because I do not think it was relevant last night in the determinations of the European Council. But the hon. Gentleman tempts me to reply to what he has said and I am looking forward to it.

435 I had had no doubt, Mr Speaker, that I would be dealing with this point today in the House as a result of the Statement, even though it did not arise, so I had given some thought to the answer I would give to the point that I knew hon. Gentlemen would make, although I am surprised by who makes it.

Mr Speaker: May I say that I am aware of the fact that on the 1.30 news the Chief Minister was asked about the matter. I do not know whether the Hon. Trevor Hammond was listening to

the 1.30 news. I make a point every day of listening to the GBC news at 1.30 – I need to keep myself informed, obviously.

Hon. Chief Minister: Thank you, Mr Speaker.

445 I will start where the hon. Gentleman ended. He said do I regret having done the thing in the way that I did and not in the way that he says he would have preferred me to do. Well, Mr Speaker, *je ne regrette rien* would be the best and easiest way to reflect the position of the Government. The hon. Gentleman says the House of Lords has declared that the Tax Treaty is potentially a breach of human rights. That is not a declaration. The House of Lords has said that
450 they ask the question of whether or not there are potentially breaches of human rights. The Government took advice on this before we agreed the treaty and the advice we had was that there were not breaches of human rights.

The hon. Gentleman says, 'If you had socialised the treaty further, you might have had the benefit of other advice.' Well, having socialised the treaty very widely afterwards, including with
455 them and indeed with lawyers from across the community in Gibraltar, including some who have been politicians in the past, nobody has suggested to us that there is a breach of human rights. So, simply answering the narrow point that the hon. Gentleman makes – which is, 'If you had socialised it further, would you have been told about the human rights problem and would you then therefore not have done it, and do you regret not having done the socialisation of the
460 treaty therefore?' – having done the socialisation of the treaty, the issue has not arisen.

Let us assume for a moment that the select committee is right in simply raising the issue – which is what they are doing, raising the issue for consideration; it is their role and they are absolutely right to do it – what would be the consequence? The consequence is simply that taxpayers affected will be able to engage the Supreme Court of either Spain or Gibraltar, or
465 indeed the European Court of Human Rights, for a determination of whether their human rights are in fact impaired by the treaty; and, if it is, the effect will be that the treaty will have to be considered amended by any finding of those courts which protects the human rights of those individuals – which of course, the hon. Gentleman might like to reflect, would then involve the recognition of the Supreme Court of Gibraltar by the Spanish legal and political establishment
470 because the treaty could not go beyond that, they would be bound by those findings. So, a further additional *massive* benefit and step forward for the people of Gibraltar as a result of the Tax Treaty.

Mr Speaker, the Tax Treaty is not something that concerns working people. It is not something that concerns people who are looking at how they are going to continue to derive the
475 benefit of living in Gibraltar. It is something that may concern some very rich people – some very rich people who have not properly organised their affairs in order to regularise their position with the exchequers of Spain or of Gibraltar, but not otherwise. Otherwise, it is just an instrument for planning, for knowing how disputes are going to be resolved.

In respect of the issue that creates the reference to human rights in the select committee
480 finding, or question, that arises from the principle of asymmetry. The principle of asymmetry is one that hon. Members, unless they wanted to make mischief with the treaty, which I have no doubt is what they are going to do when the time comes to debate it ... The principle of asymmetry is one that is born out of difference, not out of inequality. So, in other words, it is not that Spain has come to this negotiation with a blunderbuss and has been able to intimidate us
485 into giving them more than we get from them. What it is, is simply the difference between two positions: one system that has a territorial system of taxation and the other one which has an extraterritorial system of taxation. The territorial system of taxation is based on taxing the moneys where they arise, where they are earned or where they are remitted; the other, the worldwide system of taxation, needs as much information as possible about the individual to
490 find his money, wherever it may be in the world, to tax it. So, one system needs more information than the other system needs. And so, Mr Speaker, in those circumstances the asymmetry does not, in our view, create any difficulty whatsoever.

There are many other examples of asymmetry in international treaties because the parties coming to the treaty come with different objectives. Our objective is not to find out the worldwide assets of those who will be subject to the treaty and taxation in Gibraltar, because those worldwide assets are irrelevant to taxation in Gibraltar. That is the reality.

Hon. Members will be seeking to make mischief in respect of this widely for the next few months. Indeed, this evening at the show that the hon. Gentleman has invited everybody to come to – at 8.30 this evening, he has said, (*Laughter*) although I understand there is an important football match on this evening as well, involving a couple of teams – they will be seeking a mandate – not from everybody there, I suppose, but from only those holding a membership card; I am not sure how they are going to manage that – to give notice of revocation of the Tax Treaty if they are elected. As I have said, I am very pleased that they are going to do that, because at the next election, when the dust has settled and people have understood the treaty, the last thing that right-thinking people in Gibraltar will want to do, in particular if by then we are going to remain in the European Union, is revoke this treaty.

Mr Speaker, on the point of human rights and wider discussion with the community before entering into the treaty, I will leave the hon. Gentleman with two things to chew over. He, I assume, like I and everybody else, had to read the Cordoba Agreements after they were entered into by the former administration that he represents in this Parliament – so, so much for wider socialisation of agreements that are entered into before they are socialised. And second, when it comes to breaches of human rights, the progressives are sitting here on this side. We are the ones who have changed our laws to take steps forward on equality and we are the ones who are going to bring a Bill to this House to ensure that we are not in breach of our Constitution or the European Convention on Human Rights in respect of a woman's right to terminate a pregnancy. They are the ones seeking a mandate tonight not to do so. So much for concern for human rights. (*Banging on desks*)

Sale of affordable homes – Statement by the Minister for Housing and Equality

Mr Speaker: The Hon. Samantha Sacramento.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, thank you for the opportunity to make a Statement this afternoon about the exact timing of sales of our new developments in affordable homes.

Housing is a fundamental cornerstone of our community and our Government has an unprecedented track record in providing for Gibraltar's housing needs at every level. Providing affordable housing is a top priority for us. Having already proved ourselves in the construction of affordable housing to a high standard, as well as building purpose-built flats for the elderly in our first term which provided in excess of 1,000 new homes, we have already announced our second wave of affordable housing at Hassan Centenary Terraces, Bob Peliza Mews and Europort Avenue. Additionally, we will further provide 161 former MoD properties which have already been sold at tender, the completion of which will commence as from 1st August, after the end of the Island Games. I know that a lot of families are excited about purchasing and moving into these new homes on some of the best real estate in Gibraltar.

In respect of the 50/50 schemes, we launched our first project, the construction of Hassan Centenary Terraces, in December and I am immensely satisfied at the interest that has resulted. The deadline for applications closed at the end of January and the response has been overwhelming. I am delighted to announce that the final figure for applications received, after having eliminated those who were ineligible, is 2,341. That is almost four times the number of flats available and therefore proof as to the interest in acquiring these properties. Since then,

the teams at both GRP and the Housing Department have been working together to filter and process the applications. This process has taken a little longer than with previous developments because of the way in which we have radically changed the allocation process. We have given a lot of thought to the manner in which we will allocate these flats to ensure that the allocation process will be as fair as possible.

Mr Speaker, I wish to share some important statistics that will demonstrate the real impact that our affordable housing strategy will have, and it is important to note that these figures relate only to Hassan Centenary Terraces, so indeed there will be further impact as we progress with our other developments.

We have given the first priority in allocation to those who are currently Government tenants and will release Government flats, and there are 130 such applications. All of these applications are guaranteed a flat. Furthermore, as a result of our carefully thought out incentive whereby unmarried couples are eligible to a three-bedroom home if applying jointly, as opposed to otherwise acquiring two two-bedrooms each if applying individually, results in greater availability of two-bedroom flats for others and will also avoid in a resulting empty flat in the long term. We have 197 such joint applications, which would otherwise have been 394 individual applications. That means essentially that we will have a further 197 flats available. A clear benefit will therefore be gained by all the other applicants to purchase on the 1RKB list, of which there are 850.

The community will see that there will be changes to the conditions of resale to ensure that these flats, which are intended to be used for owner occupation, are not purchased for speculation or any other form of profiteering. We are changing the underleases for the new developments to further tighten any possibility for abuse, something I know the whole community will want to support. Indeed, in this respect we have already acted by introducing a special stamp duty to prevent profiteering at Beach View Terraces and Mons Calpe Mews.

I know that there are many applicants for Hassan Centenary Terraces who are very keen to receive that important phone call offering them the opportunity to buy one of these homes. I can this afternoon confirm to the House that we shall commence the process of calling applicants for allocation on Wednesday, 24th April.

Finally, Mr Speaker, the next development will be Bob Peliza Mews and our final development in this wave will be at Europort Avenue. The designs and plans for Bob Peliza Mews will be launched before the summer and the sales will take effect shortly thereafter. Today, I wish to make a further very important announcement in relation to that estate. The Government has decided that the estate will follow the model we have successfully pioneered at Mons Calpe Mews and will include a block for rental. That block will provide purpose-built accommodation for the elderly. Not only will this result in a better quality of life for our elderly citizens but it will also release their current, mostly Government rental, accommodation back into stock for the benefit of those members of our community who cannot purchase and who need to be able to rent from the Government. We anticipate that these first two developments alone will see at least 200 housing rental properties being released and therefore made available to those on the waiting list. This is another real advantage of our construction of affordable housing for others who may be unable to afford to purchase in these schemes. We are therefore providing affordable housing for our community but our process also has that important consequential effect on our provision of rental stock that we all want to see.

Mr Speaker, this is an exciting time as we continue to offer affordable housing to our community. Thank you for allowing me to make this Statement and provide this important information to the House. *(Banging on desks)*

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

590 I thank the hon. Lady for her Statement and I am sure there will have been lots of people out there waiting to hear what the result of their application is.

If I may ask the Hon. Minister: in terms of the start date, when does she anticipate to start breaking ground on Hassan Centenary Terrace? And is the breaking of ground in any way dependent on the moving of the rubble mound on the east site which is adjacent to or part of the plot? I would be grateful if the Minister could answer that, and also if she can just confirm from her Statement that it would appear that she has no intention of constructing any new rental properties.

Hon. Miss S J Sacramento: Mr Speaker, I will start with the last point first, in that the hon. Gentleman seems not to have heard that I have just said the opposite and I have confirmed that we will be constructing new homes for rental.

In relation to breaking ground, we anticipate doing so in the third quarter of this year.

Hon. E J Reyes: Mr Speaker, can I ask the hon. Lady to clear up a slight confusion that I may have? She said in the first part of her Statement that she was building rental houses, but did she not add at the beginning that those rentals were going to be for the senior citizens only? Can she confirm that?

Hon. Miss S J Sacramento: Yes, Mr Speaker, and they are still rental. Probably in answer to the question that they are trying to figure out themselves, we are adding to the rental stock by way of the additional block for the elderly that we will construct, as well as the significant number of Government dwellings that will be released to those purchasing affordable housing who are currently housing tenants. And because of the way that we are undertaking the allocations – which is a different way than it has been done in the past – we will release a significant and substantial amount of Government flats.

Chief Minister (Hon. F R Picardo): If it is of assistance, Mr Speaker, to hon. Gentlemen, this is the one thing I have said that they did very well in Government: they introduced the concept of Bishop Canilla House. We welcomed the fact that they did that. It was a new concept at the time. We introduced 50/50; they introduced that.

We look at a different way of doing the allocations because we think we can get more per move of elderly persons to one of those residences if you look down the chain of who takes their property, but the experience we have had – and this is the point that the hon. Lady makes – is if you build 70 flats for the elderly and the elderly are living in three-, four- and five- bedroom accommodation where they have brought up their families, you release that and other properties in the trickle-down effect, because the family that might move into a five-bedroom that is presently occupied by an elderly couple might release a three-bedroom that goes to somebody who is either completely on the list not in their own home or in a smaller property going up, and that is why we 'entail' it, so to speak, to produce more properties.

If, instead of building housing for the elderly, we were simply to build a new block of three- and four-bedroom accommodation, what happens is that you build new houses of three and four bedrooms for people who are waiting for them and you leave elderly people who are in three-, four- and five-bedroom accommodation in three-, four- and five-bedroom accommodation. It is not a good way to manage the stock of housing that we have available.

Therefore, I invite them to agree with us, as we have agreed with them, that this is the best way to manage the rental stock.

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

I thank the Chief Minister for explaining, and we do understand and certainly are not opposed to the logic of building the big five-bedroom because it does alleviate not just one family but, in the hypothetical examples given, two or three more families.

However – I have mentioned it to the Chief Minister in the past and he said it was something his Government was going to look into – if I can use a personal example, Mr Speaker, when we were young, before we had white hair, my wife and I decided to purchase in one of these co-ownership schemes. We are now being penalised by having purchased our property and not being able to enjoy what those who depended on the taxpayer to continue having rental accommodation ... and therefore would now be entitled to move into these wonderful – whoever built them, they are wonderful – senior citizen homes. My wife and I are in the position where, because we are homeowners, we cannot aspire to that, and to sell my property to move to something – downsize and so on – is not the same as moving into a purpose-built community area where senior citizens can share companionship, their needs and so on.

Has the Chief Minister made any progress in something he said he would look into in respect of those of us who have been home purchasers but cannot aspire to living in this type of accommodation reserved for senior citizens?

Hon. Chief Minister: Mr Speaker, only in Gibraltar do we consider sitting on a massive profit between the price that we pay for an affordable home and the price that we could sell it at today a penalisation. This is no doubt what the Spanish might call the greatest penal colony in the world.

I understand that the hon. Gentleman would like to live in the accommodation which has now been prepared for the elderly as a tenant paying rent, but he has to understand that the purpose of these elderly accommodations, which *they* created, was to decant other rental accommodation.

What I have said to him, and we are still working on it, is whether we can find a mechanism, not necessarily funded by the Government but perhaps in which the Government is an investor, where the private sector brings about these sorts of homes which allow individuals who have bought affordable homes to sell those affordable homes, keep a share of the return and purchase similar accommodation. Obviously, if the hon. Gentleman wanted to gift the Government the property that he bought, we might then be prepared to put him into this sort of accommodation, but to say, 'I wish to keep the profit and benefit of the capital growth,' – because remember that this is capital growth: you buy at one price, years pass and you pay your mortgage, but the difference between the amount you paid and the value of the property today is the capital growth, and in Gibraltar it is usually quite huge, especially if you bought from the Government. If you bought from a resale it is different, but if you bought from the Government, to today the capital growth is huge.

The hon. Gentleman is sitting on many hundreds of thousands of pounds if he bought his that way; and despite that, to be asking for a rental property from the Government – well, look, in those circumstances we are not able to help, but we are looking at other possibilities that might free up the market in purchased accommodation and provide one-bedroom-style accommodation for twilight years – and I do not regard him as being anywhere near his twilight years, Mr Speaker; he still gives a lot of war in this place and I hope to see him here for many years – so that that market can also find another escape.

The capital growth is very valuable indeed. It is part of the wealth that has been created as a result of successive affordable housing projects in Gibraltar, and that is one of the great successes of the first GSLP administration of 1988 in the creation of that home-ownership culture and the wealth that comes with it.

Hon. E J Reyes: Yes, I –

Hon. Chief Minister: It is not a debate, Mr Speaker.

Hon. E J Reyes: No, no debate, Mr Speaker. I just want to clarify –

Mr Speaker: I have been very liberal, because we are debating.

Hon. E J Reyes: Yes, just to clarify in the case of any doubt: I was not referring to it necessarily as having been a homeowner, which I still am. I do not want to move into the rental section; I just want to move into some sort of facility similar to, as close as possible to, that – which is why the Chief Minister has given an explanation, perhaps with a private sector investment in it. I leave that to them. I was just asking, my original part of the question was: had he made any progress on what he and I agreed two years ago was something that perhaps we can even work together, like the Chief Minister wants to keep on promoting, so that that generation – like the Hon. Member of course, we are now in our early 60s and although not quite in certain twilight years, we are looking to another pace of life and therefore another pace of accommodation.

Hon. Chief Minister: Mr Speaker, you are being so liberal today that the Deputy Chief Minister is going to claim you as a Member if you are not careful!

Mr Speaker, this is what it is ongoing. There are now new opportunities for this because there is going to be more land available – in particular the magnificent Victoria Quays development which will allow, as I have said, for affordable developments – not necessarily 50/50 developments, but affordable developments. This is something that is being looked at, as I have said. It is not something which is easy because the capital growth in these properties would have to be controlled so that the investment is one you can make but not one which you then make so much capital growth on as well that another couple in future are not able to purchase there.

So those are the issues: the cost of construction, which is the cost of sale and then the onward cost of the properties to keep them like that, because in the model that the hon. Lady is pioneering you do not have the ability for anybody who is not of pensionable age to come in in the future. So when those who are there as tenants now go, the children of them cannot have moved in, cannot stay because otherwise you lose the model. In purchase, it is different: you own. How can we tell you who not to sell to? And the lease requires restriction. There is an example of that in a development on the eastern side of Gibraltar. There were difficulties with that. So it is a very complex area which is not resolved with just one stroke of the pen.

Thank you very much, Mr Speaker.

Mr Speaker: Before we leave Ministerial Statements, I wish to commend to the hon. Lady the Minister for making that Ministerial Statement in Parliament and not just calling a press conference. (*Banging on desks*)

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Bills.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

Order of the Day

BILLS

FIRST AND SECOND READING

Healthcare (International Agreements) Bill 2018 – First Reading approved

735 **Clerk:** Bills – First and Second Reading.

A Bill for an Act to make provision about paying and arranging for healthcare provided outside Gibraltar and giving effect to healthcare agreements; and for connected purposes.

The Hon. the Deputy Chief Minister.

740 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision about paying and arranging for healthcare provided outside Gibraltar and giving effect to healthcare agreements; and for connected purposes be read a first time.

745 **Mr Speaker:** I now put the question which is that a Bill for an Act to make provision about paying and arranging for healthcare provided outside Gibraltar and giving effect to healthcare agreements; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

750 **Clerk:** The Healthcare (International Agreements) Act 2019.

Healthcare (International Agreements) Bill 2018 – Second Reading approved

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move the Bill be now read a second time.

755 Tomorrow, Mr Speaker, 12th April, Gibraltar and the United Kingdom would have left the European Union without a withdrawal agreement. This would have been a so-called No Deal Brexit.

We first faced that cliff edge on 29th March. We may face it again at the end of October. This Bill is one more in the raft of legislative measures that are required in order to assist our orderly departure from the European Union.

760 The background to the Bill stems from our ongoing contact with departments in the United Kingdom in the context of planning and concerted action related to Brexit. The subject matter of the original Bill before the House today is healthcare. The objective is to provide a legal framework which would allow for new healthcare arrangements with EU countries once we are outside the European Union.

765 As hon. Members will know, there are currently several arrangements whereby healthcare is provided outside Gibraltar. Under those arrangements liabilities arise and payments are made. The type of healthcare agreements that are principally the focus of this Bill are healthcare agreements that the UK may enter into. In exchange for enfranchising Gibraltar in such arrangements, the UK may expect to be satisfied that there is adequate legal basis for payments

to be made. Therefore it is proposed that clause 3(2) is added to the Bill to make it clear that such agreements fall within the scope of this legislation.

Mr Speaker, I have given notice that I will be moving this and other amendments at Committee Stage. I will speak to those amendments at this time.

The first amendment that I will be moving at the Committee Stage amends the title so as to widen the scope of the Bill to include social security co-ordination within its ambit. The proposed new long title of the Bill would therefore be: 'An Act to make provision about paying and arranging for healthcare provided outside Gibraltar and giving effect to healthcare agreements to confer power to modify retained EU legislation relating to social security co-ordination and for connected purposes.'

Again, this is being done in conjunction with preparations made in the United Kingdom.

The Bill as amended will consist of three parts. The first contains the usual preliminary matters concerning the title and commencement.

Part 2 concerns healthcare agreements. The purpose of this part is to provide a statutory basis for the Minister with responsibility for Health to make payments that arise from the provision of healthcare outside Gibraltar.

I already explained the purpose of new 3(2) to which will be added to make it clear that such agreements fall within the scope of this Bill.

Clauses 5 and 7 are supplementary powers that may be exercised to make regulations or issue directions for the administration of any agreement.

Clause 6 requires that data protection is respected.

Part 3, Mr Speaker, consists of a single clause 8 and principally confers a power to modify five EU regulations relating to social security co-ordination. This will allow the Government to reflect its preferred policy if no agreement is reached with the European Union on social security co-ordination matters. Alternatively, it will allow the Government to make changes to the regime covering those persons who fall outside the scope of any agreement that may be entered into.

Mr Speaker, as my colleague, the Chief Minister has explained, the deadline for the United Kingdom's and Gibraltar's departure from the European Union has been extended to the end of October. Nonetheless, exit could happen earlier. It is therefore essential that Gibraltar puts in place the necessary legal framework in this important field in order to provide for the eventuality that we will leave the European Union at some point within the next six months.

Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

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

The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. I thank the Deputy Chief Minister for his reading of the Bill.

I have one question for him, and I apologise in advance if this has already been dealt with by the Government in some other press release or comment, and that is: I presume this is in relation really to anything with respect to the European Union, but do we have something specialised and bilateral with the United Kingdom or is that meant to be covered by this?

One very minor point – unfortunately my colleague, the Hon. Edwin Reyes is not in the Chamber, he usually points out that perhaps the Bill in the short title should be 2019 rather than 2018.

Thank you.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of this Bill?

I then call on the mover to reply.

Hon. Deputy Chief Minister: Yes, Mr Speaker. This is obviously in the event of a No Deal Brexit. In relation to the United Kingdom both in relation to health and in relation to social security co-ordination, there are no issues. This is in relation to agreements the UK may make with third parties and third countries – once the UK is a third country with European Union countries and others.

Mr Speaker: I now put the question which is that a Bill for an Act to make provision about paying and arranging for healthcare provided outside Gibraltar and giving effect to healthcare agreements; and for connected purposes – including the amendment to the long title to be proposed by the Hon. Member, of which he has given notice – be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Healthcare (International Agreements) Act 2019.

COMMITTEE STAGE AND THIRD READING

Healthcare (International Agreements) Bill 2018 – Committee Stage and Third Reading to be taken at this sitting

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

In Committee of the whole House

Healthcare (International Agreements) Bill 2018 – Clauses considered and approved

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Healthcare (International Agreements) Bill 2018.

Mr Chairman: A number of amendments have been circulated. They include amendments to the long title and also amendments to headings before certain clauses.

Clerk: A Bill for an Act to make provision about paying and arranging for healthcare provided outside Gibraltar and giving effect to healthcare agreements; and for connected purposes.
Clause 1 as amended, including the inclusion of titles before clause 1.

Mr Chairman: Stands part of the Bill.

Deputy Chief Minister (Hon. Dr J J Garcia): And Mr Chairman, 2019 instead of 2018.

Mr Chairman: 2019 instead of 2018 – stands part of the bill.

Clerk: Clause 2 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 3 as amended, including the introduction of a new title.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 4.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 5 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 6 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 7 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: New clause 8.

Mr Chairman: Stands part of the Bill.

Clerk: The long title as amended.

Mr Chairman: Stands part of the Bill.

**Healthcare (International Agreements) Bill 2018 –
Third Reading approved: Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Healthcare (International Agreements) Bill 2018 has been considered in Committee and agreed to with amendments; and I now move that it be read a third time and passed.

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

Clerk: Bills – First and Second Reading.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now adjourn to Friday, 3rd May at 3 p.m.

I note, Mr Speaker, that the Leader of the Opposition is not here, although he must be in town because there is a meeting tonight, but I look forward to seeing him then.

Mr Speaker: Before I put the adjournment, as hon. Members are aware, it is a requirement under section 69(1) of the Constitution that the Estimates of Expenditure for the next financial year be circulated to hon. Members on a confidential basis not later than 30th April. Since the House is not scheduled to meet later this month, but will be meeting on 3rd May, I am proposing that the provisions of the Constitution will be deemed to have been met, if the Estimates are circulated to all hon. Members before the end of April. This is what we have been doing for the last few years and so I propose that it should be the case again for this year.

Is that agreed?

Members: Aye.

Hon. E J Reyes: May I ask you, Mr Speaker, just one small thing so that I know the timetable? Before 30th April: the 29th is actually a Bank Holiday, and the week days before that I think coincide ... No, it is not Good Friday; it is a week after. So I take it that the Clerk will call us, as in the past, during the course of the week, before the 29th Bank Holiday long weekend. Is that the estimate?

Mr Speaker: Well, 30th April is not a Bank Holiday. That is the last day of the month. So I would imagine that the intention would be to have the Estimates circulated not later than 30th April. No?

Hon. Chief Minister: Mr Speaker, I do not know what the intention is because – (*Interjection by Mr Speaker*) But this is the point: the point is not so much the work on the Estimates; the point is the printing of the Estimates Book. I looked at this at some stage with the Clerk and I think we were clear that the last day of the month is a weekend. Then the next working day is the day when the Estimates have to be delivered.

Now, the only reason I say that, as hon. Members will see when they see the Estimates, I am quite keen for them to get them, but the reason I say that is because there are printer's issues and delivery from printer's issues.

Mr Speaker: I remember that the same point had to be rehearsed last year. (*Interjection by Hon. Chief Minister*)

Right, so I now put the question which is that the House do now adjourn to Friday, 3rd May at three in the afternoon. (**Members:** Aye.)

The House will now adjourn to Friday, 3rd May at three in the afternoon.

The House adjourned at 4.20 p.m.