



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.12 p.m. – 8.47 p.m.**

**Gibraltar, Friday, 5th February 2021**

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# The Gibraltar Parliament

*The Parliament met at 3.12 p.m.*

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

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

## COMMUNICATIONS FROM THE CHAIR

### Ministerial Statements – Ruling by the Speaker

**Clerk:** Meeting of Parliament, 5th February 2021.  
Communications from the Chair.

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**Mr Speaker:** On 15th January last, the Hon. the Chief Minister made a Ministerial Statement to the House on the framework agreement reached between the UK, Gibraltar and Spain on 31st December 2020. As is the practice, there followed a number of interventions by Members of the House. However, a point was reached when some degree of confusion began to creep into proceedings, namely which Members were permitted to speak and the purpose of their intervention.

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The Leader of the Opposition raised a point of order objecting to a Government Minister's proposed intervention, on the grounds that the Minister already had collective knowledge of the Statement and therefore should not be expected to seek clarification on the matter in hand. The Leader of the Opposition further explained that he had not objected previously to the intervention by the Member on the Government bench because he was not a Minister. This point of order was accepted and the Minister was unable to speak. The Chief Minister said that he believed it would be possible for the Minister to speak if he gave way.

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In the absence of any guidance in Standing Orders, I felt it necessary to regularise the position and to rule on how Statements are to be dealt with in the future. The matter has been researched via reference to *Hansard* and parliamentary practice and the procedure in the House of Commons, as provided for in Standing Order 55. I therefore rule as follows.

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The Leader of the Opposition and any Member of the Opposition, the Leader of any other political party in opposition or any Member who sits on the Government bench who is not a Minister are entitled to ask questions for clarification purposes only. In addition, the Leader of the Opposition or any other Member of the Opposition who shadows a Ministry to which the Statement refers is permitted a short contribution on the merits of a Statement. This also applies to the leader of any other political party in opposition. Exceptionally, I will use my discretion in matters of public and/or national interest.

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Since as far back as 1984 in the time of Speaker Vasquez, *Hansard* shows that on a number of occasions more than one Government Minister intervened in the course of an exchange on a Statement. In recent times, Speaker Canepa has also allowed more than one Minister to make a contribution. I therefore rule that it is in order for any Member of the Government to speak, but only to further clarify, expand upon or make a relevant point following an earlier intervention by the Chief Minister, another Minister, any Member who sits on the Government bench who is not a Minister, or in response to a question posed by any Member in opposition. In recent times,

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40 Speaker Canepa has allowed the Chief Minister to give way, to enable an Opposition Member to speak. I do not disagree with this practice, but it must be for appropriate and relevant reasons only. This would also apply to Government Ministers and any Member who sits on the Government bench who is not a Minister, as well as Opposition Members. It is not in order for any Member of the House to use the opportunity to speak to make remarks or comments which are irrelevant and unnecessary and are outside the scope of a Ministerial Statement. Furthermore, exchanges between Members of the House which descend into a form of debate will not be permitted.

45 Thank you.

### SUSPENSION OF STANDING ORDERS

#### Standing Order 7(1) suspended to proceed with Government Statement

**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 a Government Statement.

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

#### Congratulations to Archbishop-elect Monsignor Mark Miles on appointment as Apostolic Nuncio to the Republic of Benin

**Chief Minister (Hon. F R Picardo):** Mr Speaker, may I start today on a happy note? This community will have received with joy the communication from the Holy See which the Bishop made known locally today, that Monsignor Mark Miles has been appointed Apostolic Nuncio by His Holiness the Pope to the Republic of Benin, in West Africa. His appointment as Nuncio comes also with his elevation to the rank of Archbishop. I have written to Monsignor Miles to convey to him the congratulations of Her Majesty's Government of Gibraltar and the people of Gibraltar on these appointments.

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The House will recall that Monsignor Miles is already the Permanent Observer of the Holy See to the Organization of American States. He has held this post since September 2019. I have no doubt that all Members of the House will share the community's best wishes to the man we all affectionately know as Father Miles. No doubt Archbishop-elect Monsignor Miles will be much at home in Benin, given that it is, like Gibraltar, considered to be small in the context of Africa. It is only 115,000 sq. km and just 12 million people. No doubt all of the House will want to wish Archbishop-elect Monsignor Miles well in these new duties entrusted to him by the Holy Father.

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It would appear – to us, at least, on this side of the House, Mr Speaker – that he is the first Gibraltarian to be appointed Archbishop, and we very much hope to see that, if possible, Gibraltar can host the ceremony for his elevation. If it is possible, Government will, of course, assist in any way that it can to make that ceremony a happy reality for all Gibraltarians to share in. Whilst Monsignor Miles is, apparently – I cannot confirm it with historical accuracy – the first Gibraltarian to be appointed Archbishop, he is, I believe, only the second Gibraltarian to be appointed an ambassador. The first, of course, was that other remarkable Gibraltarian, Solomon Seruya who was an Israeli Ambassador to the Philippines.

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I think the whole House will want to join me in extending congratulations to Monsignor Mark Miles.

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**GOVERNMENT STATEMENT**

**COVID-19 update –  
Statement by the Chief Minister**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, in the time since this House last met, our community has lost a total of 80 Gibraltarians to COVID-19. I am sorry to have to advise the community that we have had an additional death overnight, which brings the total to 80. The total number of persons who have passed away at the hands of this disease in our community is remarkable: 71 from COVID, and nine with COVID. Before I say more and before I deal with the measures that are in place to restrict mobility and personal freedoms, I invite the House to take a moment again to reflect on that loss of life and to mark all of these Gibraltarian lives lost – and in solidarity with all nations of the world where COVID has taken so many, so prematurely – with a minute’s silence.

*Members observed a minute’s silence.*

**Hon. Chief Minister:** Thank you, Mr Speaker.

More happily, overnight, the reported numbers of new infections from COVID-19 are down to seven, five of whom are residents. That is based on 1,177 tests carried out overnight. Thirty three persons are considered recovered in the past 24 hours. The total number of active cases in Gibraltar is now 177. There are presently 416 persons in self-isolation in Gibraltar. That is the first time we have been below 200 cases since 20th December last year. We peaked at 1,317 cases at the end of the first week of January. In the last 24 hours there have been two admissions to Victoria Ward. The overall picture in St Bernard’s now presents with a total of 13 patients on Victoria Ward, of whom nine are, happily, stable or improving. There are nine COVID patients in our Critical Care Unit and seven of these are, unfortunately, ventilated.

As the House knows from my Statement last week, we have been able to close John Ward to COVID patients and the Health Authority has reduced its alert level from level black to level red, so our measures have worked but we need them to keep on working. For that reason, I have consulted with the COVID Platinum Command this morning and shared their advice with the Cabinet. We have agreed that our posture on restrictions will be maintained without change for a further week, and I have duly informed the Leader of the Opposition of this.

We continue, nonetheless, to review all aspects of these restrictions at all times. We are conscious that restrictions on our mobility and impositions on conduct necessary to stem the rise of infections are an otherwise intolerable curtailment of our constitutional civil liberties. We will maintain these restrictions as long as we have to, but we will not maintain them for a moment longer than is prudently necessary. In the circumstances, I do realise that even the less stringent restrictions that we have in place now can cause difficulties, if not hardship, to some. The Government would seek to do things in a different way, if only we could. The virus has left us with little option and few choices.

There is progress, though. I have been provided today with news from Israel on a potential fast treatment for COVID. Signs coming from Israel of very fast and effective treatment for COVID rather than cure, as such, will nonetheless be welcome. The Hon. Ms Hassan Nahon has assisted in verifying the news source is a reliable one, and through Ms Fleur Hassan Nahoum in Israel we have started the process of putting our health professionals in touch with each other to see if there is any mileage there.

Additionally, our vaccination programme continues apace. As at the close of business yesterday, 17,189 doses have been administered. Of those, 13,246 are first doses, and 3,943 are already second doses. The roll-out has been nothing short of magnificent, a real credit to the GHA as a whole and to its management team in particular. Our frontline professionals in the wards, the CCU, ERS, the Care Agency, and at every level of them, have been incredible. From stores

assistants to sisters, from cleaners to clinicians, all have been superb, and all of this under the leadership of Samantha Sacramento and the advice of Prof. Ian Cumming. This has really been something of which the GHA can be proud and of which the community can be proud.

125 I have previously thanked the FCDO for their assistance in this matter, and I do so again here on the record of *Hansard*, to set out our sincere gratitude as a people for the approach taken by Ministers Raab and Morton at the FCDO, as well as Minister Hancock in the Department of Health and Social Care in the United Kingdom. The Foreign Office team in Gibraltar have been superb too. Nick Pyle and the Governor, Sir David, really have been working closely with us on these issues.

130 Additionally, the logistical work necessary to get the vaccine here has been extraordinary. I record the sincere gratitude of the people of Gibraltar also to the Ministry of Defence and Secretary of State Ben Wallace for the sterling work done by the RAF and RAF Gibraltar, as well as the Royal Gibraltar Regiment, in the delivery of the vaccines to Gibraltar and to St Bernard's Hospital.

135 Last week, when the death toll in the United Kingdom from COVID exceeded 100,000, I wrote to the Prime Minister to express our condolences and solidarity with the people of the United Kingdom. I used the chance to write to him to express solidarity also to express our gratitude – as I have set out today – to him for the support we have seen on the vaccination roll-out and on the sovereign guarantee which has assisted us with the financial aspect of the COVID-19 crisis.

140 Mr Speaker, on vaccines, I should say that we are issuing a plastic card upon the second dose being administered, which is evidence of inoculation with the two doses. If there are UK-wide, EU-wide or indeed worldwide proposals to evidence COVID-19 inoculations in some way, we will upgrade or change our systems here to ensure compliance with any accepted international format, of course.

145 We now have confirmed another delivery of vaccines coming in on Monday. We will continue, therefore, with the administration of the second doses, and we will start now to see the roll-out to the different age groups that have not yet received the opportunity for vaccination. We will soon start to see those in their mid-to-late 50s called for appointments as we continue the work of ensuring a whole-population vaccination regime on the same basis as the United Kingdom.

150 As lockdown recedes and we are left with a curfew from 10 p.m. to 6 a.m., we must also thank our law enforcement agents in the Royal Gibraltar Police for their great work on enforcement, together with the other agencies that have assisted them. That includes the men and women of our Customs Department and the Gibraltar Defence Police, as well as the agents of the Borders and Coastguard Agency who have policed reasons for entry through our borders to also ensure compliance with our regulations by anyone who was coming into Gibraltar.

155 The prudent course is for us not to agree yet to permit Saturday opening of retail shops. We are now also clear that catering establishments should not be permitted to open until 1st March, other than for takeaways. Those catering establishments will continue on 100% BEAT. They will also continue to enjoy the other benefits which were provided for other sectors which were closed in January. There are some sectors which are not closed but which are, nonetheless, experiencing difficulties, which the Government understands. We are therefore continuing our work in assessing which other sectors or groups need additional help in some way and if that help can be fairly provided.

165 I also know that our sportsmen and women have been seriously affected by the lockdown. The Government is conscious that the practice of sport brings physical and mental health benefits to people of all ages. The return of organised sporting activity, as the House knows, is linked to the evolution of the pandemic. New infections are down, the total number of cases is down and the number of hospitalisations is, thankfully, down also. I want, therefore, to reassure our sports people that the signs are good and that we will be looking to allow a return to training for sports with pressing international commitments of course before all others.

170 As our schools continue to be closed, I want to just record the gratitude of the Government in this House also to our teachers for their continued dedication to online learning. I know this is a whole new discipline and I have already set out my views on this in answer to a question last week

in the press conference I offered from Convent Place, but I do want to record here my recognition of the way that the teachers have structured their delivery of education in these difficult months. From my own children I can say that they have taken a lot from it, although perhaps in a way that is, naturally, different to what they take from education in the classroom setting. For teachers, this has required commitment and versatility. They are rightly to be thanked for the way they have delivered. Additionally, of course, there is another side to this coin, and that is the additional work being carried out by parents, guardians, nannies and other child carers as a result of the schools being closed. I want them all to know that the Government is aware that they are also providing their time and diligence to work through home teaching. Whether it is in the provision of discipline or explanations to children, or whether it is in the management of electronic devices required for this purpose, I know this has been a particularly difficult time for parents. They have had to combine children being at home with continuing either in the world of work or working from home. I do not know which of those two might have been more difficult. I have often thought of how hard, in particular, some of the worst permutations of this posture will have been for single parents. For them, as ever, these difficulties will have been amplified, as everything obviously, unfortunately, is. I empathise and the Government empathises considerably. The schools should all now open on 22nd February. The Minister and Department of Education continue working towards that date. We will continue working with the teachers' unions to deliver on that date now without fail, unless there is an unexpected development. We will all also want to ensure that our buildings are ready for those dates.

As we relax our social lockdown, it should also be known in Gibraltar generally that the situation in the area around us is very concerning. Yesterday, there were over 1,200 new cases of COVID-19 in the Campo de Gibraltar, with over 900 in Algeciras alone. I remind residents of Gibraltar that they should travel to Spain only for the specific purposes allowed by Spanish law. I would remind people that travelling beyond La Linea is strictly controlled and that catering is also closed in La Linea. It is important that any person travelling into Spain should familiarise themselves with the law in Spain surrounding the pandemic. There are different rules from municipality to municipality depending on the level of lockdown being applied in each, and people really do need to be careful to ensure that they do not fall foul of the rules in each municipality.

In my public statement last week on GBC I referred to a number of Gibraltarian healthcare professionals who are away from Gibraltar and who are using their skills to help other nations surmount the COVID challenge. Just like our brave GHA workers, these ex-pat Gibraltarians are putting themselves at risk in the wider world. They may even be putting themselves at greater risk than they would be in Gibraltar. Since I mentioned four individuals last week and called for the names of others, I have had a great response from proud relatives in the community telling me of the exploits of our Gibraltarian brethren around the world: Prof. Ferro in Birmingham, Dr Sheriff in Liverpool, intensive care nurse Wright in Middlesbrough, Mr Payas in Norwich Park, Mr Torrilla in Kent, Mr Lima in Oxford, Ms Rodriguez in London, Ms Peliza in Norfolk, and not least of all these Mr Power, who is a senior vice-president at Pfizer in Houston in the United States and who has been working on issues related to the vaccines and combinations of medicines that can go with it. Remarkable that there are Gibraltarians all over the world, all doing their little bit – our little grain of sand in care, even beyond our shores. We are no prouder of them than we are of those who work in our GHA, but we are no less proud of them either.

Mr Speaker, I have already indicated that we will propose a motion to this House to stand as a fitting reminder of these times. I hope to be able to count on the support of the Leader of the Opposition and of the hon. Lady for that motion. I will discuss, and I hope agree, the terms of it with them before it is brought to the House. I believe that motion should set out the parameters of the memorial this community should erect to all those lost to this disease and to those who have worked so hard in dealing with the effects of this disease in this community. I also hope we will be able to agree here the terms of the service of remembrance we will organise. This must be inclusive and for all of us, for all creeds and none, and for all cultures. I have some ideas which I will hope to discuss with Cabinet colleagues and then with Members opposite also.



225 Additionally, I look forward to coming back to the pace of monthly meetings which we have  
brought to the workings of this House and the ability of Members to have questions answered,  
also on a monthly basis, which we all look forward to doing. I have previously apologised to the  
House for our inability to maintain that rhythm these months, whilst we have nonetheless  
scrupulously ensured, with the support of all hon. Members, that we have complied with all  
230 constitutional requirements, whether in relation to meetings or the public finances.

Mr Speaker, January has been a terrible month. The number of deaths recorded from Brexit to  
date leaves a harrowing number. We are not yet out of the woods, but with the support of all our  
community for the measures we have imposed, with the work of our healthcare, ERS and law  
enforcement professionals, with the work of our vaccination teams, with the support of the UK –  
235 especially the FCDO and the MoD – we are slowly turning the corner. COVID seems to be here to  
stay. We may need vaccinations every year, either boosters or new vaccines, either with the flu  
jab or separately, but I think we can now start to see at least the beginning of an end to this terrible  
time, a way out of this time of death and despair and a way through to the way of life we love in  
this modest but magnificent little part of the world we call home.

240 Thank you.

**Mr Speaker:** The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, I too want to start on the same note as the Chief Minister. The  
245 Members on this side of the House join him in our congratulations to the new Papal Nuncio,  
Archbishop-elect Monsignor Mark Miles. I think it is a great mark and honour bestowed on him.  
He is fully deserving of that honour. He has been at the heart of working very closely at the Vatican  
for many years, and then, of course, more recently in Washington. I think everyone in this  
community will join in the Chief Minister's words of congratulations and indeed will be very proud  
250 today that we have, among the ranks of Archbishop Nuncios, ambassadors appointed by His  
Holiness, a Gibraltarian – the first time an Archbishop Nuncio has been appointed from Gibraltar.  
Whether he is the first Archbishop or not, I am not sure. We will, I suppose, have to defer to  
ecclesiastical historians on that and whether Archbishop Peter Amigo could claim to be of  
Gibraltarian stock, although he perhaps might not have been born in Gibraltar, but I think the  
255 history books mark him as a Gibraltarian and I think it is right that he should indeed be marked  
that way. But it does not detract for one second from the incredible honour bestowed on  
Monsignor Mark Miles and the pride that we have as a community in his appointment and the  
fact that we absolutely welcome, on this side of the House, his appointment.

Mr Speaker, on the substantive Statement itself, we, too, would perhaps reflect briefly ... and  
260 taking into account everything that Mr Speaker has ruled on, on the issue of Statements, first, but  
purely on making a brief contribution, at least where the Chief Minister first started, we reflect on  
a pretty dark month that we have just endured as a community. We have, as the Chief Minister  
says, just announced another death to COVID, which brings the total up to 80, 74 of which have  
happened, on my calculation, in January. January has indeed been a very bad month for Gibraltar  
265 in the context of the affliction worldwide of the COVID pandemic. Of course, we have seen more  
than 40 of those deaths in ERS. The trends are, however, positive on the up side, when the effect  
of the lockdown has meant that we now have new positive cases in single numbers, for the first  
time in a long time, which is a very positive aspect for this community, and the number of active  
cases has descended greatly from the heights of 1,100 to 177 today.

270 We also would like to thank – our continuing thanks, because we have said it before – GHA  
staff in particular, all frontline workers, who continue to battle with COVID issues. In particular, at  
ERS I am sure it must have been a harrowing experience for staff members and indeed family  
members alike. Our thoughts, therefore, are with the families and the friends of those who lost  
loved ones during this particular time.

275 We also join the Chief Minister in noting the contribution that ex-pat Gibraltarians are making  
in all those fields of care, and also I think January – and indeed previous months, during the first

lockdown and this second lockdown – will have been stressful as well not just to frontline workers who are particularly exposed to this virus, but it is a real change. However much we think we have adjusted to what we call the new normality, it will be stressful for parents, particularly those  
280 parents of special needs children who perhaps would have had more support had it been in a normal environment and who will be needing to grapple with those effects themselves.

As we reflect on that, Mr Speaker, I think it is deserving to give a special mention to ERS and the situation there. There have been questions that I have raised before on this issue, and I know the Chief Minister has said that there will be a public inquiry in due course, but I do repeat the  
285 point that I have made before, that families of lost residents, and indeed families generally of residents in ERS, will think that there is cause for legitimate questions to be answer now, rather than waiting further. They are not pointing fingers; it is simply ... Those family members who have spoken to me acknowledge how staff have worked under very difficult conditions, the amazing contribution that staff have made at ERS, but they also want certain questions to be answered,  
290 and we will be pressing for answers on some of those questions.

Mr Speaker, in relation to the BEAT measures themselves, the Chief Minister said that the effect of the BEAT measures being carried forward is to give the catering industry in particular – who are the industry most now affected, because they are the ones who are closed – 100% BEAT. Perhaps he could clarify this for me, because I am getting reports that it is not exactly that that  
295 some businesses are getting, in this sense: the calculation of BEAT has been conducted on the basis of the BEAT 1.0 model, and therefore some businesses are receiving the equivalent of what they received under the BEAT 1.0 scheme, but they may have been employing more people when it came to the December closures, which were not, of course, their own fault; they were closed by compulsion of Government order. So, if a business employed eight people in March and in fact  
300 was employing 12 people, there was perhaps a good reason for that, because in December these businesses were closed on the eve of the busiest day of the year and on the eve of probably a very peak kind of period, from there to the beginning of January, so they will have employed more staff to be able to deal with that additional business. What they are saying to me – and perhaps the Chief Minister can clarify – is that their calculation of BEAT, for example in the business with 12  
305 employees, is not being based on the 12 employees but rather on the number of employees they had in March. If that is the case, they are saying that they are receiving the same amount of money they were receiving in March but then having to divide it not among eight employees but among 12, which results in some employees not getting the same amount of assistance they were getting in March and the business itself having to top up those salaries to the same level. What does that  
310 mean? It means that those business that were closed through no fault of their own are being put under additional pressure, and what I would ask the Government to do – it must be a relatively straightforward exercise – is to ask businesses the number of employees they had in March and the number of employees they had in December when the order to close was placed, and, to be fair to those businesses, they should perhaps get the same assistance for the number of  
315 employees they actually had in December. That would be the fairer way of proceeding, because it is assistance targeted to the employees that will ensure that those employees are not out of pocket in any particular way. I would ask for clarification on that issue, on how the calculation is being done.

Can I also ask the Chief Minister, in relation generally to the state of COVID itself and the  
320 infections and so on: has there been further work done on the strain in particular that is drifting around Gibraltar? There is so much news now about the various mutations and so on, and of course some of the Government restrictions are responsive to particular areas where there are particularly virulent strains. For example, I know the Government recently introduced regulations which are travel restriction regulations aimed at trying to clamp down on the possibility of the  
325 Brazilian mutation in upper Gibraltar. That is fine, we support that, but has there been any particular work done in respect of testing the strain? It would be helpful to know.

We certainly welcome the Government's tentative indication that, in the field of sports, there may be a reopening soon. I think it is important that the gyms have opened. We should do our

330 best, as we can, as we feel our way into loosening restrictions, that there should be a lifting of  
some restrictions on sports. It is helpful for mental well-being and it will be welcomed by the  
sporting and cultural community.

On schools, the observation that I would make is that the jury is out on online learning. There  
may have been improvements in online learning, but the jury is out. I am not pointing fingers  
particularly in Gibraltar. I am saying the jury is out generally, globally, in respect of the quality of  
335 online learning. We are quite rapidly careering towards the fact that for a second academic year  
children and students are having to receive online learning in a way not envisaged previously, and  
the effect that that will have on the quality of the learning that those children and students have  
acquired we will not know immediately, we will know perhaps in future when there are  
assessments with cooler reflection on the quality of that. So, the jury is out on that, and online  
340 learning, in any event, I would say cannot be a substitute to teacher-in-person training, which  
would deliver a much more personal experience, sometimes. I have seen how online learning  
works and I certainly commend the efforts of teachers in having to battle away with the effects of  
COVID and deliver online teaching, but the sooner the schools are open safely, the better.

On the Frontier itself and noting what the Chief Minister has said, that there were over 1,200  
345 cases in the Campo de Gibraltar and 900 in Algeciras yesterday, can he comment and perhaps give  
an indication to the House as to whether the Frontier flows in any way will be affected? We have  
had the recent news, on which he already commented, about the way that people could cross the  
Frontier. We are moving rapidly ahead with the vaccination programme. We will hopefully be in  
a situation, as a community, in future where we will have vaccinated a huge number of our  
350 population. Will that, because perhaps other territories are not in the same position, affect people  
coming into Gibraltar and going across the border? Does he have any information that he could  
give people?

I join him in thanking the MoD and the UK government for facilitating the arrival of the vaccine  
to Gibraltar. That is welcomed by everyone in Gibraltar and I am sure everyone in Gibraltar also  
355 joins me in that.

We also welcome, on this side of the House, the development that the GHA, in an innovation,  
have now started using that vaccination card as proof. We think that is a very good development.  
It may be substituted in due course by a more common card adopted by the world community,  
but for the time being, in terms of proof, I think it is a very valuable innovation which we welcome.

360 In respect of a motion, I can indicate to him now that we will, of course, support the motion  
which will mark the effect of the pandemic. I look forward to liaising with him on the wording of  
the motion, but he will have our support in respect of the motion.

Equally, I welcome the fact that we will go back to more regular meetings of this House as we  
go forward and as the situation improves. The one thing I would say to him is that in the context  
365 of going back to greater meetings of the House and more frequent meetings – which we welcome,  
of course, because it will be able to deal with all the business of the day – he will have noted my  
public comments. I repeat just this point, that more regular meetings are, of course, welcome, but  
what I think we need to work together a bit more on is the precise business that the House will  
do at any particular time when we are turning up. For example, I welcome the fact that he told  
370 me today that we were going to take a couple of Bills and he was going to make a COVID  
Statement, but he knows he told me that late morning today. Sometimes, it will be impossible for  
him to be able to know when he is going to make an important statement, and I completely accept  
that, but as a matter of course it should be possible for the Government, in planning its business –  
there are, for example, 21 Bills on the Agenda today – to know precisely which Bill he will take.  
375 Sometimes we know. The Hon. Mr Isola has given us an indication, very helpfully, on one of the  
Bills, but generally we do not know, and we certainly do not know when questions are being taken,  
and so on and so forth. It should be possible to organise ourselves in a way such that we know  
what business is being transacted and the public itself can be told on the parliamentary website  
what business is going to be transacted. Some members of the public might be interested in  
380 Education questions and others might be interested in the Proceeds of Crime Bill, so they want to

know when things are going to be taken. I am not making any party political point as to how things worked in the past, because we can all do that in respect of whether we sat on that side or this side. I am not doing that, I am really not; I am making a constructive point that we should work together. I know, if he is committed to the process of parliamentary reform – and I know we have  
385 set up a committee for that purpose – we should be able to work together, not only in facilitating the agenda for Members of this House but also to improve the awareness of the proceedings of this House for people out there.

Finally, Mr Speaker, can I just say that the trends are certainly good, in terms of how the lockdown has worked – the second lockdown, which of course we called for and we supported,  
390 and we have continued to support – and he will have our support and does so today for retaining the current posture. But of course we also share the need for caution, because there is a lot of developing science out there. We do not know the twists and turns of this nasty virus – we are seeing them all the time – so I think it is important that there should be caution, that there should be realism, that while we are moving fast in terms of our vaccination programme, the world will  
395 probably need the whole of 2021 for the vaccine roll-out, for the vaccine to be offered to people. Against the backdrop of that evolving science, it may be that we do not end the year in the place we thought we might be. The fact of some restriction on the way we used to live our lives in 2019 may be inevitable as we go forward and we should be cautious in lifting restrictions, although we are absolutely committed to the fact that restrictions and freedoms should be returned, both  
400 social and economic freedoms, at the earliest moment possible.

Thank you, Mr Speaker.

**Mr Speaker:** The Hon. Chief Minister.

**Hon. Chief Minister:** Mr Speaker, it was remiss of me not to start my earlier intervention by  
405 thanking you for your ruling in respect of Statements.

The hon. Gentleman started by referring to ERS and questions that he says he is being asked by relatives of those who may have passed away or been infected in ERS. I think it is important that in everything we do in the context of referring to ERS, we give the carers and nurses, the staff  
410 and management of ERS our full, unqualified and unequivocal support. We cannot imagine what they are going through. Very often, those in their care become like family to them, and they have seen so many of them lost. That is not to say that they, themselves, do not want to understand what it was that allowed the virus into the ERS facilities.

The hon. Gentleman was in touch with me about wanting to reopen ERS for family visits when we had closed them, and we worked together with the Director of Public Health – the hon. Lady  
415 was with us – to try to see whether we could develop safe protocols for family members to return to ERS, because the horrific balance that we were left to do was to try and ensure safety from COVID whilst at the same time ensuring the ability of residents to have access to their loved ones. Understanding exactly how the virus got into ERS, whether it was through a visitor or whether it was through a new strain that made even the most stringent wearing of PPE not sufficient, or a combination of those two is not – if I may say so, with respect, to the hon. Gentleman – the question that we need to be asking. I really do not think that this is about political parties putting  
420 political questions. I think this is about a forensic analysis that we have to do, as much because we owe it to those who have passed away, and their relatives, as we do to the professionals we have put in that position, as we do to a future generation – I hope many centuries from now – who might be facing a similar situation.

If that sounds a little outlandish to people who are watching us, in a world where everything moves from tweet to tweet, almost from second to second, I can tell the House – and I think the  
430 hon. Members opposite know, from the work they have done with us on this – that a lot of our public health thinking has included not just, of course, the professional advice of those in Public Health who have the professional background in public health, but also them and us also looking at our records of how our community reacted to the Spanish flu pandemic a hundred years ago

and earlier pandemics in Gibraltar. The demographics of any place are particular – the way a pandemic affects Yorkshire is probably different to the way it affects London, and the way it affects London is different to the way it affects Madrid or New York, and of course Gibraltar is different – and so one of the things that we must do is leave a reliable record behind of what happened. In that context, what has happened in ERS must be inquired into, not by way of political questioning, I put it to the hon. Member, but by way of inquiry to determine facts. That is what we want here, to determine facts, and not – as I said, I think, in one of my earlier statements, either in this House or elsewhere – to seek to apportion blame. That is not what we need to be doing here. When I first spoke about an inquiry, we were lucky enough not to have suffered any deaths. Now, our inquiry will be not just an audit of what has happened; it is almost in the nature of an inquest, because we must bring that level of seriousness to the understanding of issues and we must leave a very reliable record of what it was that happened in Gibraltar in 2019 and 2020, hopefully so that in the future, if anyone needs to look at it, it enables them to avoid those problems should there ever be another pandemic and should science not be able to provide a shortcut through it.

Mr Speaker, on the issue of BEAT that the hon. Gentleman has raised, in December the catering establishments that were closed had their full BEAT calculated as it was in March. That is to say they had, for the period of closure in December, which is the period that he is referring to, not just their perishables paid for, but each one of their employees paid for. There is no question of the calculation being done perhaps on the numbers in March. The January BEAT has been different. The January BEAT has not been for the catering industry; the January BEAT has been for all industries that were shut down. That is a much bigger exercise and we could not do it in the time available, with the level of particularity that we would need to, in order to have been able to pay people in a short period of time. Remember that in the period of March-April we took longer to pay than we wanted to take now, because it was also the period of Christmas and New Year and people had other expenses that they needed money for. If we need to review in any instance, those who fear that they have concerns need to get in touch with us, and we are already receiving, no doubt from the same people, the same questions that hon. Members are receiving and looking at that in some level of detail.

It is also true that there are some people in exactly the opposite situation. There are some people who have reduced the number of employees they had, but they have received the BEAT they were receiving on the basis of BEAT 1.0 in the month of January. There, because of the need for administrative ease, we have relied on people who have wanted to say to us, 'You have paid me for 10, I now have five: here's the money back.' Otherwise, we are hoping that people will realise that there is a rule here that the money has to go into the business. Remember the big difference between BEAT 1.0 and BEAT 5.0 is that in BEAT 1.0 the business was used as a conduit to payment for the employee; in BEAT 5.0, the business is given the money on an undertaking to pay the employees, if it has them, or to invest in the business. So, there are slight differences there, which we are looking at. No system that we can devise will be universally fair on a one-size-fits-all basis, but we devise a system that is as fair as possible and then we look into these details in order to ensure that we can act fairly, if necessary. Indeed, one of the things we are very keen to do is to cover new businesses that may have arisen after the first spring period, so that they, too, can take the benefit of BEAT.

I have just been informed, today, of one particularly heinous case of attempted fraud in respect of BEAT, which the Financial Secretary is immediately taking up with the relevant authorities. Luckily – I hope not just because of my warnings that we would act if there were any instance of fraud, but out of the particular moral fibre of most of our entrepreneurs – we have had almost no instances whatsoever of anybody seeking to defraud the Government on BEAT, but we have one particularly heinous outstanding fraud, and we are going to deal with.

The hon. Gentleman asked me the question about what we are doing to be able to determine which strains of the disease we have in Gibraltar. Here, the issue is not a simple one, because the cultures that you need to grow in order to determine which strain is in circulation have to be grown in real time. There is no acceleration possible. That is why – the point I have made to the

485 House before in respect of this – when the Prime Minister announced in December that there was  
a strain, known in shorthand as the UK strain but I think more clearly now as the Kent strain, it  
had been communicated to him I believe on 18th December, and he announced it on  
19th December, but for those strains the genomic work had started in September, to grow the  
cultures. So, there he can see some of the time it takes in order to be able to do this work, and  
490 that is the United Kingdom, which has available to it the ability to do this genomic work in all of  
the strains that it wants to do it. It has now offered to do it for the rest of the world. It does it for  
us already. The hon. Gentleman will know that Prof. Cortes, who is one of our visiting consultants,  
is responsible for some of this work and is able to do it.

So, we do not yet have updated information about genomic strains in Gibraltar, but we expect  
495 to be able to have it. One of the things that we think we can do in Gibraltar in the future, given  
the co-operation that we have had from our visiting consultants and from the United Kingdom, is  
that we think we can do that work in Gibraltar going forward, and there are circumstances, we  
hope, in which we can see that up and running in the next couple of weeks. But that does not  
mean that we will have information in the next couple of weeks; it just means that we will have  
500 the necessary additional things that we have been seeking to have available in Gibraltar, with the  
expertise in Gibraltar and outside of Gibraltar working together to be able to have that  
information. But we will not know what other strains we had here in mid-December for some time  
still.

The hon. Gentleman tells us that, in his view, the jury is out on online learning. I suppose there  
505 is no way to contradict that. I have read already studies that suggest that children who have been  
out of school for as long as they have been, last year and this year, will suffer a £40,000 loss in  
earnings over their lifetimes compared to their colleagues in the years immediately above them  
who have not been out of school. That is a calculation done in the United Kingdom based on  
extrapolated data. I think it is impossible to know. I frankly think that is wrong. I think it is very  
510 likely that there will be other issues that will continue to propel learning and that we are unlikely  
to see those losses. That is not a comment on online learning; that is a comment on time out of  
school. There are many systems for online learning; I do not think that any one is better than the  
other.

I think the important thing here is not to try to be all things to all men, and to recognise that  
515 we have a group of people who are the ones we entrust our children to, day to day when they are  
at school. There is nothing more precious in our lives than our children, and we leave our children  
with our teachers. Therefore, if we have sufficient confidence in our teachers that we leave our  
children with them whilst we are at work, we must have sufficient confidence also that they are  
doing everything they can to continue to impart education even remotely in these very difficult  
520 circumstances. But that is very likely to be something that teachers, probably as close to  
unanimously as possible, will say is not as desirable as having children in the classroom and  
imparting education to them. I think we have to try not to run with the hare and hunt with the  
hounds on this, and I am firmly on the side of the teachers in thanking them for the work they  
have done, because I think they have done as much as is possible in the circumstances in which  
525 we find ourselves.

In terms of the Frontier, the hon. Gentleman asks now that we are seeing these numbers  
around us, will this lead to restrictions, even as we ensure the vaccination of our whole population  
in the time available? Again, when we say that, I am always very keen to say ‘not because we are  
better than anyone’. There is no race here. The race is against the virus, not against any other  
530 nation. If we manage to vaccinate our whole population sooner than anybody else, it is only  
because our population is many thousands of times smaller than the populations others are  
having to deal with. But if we do have a fully vaccinated population, then the incidence of the virus  
around us is less concerning, and therefore, in terms of restrictions on movement, I think the key  
issue would be, probably, that we would not want to be the ones imposing restrictions on access  
535 or egress from Gibraltar, but that we may, nonetheless – because others beyond Gibraltar may  
take a different position, because of their demographic situation being different – impose

restrictions on who can use our Airport, or on what basis people can board a flight from Gibraltar to a destination – for example, in the United Kingdom, at this stage. But that is literally crystal-ball gazing and no one should think that I am pointing at anything other than just trying to read not the tea leaves but the newspapers on what they indicate some nations may be suggesting.

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I am grateful for the hon. Gentleman's support for the GHA's inoculation carnet. It is maybe only in its first incarnation, and it will find it needs to adapt as there are different models adopted. The United Kingdom is now not in the European Union, so, if there is a European model, it may or may not be that the United Kingdom decides to follow that model. The European Union model may become the international model, the international model may be different and all of us may have to adapt to it. So, there may be different iterations to it, but the Hon. Minister for Health and I believed that it was important that we should immediately put in place ... and the Cabinet considered in some detail what we should do, in terms of the creation of a card. We believed we should have a card. We believed it should be more than a cardboard card, although we went with a cardboard card to take people from the first inoculation to the second inoculation, in order to ensure that we had that record, apart from the patient record. There is a digital record also. We hope and believe that it will be necessary to produce something that has a digital element to it, that the card, passport, or whatever it is will need to be machine readable in some way and that there will therefore be a combination of numbers, or there will be a barcode or a QR code. All of these things are likely to form part of the future. What we wanted to do was ensure that we had something immediately, so that if people need to be able to show – on the authority of the Government of Gibraltar, not validated as a travel document by any other international organisation – at least that their health authority is saying that they have had the two jabs, they have got it, and then we are ready to upgrade it as the time comes.

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The hon. Gentleman – I think, here, rather gently – refers me to the desire to have more meetings, rather less gently than he has done elsewhere, where he has been a little more robust than he has been, outside of this place. I am very clear: the Government that I lead wants to come to this House as often as possible. We want to come once a month at least to answer questions, we want to come at least once a month to have sessions of Select Committees, we want to continue to have an agenda on legislation which is as updated as possible, and we want to do that in a way that is entirely transparent.

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I introduced, in the first meeting after I was elected as Leader of the House, timetabling of the proceedings. The hon. Gentleman was not here then, but people knew that they could consult the timetable and they would see on the timetable which Bills we were going to take and when we were going to take them, motions we were going to take, etc. – you know, Mr Speaker, I think, with the wounds on your back of having been the Clerk at the time who worked with us assiduously to ensure that we could do that. The past two years have not been normal. We had to deal with the withdrawal agreement negotiations, and then, when we thought we had been to hell and back, COVID arrived, and that has deprived us of normality.

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I must say to the hon. Gentleman I take all the points he made in this place, and I think he heard me pre-empt them with what I said. I take almost none of the points he made about the same issue outside of this place, because he made them in a different way and in a different tone. He made them in a sanctimonious way, which seeks to pull the wool over the eyes of those listening to him. He was not the leader of the PDP or the Leader of the Opposition, he was a Minister in the Government that held only one meeting for questions in 2003. He was a Minister in the Government that, in its most generous iteration, held three meetings for questions in any year, usually two or three – two in a year when there was an election, three in a year when there was not an election. So, the hon. Gentleman will excuse me for saying that I have failed to live up to my standard of having a monthly meeting – but not his standard, which was to come to the House, when he was a Minister, as little as possible. But if he would have held a meeting in the month of January for questions – and he has asked me to do so in the statement he has made outside of this House in respect of January and February – well then, with what was happening in January he is either a better man than me or a colder man than me, because I could not, in all

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conscience, be coming to this House to answer questions with what was going on in January: we were trying to deal with what was going on in January.

Mr Speaker, the aim and objective is, for once, shared, so the positive thing here is that the GSD now agrees with the GSLP that we should have monthly meetings. The GSD, now led by him but when he was a Minister in it took a different position, and the GSD now, thank goodness, agrees with us that we should have these monthly meetings. They now agree with us that we should have the timetables. When I introduced the timetables, they were dead set against them. I do hope that normality returns and enables us to be able to publish these timetables etc., because the one thing that he and I have always agreed about – but when he was a Minister, he was not able to prevail upon, and the hon. the leader of the Liberal Party also agreed with us throughout – is that these proceedings should be televised. These proceedings, now being televised proceedings, are entirely transparent to everyone, and with the timetable being available online people will be able to watch from their homes or from their offices when they are interested in a particular Bill or in a particular debate. I am delighted to have led the Government that ushered in those reforms, and I will be delighted to do more reforming work with him – but January 2021 was not the time to do it, and the first week of February 2021 is not the time to start it.

In relation to the trends that we are seeing, we are all very happy to see the reduction in numbers. The fact that we may have been able to see a couple of days of single figures of new infections is extraordinarily welcome, and we do hope it continues. We hope that that is joined up to the issue of a vaccination programme, so that we have more people vaccinated, fewer people infected, and slowly we can take this community back to what it was.

The one point I have not dealt with is simply on the issue – which was also raised by Members opposite and is connected to meetings of the House – of public finances, and there, Mr Speaker, as you know, all of the constitutional requirements have been complied with, and we have worked together in ensuring compliance with the constitutional requirements in respect of the Budget year and the Budget period.

Mr Speaker, I trust I have dealt with all the issues that the hon. Gentleman raised.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

If I can just start by commenting on the extraordinary appointment of Monsignor Mark Miles – and echo the words of the Chief Minister and the Leader of the Opposition and extend my heartiest congratulations to his family – as a representative to the Republic of Benin, which is one of the poorest countries in Africa, I understand. Archbishop-elect Miles has given our community a very welcome boost of hope and pride, given the month we have had lately, and it has shown once again that Gibraltar, against the odds, proves what an exceptional people we are, excelling in so many fields across the ages. We have our Gibraltarians at the top of the ladder in science, in medicine, in technology, in art, in dance, in music, and in religious service. It will not go unnoticed that Archbishop-elect Miles' appointment is made to assist one of the most underprivileged countries in the world, as I have just mentioned, and this exemplifies and typifies what we are all about as a people: a charitable, giving and caring community which constantly takes on the worthiest of causes across the globe. I would like to thank him for putting us on the map in the brightest of light and I extend my sincere congratulations to our fellow Gibraltarian Archbishop-elect Miles and his family today,

Mr Speaker, with reference to the Chief Minister's COVID address, in response, I would like to ask him to provide some clarification, mainly with regard to the impending stages of this Operation Freedom vaccination initiative. As has already been mentioned on several occasions by the Chief Minister, we are indeed greatly indebted to the UK government for enabling Gibraltar's vaccine roll-out. This support has allowed us to have vaccinated a significant percentage of our population, a percentage that is, in fact, far greater than that of mainland UK citizens. We are also grateful for



the fact that these vaccines have been provided to us free of cost and for how they have been dutifully delivered by the RAF, sometimes braving extremely challenging weather conditions, and of course a huge thank you has to go out to the GHA for their seamless deployment of these vaccines, the logistics and the treatment and care for our vulnerable and elderly, which has been  
645 nothing short of remarkable.

As much as we are grateful for these efforts and for the support that the UK is showing Gibraltar, this time really treating us like family, it is important to know how this vaccine drive is going to be unfolding in the coming weeks or months, and whether future supplies of the vaccine are going to be equally reliable. We have already seen the Government of Gibraltar silently  
650 backtracking on the announced plan of following the UK's one-shot strategy, and it has come to its senses soon enough that the second doses will be guaranteed in time to adhere to Pfizer guidelines.

However, it seems like we are already in the midst of what some are calling a vaccine war. We have seen the European Commission toughen its stance on vaccine exportation, which will mean  
655 that, for example, EU-produced Pfizer vaccines, the same that have been used in Gibraltar, will not be allowed to be exported until their contract with the EU is honoured and fulfilled, so could the Chief Minister provide some information as to if and how this could affect the delivery of future vaccines to Gibraltar? In the past, we have seen the GHA embark on first rounds of vaccines before having had the second doses delivered to Gibraltar. Will this policy be continued in the  
660 coming vaccination rounds? If we are cut off from the Pfizer supply and have to resort to other vaccines, such as the Oxford AstraZeneca vaccine, there will be another host of important public health decisions to make. As opposed to the UK, most EU countries will not be using the AstraZeneca vaccines for over-65s, as they believe that data provided by the developer does not prove efficacy for this age group. Will Gibraltar follow suit, seek to research and develop a policy  
665 of its own, or will we be following UK guidelines, like we often do?

Then, there is the issue of the age group prioritisation, which seems, at times, quite arbitrary and has caused great anxiety to many of our constituents. First, the Government proceeded to vaccinate all frontline healthcare workers. Then came the rest of the essential services and over-  
670 60s on a decade-to-decade, older-to-younger basis, which was definitely the best way to start. Now that the most vulnerable groups have been rightly prioritised, we are pleased that Government has clarified that the 50 to 59-year-olds will be prioritised next, or at least inoculated on an equal track to the 16 to 18-year-olds, from what we understand from press reports this week. This was rightfully making the 50s-and-under bracket extremely nervous, because of course the 50s and 40s demographic is a demographic that is far more vulnerable than the 16 to 18s and  
675 one that has been prioritised more in other jurisdictions. Yes, vaccinating those in the 16 to 18 category might curb the spread of the virus, but this spread would pose little risk to people's lives in comparison to vaccinating those in the 50s and 40s category, which could actually save lives, and that should be our utmost priority.

So, now that the Chief Minister has today confirmed that the 50s will be inoculated shortly, I would like to ask him when he envisages the start of this inoculation process for the 50s age  
680 bracket. He did say 'soon', but perhaps more precisely would go a long way to allay the fears and anxieties of this age bracket; also whether second doses will be guaranteed for this track, the 50s and under, or equally with the 16 to 18s in the same timeframe as it has been for the first cohort currently undergoing their second doses; and when the time comes for those second doses, if it  
685 turns out that there is only enough for one of these tracks, if he will commit to prioritising the 50s and under, over the 16 to 18s, or will Government continue to champion its argument, as seen in the press this week, of inoculating with heightened priority the 16 to 18s in that situation?

Further, I would like to ask, on another point of clarification, how it is that inbound travellers are being informed of their obligations regarding isolation and testing. I am told that many  
690 travellers to Gibraltar have found themselves at pains to access the right information and having to source it themselves at their own conscious, often too late to maintain that shielding of spread, so to speak. Mr Speaker, I can assure you this is not hearsay or third-hand information, but

testimonies from travellers themselves; these are concerned individuals who have had the experience themselves.

695 If we are to run a tight operation in the control and suppression of the virus, it is fundamental  
that these operations run smoothly and that every traveller is informed rapidly and clearly of their  
obligations and how to fulfil them. It is my understanding from travellers who have tried to access  
online updates on testing and isolation protocols, that they have not found updated online  
information to this effect or a holistic information and instruction service, but a bitty and  
700 disjointed platform. This has left them feeling quite lost as to how they proceed with their own  
process, once landed in Gibraltar, so I would urge the Chief Minister to strengthen and have fully  
up-to-date the online information and instruction platforms, so that people coming into Gibraltar  
know exactly what they need to do, when they need to do it and how they need to do it, all under  
one portal, effectively a one-stop-shop COVID support umbrella portal. This will no doubt go a  
705 long way to curbing any further spread. I believe that, with all the different teams the Chief  
Minister's Office and the Chief Minister have created, from Platinum to Silver and Gold being set  
up, more priority should be given to creating a team dedicated to ensuring the online platforms  
are as up to date in real time as humanly possible.

Additionally, I remind the Chief Minister and this House that I stand available as interlocutor  
710 of any sort between this Parliament and any of my contacts in Israel, where so much data is  
emerging – which the Chief Minister just talked about – the latest being actual successful  
treatment for COVID, which has been reported literally minutes ago, when 29 out of 30 cures for  
those administered with this specific drug was achieved.

Mr Speaker, lastly, with reference to the monument proposed by the Chief Minister, of course  
715 we believe it is a very fitting tribute to honour and immortalise our brothers and sisters who sadly  
fell victim to this cruel pandemic, and I look forward to any part I can offer in contributing to any  
discussion of the proposed tribute.

Thank you.

720 **Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I thank the hon. Lady. I want to start by thanking the hon.  
Lady in particular for the work that we have been able to do together quickly, using the contacts  
that she has in Israel, to try to ensure that Gibraltar is as up to date as possible on the latest  
725 research emerging today about the treatment of the symptoms that are afflicting those who are  
in hospitalisation with COVID.

Then, having started by thanking her, I have to tell her that I am a little concerned about her  
approach to the age profile here. I think she is exacerbating an issue in relation to the interaction  
between the second dose and the first dose of the vaccine. Just to explain that a little more, we  
730 saw that, by the end of last week, I believe from memory we had 12,860 inoculations in Gibraltar,  
and those were all first doses. Of course, the minute we were 21 days after the first dose, we had  
to start the process of providing second doses, and so we started to run a twin track. That meant  
that we had, of course, half the capability to administer new first doses as we went through the  
process of second doses, or roughly thereabouts because there would have been some instances  
735 where we would have been administering more second doses than first doses entirely. But this is  
not going to create any risk – and the issue here is risk – of serious illness or death in hospitalisation  
for those who are outside the relevant age profile, or risk profile. Those two things are separate,  
so if an individual has a vulnerability, that vulnerability may not be dependent on age. If that  
person is of a particular age, even if they do not have another vulnerability or an underlying co-  
740 morbidity, then they have the risk profile. Late 50s is well outside the age risk profile, and so what  
we must not do is permit people in their late 50s to worry themselves too much about these  
issues. Yes, we want the inoculation in all age groups, and the inoculation stops you from getting  
the disease in most instances because of the efficacy of the injection, but in most instances people

745 in their late 50s are not at great risk from the disease, even if they get it, unless they have a vulnerability, and if they have a vulnerability they have already been inoculated.

Mr Speaker, the one thing the hon. Lady has said which I cannot accept is that I am silently backtracking from the one-dose strategy. I cannot be doing that silently, because I answered a question on national television, explaining that we were not going to continue to just pursue a one-dose strategy where we had the guarantee that we could do the two doses, in particular for 750 the particularly vulnerable classes, the four top classes and our front-liners, and that is what we are doing. We are now going through the process of the second inoculation for all those who are in those top classes. So, there is nothing silent about this. We said, when we did not have a guarantee of supply, 'We will run a one-dose strategy; we have to do like the UK.' The UK itself has been able to run and two-dose strategy and is only considering continuing with a one-dose 755 strategy in the lower age groups should it have a difficulty with supply, which it does not believe it will have. We have to be clear about what we are saying there.

Neither do I believe that the European Union have said that they will not permit the export of the Pfizer vaccine or that there is a vaccine war. It is true that some tabloids have referred to the issues between the European Union and the major pharmaceutical companies in that way, but if 760 you read behind the news that is not the issue. The issue which was last week burning incandescently in the context of Article 16 of the Northern Ireland Protocol seems to have settled down, and the Prime Minister has reported, and the office of the President of the European Commission has also reported that the European Commission has confirmed to the United Kingdom that it will not interfere in the pharmaceutical companies in the European Union 765 complying with their contractual commitments with the United Kingdom government. That has been the position since Monday, so we do not need to create the spectre of any concern about the supply.

Mr Speaker, for reasons related to wanting to ensure security of supply, I have not wanted to give figures when I am not able to give figures. I can give the House the figure that we have now 770 confirmed for delivery in Gibraltar, on Monday the 8th, which is this Monday, 14,400 doses of the Pfizer vaccine. That gets us very far down the road of being able to continue our first dose in those who have not had it yet through the age groups, and deliver the second dose to those who are coming up to the 21st day after their first dose, with further vaccine to come where we have an indication of amounts, but not guaranteed amounts which I am able to share with the community.

I hope that gives her, and her friends in their late 50s whom she has referred to, the guarantee that they will have no reason to be overly concerned. The Minister for Health confirms to me that I can safely tell her that those in their late 50s should see appointments made next week, so this is going in exactly the way that we would have wanted to see it go – and again, not because we are doing it better than any other nation, simply because we are organised, as we need to be, and 780 the size of our population permits us to be dealing with these things in this way.

We are following the UK position exactly as we can, but there are some instances where we have to be different. As I said before, Yorkshire is different to London, London is different to Manchester and Gibraltar is different to all of them, and the nature of how we live in Gibraltar means that our 16 to 18-year-olds create a different vector profile to 16 to 18-year-olds in the 785 United Kingdom, for a simple reason. In the United Kingdom, the prevailing demographic is people in nuclear family set-ups in apartments or homes, so a 16 to 18-year old would usually – all generalisations are wrong, including this one – live in a nuclear family set-up with the eldest relative not being in their 70s. Here, there are many instances of living in extended family groups in apartments, where you can have mixing of age groups. Although the over-70s should be 790 protected, you could have some instances where they do not take protection from the vaccine – because the vaccine does not give 100% protection, as we know; it gives a very high level of protection – and therefore there is a reason, on which we are advised by clinicians ... The Minister and I did not have a devilishly clever conversation one morning and decide that we wanted to inoculate 16 to 18 year-olds. We are advised, by those who would be advising her if she was here, 795 that having done the calculations in respect of our demographic here it makes sense, before you

get into the 40-year-olds, the 30-year-olds or the 20-year-olds, to do the 16 to 18-year-olds because they are mingling in numbers that the others will not tend to mingle in – that is to say in their hundreds, in schools – and then taking the virus not just into their homes but elsewhere in the context of the demographic of Gibraltar. That is why we are doing it.

800 Having explained that to the hon. Lady as we have, publicly, I am sure she will agree that that is the right thing to do, in particular because it does not create the evil that she indicated, which is to deprive those in their late 50s, that the hon. Lady has been so concerned about, from having their own jabs at the same time or before. Mr Speaker, I hope I have dealt with all of the issues that the hon. Lady has raised in that respect with the age prioritisation.

805 In respect of the combination issue, there is a lot of science here. I am not a scientist – and neither is she, Mr Speaker; there is only one professor of science amongst us and he decided to dedicate himself to the environment generally, not just to the male or female human mammal – and I am therefore not qualified to deal with these issues, but I do have to tell her that there are tests now in the United Kingdom where the Pfizer first dose is being supplemented by an  
810 AstraZeneca second dose, and that is giving rise to suggestions of even stronger, in some instances, responses to the virus. So, there is the issue of the combination possibilities that may be done and there is the issue of the period.

I must say that the statements she has referred to, almost as if she were approving of them, by some European entities in respect of the AstraZeneca vaccine have been roundly condemned  
815 in scientific circles, in particular in the United Kingdom, because there is no evidence to suggest that the AstraZeneca vaccine is not effective in the over-65-year-olds, as for example President Macron said last week. That was roundly seen as an attempt by President Macron to control demand for the AstraZeneca vaccine in France because they had not secured a contract to get French supply of AstraZeneca vaccine, and the European contract for AstraZeneca vaccine was  
820 going to see them get very little of it.

Mr Speaker, I think, now that the hon. Lady has said it, I do have to put down on the record of *Hansard* what the issue is. The issue is that AstraZeneca trials started prudently. In other words, they did not want to use the vaccine on those over the age of 65 in case it created a reaction in the sorts of numbers that they used it in those under 65. So, the data is not there, in the numbers  
825 in which it is available for the under-65s, in respect of the over-65s. It is not that there is any suggestion that when you blow out 65 candles on a birthday cake, you will somehow mutate your genes so that they do not have the same benefit when you are injected with AstraZeneca vaccine, it is that the body of evidence is not there, but there is nothing to suggest that a human being does not continue to take the benefit of this inoculation, whatever their age. It is just about  
830 testing.

Let me give the hon. Lady another example. The vaccine is not licensed for under-16-year-olds. It does not mean it is not effective in under-16-year-olds. It does not mean it creates an adverse reaction in under-16-year-olds. It is just that, for liability purposes, at the moment, those vaccines are not licensed for that purpose. They may very well be licensed in future for that purpose.  
835 Indeed, there is already advice that if there is a person under the age of 16 who is particularly vulnerable, there should be a consultation with a GP for what is known as an unlicensed inoculation, where the issue is just liability if something goes wrong – not that it will go wrong, it is just that the evidence is not there. But in some instances, parents, guardians, general practitioners who are medical professionals and public health professionals may together say,  
840 ‘The balance of risk here is that you must give the inoculation,’ and the parents of the under-16-year-old agree, to protect them, because if they get COVID they are at real risk; if they get the vaccine, they are probably at no risk whatsoever, and it stops the risk from getting COVID.

So, this is all about licensing and data. It is not about absence of effect, and all of the evidence in the United Kingdom is that as the AstraZeneca vaccine is given in the United Kingdom to the  
845 over-65-year-olds, the evidence is there is an excellent response. Indeed, with AstraZeneca, the 21 days are not key, and even longer periods before second jab produce even stronger responses to the virus.

850 There is now also another vaccine, which is called Valvec and is in the process of being finalised and will soon be approved by the UK Medicines Agency. The United Kingdom invested £96 million in this company. It is a French company. The French government invested exactly zero, and so the United Kingdom now has contractual supply for Valvec guaranteed towards the end of this year. The interesting thing about the Valvec vaccine is that it acts as a booster and potentially avoids the new strains. At the moment, we are crystal-ball gazing – not enough science on this yet. What we are looking at is potentially that type of vaccine – *adeno*-something – being the one that you need in the autumn of this year if you need a booster, all of which is still something that the jury is out on, but I have suggested in my main speech that that is where we may be going in the long term, that we may need boosters, like flu vaccines, every year in respect of COVID because COVID appears to be here to stay.

855 Mr Speaker, the hon. Lady, the Minister for Health, gave a lot of information last night on *Viewpoint* and she confirmed that, in the way that she sees it at the moment, subject to the things that we are being told actually materialising, we do not think there is any issue with supply, and we do believe that we will be able to have second doses in the times required. And she actually said, I think, and I can confirm on the record of *Hansard*, that everyone, so far, over the age of 60 has had their first inoculation and has their second dose guaranteed. There are not many places that are able to say that today, and I think that we should be very grateful indeed to all those who have assisted in putting us in that position in respect of those vulnerable cohorts. As I said before, no measure of thanks is sufficient to the United Kingdom generally and to the hon. Lady and her teams in the GHA for the work they have done to ensure that.

865 The hon. Lady then raised the issue of passengers arriving in Gibraltar. From what she said, it appeared to me that she missed that, last week, we actually legislated to require that the passenger locator form is filled in before somebody boards a transport to Gibraltar, so I think we have done what the hon. Lady was suggesting we needed to do.

870 Finally, Mr Speaker, if I may, there was one point that the hon. Gentleman made, which I did not reply to. I noted that as I sat down, and I wanted to try to reply to it now. On the parliamentary reform issue, he said that I had been in touch with him this morning to tell him which Bills we were going to deal with, etc. Obviously, he does not need me to tell him that when I was in his position I had no communications morning, evening or night about what might happen in Parliament when we turned up, and one had to be ready to deal with the Budget from the minute the Bill might become due. But the issue is that neither did he ask me. That is to say we are in fluid contact with each other. If I have not been in touch with him on a Thursday evening to tell him what it is we might be doing on a Friday, nothing stops him from saying, as he sometimes might want to do on another matter, ‘Is there any indication you can give me about what it is we are going to do?’ He knows that I have never knowingly failed to read one of his WhatsApps or reply to him as soon as I am able, as amiably as I am able, in order to give him the indication he seeks. I continue to believe that we can work together on reforming this Parliament and entrenching the Picardo reforms in a way that will ensure that they endure, even if the GSLP Liberals are not in Government in the future.

890 **Mr Speaker:** The Hon. Damon Bossino.

**Hon. D J Bossino:** Mr Speaker, I have chapter and verse in relation to the historical position about Archbishop-elect Mark Miles’ elevation to that position, but ... With your leave, Mr Speaker ...? It does not quite ... Unless I phrase it in the form of a question, would it be in breach of Mr Speaker’s ruling of about an hour ago?

895 **Hon. Chief Minister:** Mr Speaker, in the view of the Government, if the hon. Gentleman is going to ask me to clarify, in the context of what he is going to tell us, something that may have been put to us as historical record, which is not entirely correct, we would be delighted to see the record corrected in that way, and I would be keen to hear what he has to say.

900 **Hon. D J Bossino:** I thought that would work, Mr Speaker. (*Laughter*) I will read from somebody whom I trust and who is an authority in relation to this matter. I will read his text.

There were two Gibraltarians, born in Gibraltar but did not become priests of the Diocese, but elsewhere, who went on to become, by coincidence, Archbishops of Southwark. These are Archbishops Amigo and Bowen, whose nephew, the latter, I had the privilege to meet about four  
905 or five years ago, also a Cardinal. Archbishop-elect Mark is the first Gibraltarian priest belonging to the Diocese of Gibraltar who is to become an Archbishop and Ambassador of the Holy See. I am told that he was incardinated here, like all other priests. As from today, he ceases to be a member of the Diocese because he is now an Archbishop-elect pending episcopal consecration.

I hope that clarifies matters for Members. I wish to simply join Members who have expressed  
910 their heartfelt congratulations in relation to the Archbishop-elect's elevation, and I hope and pray that that elevation will continue even further.

**Hon. Chief Minister:** Mr Speaker, I am extraordinarily grateful to the hon. Gentleman for that clarification of the historical record, which I take from him. I do not know who he got a text from,  
915 and I would not necessarily rely on the source, (*Laughter*) but I certainly rely on him if he has read it into the record – he has sufficient gravitas in this place to merit us listening to him.

The information I have is that Peter Amigo was born in Gibraltar, the ninth of 11 children born to Peter Lawrence and Emily Amigo. His father was a flower merchant. That might remind us of  
920 who Archbishop Amigo used to be, now in our memory more as the person who names one of our housing estate blocks, Archbishop Amigo House.

I do hope that we will continue to see Archbishop-elect Miles do well in his chosen profession. Like all the other Gibraltarians beyond these shores we have referred to today, his service is a credit to Gibraltar.

925 **Mr Speaker:** The Hon. Daniel Feetham.

**Hon. D J Feetham:** Thank you very much, Mr Speaker.

Can I ask the Chief Minister to explain what provision the Government has made for those who have had, in the past, severe allergic reactions and therefore there is a recommendation for them  
930 not to take the Pfizer vaccine? I have been in contact with constituents who have told me that they have attempted to obtain advice from the GHA on the issue, and not a lot of information has been forthcoming. Is the Government intending to import the Oxford vaccine, for example, which I am told does not have that kind of problem associated with it, in order to cater for these individuals? Of course, I am not a doctor, so I do not know enough about it, but would the  
935 Government please explain what provision is being made in those circumstances?

**Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, the contra-indication to severe allergic reaction in respect of  
940 some vaccines – all vaccines, not just the Pfizer vaccine; it is one of the things you look out for in the context of any vaccine for any condition – is something that everyone who receives the vaccine is warned about. When I went to be vaccinated, I was given that warning. I was asked questions about whether I had had allergic reactions to anything. I have not had allergic reactions to anything, so I was able to have the vaccine. Nonetheless, I was asked – as 12,860 other people  
945 know, at least; in fact, today, 13,800 other people know today – to wait 15 minutes after I had had the vaccine, in order to see that there was not a reaction. If you have a serious anaphylactic shock, that is why you wait: the nurses are ready to deal with that, in the event that it happens.

I am surprised that the hon. Gentleman gets up and says to me, 'People who have had severe allergic reactions before have asked the GHA for information and they have not had any, and they  
950 have asked me for information and I am not able to give them any because I am not a doctor, so I am asking the Government now.' That does not appear to be, to us, something which is reliable

information for the hon. Gentleman to put on the record of this House, because the GHA asks everyone about whether they have had allergic reactions. The GHA is running a separate list for those who have the clinical indications that suggest that they would react badly to the Pfizer vaccine. That is separate. This will mean that they will be provided with the AstraZeneca vaccine, or another vaccine which does not create this allergic reaction, and we are very confident that we will be able to ensure that those vaccinations are provided in very short order. But again, until we know the date and we are able to give people who require these vaccinations that guarantee, I do not want to share anything across the floor of the House.

The one thing that I have to be careful of is that people should not, for one moment – given what the hon. Gentleman has said, which I think is just frankly remarkable – think that they can swap taking advice from their physician for going to their politician and asking him to put a question across the floor of the House. *(Interjection by Hon. D A Feetham)* No, of course not. *(Interjection by Hon. D A Feetham)* No, it is all right. No, I will not give way, Mr Speaker, because if the hon. Gentleman says something *(Interjection by Hon. D A Feetham)* using words which are only capable of one interpretation, which is frankly remarkable, then he is stuck with it. He is not going to get up to say the opposite of what he said before. He said that people had sought advice from the GHA, they had not had the advice from the GHA, so they went to him, so that he could ask me in this House – and neither he nor I are doctors; we are many things, but we are not doctors.

**Mr Speaker:** Does any other hon. Member wish to speak? *(Interjection)* I do not really want to take this matter any further, but could I ask the Leader of the Opposition to speak to the gentleman? Thank you.

#### Procedural – Duplication of published Bills

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before I start, the Hon. the Clerk has pointed out to me that there has been a duplication of Bills published. The Hon. the Leader of the Opposition knows that I wrote to him telling him ... Well, in fact I sent him a copy of a letter that I had sent to the Speaker, abridging time for Bill 3/2021. That Bill is identical to Bill 10/2020, which is already published – it is literally identical – and does not require a certificate of urgency, of course, because it has been published for some time now. This is the Bill that he and I agreed we would publish as an amendment agreed to the Income Tax Act for the laying of an international tax agreement which is not in keeping with an OECD format.

I am not going to say more about it now, because otherwise I will be doing my speech on the Bill, just to say that I will be proceeding now with Bill 10/2020 and withdrawing Bill 3/2021, and therefore I will withdraw also my letter to the Speaker seeking a certificate of urgency in respect of that Bill.

**Clerk:** A Bill for an Act to amend the Income Tax Act 2010 –

**Mr Speaker:** Do you wish to suspend Standing Orders?

**SUSPENSION OF STANDING ORDERS**

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

**Clerk:** The Hon. the Chief Minister.

995 **Hon. Chief Minister:** 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

#### **Income Tax (Amendment No. 2) Bill 2020 – First Reading approved**

1000 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010.  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Thank you, Mr Speaker.

1005 In March of last year, when the Government had been able to agree an international tax agreement, a double taxation agreement with the United Kingdom, I had cause to consider with the Leader of the Opposition and with Mr Clinton how we would be bringing these agreements into effect, and I think we all agreed that double taxation agreements, in particular a double taxation agreement between the United Kingdom and Gibraltar, were a very good thing. We all knew that, of course, in the background to that we had a disagreement as to the international tax agreement between Gibraltar and Spain. For that reason, we agreed – and at that time we wrote  
1010 down that agreement – that we would amend our Income Tax Act so that, in future, the Government was able to have a fast-track procedure for bringing into effect double taxation agreements which were in keeping with the standard agreements that hon. Members will know the OECD does – some of them deviate, of course; you have the standard agreement with some deviations between countries – or an agreement which was different. We are very clear that the agreement between Gibraltar and Spain is slightly different to the standard, for reasons that we  
1015 will go into detail with the motion, but the Government and the official Opposition agreed that we would do this by using the mechanism that was in place at the time – that is to say, no mechanism at all really, which required parliamentary scrutiny – to allow through the UK-Gibraltar double taxation agreement, but that we would then put in place a mechanism which enabled  
1020 parliamentary scrutiny of any agreement which was not in keeping just with the OECD standard.

There are many such agreements and there are many good reasons for entering into such agreements. We can have a disagreement as to whether or not the one with Spain is a good reason, and hon. Members have a motion for that purpose, but we may in future also agree that there is a good reason to have a non-standard agreement with another nation.

1025 Let me give the House an example. If the United States wanted a double taxation agreement with Gibraltar, it would very likely be in Gibraltar's interests to have that double taxation



1030 agreement even if it deviated from the OECD standard, or it might not, or there might be a  
disagreement between us as to whether or not it would be a good thing. If there was an  
agreement between us, the amendment that I will propose now by this Bill would not stop us from  
being able to simply lay that agreement in Parliament and pass a resolution or motion that allowed  
it to become law. If there was a disagreement between us, then there would be an opportunity,  
but not an obligation, to have a debate on the motion or resolution, in order to have all those  
issues transparently dealt with in the context of the Parliament. That is what we agreed we would  
do in March 2020. For that reason, we published, as we agreed to do in March 2020, the Bill for  
1035 the next sitting of the House. We could not quite find that Bill, so we quickly published one last  
week; that is why I am withdrawing one.

Mr Speaker, the Bill that we have proposed, I think, actually, on reflection a year later, can be  
slightly amended to be improved in the way that I will refer to the hon. Gentlemen. All I am going  
to do is move words from one place to another, so that the Parliament can have its 14 days for its  
1040 motion or resolution, but the 14 days do not run after the debate, because there is no point in the  
time running after the debate; the time has to run before the debate, and I think that is what we  
agreed we wanted to do.

What I am going to propose is the following. I am going to read the section as I propose that it  
should be amended in the amendment:

*A notice made under subsection (4) must be laid before Parliament at least 14 days prior to its  
approval by motion or resolution and publication in the Gazette.*

1045 The way the sentence reads in the Bill, it says:

A notice made under subsection (4) must be laid before Parliament and approved by Motion or Resolution at least  
14 days prior to its publication in the Gazette.

I think that does not give hon. Members the protection they want, because the Bill as proposed  
means that the Government has to come to the House with the text of the agreement, table it,  
and then – in my interpretation of that section, which we agreed together at the time – could have  
the debate immediately, then wait 14 days and publish in the Gazette and it takes effect. That  
1050 would have the effect of permitting a Government to surprise an Opposition with an overnight  
publication of a treaty, having a debate that they have not had 14 days to think about, and waiting  
the 14 days after the debate. That is not what we were trying to do. We were trying to ensure in  
what we did, which we agreed, that the Government would table the tax treaty that it wanted to  
get through, which was different to the OECD model, for at least 14 days, so that an Opposition  
1055 had 14 days to prepare for a motion or resolution, then have the debate, and then publish.  
Mr Speaker, I have one copy, which is track-changed. If the Clerk can have it photocopied, I can  
give it to Mr Speaker and hon. Members opposite. Then hon. Members will have the guarantee  
that the text of the international tax treaty proposed would be laid on the table here for at least  
14 days before the Government was able to have a motion on it and a resolution on it and proceed  
1060 with it. Otherwise, under the terms of the section in the Bill it is not clear that the waiting period  
has to elapse before the motion; it could elapse after the motion, which I think is unsatisfactory.  
That is how I propose to amend the section.

The key driver here is that it is agreed between the Government and the Opposition that an  
international tax agreement which is not on the OECD model must pass the test of scrutiny in this  
1065 Parliament, and therefore must be open for debate by Members in this Parliament if there is a  
reason why any Member would think that it should not be approved by motion or resolution; and  
then, if the Parliament were not to approve by motion or resolution that that international tax  
agreement should become law in Gibraltar, it would not become law in Gibraltar. I think that is an  
agreement we have reached which is good for all sides. I think it is an agreement that can endure  
1070 for future generations of parliamentarians. Wherever the parties may be on either side of this

House, we will all have the certainty that a non-standard international tax arrangement between Gibraltar and another tax authority cannot be brought into law by regulation by a Government; it must pass muster in this House and must allow parliamentarians, Oppositions in particular, the opportunity to put their arguments and seek to convince the Government why those arrangements should not become law.

Mr Speaker, I have indicated to hon. Gentlemen how I will amend the Bill at Committee Stage; they will now have the opportunity to see that in a tracked-change version of the Bill.

I commend the Bill, as I propose to amend it, to the House.

**Mr Speaker:** I am afraid the Hon. the Chief Minister has jumped the gun somewhat, so I am just going to ask by putting the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

### Income Tax (Amendment No. 2) Bill 2020 – Second Reading approved

**Mr Speaker:** The Chief Minister has already spoken on the general principles and merits of the Bill, so I am now going to ask the Opposition.

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

I am grateful to the Chief Minister for bringing this amendment to the House, as he promised he would. I can quote him from the *Hansard* of 20th March 2020, for the benefit of Members, at line 2090:

I will also bring a further amendment at the next meeting of the House to require that double taxation agreements are tabled and debated by motion or resolution before they are given effect. I will do that after a request from the Leader of the Opposition to amend the legislation in that way. This is the position in most other parliaments applying what is known as a dualist model of international law, where such agreements have to be debated as they are dealt with as treaties requiring activation into the national body of laws of each state or *corpus juris*.

And so we have no real problem with the principle of what it is we are trying to achieve with this Bill. We note the amendment that the Chief Minister proposes and there is only one thing that I would ask the Chief Minister to consider. If you take this in conjunction with subsection (4), which sits above it, subsection 3A(4) reads, as it reads now:

The Minister may, by notice in the Gazette, amend, add to, delete from, revoke or replace Schedule 12.

By changing the order in the amended (4A) suggestion, the Chief Minister effectively would, by publishing first in the Gazette – if I am reading this right – give effect to it. So, what we would suggest is – and, again, subject to whether we are reading this correctly – in subsection (4) perhaps add another slight amendment saying ‘subject to (4A) the Minister may’. I do not know whether that would work, or not. I am happy to give way.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think the hon. Gentleman is raising a point that does not arise, because of where I propose ‘before’ should be. The new (4A) will read:

A notice made under subsection (4)

– that is what he has just referred to, not one that needs to be published in the Gazette –

must be laid

1105 – that is imperative language –

at least 14 days prior to its approval by motion or resolution and publication in the Gazette.

So, the notice that is envisaged under (4A) is a draft notice, in effect. It cannot be published in the Gazette on the terms of (4A) until the House has approved it by motion or resolution. That is how we have read it, so we were not trying to steal a march at all. I think this is an agreed issue and we think that this deals with it, because it says before then.

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**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his clarification on the drafting, and I think that that addresses the points quite nicely.

The only other question I would ask is: the Chief Minister is aware that we have already a motion on the Order Paper – how would he envisage the Income Tax Bill as amended, and the requirement for resolution to marry with the existing Opposition motion?

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Other than that, Mr Speaker, the Opposition will obviously have to vote on the amendment, but I think we are content with the amendment as drafted.

**Mr Speaker:** Does any other hon. Member wish to speak?

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**Hon. K Azopardi:** Just on the last point, not phrased as a question, but before the Chief Minister answers I would just remind him, in case he needs reminding – he may not need reminding – that we had an understanding that there will not be domestic effect given to the Spanish tax treaty until the motion that lies on the Order Paper in my name is taken, and so it may require exceptional treatment in relation to that. That is the only point I would make as a contribution on this particular issue.

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**Mr Speaker:** The Hon. the Chief Minister.

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**Hon. Chief Minister:** Mr Speaker, not only do I not need reminding, I set out two undertakings to him in my letter of March last year: I undertook not to publish the Gazette bringing the UK-Spain treaty into force before the amendment to the legislation, and the last limb of my letter to him actually reads as follows:

Additionally, I also undertake not to publish the Gazette notice bringing the UK-Spain treaty into force before the debate you have filed for a motion in respect of this treaty is held.

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That is the position that the Government holds to. I am going to invite him to have his motion heard as soon as this amendment is passed and I have laid the treaty today, so that we can have it for the next ... immediately after ... I mean 14 days after. Do not worry. It has got to be on the table for 14 days, so immediately after those 14 days have expired. So, I imagine in the beginning of the last week of this month we will suspend Standing Orders so that he can bring his motion.

1140

He and I should have a discussion about how we should deal with the mechanics of motions now, because he will have a motion that will produce a debate on the tax treaty, which is his pre-existing motion, then this Bill will also propose a motion for the Government to pass the treaty, and we might take the view that we all want to give our speeches on one motion rather than the other motion, his motion being the one that is first in time, although it would not usually be the first to be dealt with because it would be the Government motion that would be dealt with first. I do not mind, exceptionally in this instance, Mr Speaker, permitting the Opposition motion to go first, in order to ensure that the debate is on the terms of the motion that they have filed, and then he and I can agree whether the Government then puts a motion to be dealt with after that, or whether the Government simply amends his motion, as part of the debate on his motion, to end up as the motion that needs to be passed for the treaty to be permitted publication.

1145

1150 Mr Speaker, if I can propose to the hon. Gentleman that we take that discussion offline and not have it across the floor of the House, it is probably going to be easier. On that basis, I commend the Bill to the House.

1155 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Income Tax (Amendment No. 2) Act 2020.

**Income Tax (Amendment No. 2) Bill 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

1160 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill will be taken later today, if all hon. Members agree.

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

**Animals (Amendment No. 2) Bill 2020 –  
Second Reading approved**

**Clerk:** We now proceed to the Animals (Amendment No. 2) Bill.

1165 **Mr Speaker:** The First Reading has already been completed.

**Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, yes, the First Reading was taken some weeks ago. I have the honour to move that the Bill be now read a second time.

1170 Service animals, police dogs in particular, provide a valuable contribution to law enforcement in Gibraltar, as elsewhere. Our law enforcement agencies rely on the bravery and unique skills of their service animals in the performance of their duties. In recent years, the importance of granting legal protection to their animal colleagues has been made by various law enforcement officers, particularly since the discussion in the UK of what is known as Finn’s Law. Finn is a police dog who, whilst bravely restraining a robbery suspect in Stevenage, in the UK, was stabbed with a 10-inch knife in the chest. Despite suffering this serious injury, Finn stayed to protect his handler. The suspect then lunged towards the police officer, at which point Finn put himself between the knife and his handler, which resulted in Finn’s head being slice open. This action saved the police officer’s life. Thankfully, Finn made a full recovery and was able to return to work within 11 weeks.

1175  
1180 Police dogs and other service animals provide a vital service, but charges are rarely brought when they are hurt or injured, likely due to the fact that the law does not expressly provide for an offence of this nature. The UK, and other jurisdictions including Canada, have now enacted legislation which will bring justice to animals in service. Gibraltar’s service animals must not be left behind.

1185 This Bill is based, in part, on the English Animal Welfare (Service Animals) Act 2019, which was enacted in the UK following Finn’s experience. The Bill will amend the Animals Act to expressly provide that a person will be committing the criminal offence of cruelty if he beats, kicks, wounds, ill-treats, injures or otherwise causes any unnecessary suffering to a service animal. The offence of cruelty carries a penalty on summary conviction of imprisonment for up to 12 months or the

1190 statutory maximum fine, or both, and on conviction on indictment to imprisonment for five years. Whilst this is the same statutory penalty as other incidences of cruelty to animals, the UK sentencing guidelines, which are regularly used as a reference by the Gibraltar courts, provide that the fact that the cruelty is perpetrated against an animal in public service is an aggravating factor when considering the appropriate sentence.

1195 Service animals are defined as being animals under the control of relevant officers provided they are in the control of the relevant officer at the time, in other words that the animal is in the course of its duties when injured. The use of the animal by the officer must also be reasonable in all the circumstances. This last part of the definition is intended to safeguard a defendant's constitutional right not to suffer inhuman or degrading treatment at the hands of the state.  
1200 Service animals are painstakingly trained by dedicated officers to ensure that they do not cause any physical harm to a suspect. If the animal is not handled reasonably and does cause harm to a person, then a suspect must be allowed in law to attempt self-defence. The Bill therefore carefully balances animal welfare and protection of human rights. The relevant officers under the Bill are officers of the GDP, RGP and HM Customs. The Bill also provides for a person with any of the powers of any of the three aforementioned forces, which will provide protection to animals in the event that any special forces are required in Gibraltar for any reason.

1205 This Bill will ensure that service animals are not to be treated as equipment but as what they really are, key members of the law enforcement team and providers of essential services to the people of Gibraltar.

1210 I commend this Bill to the House.

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

1215 **Hon. E J Phillips:** Mr Speaker, I rise to support this on behalf of the Opposition, and echo the sentiments by the Minister insofar as those service animals that support the good work of our law enforcement agencies, including GDP, RGP and Her Majesty's Customs, and of course support the protection mechanisms provided for in this Bill to protect our four-legged friends on the beat each day in Gibraltar. We support fully this piece of legislation.

1220 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Animals Act in relation to service animals be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1225 **Clerk:** The Animals (Amendment No. 2) Act 2020.

**Animals (Amendment No. 2) Bill 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, I am grateful for the support of the Opposition and I beg to give notice that the Committee Stage and Third Reading of the Bill will be taken later today, if all hon. Members agree.

1230 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Gibraltar National Trails Bill 2020 –  
First Reading approved**

1235 **Clerk:** A Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails; and for connected purposes.

The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

1240 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further  
1245 provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails, and for connected purposes, be read a first time.

1250 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1255

**Clerk:** The Gibraltar National Trails Act 2020.

**Gibraltar National Trails Bill 2020 –  
First Reading approved**

1260 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time, and I refer to my letter of 29th September, in which I proposed to introduce a number of minor amendments at Committee Stage, to delete a number of superfluous words which make no important difference to the substance of the Bill.

1265 We are incredibly fortunate in Gibraltar to have a wide range of natural, historical and cultural heritage to enjoy. These past few months in particular, there has been a significant increase in our interest in enjoying the outdoors, when we have been able to go out during times of partial lockdown, and perhaps discovering the less trodden parts of Gibraltar or those areas which we have left unvisited for some time.

1270 The Government's 2019 manifesto committed to a green Gibraltar and a child-friendly city, and this Bill delivers on both of these fronts. The Bill grants to the public rights of access over certain areas of land which are to be known as the Gibraltar National Trails. The purpose of these access rights is for people to enjoy Gibraltar's cultural and natural heritage for recreational purposes, for people to have more opportunities to go for walks or jogs, or simply to explore the Gibraltar outdoors, to enjoy our unique biodiversity and to learn about our rich history.

The drafting of the Bill has been largely bespoke, given that Gibraltar's geography differs considerably from the United Kingdom's, or indeed any other territories'. However, the concepts

1275 and certain provisions of the Bill have been based on certain Acts of the United Kingdom and Scottish Parliaments, including the National Parks and Access to the Countryside Act, the Countryside and Rights of Way Act, the Countryside (Scotland) Act and the Land Reform (Scotland) Act also. Like the Bill, those Acts aim to ensure that the natural landscape is made available to the general public for their enjoyment.

1280 The Bill is divided into four Parts. Part 1 contains the definitions used in the Bill, two of the most important definitions being 'cultural heritage' and 'natural heritage'. Together, these terms bring together all of Gibraltar's rich heritage, which the Bill safeguards for the enjoyment of the public.

1285 Part 2 of the Bill creates a body responsible for promoting and exhibiting Gibraltar's natural, geographic, historic and cultural assets. The Coordination Board set up will be made up of members who, as a collective, will have knowledge and experience on environmental, cultural and natural heritage matters. The Coordination Board will report annually to the Minister having responsibility for the environment with a report containing general information on the discharge of its duties during the preceding year.

1290 Part 3 of the Bill creates the National Trails. These are paths, trails and routes, many of which are established – in fact, most of which are established – and which are marked on plans contained in the Schedule. The 16 National Trails cover coastal paths, green areas, historical batteries and a number of areas in the Upper Rock. The National Trails are varied in terms of length and difficulty, which will ensure that they are as accessible as possible. There is also scope within the Bill to add to these 16 National Trails in certain circumstances. The public will have access rights to all the National Trails for recreational and educational purposes. The Bill also ensures that the few do not spoil it for the many, by including obligations on the public to exercise their rights to access the trails responsibly. Among other things, this means that the public may not take or disturb animals or nests, destroy or remove plants, light fires, leave litter or rubbish, or cross National Trails with motorised vehicles – except, of course, mobility scooters or motorised wheelchairs, where these can be managed on those particular trails. The Department of the Environment will be responsible for ensuring that the National Trails are open and safe, and has the powers to put up notices, fences and so on.

1305 Finally, Part 4 of the Bill makes provision for Crown land and the application to vehicles in service of the Crown of the restrictions on vehicles accessing the National Trails.

In conclusion, this Bill will ensure that the gems of Gibraltar's heritage are properly enjoyed by the people of Gibraltar, and indeed visitors when we are fortunate enough to have them again. It will encourage people to get outdoors, spend leisure time in Gibraltar to develop a greater appreciation and understanding of our unique land, and enjoy our green Gibraltar.

1310 Mr Speaker, I commend this Bill to the House.

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

1315 **Hon. E J Phillips:** Mr Speaker, the Opposition will support the Bill as presented by the Hon. Minister.

1320 We agree that the COVID-19 pandemic has brought into sharp focus the utilisation of our magnificent Rock as a venue for ramblers, and indeed for others to frequent the Upper Rock from time to time. One of the things, on my own ramble up the Rock quite recently, is it allows the opportunity for people who would otherwise frequent other parts of the geography in which we live, i.e. our neighbours in Spain ... who have said to me on a number of occasions that they are now rediscovering Gibraltar and places they had been to when they were children. Mr Speaker, it does receive the full support of the Opposition.

1325 One aspect that has been drawn to my attention by Opposition colleagues here is whether section 6(1) should provide for the annual report to be laid on the table of this House. I wonder whether the Minister might comment on that now, or indeed consider at Committee Stage

amending section 6(1) to provide for the annual report to be laid on the table of this House when it is prepared.

1330 Mr Speaker, I think, consistent with the Government's policy to create a child-friendly city, of course we must ensure that we encourage many of our young people and our elderly citizens to increase their activity on and around our pathways in Gibraltar, particularly the Nature Reserve.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

1335 **Hon. Ms M D Hassan Nahon:** Mr Speaker, just briefly to let the Minister know that any legislation aimed at safeguarding our heritage and surroundings will always be met with approval from Together Gibraltar, so I thank him for putting this forward. This Bill, at a time like this, does not only take care of the environment, in our view, but also takes care of the mental health of our community. Of course it is a good thing, so I will be supporting this Bill and I look forward to  
1340 enjoying its full enforcement and implementation.

Thank you.

**Mr Speaker:** The Hon. the Minister.

1345 **Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to the Members opposite for their support. This is something that I agree is for the benefit of the whole community. I have no objections to the report being laid before Parliament and will propose just a few words to add to section 6(1) at Committee Stage. There is no problem about that whatsoever.

1350 With that, Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today – I think I may have gone too far, no? – if all hon. Members agree.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to  
1355 extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails, and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1360 **Clerk:** The Gibraltar National Trails Act 2020.

**Gibraltar National Trails Bill 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** With apologies for having said this already, Mr Speaker, I now beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1365 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)



**Climate Change (Amendment) Bill 2020 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Climate Change Act 2019 to extend certain dates for the publication of targets and plans.

The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

1370

**Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Climate Change Act 2019 to extend certain dates for the publication of targets and plans be read a first time.

1375

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Climate Change Act 2019 to extend certain dates for the publication of targets and plans be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Climate Change (Amendment) Act 2020.

**Climate Change (Amendment) Bill 2020 –  
Second Reading approved**

1380

**Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

1385

The Climate Change Act set targets for the preparation of reports and the publication of plans and targets for October 2020. This was at a time when we did not have the slightest inkling that we would be facing the pandemic that we faced. Faced with that, as October approached, the proposal was that we should extend this to 31st December. Subsequent to that, because we were not able to see the back end of COVID, a number of commitments stepped in which created considerable disruption in the work of the Department of the Environment – and, indeed, the UK consultants who were helping us with these targets, who were unable to dedicate the necessary time within the time limit ... staff redeployment; also, in connection partly with COVID and partly with Brexit, work in the Department, as 31st December approached, ensuring that we were able to deal with moving waste out of Gibraltar and keeping food supplies in, meant that there was a further delay in the preparation of these plans and targets.

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I now know and am confident that we will be able to produce these by 31st March. Mr Speaker, I wrote to you on 9th December proposing that the original amendment be changed in order to give the Department more time to prepare these technical reports, targets and plans and postpone these to 31st March 2021. It is for this unfortunate reason – I wish we did not have to do this – that I commend the Bill to the House.

1400

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

1405

**Hon. E J Phillips:** Mr Speaker, I am grateful for the Minister's explanation of the extension of the periods of time for sections 45 and 47 respectively of the Climate Change Act. It is a helpful reminder that this House voted on a motion in favour to declare a climate emergency, so we cannot underestimate the disappointment that may be felt by many members of our community that the Government cannot, for the reasons that he articulated, get on with its plan for dealing with promotion of energy efficiencies and promotion of renewable heat. So, it is of great disappointment not only to those of us in the House who are passionate about improving the quality of life for our citizens and our children for the future, but also those organisations that

1410 really want to see us all getting on with it. But he has articulated those reasons. They are, as far  
as I understand it ... I take it on good faith that these are good reasons for delaying the time period  
set out in the Act, and for those reasons we will support the Bill.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

1415

**Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

I will just say that I consider it worrying to see that the Government has seen fit to extend  
climate targets by three months, even though lockdowns and COVID restrictions have triggered a  
dramatic fall in global carbon emissions throughout the world. Government policies during the  
1420 COVID-19 pandemic have drastically altered patterns of energy demand around the world. Many  
international borders were closed and populations were confined to their homes, which reduced  
transport and changed consumption patterns. A study published in the journal *National Climate  
Change* quantified the reduction, and global CO<sub>2</sub> emissions decreased by 17% by early April 2020,  
compared with the mean 2019 levels, just under half from changes in surface transport. We also  
1425 saw a dramatic reduction in all forms of the traffic in and out of Gibraltar, yet the Government is  
telling us that it needs to extend the deadline by three months retroactively in order to meet their  
projected targets. Something is not right when we are unable to meet our targets on climate,  
despite these massive serendipitous reductions.

Climate cannot wait. If the science is telling us anything, it is telling us that we have to bring  
1430 our timelines forward, not backward. We need to make action against climate change a real  
priority, not just mere electioneering slogans, and we need to do it now. If we do not, there is a  
real risk that the COVID crisis will just be a taster of things to come and something that we learned  
very little from.

Mr Speaker, I will be abstaining from voting in favour of this Bill in principle, as I would not  
1435 want to send out a message that delaying targets is something we approve of.

Thank you.

**Mr Speaker:** The Hon. Minister.

1440 **Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to the Hon. Mr Phillips for his support.

I am a little bit confused as to the position of the hon. Lady. We are not delaying the targets  
themselves. What we are doing is providing more time to actually provide the technical reports in  
setting those targets, and therefore we have not relinquished in any way our ambition, our passion  
or our commitment, but we need more time because the officers involved have been dedicating  
1445 their time – and I pay tribute to them – to ensuring that Gibraltar continues with the lines of food  
supply, continues being able to deliver waste, and redeploying their services to helping in the fight  
against COVID. It is purely because they have been dedicating their time to those issues – including  
my time as Minister for Public Health; a lot of my time has gone, particularly in the early stages,  
to dealing with COVID – that we have not had the time to provide the technical reports with the  
1450 proper due diligence and thoroughness in order to have met the target of producing those reports  
in October. We felt that that would have been rushed and therefore we required more time. That  
is the reason, and I think I needed to clarify that.

I repeat my appreciation of the Hon. Mr Phillips' support.

1455 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Climate Change  
Act 2019 to extend certain dates for the publication of targets and plans be read a second time.  
Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Climate Change (Amendment) Act 2020.

**Climate Change (Amendment) Bill 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

1460 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):**  
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.

1465 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Commonwealth Park (Amendment) Bill 2020 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Commonwealth Park Act 2014.  
The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

1470 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):**  
Mr Speaker, I beg to give notice that the Committee ... Sorry, wrong page – too many things happening this afternoon!

I have the honour to move that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a first time.

1475 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Commonwealth Park (Amendment) Act 2020.

**Commonwealth Park (Amendment) Bill 2020 –  
Second Reading approved**

1480 **Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):**  
Mr Speaker, I have the honour to move that the Bill be now read a second time.

1485 This is a very simple amendment. This is extending the provisions of the Commonwealth Park Act and the secondary regulations which set out the rules which are applicable within Commonwealth Park to the new park at Midtown, so that the same rules that have governed Commonwealth Park so successfully and have allowed the public to enjoy its use be applied to the new area of Midtown Park.

That is all I have to say on this matter, and I commend this small extension to the House.

1490 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. E J Phillips:** Mr Speaker, I am grateful for the Minister's explanation as to the extension, effectively, of Commonwealth Park to what we refer to as Midtown Park.

1495 Just one question I would have for the Minister: has the Government conducted an analysis of how it can get economies of scale from the maintenance of the Commonwealth Park extended to Midtown? I assume that at some point those who have a legal obligation to maintain the Commonwealth Park under the contract ... that will simply be then extended to Midtown. I assume

that the Government has negotiated separately in relation to those arrangements and they are of course prudent arrangements.

1500 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, it is subject to discussion and will be reflected in the budgets of expenditure which will be brought before this House.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1505

**Clerk:** The Commonwealth Park (Amendment) Act 2020.

**Commonwealth Park (Amendment) Bill 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):** 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.

1510

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

**Limited Partnerships Bill 2020 –  
First Reading approved**

**Clerk:** A Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes.

1515

The Hon. the Minister for Digital, Financial Services and Public Utilities.

**Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes be read a first time.

1520

**Mr Speaker:** I now put a question, which is that a Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1525

**Clerk:** The Limited Partnerships Act 2020.

**Limited Partnerships Bill 2020 –  
Second Reading approved**

**Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I will be speaking to the Limited Partnerships Bill and also referring to the Protected Cell Limited Partnerships Bill, which is on the Order Paper immediately after this Bill, so I will be talking to them together.

1530 I am grateful to my friend the hon. Member Mr Bossino, who has conferred with me in respect of both of these Bills. We have shared information in respect of the same, and I am grateful to him, although I will indicate it later, for his support.

1535 Since election to Government, we have worked very closely with the Gibraltar Funds and Investments Association and the Gibraltar funds community as a whole to address their ambitions and to update our legislative position with the introduction of interesting and innovative products in the new post-Brexit world of opportunity. We have already seen much success with Gibraltar's crypto funds, and the Government continues to support GibFIA with its business development in the traditional markets, particularly in London, in order to strengthen the growth of Gibraltar's fund industry as a whole.

1540 I have pleasure in laying the Limited Partnerships Bill and the Protected Cell Limited Partnerships Bill, as these Bills have resulted from a feasibility survey of multi-strategy credit structure and solutions requested by Government and undertaken by Paul Hastings LLP in London. They have been able to leverage the international presence to advise Government on various equivalent European fund regimes. The focus of the survey was on improvements that should be made to our legislation and regime in Gibraltar, making it as competitive or even more competitive compared with equivalent regimes in Europe. These Bills place Gibraltar's funds industry in a strong position for many years to come, and our Government will continue its business development work in order to promote this new product offering internationally.

1550 Mr Speaker, the Limited Partnerships Bill is a Bill to repeal and replace the existing Limited Partnerships Act 1927, restating and modernising the existing legislation which, as its title indicates, was enacted over 90 years ago and is in dire need of an update in order to bring our framework in line with market developments.

1555 The Bill has been designed to provide a framework, amongst other things, to allow for the interests in a limited partnership that is an experienced investor fund to be represented by shares, bonds, notes, loans, or other debt securities or instruments. This will allow limited partners to undertake a more active role in the affairs of the limited partnership without forfeiting their limited liability and the general partners of a limited partnership being able to elect whether or not the partnership is to have legal personality.

1560 I must thank the executive committee of GibFIA, Jay Gomez and James Lasry previously, and also, in particular, Jonathan Garcia, who is the Head of Technical at GibFIA, who has led on this this initiative and whose worked over the past 15 months or so, at no cost to Government, has been most welcome. He has been instrumental in putting this together and I would also like to thank Paul Hastings of London, who advised Government, Julian Santanello of the FSC and Jonathan Breckon, who assisted in developing the draft Bills that are before us today. I am most grateful to each and every one of them, and we look forward to continuing our work with them to promote Gibraltar to a global audience.

1570 **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. Damon Bossino.

**Hon. D J Bossino:** Mr Speaker, I, too, wish to acknowledge the assistance which the Minister has provided. He has given me prior warning and notice of what he was going to be saying today.

1575 I can say that the Opposition will be supporting this Bill. It is certainly something which we support not least from the perspective that it is going to make this jurisdiction, in respect of this sphere, more competitive – he says competitive or more competitive in his opening remarks, and that is certainly something, especially in this very tough economic environment, that we find welcoming and will be supportive of.

1580 What I would raise with him, and I will go into some of the issues that arise from the Bill, is that I was rather surprised to learn – and I give him the opportunity to clarify, for the purposes of *Hansard* and the record, this particular issue, which is that there is a particular body, from my inquiries, that has not been consulted, and that is the Law Council. I say this not by way of criticism, but I made inquiry in relation to this Bill, not in relation to the other one that we will be discussing shortly, and I give him the opportunity to state what the position is in relation to that.

1585 Moving on to the substance and the specifics of the Bill, I beg your permission, Mr Speaker, if I delve sometimes into issues which possibly may more properly be raised at the Committee Stage, but there are not that many and I simply raise them now so that the Minister has an opportunity to think about them and flag them so that we can then have a discussion about it, or he can decide whether he accepts my recommendations in relation to those particular issues.

1590 The definition of ‘the Minister’ – this, I think, is not a matter of detail, but actually a substantive matter – is the Minister responsible for Finance, and I wonder whether that is done on purpose. I understand that that portfolio is currently held by the Chief Minister, and traditionally that has been the case, but I wonder if the more appropriate ministerial responsibility should be that held by the Minister for Financial Services, as opposed to the Minister for Finance. If it is the Minister for Finance, then I would request the hon. Member to explain why that is the case.

1595 There is a point here of detail, which I think I will leave for Committee Stage, and that arises in relation to clause 5(5). There is a reference to a limited partnership as ‘his’ or ‘her’. It is not normal legislative language that one sees. It is normally in the masculine, but in any event a limited partner as provided expressly in the Bill can also be a corporate, so I am wondering whether that can be addressed: whether it should be ‘his’, ‘her’ or ‘its’.

1600 Moving on to clause 8(3), the points I am making will only be understandable to him if he also reads 8(2). Clause 8(3) starts with ‘Those documents are’. I am assuming – but this is only an assumption and I would recommend that the Minister considers this and makes the language clearer, so that the point is not, dare I say, a cause for confusion to practitioners – all may need the clarification of a court of law, and given that we are now dealing with draft legislation, in effect, what we do is try and sort the problems out here, or perhaps have it for the record in *Hansard* if he wants to remain faithful to that wording. Because it is certainly not clear, I am assuming that it is a cross-reference to the documents referred to in the immediately preceding sub-paragraph to the sub-paragraph, which is (2)(b), which refers to ‘the documents required to be lodged with the Registrar of Companies for the purposes of paragraph 2(1)(a) of Schedule 1 to that Act.’ I think it requires more specific language and perhaps language which is further up in subsection (2), where it states, if the Minister reads it, ‘the statement specified in section 7’, so the document specified in section (2)(b) may be a solution for him.

1610 In relation to 8(3)(c), there is a reference to ‘Community requirement’ – Community with a capital C. It is not defined in this legislation. I had a quick look at the Interpretation and General Clauses Act. There is a reference to ‘Communities’ in the plural and it broadly refers to the EU, in effect the EEA states etc., and I wonder whether that is what that is meant to be referring to. I would ask him, secondly – and this would go, I would say, to the principles of the Bill – why, given our departure from the EU, that remains there. There is also some confusion in that same sub-paragraph because it refers to ‘licensed or authorised in accordance with a Community requirement other than one falling within sub-paragraph (i) or (ii),’ and it is not clear which sub-paragraphs that is referring to.

1620 I do apologise. My practice normally is to give notice to Members opposite of these specific points. I know I do not have to, but it does assist to get the business of the House moving along a bit more efficiently, so I apologise that I have not had an opportunity to do so.

1625 I would also flag (3)(e), the last sentence. I will read it from the Companies Act 2014. It says:  
or the consent in writing to the deregistration of every registered mortgagee or charge has been obtained.

I am not sure whether the consents would be required from the chargee, as opposed to the charge, and again I just raise it for him to flag and consider.

1630 At 14(1) there is a reference to the requirement to advertise certain activities in the Gazette, and it states that arrangements and transactions have to be advertised 'without delay'. There is no specific time, and I wonder why that is the case. It is very odd, I think, in legislation.

1635 In 17(2) there is a reference, quite rightly, to 'Limited Partnerships' – capital L, capital P. I think it is a defined term. Actually, no, I say that in error. It is a reference to the title of Assistant Registrars of Limited Partnerships. But then it says 'of Limited Partnerships Companies', and I am not sure whether the word 'Companies' is otiose to requirements for the purposes of the description of the title and perhaps should be deleted.

At 29(2), if the Minister wishes to flag this, it is a section which deals with the Charges Register. It is a defined term in 29(1), but then, in the next section, section 29(2), it goes back to form and refers to 'the Register'. It should be 'the Charges Register', so I recommend the addition of the word 'Charges' before 'Register'.

1640 I may be done ... That is the sum total of my contribution today. I am sure that the Minister has taken assiduous note of everything I have said and will be responding, hopefully positively, to the points that I have made, and hopefully we will produce a better law. I am grateful.

1645 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Albert Isola.

1650 **Hon. A J Isola:** Mr Speaker, I am grateful to the hon. Member for his comments. What I would say in respect of his detailed observations is I will certainly go back to the drafters, who are not here with us because of the space restrictions.

1655 This draft Bill has been drawn from a comparative analysis of how many other jurisdictions use these particular vehicles and how we can enhance and improve on those, so it may be that some of these changes that the hon. Member has brought to my attention, which we will look at, are correct in being errors. It is perfectly possible, but from the experience of having worked with them, the attention to detail on each word and what turned on it was particularly impressive. Indeed, the hon. Member referred at the outset to limited liability partnerships and the difficulty in understanding the difference between these, which are limited partnerships, and limited liability partnerships, which are completely different vehicles, so it is a highly technical area. I will certainly take back all of the comments that the hon. Member has kindly brought to my attention and review them in some detail, which I cannot do now.

1660 With regard to the comment on the Law Council, I am surprised by that comment because the Law Council are able to see these Bills, which were published on 29th October 2020. My door is open to them always. And of course we have worked very closely with the Finance Centre Council in respect of all of the legislation and they sit on the Finance Centre Council also, and, to boot, the members of GibFIA I have worked with – James Lasry from Hassans, Jay Gomez from Triay & Triay and Jonathan Garcia from Isolas – are all members of the Law Council. So, I am slightly surprised that the Law Council would think that they had not been consulted, because, as far as we are concerned, they have been. Notwithstanding that, as always, we are open to them and to any comments they have, not just in respect of this but any other piece of legislation which they may have an interest in.

1670 Thank you, Mr Speaker.

1675 **Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Limited Partnerships Act 2020.

**Limited Partnerships Act 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

1680 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** 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.

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

**Protected Cell Limited Partnerships Bill 2020 –  
First Reading approved**

1685 **Clerk:** A Bill for an Act to provide for protected cell limited partnerships in Gibraltar. The Hon. the Minister for Digital, Financial Services and Public Utilities.

1690 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the protected cell limited partnerships in Gibraltar be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the protected cell limited partnerships in Gibraltar be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1695 **Clerk:** The Protected Cell Limited Partnerships Act 2020.

**Protected Cell Limited Partnerships Bill 2020 –  
Second Reading approved**

**Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

1700 Along the same lines as in respect of the Limited Partnerships Bill, the base of this Bill is the co-operation and work we have been undertaking with the Gibraltar Funds and Investment Association. My thanks to them again for their proactive and innovative approach to this work.

1705 The Protected Cell Limited Partnerships Bill is a Bill for an Act to allow experienced investor funds that are established as limited partnerships to create one or more cells and allow them to establish an umbrella structure for the purpose of protecting and segregating cellular assets from non-cellular assets, keeping each cell separate and separately identifiable from other cells. This Bill has been designed based on the existing protected cell company legislation that was first introduced in Gibraltar in 2001. The Limited Partnerships Bill and the Protected Cell Limited



1710 Partnerships Bill serve to represent the Government's continuing support for and commitment to the development of our funds industry as a whole and are the product of a joint effort between Government and GibFIA, who are and have been for a very long time our great partners in fully understanding the power of working closely together for the benefit of the jurisdiction. There is no need for me to thank them again, but I thank them all the same.

Mr Speaker, I commend the Bill to the House.

1715 **Mr Speaker:** Before I put the question, does any hon. Member wish speak on the general principles and merits of the Bill? The Hon. Damon Bossino.

1720 **Hon. D J Bossino:** Mr Speaker, simply to confirm the Opposition's support again for this legislative initiative. We take a lot of solace and comfort from the fact that there has been full consultation with the interested stakeholders – and not just consultation, but I think, from what the hon. Member the Minister is saying, in fact it is an initiative which has come from them that has been brought to the Government and the Government has taken it on board. Again, it is a further offering to our economic offering, which is, dare I say, so much needed in these very trying times. So, I commend the Minister for having listened to the individuals and the relevant stakeholders concerned. I commend him for bringing this Bill to the House, and I can assure him that we will all be supporting it.

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

1730 I now put the question, which is that a Bill for an Act to provide for protected cell limited partnerships in Gibraltar be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Protected Cell Limited Partnerships Act 2020.

**Protected Cell Limited Partnerships Act 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

1735 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** 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.

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

**Proceeds of Crime (Miscellaneous Amendments) Bill 2021 –  
First Reading approved**

1740 **Clerk:** A Bill for an Act to amend the Proceeds of Crime Act 2015; to amend the Financial Services Act 2019; to amend the Supervisory Bodies (Powers etc.) Regulations 2017; to amend the Gambling Act 2005; to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations 2016; to amend the Terrorism Act 2018; to amend the Insolvency Practitioners Regulations 2020; to amend the Register of Ultimate Beneficial Ownership Regulations 2017; to amend the Trustees Act; to amend the Private Foundations Act 2017; to amend the Terrorist Asset-Freezing Regulations 2011; to amend the Sanctions Act

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2019; to amend the Chemical Weapons Sanctions Order 2019; to amend the Democratic People's Republic Of Korea Sanctions Order 2018; to amend the Friendly Societies Act; to amend the Charities Act; and to amend the Companies Act 2014.

1750 The Hon. the Minister for Digital, Financial Services and Public Utilities.

**Mr Speaker:** Will the Hon. Minister say that I have received a letter from the Chief Minister speaking about the urgency of this Bill, following section 35(3) of the Constitution?

1755 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Yes, Mr Speaker.

I have the honour to amend the Proceeds of Crime Act, to amend the Financial Services Act, to amend the Supervisory Bodies Regulations 2017, to amend the Gambling Act, to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations, to amend the Terrorism Act, to amend the Insolvency Practitioners Regulations, to amend the Register of Ultimate Beneficial Ownership Regulations, to amend the Trustees Act, to amend the Private Foundations Act, to amend the Terrorist Asset-Freezing Regulations, to amend the Sanctions Act, to amend the Chemical Weapons Sanctions Order, to amend the Democratic People's Republic Of Korea Sanctions Order 2018, to amend the Friendly Societies Act, to amend the Charities Act and to amend the Companies Act 2014, to be read a first time, Mr Speaker, as you have asked.

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1765 The Chief Minister issued his letter on 8th February – 5th February, the handwriting is worse than mine – granting a Certificate of Urgency in respect of this Bill for the reasons I will mention in my address on the principles.

Thank you, Mr Speaker.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Financial Services Act 2019, to amend the Supervisory Bodies (Powers etc.) Regulations 2017, to amend the Gambling Act 2005, to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations 2016, to amend the Terrorism Act 2018, to amend the Insolvency Practitioners Regulations 2020, to amend the Register of Ultimate Beneficial Ownership Regulations 2017, to amend the Trustees Act, to amend the Private Foundations Act 2017, to amend the Terrorist Asset-Freezing Regulations 2011, to amend the Sanctions Act 2019, to amend the Chemical Weapons Sanctions Order 2019, to amend the Democratic People's Republic Of Korea Sanctions Order 2018, to amend the Friendly Societies Act, to amend the Charities Act and to amend the Companies Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Proceeds of Crime (Miscellaneous Amendments) Act 2021.

### **Proceeds of Crime (Miscellaneous Amendments) Bill 2021 – Second Reading approved**

1785 **Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I now have the honour to move that that Bill be read a second time.

The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, better known as Moneyval, is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems. In its own words:

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Through a dynamic process of mutual evaluations, peer review and regular follow-up of its reports, Moneyval aims to improve the capacities of national authorities to fight money laundering and the financing of terrorism more effectively.

As a jurisdiction, have always prided ourselves on maintaining the highest standards in financial services, particularly in the context of anti-money laundering and counter-terrorist financing. This process is a continuous one and international standards continue to evolve. In some cases, EU-driven requirements exceed those of the FATF. However, the reverse is also true, and in some instances FATF requirements are higher than those of the European Union. Therefore, although fully compliant with all EU directives as at 31st December in this area, Moneyval's Fifth Round Mutual Evaluation Report on Gibraltar, adopted by Moneyval in December 2019, identified a number of technical deficiencies. We have therefore embarked on a comprehensive review of all of these recommendations in the Moneyval report and this Bill seeks to incorporate all the legislative changes required to address the technical deficiencies addressed in the report and thereby comply with the requirements of the FATF recommendations.

The Act amends a whole series of different Acts, which you have taken us through gently as you introduced the Bill, and indeed so have I, and I will save Parliament having to listen to all those pieces of legislation again. Many of the changes are of a minor nature and have been made to address areas where Moneyval felt that our laws could be stated with more clarity. These do not change the position under our law nor the fact that in relation to these matters we are already in technical compliance with the FATF recommendations, but merely seek to clarify the intent or effect of the relevant provisions. In other cases, more substantive additions and amendments have been made extending definitions, giving authorities greater powers, changing mandatory processes and changing how some information is recorded in public registers.

I would add that we have engaged in extensive consultation with relevant interested bodies and affected persons, including the Association of Trust and Company Managers (ATCOM) through the Finance Centre Council, the Registrar of Companies, the Registrar of Ultimate Beneficial Owners, the Board of Charity Commissioners, the Registrar of Friendly Societies, the Gibraltar Financial Services Commission, the Gibraltar Gambling Commission, the Office of Fair Trading, the Legal Services Regulatory Authority, GIFU, the Royal Gibraltar Police, HM Customs and the National Co-ordinator for AMLCFT. I am grateful to all of these groups who have worked with us to deliver this Bill. I am also grateful to our Moneyval team Annette Perales, David Parodi and Kevin Warwick, as well as representatives of our public authorities, the Royal Gibraltar Police, Customs, the Finance Intelligence Unit, the Gambling Division and the Financial Services Commission, who have steered us through this legislation. I must also thank Adrian Pilcher and Michael Adamberry for their excellent work, particularly over the Christmas break when they worked through this to complete this important work in time.

Mr Speaker, I have presented the Certificate of Urgency from the Chief Minister, which I referred to earlier, as this legislation must be in place before we report back to Moneyval in March this year, and in the present circumstances, when we do not know with certainty when Parliament will be meeting, I thought it best and prudent to bring this to Parliament at the earliest opportunity. I must also say that the draft Bill was sent to the Opposition at the earliest opportunity, in December last year, in order to give them maximum time to consider the draft. The draft has changed since then, and they have also been provided with the tracked changes from the original version. I am grateful to the Hon. Mr Damon Bossino, with whom I have also been in contact in respect of this legislation, sharing the drafts and sharing the ideas and answering questions wherever possible, and I am also grateful for his support and that of the Opposition in respect of the Bill.

Thank you, Mr Speaker.

**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. Damon Bossino.

1840 **Hon. D J Bossino:** Mr Speaker, in relation to the final remark of the Minister, I need to confirm his assistance and confirm the fact that he did provide us with a draft of the Bill by email and all the consequential changes, which very helpfully were identified by way of track in the Word document that he sent us. Unfortunately, I think his first e-mail was received at the time I was nursing COVID, but he did copy my colleagues, the Leader of the Opposition and my hon. Friend  
1845 Mr Feetham, so that they were aware of all developments at the same time, and for that I am grateful.

The Minister rightly points out that this initiative is as a result of the evaluation which was done by Moneyval. In short, that, I think on any objective analysis, we can all agree was not particularly good reading for Gibraltar. Therefore, it is highly commendable that the Government should be  
1850 addressing many of the issues that they raised, in order to, hopefully next time round, with the next evaluation reach a better and more pleasing-to-the-eye target.

This is an extensive Bill, which I have reviewed in some detail. Some of those points I have raised separately, privately, with the Minister. I have given him advance notice, I think it is fair to say, of the main points that I would raise, so that he could have time to consider them. For the  
1855 sake of *Hansard* and, once again, for the record – because this is perhaps not the most exciting of matters to be debating across the Floor of the House, but the reality is that for practitioners out there and for people particularly who are dealing in the financial sector, it may be of some use, and as I said earlier in relation to another Bill, hopefully it produces a better and clearer law.

From what I understand, and I have not been in the thick of it but many of these changes – I  
1860 think he has mentioned it in his opening remarks – were already there in our statute book, albeit in different pieces of legislation here and there. I dare say that, perhaps because of the mindset of those individuals who were doing the review on behalf of Moneyval in our jurisdiction ... were less familiar with the way we do things in the Anglo-Saxon world and were perhaps more of the European civil law type of mentality, where you need to have it set out in clear black and white  
1865 language in the particular Act – if not, it is not good enough – and really what we are doing here is raising those points that they raised to that specific statutory level.

The point I would make in terms of some of the specifics – and again, I hasten to add, the Minister is aware of it – is in relation to ... Well, maybe this is not actually a specific in terms of the language, but I would raise it and give him the opportunity to reply to me now, for the sake of the  
1870 record and for the public to be aware, those who are interested. Under clauses 82 to 86, which set out all the requirements that nominee shareholders and directors have to comply with in terms of know your client requirements ... It sets it out in a lot of detail. I think most of that type of information is already sought and obtained currently in practice, but the point I want to make in relation to that is whether the Government is satisfied that the training that has been provided  
1875 in relation to this is adequate and that there will be ongoing training into the future.

I move quickly on to the amendment that has been made to section 44(5) of the Charities Act, which is in clause 136 of the Bill, which deals with the extensive amendments to Part 6 of the Charities Act, if I am not mistaken. In section 44(5) it reads ... This is the assistance which the local Charities Commission is obliged to provide to enquiries made from outside our shores. It says:

Where a foreign commissioner informs the Commissioners

1880 – that is our Commissioners –

of a suspected contravention of this Act ...

and I just wanted the Minister to explain in what circumstances that could arise so that you have a foreign body telling the local body that we have breached our own Act. I just find that very difficult to get my head round. I give him the opportunity to explain that and why, in the following

1885 subsection, where it reads, 'The Commissioners may cooperate with a domestic authority, foreign  
commissioner or foreign authority', it is language that is not imperative language, which therefore  
is suggestive that the Commissioner may exercise the statutory discretion as to whether he or she,  
or they then lend that support, and whether he could elucidate as to in what circumstances  
1890 commissioners may refuse to give that support. I would highlight as a positive section 45, where  
the Commissioner still holds the ability – and maybe this reads in line with the subsection I have  
just addressed – to refuse to exchange information. That is good, so that it is not an open house  
and a free for all. I think it is important that we do retain some control of these types of affairs.

Moving along to the final point in relation to this Bill – this the penultimate point; I wish to  
make one final point after this – and that is in relation to clause 48, where there are amendments  
to the Proceeds of Crime Act 2015 with the introduction of a new 184ZA. In summary, it is the  
1895 ability of the Government by regulation to amend the principal Act. I am just slightly  
uncomfortable with that, but perhaps he can assuage my concerns in relation to that, and that of  
the Opposition, which is that substantive changes to the primary legislation, if this is approved,  
will not come before the House. I think that is what this is trying to achieve, and I am just slightly  
uncomfortable with it because we will not have an opportunity to vote on it and debate it. It is ...  
1900 I was going to say rare, but maybe not that rare anymore, to have this type of provision. So, I  
would just make that remark and give him an opportunity to comment on that. And, secondly, to  
say this: I assume that this is a practical measure, so that if there are further recommendations  
made by Moneyval or any other outside body like the Financial Action Task Force etc., it does not  
require the occupation of time with this House, and then the Government can move more quickly  
1905 and more nimbly in relation to those issues. I assume that is the rationale and thinking behind  
this.

Finally, now, Mr Speaker, to ask the Minister – I know in the sector there has been some talk  
and, I think, a question mark as to whether this was going to happen – whether it is the  
Government's intention to adopt the Sixth Money Laundering Directive. I understand from my  
1910 discussions with individuals in the sector, but also with the Minister himself, that the idea and the  
plan is not to, but I am perhaps putting words in his mouth, because actually ... I am not sure  
whether it is accurate to say the UK – or at least England and Wales – is not so adopting. With  
that, I end my contribution.

1915 **Mr Speaker:** Does any other hon. Member wish to make a contribution?  
The Hon. Minister Albert Isola.

**Hon. A J Isola:** Thank you, Mr Speaker.

I am grateful to the hon. Member for the points he has raised. If I can start with the last point  
1920 he made, in respect of 6AMLD, as I think he knows, the UK has opted out of 6AMLD. What we  
have done is carry out a gap analysis between our current legislation in respect of the areas that  
6AMLD covers, primarily our AML/CFT network, to understand where those gaps are, if there are  
any. What we have discovered is that there are in fact some gaps, and we are now addressing  
whether we want to bridge those through legislation, or not. We are in discussions with the  
1925 Treasury in the United Kingdom to see what they are going to be doing in respect of some of these  
gaps, and also with the industry, who obviously we will consult with and confer to ensure we are  
on the same page in respect of how we want to move forward.

Mr Speaker, the hon. Member is absolutely right, a lot of this legislation is recasting and  
refocusing legislation that we previously had, or intended, or felt we had, or indeed in some  
1930 aspects had but in guidance notes and therefore did not have 100% legal effect in the eyes of the  
evaluators, who spent some brutal days trawling through us and interviewing many people within  
public authorities and private sector firms in going through, in excruciating detail, every single  
aspect of our entire foray of legislation that deals with AML and CFT. Indeed, we have listed and  
mentioned on a lot of occasions all the different pieces of legislation that we went through to  
1935 establish what exactly it is that we need to do.

1940 So, there is more clarification in this legislation. There are some additions too. Let's be clear, we have introduced some new pieces, which the hon. member has also alluded to. The Register of Ultimate Beneficial Ownership is relatively new and there are also some strengthening provisions in relation to that, and there are some issues which were incompatible in terms of trying to marry the FATF requirements with the EU requirements, and we have now tried to settle those too.

1945 The reason why we saw fit to engage as we did with the private sector was because of this business of unintended consequences when you make things in the way that some of our drafters were considering was appropriate. The sector itself thought these issues could be better explained and better presented in a different way, and therefore I was very pleased to have had their undivided attention with our drafting team as we worked our way through the legislation.

1950 The hon. Member refers to clauses 82 to 86, and indeed that is one of the areas where some changes were introduced. I think the mention he makes of training is a valid one, and I am pleased to tell him the national co-ordinator will shortly be producing an outreach in respect of these areas specifically to work with the training elements to ensure that everybody in the sector is familiar with this idea of nominators and appointers, which are new and being introduced in this legislation.

1955 In respect of the Charities Act, the hon. Member raised some questions as to, firstly, why we appear to be giving powers to foreign regulatory authorities. I do not believe we are. What we are certainly enabling them to do is if a Gibraltar charity has an engagement in a foreign jurisdiction, then a foreign regulator should be able to raise with our regulator any infringements of our legislation in that jurisdiction. It is no more than that. The second point that I would make is that our regulator has the ability to co-operate, which is the bit that he said was not mandatory. Where there is not a breach in terms of our regulations, they are still able to co-operate in respect of that activity. It is very normal and common that regulators speak to each other – not only when there is an infringement or a breach; regulators are constantly engaging with each other to ascertain whether the activity the licensees or their firms are conducting complies with the obligations that they are each subject to.

1960 The final point is an important one – 184ZA, about the ability of the legislation, through regulation, to amend the primary legislation. That used to be common. It is not anymore. It is very rare that we do it nowadays, and, if you look at this piece of legislation, it is being introduced with a very specific power, limiting it to ensuring that we are able to comply with and implement international agreements, international conventions, or obligations or standards relating to AML and CFT. So yes, it is unusual, but yes, also I would ask the hon. Member to consider that it is being permitted in very specific and limited circumstances directly in relation to international agreements, conventions and standards in just AML and CFT that we may be seeking to and wanting to comply with.

1975 I think I have answered the questions. As always, Mr Speaker, I am grateful to him for engaging with me during the process and for sharing with me some of his ideas, which has enabled me to give him a fuller answer than I would otherwise have been able to, and if he does wish to raise any other matters after we have concluded proceedings I would be very happy to provide information and assistance.

1980 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Financial Services Act 2019, to amend the Supervisory Bodies (Powers etc.) Regulations 2017, to amend the Gambling Act 2005, to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations 2016, to amend the Terrorism Act 2018, to amend the Insolvency Practitioners Regulations 2020, to amend the Register of Ultimate Beneficial Ownership Regulations 2017, to amend the Trustees Act, to amend the Private Foundations Act 2017, to amend the Terrorist Asset-Freezing Regulations 2011, to amend the Sanctions Act 2019, to amend the Chemical Weapons Sanctions Order 2019, to amend the Democratic People's Republic Of Korea Sanctions Order 2018, to amend

the Friendly Societies Act, to amend the Charities Act and to amend the Companies Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Proceeds of Crime (Miscellaneous Amendments) Act 2021.

**Proceeds of Crime (Miscellaneous Amendments) Bill 2021 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** Mr Speaker, I am grateful to you for so carefully and diligently taking us through that wonderfully named Bill.

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I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am conscious that you and the Clerk have not had the opportunity to leave the Chamber now for three and a half hours. There are a number of other Bills that we intend to try and get through this evening. The next one will be the Surrogacy Bill, which I have also certified as urgent, but I just wonder, before we do that, whether it might be a convenient moment to break for a recess of 10 minutes before the House continues its business.

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**Mr Speaker:** The House will recess for 10 minutes, to return at quarter to the hour.

*The House recessed at 6.35 p.m. and resumed its sitting at 6.50 p.m.*

**Announcement of death of former Member Hubert Corby**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before the House turns to its next business, we on the Government side have received with sadness, and the community will receive with sadness, as will hon. Members opposite, the devastating news that a former Member of this House has passed away, Mr Hubert Corby, whom I had the pleasure to serve with in this House – obviously in opposition – whilst he was a Minister. Other hon. Members on this side also enjoy good memories of him as a parliamentary colleague, and I know that the Leader of the Opposition was a Cabinet colleague of his.

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Mr Speaker, no doubt the whole community will mourn his passing. I would propose that when we have more time to consider his contribution to this House, we should have a chance to make a fuller reference to his contribution to the community and to this House at the beginning of the next session of the House. I have no doubt that the Leader of the Opposition will also want to say something.

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For those of us on this side of the House and those we represent, the passing of Hubert is a very sad moment indeed. He was always unflinchingly collegiate in his approach. Wherever one might be sitting in this House, he was always a friend.

2025 **Hon. K Azopardi:** Mr Speaker, we have had this deeply sad news during the break, deeply sad for Members of this House and deeply sad for Members on this side especially. As a party colleague for many years, Hubert Corby was a stalwart of the GSD.

I welcome the Chief Minister's words, and I certainly welcome the opportunity that we should have a chance to honour his memory in a more detailed way. Right now, we are just reacting to the deeply sad news that we have heard in the break.

2030 Hubert was not just a colleague and a Cabinet member, on which I served, but a friend. I looked up to Hubert in those days, in my 20s and early 30s, as someone who was the model of not being a tribal politician, who could really reach out to Members opposite, who had friends on all sides of the political spectrum. He really was a popular guy who had so much connection with so many people in this community, so it will be a sad day for many people in Gibraltar to hear that Hubert has passed.

2035 We do need to honour his memory in a better way, but I certainly acknowledge the words of the Chief Minister and I say for Members on this side of the House that he will be in our thoughts and his family will be in our thoughts. Many friends that he had out there will have Hubert in their thoughts and it is a deeply sad day for Members on this side of the House.

2040 **Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you. I, too, would like to echo the words of the Chief Minister and the Leader of the Opposition by expressing my deep regret. I do look forward to presenting a fitting tribute, at the next available opportunity, to this fine man and former Government Minister, but as part of Gibraltar's political family I would like to register my deep regret once again and offer my heartfelt condolences to his family and close friends.

2045 Thank you.

#### **Surrogacy Bill 2021 – First Reading approved**

2050 **Clerk:** We now continue with Bills, First and Second Reading, and we start with a Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy, and establishing legal parenthood in cases of assisted reproduction arrangements.

The Hon. Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs.

2055 **Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** I have the honour to move that a Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy, and establishing legal parenthood in cases of assisted reproduction arrangements be read a first time.

2060 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy, and establishing legal parenthood in cases of assisted reproduction arrangements be read a first time.  
2065 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Surrogacy Act 2021.



**Surrogacy Bill 2021 –  
Second Reading approved**

**Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs (Hon. Miss S J Sacramento):** I have the honour to move that the Bill be now read a second time.

2070 I am extremely happy to have been given this opportunity to bring this Bill to Parliament today, so soon after its publication, and I thank the Chief Minister for exercising his power to abridge the publication time required in order to have it heard at the first possible opportunity.

2075 This is a revised version of the Bill originally published in 2019, which unfortunately could not be passed before the 2019 election was called. It was always my and our Government's intention to republish the Bill in 2020, but this was regrettably set back, due to pressing legislation due to Brexit and COVID-19 related matters, but there has always been the intention publish this draft legislation as soon as it was possible for us to do so.

2080 It is a great privilege to be able to bring a Bill forward for an Act that will have such a positive effect on people in Gibraltar, allowing them to be able to engage in a non-commercial, altruistic surrogacy arrangement and then seek legal parentage of children by applying for a parental order. Such an application would be subject, of course, to the legal safeguards in place for the gestational mother, mirroring the approach taken in the United Kingdom in this area. This is a long-due modernisation of the legal position of the family unit in Gibraltar, removing the potential risks that may arise in the absence of effective surrogacy legislation.

2085 Going into the technical nature of this legislation, the Bill provides for the regulation of surrogacy arrangements, establishing the legal parenthood status of those participating in assisted reproduction arrangements, and makes provision for parental orders to confer legal parenthood and the transfer of responsibility to the applicant parents. I will address each of the three parts of the Bill in turn and highlight key clauses therein.

2090 Part 1 deals with the regulation of surrogacy arrangements. Clause 3 of the Bill makes it clear that no surrogacy arrangement is enforceable by or against any of the persons making it.

2095 Clause 4(1) sets out activities which could amount to a criminal offence for those who, on a commercial basis, initiate any negotiations with a view to making a surrogacy arrangement, take part in any such negotiations, offer to agree to negotiate such an arrangement, or compile any information with a view to its use in making or negotiating any such arrangement. However, some exceptions are set out. For example, a person does not contravene clause 4(1) if the Act is committed by a woman with a view to becoming a surrogate mother herself or by any other person with a view to a surrogate mother carrying a child for him or her. This clause aims to criminalise conduct relating to the making of surrogacy arrangements on behalf of others on a commercial basis.

2100 Clause 5 of the Bill prohibits any advertisement containing an indication that a person is willing to enter into a surrogacy arrangement or to negotiate or facilitate the making of such an arrangement, as well as any advertisement looking for a woman willing to become a mother or for a person wanting a woman to carry a child as a surrogate mother. Offences are established for publishing such advertisements in any newspaper or periodical or conveying such advertisements by means of an electronic communications network. Exception is made for advertisements made by non-profit-making bodies advertising acts that would not contravene clause 4(1).

2105 Part 2 of the Bill addresses issues of establishing legal parenthood, including cases where couples who are married or in a civil partnership have participated in assisted reproduction arrangements.

2110 Clause 6 establishes that the woman who is carrying or has carried a child as a result of the placing in her of an embryo or sperm and eggs, and no other woman, is to be treated as the mother of the child. Unless as a result of adoption, a child is not treated as the woman's child.

2115 Clause 7(1) states that the purpose of Part 2 is to determine who is to be treated as the other parent of the child in the case of a child who is carried by a woman in such circumstances.

Clause 8 states that if, at the time of the placing in her of the embryo or of the sperm and eggs of her artificial insemination, a woman was party to a marriage or civil partnership with a man and the embryo was not brought about with his sperm, then the husband or civil partner is to be treated as the father of the child unless it is shown that he did not consent to the procedure.

2120 Clause 9 has the same effect as clause 8, but in relation to cases where a woman who has had a procedure is in a civil partnership or marriage with another woman. In such cases, the other party to the civil partnership or marriage would be treated as the parent of the child unless it is shown that she did not consent to the procedure.

2125 Clause 12 makes exception for children who may not be treated as the man or woman's child under clauses 8 and 9 respectively if as a result of the adoption that child is not to be treated in such manner.

Clause 13 states that where, by virtue of Part 2, a person is to be treated as the mother, father or parent of a child, that person is to be treated in law as the mother, father or parent, as the case may be, of the child for all purposes.

2130 Clauses 16, 17 and 18 deal with the legal parenthood in limited circumstances where the other intended parent has died before the sperm has been used or the embryo transferred and that person consented in writing to be treated as the father or parent, as the case may be, for the purpose of entering their particulars in the register of births.

2135 Part 3 of the Bill establishes a framework for parental orders. Parental orders provide for a child to be treated in law as the child of the applicant and extinguishes all rights, duties, obligations and liabilities of the surrogate mother, and the husband if applicable, in relation to future parental responsibility in favour of the named applicants. In order to apply for a parental order, at least one of the applicants must have been used to bring about the creation of the embryo. An application for a parental order may be made by two applicants in accordance with clause 20, or  
2140 by a single applicant in accordance with clause 21. In the case of two applicants, they must either be married or civil partners, or two persons who are living as partners in an enduring family relationship. There is an amendment to this section, which will be taken at Committee Stage, to make it absolutely clear that same-sex married couples are also included within this definition.

2145 Regardless of whether the application is made by one or two applicants, some conditions are the same. For instance, applicants must apply for the order during the period of six months beginning with the day on which the child is born. An exception for this is provided to children born prior to the commencement of this Act, whereby a six-month period from the date of commencement will apply. A child's home must be with the applicant and at least one applicant must be domiciled in Gibraltar. The applicant must have attained the age of 18 at the time of  
2150 making the order and the court must be satisfied that the woman who has carried the child and any other parent of the child have freely and with full understanding of what is involved agreed unconditionally to the making of the order. This consent must be given no sooner than six weeks after the child's birth. However, there is no requirement for the agreement of a person who cannot be found or is incapable of giving agreement, and the court has powers to dispense with  
2155 the requirement altogether under certain circumstances.

Clauses 24, 25 and 26 mirror similar provisions from the Adoption Act in relation to rights and responsibilities passing on to the new parents, the devolution and disposal of property, and inheritance.

2160 The Bill also includes powers to make rules and regulations as may be necessary for carrying out the purposes of the Act in clause 27, and sets out offences at clause 28 and provides a power to make any necessary consequential amendments in future to clause 30.

2165 Schedule 1 contains various consequential amendments to other pieces of legislation. The main purpose of these amendments is to include provision for parental orders and children subject to parental orders where our laws already refer to adopted children or adoption orders to ensure relevant rights and obligations are the same.

In addition to this Bill, there will be regulations, published next week by secondary legislation, to give effect to this Bill, in their full detail, if passed, including the relevant forms for applicants

for birth certificates, which will be more neutral in language than we are used to and will provide for 'parents' as opposed to a 'mother and father',

2170 Should the Bill be passed today, it is hoped that it will come into force within seven days.

There are many potential complexities and difficulties that may arise when participating in a surrogacy arrangement, for surrogates and the intended parents, and in the making of parental orders. It is these technical matters which our lawyers in the Government Law Offices are currently looking at to ensure that everything works as intended. I would particularly like to thank Crown  
2175 Counsel Michael Podesta for his exemplary work in this matter – he has ensured that the Bill could be presented today – as well as my team at the Ministry for Equality, who are, as always, the drivers of such progress.

To conclude, this is a Bill which I have been very keen to bring forward for some time. I must  
2180 mention, before I finish, my thanks to the individuals I have spoken to during the consultation process, and in particular those who have shared with me their personal stories, who have both moved and inspired me. My thanks in particular to the couple I have met who have already been through the process and who, by virtue of this, should it be passed, would now be able to register as parents of their children by virtue of a parental order; and also to a special young lady who, due to illness, will not be able to conceive and with whom I have discussed surrogacy at length, and I  
2185 know that this means very much to her, as it will for everyone, of course. It is individuals for whom this legislation is intended, to whom it will make such a difference, to them, to their lives and to their children.

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

2190 **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. Elliott Phillips.

**Hon. E J Phillips:** Mr Speaker, I thank the hon. Lady for her contribution and bringing of the Bill.  
2195 The Bill will receive the GSD's support, and I know others will want to speak from this side of the House in relation to the Bill for surrogacy. The GSD will support this Bill, but we would like to make a number of observations about that support, insofar as the law and how it is arrived at in this House.

It is right that this legislation effectively reflects the Surrogacy Arrangements Act 1985 and the  
2200 Human Fertilisation and Embryology Acts 1990 and 2003 of the United Kingdom. That combination of Acts still exists in the United Kingdom. However, as the Minister may well be aware, there is a Law Commission in the United Kingdom that will be reporting at the beginning of next year with a fundamental review and shake-up of surrogacy law in the United Kingdom.

We make that observation, because although what is clearly happening here is almost a  
2205 signpost to the question of surrogacy, this Bill does go so far, but it does not, in our respectful submission, go far enough insofar as law reform in this area, and I just wanted to point out a number of aspects of that to the Hon. Minister. These are commentaries by leading academics and the Law Commission itself, who have commented on the existing infrastructure in the United Kingdom as being out of date and full of contradictions. The Law Commission's report on the  
2210 extant legislation in place in the United Kingdom states that, in short, the law relating to surrogacy is now outdated and needs to be changed to reflect current attitudes towards surrogacy and understandings of how this way of building a family works. In addition, a comment by Sir James Munby, former President of the Family Division in England, said this: 'There is widespread agreement that legislation governing surrogacy' – in the United Kingdom, on which this law is  
2215 based – 'is seriously out of date and not fit for purpose.'

So, whilst I appreciate that this is important legislation for our jurisdiction, important  
legislation for the many couples in Gibraltar who have struggled for many years in having children – for whom we all have the greatest of sympathy – this law does eventually need to go further. Whilst we support this legislation to help those families in the intervening period, we

2220 would like the Minister to comment in her reply as to the state of the law, as she understands it,  
in the United Kingdom, and the Law Commission's report which is due to happen in January of  
next year, just to understand her thinking on how this law will be developed in Gibraltar even  
further. Introducing law from 35 years ago which has been severely criticised by a number of  
2225 leading academics, indeed the present Family Division and the Law Commission itself when they  
prepared the summary of their report, must give the Government some cause for concern as to  
the introduction of, effectively, 1985 legislation – as amended; do not get me wrong, it is the  
reason why we are looking at parental orders and certain provisions that the Hon. Minister has  
referred to. I would say that we would welcome this move and we thank the Minister for  
proposing legislation in this area, but it is right that we look towards the future, insofar as the  
2230 report that will be delivered next year in the United Kingdom which reviews this legislation.

I am not suggesting that there has been a copy-and-paste job of United Kingdom legislation  
simply for the need of speed, and I say that with the greatest of respect. In 1985, in the United  
Kingdom, surrogacy law was introduced as a result of the case of baby Cotton, as the Minister may  
be aware. That was rushed through the United Kingdom Parliament, so those criticisms have been  
2235 in the United Kingdom for some significant time. Although I understand that she says she is  
extremely happy and this is long-overdue modernisation – it is, yes, for us in Gibraltar – I would  
put it to her that what we should be doing at some point in the not-too-distant future is learning  
from the mistakes of other jurisdictions that we are so closely related to in terms of this House,  
and once we learn from the mistakes that have been made in legislative making in that jurisdiction,  
2240 that will help us achieve better legislation in our own jurisdiction.

So, whilst we welcome the clear development for couples in Gibraltar, we have to have an eye  
on the next step, which I am sure she has had an eye on. What I would say, in closing, in relation  
to that, is we noted in paragraph 19 of the Bill as presented that the additional provision was  
replaced from the first iteration of the draft that was presented in 2019 by the former Minister  
2245 for Health. If, in particular, the Minister could comment on that, which effectively provides for  
children born on or after 1st January 2021, it would be helpful to have a bit more of an explanation  
on that.

In closing, surrogacy of course has an increasing role to play in our society in helping create  
much-wanted new families for a range of people, and we must recognise the value of this in the  
2250 21st century, where family structures, attitudes and lifestyles are much more diverse. For anyone  
to deny this law now, despite what I say about the mechanics of the law, is to deny women, as  
described in the title of the Bill, who have previously an absence or malformation in the womb,  
recurrent pregnancy loss or repeated IVF implementation failures, is to deprive them of a family.  
Those who seek to deny this law will be denying families a child.

2255 The surrogacy law that is now being proposed is certainly something that we strongly welcome,  
despite the deficiencies we have identified and despite the further legislative programme that we  
would ask the Government to embark on.

Mr Speaker, those are the only comments that I would have on the Bill, and it does receive the  
support of the GSD.

2260 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Ms M D Hassan Nahon:** Mr Speaker, thank you.

2265 My party and I welcome this Bill, one that was presented, initially, as far back as two years ago  
and subsequently pushed to the back of the line. This, unfortunately, does tend to happen with  
most issues that have to do with creating a modern framework of civil liberties in Gibraltar, and it  
had to take one brave, same-sex couple, who have had no recourse but to launch their own  
personal media campaign, for Government to resuscitate an overdue Bill that should have been  
prioritised the day it was published before our General Election. Only now that couples like the  
2270 one in question have raised it and two other constituents have spoken out – now that the

reputational damage to our jurisdiction has already been made, now that it is all over the UK press – Now it is an urgent matter.

2275 We welcome this Bill, but we would like the Government to clarify why exactly this change has taken so long, because, with respect to my friend the Minister for Equality and the reasons given, this was not passed, it seems, simply because it was not prioritised, because in the same way as we can sit here today for six hours passing nine Bills in the height of COVID and Brexit, we could have done this, initially, two years ago.

2280 Mr Speaker, it does beg the question: why are we always so late to answer the call of our civil rights movements? Why are we last to allow women their reproductive rights? Why were we among the last to approve same-sex marriages? Why did it take so long to remove the discriminatory clause 6(b) from the same-sex marriage Act? Why do we have third-world standards in the apportionment of statutory parental leave rights?

2285 Despite all these unacceptable lags, there are several fields in which Gibraltar is not only not antiquated but is considered an innovator, a trail-blazer. Of course, this tends to be related to the business side of things, and we all know what makes the world go round. We have primitive civil rights provisions, yet we are one of the first to create legislative frameworks for blockchain and DLT investments. We have a terrible record for legislating –

2290 **Mr Speaker:** You need to speak about the general principles and merits of the Bill, with respect. The general principle and merits of the Bill, please.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I think it was relevant in terms of a Bill that relates to rights for women, but I will take your authority and your lead and simplify.

2295 I would like to ask the Government to clarify to this House and to the people of Gibraltar whether it intends to present an awareness campaign or spread more information in the community, once this Bill is passed, to make known to other same-sex couples, who may not know about this legislation, that it does apply to them retrospectively and that they have six months to register their existing child as their own – because it is their own, Mr Speaker, and retrospective cases will only have six months to do this, or else they will miss their chance. We consider this an imperative point that should be disseminated across the community.

2300 We welcome the support, of course, in passing this Bill, but we must remind the Government that this and many other changes in this field are long overdue.

Thank you.

2305 **Mr Speaker:** The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, for the reasons given by my hon. colleague sitting to my right, the GSD will support this Bill. The party that I lead does indeed support the principles of this Bill, but of course to the extent that anyone has any issues of conscience that prevents them supporting and may wish to make a different contribution, I have agreed that that is possible on this particular Bill.

2315 Personally, I view this Bill in a very welcome way. It is, I think, hugely welcome for many people in many ways. For example, I think it provides appropriate regulation in an area which was hitherto unregulated. And this Bill is not just about surrogacy. I think it is important to bear in mind, when you read this Bill, that it is not just about surrogacy, it is about assisted reproduction, and at the heart of it I think the most important point to bear in mind is that this Bill provides a safe regime for the recognition and registration of children. That, in my view, is the cardinal principle around which we build our support for the Bill, because it is about protecting, recognising and allowing the registration of children, without which there would not be a safe regime. So, that drives me to make that point, which I think is quite important.

2320 It is also important that this Bill, not like the 2019 Bill, does have an element of retrospection. I think that is important, because of course it does then deal with cases that might exist out there,

that would otherwise not have a regime within which they could register a child, and that would be unfortunate.

2325 Finally, Mr Speaker, I think it is important to bear in mind that this Bill is passed against a  
backdrop that surely we must all recognise, in that society now, in the 21st century, is much more  
than the one-dimensional traditional society. Families are traditional families, but there are also  
single-parent families and there are same-sex families. All of them have a place and role in society.  
2330 We should not discriminate against any form of family out there, and keep in mind always that, at  
heart, this Bill is not about necessarily protecting the family, but protecting and registering the  
children.

**Mr Speaker:** The Hon. Damon Bossino.

2335 **Hon. D A Bossino:** Mr Speaker, I am grateful, and I am particularly grateful to my hon. and  
learned Friend the Leader of the Opposition for not imposing the normal strictures that would be  
imposed on Members who form the front benches – as we do; there are not any backbenchers,  
on this side of the House, at least – on this occasion. This is the policy of the party, but it is a party  
that is, as it has been on previous occasions, borrowing an often-used phrase by a former leader  
2340 of the party, sufficiently broad church to allow for disparate views to be expressed.

In that context, I need to say that as a matter of conscience, as my hon. Learned Friend has  
said, I cannot support or condone the practice of surrogacy. I am not alone in taking this view. In  
my case, it is born from the Catholic faith, which I hold very dearly and which forms very much a  
part of my life. This Catholic faith tells me that a child should be exclusively born of a woman who  
2345 has conceived as a result of a conjugal act with her husband. That is a very clear position which  
the Magisterium of the Church adopts and continues to adopt, and I suspect will continue to adopt  
into the future. In the societal sphere, there are others, of other faiths, who hold true to these  
this view, as there are, indeed, people of no faith who support and continue to be strong  
advocates of – dare I say we now need to almost give it another definition – the traditional family,  
2350 mother, father and children. Those of us who hold that view think that is the best thing for the  
children, it is the best thing for the marital relationship and it also is the best thing for society as  
a whole.

I ask Members who profess to be liberal and maybe think counter-intuitively in relation to this,  
this question: are we not dragging into the law the making of babies, in effect? This is an area that  
2355 usually takes place in the most private and intimate role of love between two opposite-sex  
individuals. Surrogacy – and this dawned to me when I was reading an article in preparation for  
this – can involve as many as five individuals. We talk about complicating matters. We have the  
egg donor, the sperm donor, the gestational carrier and one or two, as they are termed in the  
lingo, ‘commissioning parents’. It is not a defined term in the Act, but certainly that is the jargon  
2360 that is used. And this is where the law wishes to take us, here in Gibraltar today.

We are not, thankfully, debating in this context the backdrop to all of this, which also raises a  
myriad of different and very difficult moral issues, and taxing issues, and that relates to, in effect,  
the making of children. I hope I am not using overly emotive language, because I am respectful of  
those individuals, as a democrat as well as somebody who espouses Christian views of people who  
2365 hold different views. At the end of the day, it is clear that this House is going to be voting on a  
majority basis with the support of both sides, except, I suspect, only me. People will have different  
views and I do not want to be disrespectful of those views, but the language I would use is basically  
‘making children in the laboratory’, which has its own, as I said earlier, challenging moral issues.

I appreciate that I go against the tide on this issue, that in espousing and expounding these  
2370 points of morality which I hold very dear I am saying things that are anathema in today’s world. I  
am also conscious that, for some, I will come across as callous and uncaring, but this is certainly  
not my intention. This is, however – and I need to stand by that – my own personal moral  
evaluation borne from the teachings of the Church to which I fondly belong.

2375 I will be raising, nevertheless, despite my position – and I have had the opportunity of speaking to the Hon. Minister in relation to this behind the Speaker’s Chair in relation to the Bill ... I apologise that I have not had the opportunity to have written to her and raised these points, but she has taken most of the points of detail on board, and I see that that is now reflected in the amendments which she seeks to make in relation to some of the detail, but I hope that the other more general points will give her the opportunity to clarify some of the issues.

2380 What I would say is that this Bill has some positive elements to it, in that it regulates the practice of surrogacy. It does not outlaw it, which is perhaps where people like me would want to see the law going, but the reality is that there is a lacuna in the law and it has to be addressed – according to the thinking of the Government, that is – but there are some positives that can be gleaned. It protects, and in my view, fundamentally and crucially, the mother, i.e. the gestational  
2385 mother, who in law, the moment she carries the baby, however that baby has come to life, is the mother of the child, and that is very important.

Subject to one point that I will be raising with the hon. Member, it also removes the commerciality of the arrangement. She spoke of it as altruistic surrogacy. I do not have the detail of what the UK is proposing by way of amendment, but I know that there are other jurisdictions –  
2390 I think California is one of them – where commercialisation of this practice is actually part of the law and completely acceptable, and that is something which I hope, in the drive towards further liberality in relation to these issues, Gibraltar never ever comes to.

So, in the scheme of things, I think that what we are seeing here is at least a conservative approach, which is the one which, as my hon. and learned Friend Mr Phillips has rightly pointed  
2395 out, is that which is reflected in England and Wales in those two Acts he referred to. What I would most strongly disagree with and would not recommend to the Hon. Minister is to make further moves to further reform, as my hon. learned Friend has just done, and this is where I do part ways with what he has said.

I think another positive feature, and it is very clearly and explicitly set out, is the unenforceability of these types of arrangements, which I think is also something which, in the  
2400 scheme of things, has to be welcomed.

As far as the body, the terms and the language, of the Bill is concerned it is very clearly, in many respects, a copy-and-paste exercise – and making that comment I know there has been a bit of a reaction, through the body language; I do not want to demean the work that she and her  
2405 Department have done in relation to this, because I know a lot of work must go into it – of the Surrogacy Arrangements Act 1985 and the Human Fertilisation and Embryology Act 2008 of England and Wales. I would say that this is useful, because at least we will have a bank of jurisprudential interpretative case law spanning a number of years, which we can now rely on. I know that was a point I think my hon. and learned Friend Mr Feetham, when he was Minister for  
2410 Justice, transposed into Gibraltar law and brought into new initiatives. I think that was very much a part of his thinking when there was an attempt to follow a lot of the English legislation, especially in the context of family law, for example, and insolvency law, and it is very useful to have that arsenal available to us.

Dealing with the detail, as I said earlier, clause 3 I think is very important, which is the one that  
2415 sets out very clearly that no surrogacy arrangement is enforceable by or against any of the persons making it. That, I do welcome.

Also, clause 4, which outlaws, in effect, the commercial basis on which these arrangements are arrived at, which includes, specifically, soon-to-be section 4(2), which says no payment can flow from one party to the other. The point I would ask her to clarify, and I think I had an opportunity  
2420 to raise this with her, is whether under clause 4(4), which reads:

(4) A person who contravenes subsection (1) above

– which is the prohibition to enter into commercial arrangements –

is guilty of an offence; but it is not a contravention of that subsection–

- (a) for a woman, with a view to becoming a surrogate mother herself, to do any act mentioned in that subsection or to cause such an act to be done;

The way I interpret that is that the gestational mother is able to receive a commercial payment for the carrying of the child, and I will ask her, please, to clarify whether my understanding in relation to that is, in effect, correct.

2425 In clause 4(5), to use the correct nomenclature at this stage, where it talks about non-profit-making bodies and the arrangements that they can enter into, which is limited so that it does not breach the commercial nature which is prohibited, perhaps it is an unfair question but is she aware whether, as a result of the passing of this legislation, there is going to be the setting up of one of these organisations in Gibraltar, which would, as my learned friend Mr Phillips says, encourage, explain or give information in relation to these arrangements?

2430 The perhaps more technical point I would raise – but again, as I have done in relation to the Bills, with Mr Speaker’s permission – is in clause 6(1). This point, in all fairness, I did not raise with her before, because I forgot. It sets out the various forms in which a mother can be with child. I will read it in its entirety – it is very short:

6(1) The woman who is carrying or has carried a child as a result of the placing in her of an embryo or of sperm and eggs, and no other woman, is to be treated as the mother of the child.

2435 Yet, in the following sections it also adds another avenue through which this can happen, which is by way of artificial insemination. The point I merely make is why ...? I understand that this is the position in England and Wales, but I am wondering whether the draftsman in England was incorrect and should have included the appendage at the end that refers to artificial insemination in the language in 6(1). It would just require a very minimal change, unless she can tell me that there is a substantive reason why it is not there. I have a personal interest that that is there, because at least it protects that fundamental bulwark of this legislation, which is that at least the gestational mother is recognised as the mother of the child in the widest possible circumstances in which that child was conceived.

2440 I am just checking my notes, because there are issues which have already been addressed. If I move on to clause 20 ... no, before I do that, actually clause 16, which has basically the effect that a sperm donor dying after his sperm has been used for the conception of a child – in clause 16(3) – so long as the woman, i.e. the gestational mother consents that this gentleman who has now passed away is recognised as the father of the child, will be so recognised. It is only in very limited circumstances, according to subsection (3), because it states that it is only for the purpose of enabling the man’s particulars to be entered as the particulars of the child’s father in the relevant register of births, and for no other purpose. So, my question is: does that child not enjoy, for example, inheritance rights? Again, I do not understand, because the child who is the subject of a parental order, the beneficiaries of which are not the sperm donor and perhaps not even the surrogate mother but actually people independent of these two but who have commissioned this arrangement ... there are very specific effects of that. As the Hon. Minister rightly pointed out, it is all set out in Part 2 and it includes things such as inheritance benefits. Why that difference? Perhaps I am missing something.

2455 I am going very quickly on to clause 24, which is the part that deals with the effects of a parental order. It is language that somebody like me, who has conservative views in relation to this, welcomes, but it is not consistent with the other legislative architecture that is out there. For example, in 24(2) it talks about people who are ‘in lawful wedlock’. The Hon. Minister, in fairness to her, did say that this is, in effect, language – I think she said, and I hope I am not paraphrasing her incorrectly; I may be – which is borrowed from provisions in the Adoption Act. I have not analysed the Adoption Act to see whether that is in fact correct, but I just found it odd that that very traditional language had been used there and not the more modern language of civil partnership and marriage, and all the rest of it.

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2470 Moving along, Schedule ... well, that point we have discussed, and I have accepted her rationale. My point to her was that the amending provisions here, where Schedule 1 basically sets out all the amendments to all the other Acts in respect of which the passing of this would have an impact, all refer to a parental order under the Surrogacy Act 2020, yet in some of them – for example, clause 1 to Schedule 1 – it only refers to a parental order. I just thought that, by way of clarification and for consistency, we do one or we do the other but not one in one and then the complete version in others. Again, there may be a thinking rationale or maybe it is just a drafting error.

2475 She has helpfully ... No, before we move on to the point I was just about to make, the amendment, which is new section 8A and which is an amendment to the Gibraltarian Status Act, says:

8A(1) The Minister may, in his absolute discretion, order the registrar to register any person who satisfies the Minister that–

(a) he is a British national,

– which is a requirement –

and

(b) he is the subject of a parental order where the applicant(s) were–

(i) a married couple, one of whom is a Gibraltarian;

But then it says:

(ii) an unmarried person who is not in a civil partnership;

2480 I am assuming that this is to take account of the fact that one individual, under this Bill, will be able to be the beneficiary and enjoy a parental order of the child. But why is the requirement that that individual be a Gibraltarian not there, yet it is a requirement in relation to one of the married couples? She is looking at me rather bemused and confused. It is probably because I have misunderstood. Yes, I may be bemused and confused, but I would ask her to clarify and put me out of my misery.

2485 I am grateful to her, in her opening remarks, when she did say that the forms will be changed. I thought it was rather bizarre that under clause 23, which introduces an amendment to the Births and Deaths Registration Act, the parent who is a woman in a same-sex marriage, who is not the surrogate mother, which is the case I think we have all been talking about and has been splashed in the news outside of this jurisdiction, is automatically, on the passing of this Act, without then having to make an application for adoption – which is, I think, one of the points that was raised in the context of this specific case – considered the parent, yet in the form she is to be named under the caption of ‘father’. I am glad she says that those forms will be changed by way of subsidiary legislation, and I think what we will be doing is presumably marrying the position in England and Wales, which is to call them parent 1 and parent 2.

2490 Mr Speaker, I think the point was made perhaps in a different context by my hon. colleague Miss Hassan Nahon in relation to the point I am just about to make, which is whether the Government is going to be issuing guidelines in order to facilitate the navigation of the provisions of this Act, which I can tell her is not particularly easy to follow, and that there are certain time limits which have to be complied with, some of them actually quite limited in nature.

2500 Then, finally, Mr Speaker, I think it is fair to make these two points in the context of the discussion of this Bill, because of the tangential effect it can have on the matter of adoption – and, with your permission, I would like to raise them. There are two aspects I would like to raise. One is that under the Adoption Act as it currently stands, you have the rather bizarre situation where, basically, step-parents cannot really adopt. They can adopt, but the moment they do ... There is a situation I can think of, and it is probably best to explain it in these circumstances. You have the

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2510 mother of a child, who divorces the father of the child and then marries an individual, a second man. In those circumstances, the man cannot simply apply to be a stepfather; she also needs to apply. He can do so, but if he does, the biological mother loses her status as the mother of the child, so, in effect, would end up having to do ... when advising clients in relation to this, they both need to apply. I am wondering whether the Minister would consider making amendments in relation to that particular piece of legislation. I do accept that it is not necessarily directly relevant, but it is an opportunity which I take, as a Member of the House, to put it to her in a public way, and she can respond now, when she will, no doubt, have an opportunity to do so.

2515 Mr Speaker, I think that really ends my contribution in relation to this, and I look forward to listening to the hon. Member's reply.

**Mr Speaker:** The Hon. Daniel Feetham.

2520 **Hon. D A Feetham:** Mr Speaker, just a very short contribution.

On behalf of my family, I certainly thank the hon. Lady for steering this Bill through Parliament. She has specifically given permission to do so, so that is the reason why I am doing it. I know that the final words of the hon. Lady during her contribution were a reference to my niece, and I just wanted to relate to the House the hope that this particular Bill provides people like my niece. My niece contracted cancer of the womb at the age of 17. She went through her A-levels with cancer of the womb. We all feel terribly proud of her, because at the end of the day she came out with three As. She is a Gibraltar scholar. She had to fight a very nasty cancer in the womb during that time. She obviously cannot have any children, so for her this Bill offers her hope because she has had her eggs frozen and it offers her a way ... and it is by no means intended to demean the contribution of my hon. and learned Friend Mr Bossino, but for her it is a way in which she can become a mother. That is how she sees this particular Bill. I just wanted to rise and say those words and publicly thank the hon. Lady, on behalf of my entire family.

2530 Thank you very much.

2535 **Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, it is an honour for me to rise to speak on this Bill. It is an honour for me to have the privilege, under section 35 of the Constitution, to have certified the Bill as urgent. It is an honour because the issues that we are dealing with are the human issues that the Hon. Mr Feetham has spoken of, the issues that the hon. Lady in presenting the Bill has spoken of, and indeed that the Leader of the Opposition and the hon. Lady opposite have spoken of.

2540 This is a Bill that will affect people's lives. It will affect people's lives because it will enable them not to do things ... We have to understand that the things that we are dealing with and that the Hon. Mr Bossino has told us he has objection to are not things that are going to happen because we pass this Bill; these are things that are happening in our community and they are happening in the world, but we are now going to provide the legal framework to deal with those things that are happening.

2550 In doing so, we have, on this side of the House, been remiss in not having brought this Bill back sooner. It is a Bill that we brought before the end of the last Parliament, and I can only say to those who have an interest in this Bill becoming law that very few people will understand – and this is not an excuse, it is an explanation – what the period since the election has been like. We won an election at the end of October 2019. We were on the verge, then, of a hard Brexit two weeks later. That verge turned into a verge one month later. The verge then was kicked forward another month, and no sooner had we managed to see the verges almost dealt with because there was an agreement, there was a report of a mysterious illness in China, which immediately brought us to the situation we are in now.

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2560 If there is one thing that I am always keen to ensure we deal with, it is the things that have a human dimension. A Bill on protected cell companies etc. will bring more business, it is important and we have to do it in time etc., but when there is a human dimension I am always very keen to ensure that we do what we can to help. We should have brought this back sooner, we did not, and therefore it was right that when it was brought to our attention that there was now a human element to this, we should also act despite the myriad things we have been dealing with this month.

2565 I want to specifically thank my hon. Friend, because I asked her to ensure that she could bring the Bill to publication and that she could bring the Bill to the House. She is not just the Minister for Health, she is also the Minister for Justice and the Minister for Equality. It was difficult for anybody else to assist her with this, so I know it has been a great burden for her to be able to deal with these things in this time, despite the many other things she was dealing with.

2570 Mr Phillips has addressed us not so much on the Bill before the House, but on the criticisms of the Act on which the Bill is based in the United Kingdom. He has told us that there will be a report in January of next year, I think I heard him say, in the United Kingdom, in respect of the existing Act on which this Bill is based. Well, there is a choice to be made. Do you go with a home-grown piece of legislation which ignores existing provisions in the United Kingdom, and then you have the problem that you do not have the jurisprudence on which to rely, and do you take the time to not just do the huge amount of work that goes into adapting a UK piece of legislation, but to actually produce a home-grown piece of legislation assuming that all of the things said to date are going to be accepted in the Law Commission that is going to report in January next year? Or do you go with a Bill to produce an Act that at least does what has been done in the UK?

2580 On the other side, we have heard, for reasons that hon. Members have explained, differences of view based on a moral distinction. That is absolutely perfectly normal. I fully respect the fact that the Leader of the Opposition has felt it appropriate to permit that Members on his side should not have the whip imposed in respect of how to vote on this Bill, and that Mr Bossino, for reasons I will come to, has told us his views; absolutely perfectly normal that that should happen in politics. Every party is a broad church. We are not automatons that are required to sign up to every requirement. As I often say, I have never and will never whip my MPs to vote in a particular way. If the Government brings a Bill and a particular MP thinks it is a bad Bill, he should vote against it. Whether it is on an issue of conscience in particular, or any other issue, respecting collective responsibility we have discussed it and we have agreed to go with it together.

2590 It is very different to see a difference of opinion between hon. Members – Mr Phillips and Mr Bossino, in particular – on the technicalities of a Bill. One of them is saying to us, ‘You are going with an Act which has been heavily criticised in the United Kingdom – is this the right thing to do?’ The other one is saying to us, ‘Well, at least you are going with something that will have the benefit of the jurisprudence.’ I understand that they have an ideological difference – in other contributions of the future I will point out more of them – but on this I am surprised that they are disagreeing not just on the issues of conscience, they are disagreeing also on the technical issues, which is a little remarkable.

2600 What I will tell hon. Members is that as the Government that has been the most progressive in our history – and that is, I think, something that nobody can ever challenge; I hope there are more progressive governments in the future who will challenge us for our record, such as it may be at the time we finish, and clearly there will not be if Mr Bossino ever leads any of them, for the reasons that he has explained to us – hon. Members have the comfort to know that, where it has been possible, we have actually gone beyond what is established in other jurisdictions.

2605 In our Civil Partnerships Act, when we made it we contained a provision to enable heterosexual couples to enter into civil partnerships before the United Kingdom did that. Indeed, the United Kingdom was subsequently required to do so by a ruling either of its own High Court or the Court of Human Rights because of the interpretation of the fundamental rights position. Second, as a result of that, we have brought in a Marriage Act, a civil marriage Act as well. And third, we are bringing this Act.

2610 I get it that Mr Phillips was a member of the Progressive Democratic Party, but he has never  
 seemed to me to be so progressive that he wants to progress beyond what progressives are  
 wanting to see achieved, so he will excuse me for thinking that his contribution was not tarnished  
 by any particularly honest approach to this legislation. It is one thing to say, ‘There is criticism of  
 2615 the current legislation in the UK – we want to keep an eye on that, and we will be asking you  
 questions if there are proposals there which you are not adopting, but we know that you are  
 progressive and you probably will want to do that: can we work together on that?’ and another  
 to say, ‘Why are you doing this? In a year from now there is going to be a report on the current  
 Act that you are taking into interpretation.’ Frankly, if the hon. Member says, from a sedentary  
 2620 position, ‘It’s to show that we did our homework,’ that is fine. If it is to show that they did their  
 homework, it is absolutely a matter entirely for them. For us, the important thing is to do this in  
 time for people who will have life-changing issues at stake to be able to have the benefit of the  
 laws that will enable them to register their children as their own.

Mr Speaker, the hon. Lady, when she says things that are progressive get delayed and that we  
 do things to do with protected cell companies etc. first, she needs to understand – and I do think  
 2625 that in her heart of hearts she knows this – just what we have been going through. In many  
 instances we have been working together on some of the Brexit aspects and some of the COVID  
 aspects. There just are not enough hours in the day. We all have different Departments to deal  
 with. The Hon. the Minister for Financial Services is dealing with his Department and they may be  
 able to come up with something. The Minister for Equality and the Minister for Health and Social  
 2630 Care is also the Minister for Justice: it has just not been possible to get the bandwidth to get this  
 back. That is the reality.

I do not think that we deserve a telling off because this has taken some time, because the hon.  
 Lady knows we are genuine about doing this. I would just gently remind her that one of her first  
 contributions to public life in Gibraltar was to stand with hon. Members opposite and say that she  
 2635 stood for family values, which in politics has long been interpreted as being against things like this.  
 If all of us have, at different times, been a little remiss in our approach to things, it is not just us.  
*(Interjection by Hon. Ms M D Hassan Nahon)* At that time, the votes she was seeking were not  
 votes for a progressive position on surrogacy, on civil marriage or on marriage between all the  
 relevant denominations.

Mr Speaker, I turn now to address the issue of my former colleague in the Liberal Party of  
 Gibraltar, Mr Bossino, and I do so also from a position of deep respect for his beliefs and the  
 reasons he has honestly explained to us are the reasons why he will not be supporting the Bill.  
 Respect for his creed and for all other creeds means that we have to continue always to want to  
 work together on these issues and to ensure that all of us have the space to believe what we need  
 2645 and want to believe. That, in my view, he will forgive me for saying should mean that he might  
 want to consider supporting the Bill for this reason. The thing that his creed, he has told us, asks  
 him not to accept, if other hon. Members will forgive my falling into the jargon of the law, is the  
*actus reus* of what is going on here – in other words, the fact that there is a surrogacy is happening  
 in the context of what the mechanics of creating that child will produce – and he has told us that  
 2650 that is what he is against. What this law does is permit the fruit of that, he would say ‘engineering’,  
 to be recorded in law as the child of a person. The absence of the law that we have today will  
 mean that that child is not able to be registered as the child of those relevant persons who will be  
 the child’s parents, and, with respect to him, it is almost to offend another rule that he will firmly  
 believe, and which I firmly believe not just at a religious level but at a human level, which is that  
 2655 you should not visit the sins of the father on a son, and in this context it would be sons and  
 daughters who would be deprived of the benefit of registration as sons or daughters of their  
 parents in law.

On that, I think the Hon. the Leader of the Opposition has spoken eloquently in saying that he  
 believes that, here, the failure to pass this law means that we are depriving the children of the  
 2660 benefit of the law, and I do not think that Mr Bossino has wanted to deprive any child of anything.  
 He has spoken to us about his deeply held belief that what is going to give rise to the creation of

the child is outside his deeply held belief on the way that the child should be created between a man and his wife, or a wife and her husband. That is his belief, and therefore anything that is outside that is outside what he believes should be happening. That is perfectly acceptable to me as his belief. It is not my view, but it is perfectly acceptable to me as his belief based on the teachings of his religion. But here we are talking about the fruit of that action, the child of that action being deprived of the benefit of registration in law. It is almost to – and I am going to use this word not in its slang meaning, but its meaning in the English language – as a result of a religious belief, insist that a child be a bastard forever. That is wrong, in my view, also, in a deeply purposive interpretation of the hon. Member's religion, and I would ask him to consider that in the context of determining his view of this Bill and what it does. This Bill only sets out the mechanism for a child to be registered as a child of, and also aspects which he has recognised are good in ensuring that there is not any commerciality invested in the way that things are dealt with, which would be abusive, whilst recognising, of course, that there would be costs involved etc. And so, Mr Speaker, I would ask him to consider that position.

Secondly, I would ask him to consider that science advances, and because science advances there will be other changes that we cannot even imagine now and that we will have to deal with in our religion. The thing we cannot do as a community is ignore science, however difficult it may be, however offensive it may be. I am much more offended by the splitting of the atom in a way that will result, potentially, in the destruction of the planet than I am by the splitting of a cell in a way that enables us to create life. We nonetheless have to have laws to provide for the control of weapons – there are international laws on the control of weapons, there are international rules on the movement of nuclear materials and radioactive materials, which are the fruit of those things – and yet, those are things designed to destroy the human race.

I know we are getting deeply philosophical late on a Friday evening, but this underlies what it is we are doing as a Parliament here. We are creating the legislative architecture to embrace the fruit of science in the same way as we create legislative architecture to control the fruit of science. We are not – and I think the hon. Member's point is an important one – making a judgement on people who live their lives in a particular way that is not the way we desire that they should because of our own particular beliefs. This is not against my views and my beliefs, but we must certainly not be doing that. I think, the way the hon. Gentleman has spoken today, he is, I must reflect to him, not speaking against a Bill and he is not speaking against a legislative framework; he is speaking against a way of life and the fruit of that way of life, because of the way that he has set out, I think very respectfully ... I will say to him I think his speech was very respectful, but I think the nub of what he is saying is that, and I must challenge him on it. I challenge him by asking him to challenge himself, because another one of the teachings we must also bear deeply in mind is that we must not judge others, and I wonder whether he will reflect on whether or not he is judging others in doing so.

I would simply ask us to look back, Mr Speaker, at how society changes. Divorce was once considered immoral, improper and unacceptable. When I brought the Civil Partnership Bill to the House, it was a difficult moment. When we brought ... I say 'I', Mr Speaker – the hon. Lady has all the credit for bringing it, but I, as Leader of the House, supported it. When she, with my support also, brought the equal marriage Act to this House, my goodness! I was stopped in the street by many people who were telling me that there might be hell and brimstone. The sky has not fallen in. It looked like divorce was contrary to the laws of the Church and would make the sky fall in. The sky has not fallen in. The laws have changed, people have changed; we all have to understand each other.

We speak and preach about respect. We have to, in that context of respect, permit that the rules and laws be made so that the hon. Member, his family and those who think like him never have to do these things if they do not wish to, but the mechanism is there so that those who do, of other religions or no religions, or even his religion but with a different view, are able to use the architecture of the law to provide properly for, in this case, the children, the fruits of those views,

without those children being confined to having to be seen and not able to register in the way that they consider is the right way to register.

2715 The Hon. Mr Feetham said that he did not want to demean what Mr Bossino had said with the way that he presented the circumstances of his family member – which I thought was a very moving recital to the Parliament of that particular case, which the hon. Lady is also aware of – but I do want to say that I think the existence of cases like that should also give the Hon. Mr Bossino pause for thought, because I genuinely believe that there is an instance, again, which does not  
2720 arise from circumstances that are the ones that potentially he might find outside of the views that he might think are appropriate because of his deeply held belief.

And so, Mr Speaker, for all of those reasons, repeating my own sincere apology for not having been able to have dealt with the Bill before the election, not having been able to deal with the Bill earlier during the course of this Parliament, and therefore explaining to the House why I felt it was  
2725 appropriate in this instance to exercise my section 35 powers in respect of a Bill which was, in effect, first published two years ago, I will be supporting this Bill. I will be urging all hon. Members to support this Bill and asking Mr Bossino to consider once again how he votes on this Bill and perhaps even potentially consider if he might at least abstain on the Bill, so that when he looks back on his life he does not find that he stood in the way of children being registered with their  
2730 parents in the law as they might wish to. The law is the positive law of man; it is not the law of God. The law of God, for those who believe in God, is the law of morality and of how people lead their lives. The laws that we make here are only the laws of men and women who seek to do good by their compatriots.

2735 **Mr Speaker:** The Hon. Minister.

**Hon. Miss S J Sacramento:** Mr Speaker, may I start by saying that preparing for this Bill has most certainly not been a burden. It is something that I have wanted to do for a long time, but was, unfortunately, during this period, among many other demands – and not just those that Chief  
2740 Minister reminded us of, but more particularly my responsibilities as Minister with responsibility for civil contingencies, because it has been almost exactly one year, since last week, that has completely consumed everything that we have done, with Brexit thrown in, of course. This role is one that requires us to discharge all our responsibilities, and, as I explained when I started, this Bill has been brought, in the context of everything that has happened particularly in the last  
2745 12 months, at very much our earliest opportunity. It has been one of the most difficult years we have seen.

I say that because of what the hon. Lady said about this being a reaction. This is not a reaction at all. It is something that has very much been planned, and planned for a long time. We know that we had this Bill in 2019, which, unfortunately, we could not bring for other reasons, but which  
2750 during the intervening period has been updated and improved.

Mr Speaker, the hon. Lady – I will only address the points that have not been addressed by the Chief Minister just now – asked about an awareness campaign. There will be more than an awareness campaign, because this will be, if passed, our primary legislation and the finer detail will be in the subsidiary legislation, which will, of course, contain all the guidance notes ready for  
2755 everyone to understand what the position is, and it is precisely ... The way that the Bill is drafted will give provision for people who have already found themselves in this situation. They have a particular period in which we will make arrangements for them to be able to provide the benefits of the legislation.

I also had a question from the Hon. Mr Phillips, who asked about section 19 of the Act and why  
2760 it was there when it was not in the previous Bill. That is something which we provided at the time of the revision of the draft, in case we were not able to find ourselves where we could have brought the Bill before Parliament ahead of parents who find themselves in the situation now. When we drafted this a while back, we were not sure if would be able to bring the Bill before the House before the birth, so we thought of making that provision.

2765 I am not going to labour on the points that have been made by Mr Phillips, because the majority  
of them have been answered – I would say by the Chief Minister but they have been answered by  
the Hon. Mr Bossino, and in that respect both the Chief Minister and Mr Bossino have made the  
point, which would be obvious to all of us at the time of drafting this, that this is something which  
2770 is another groundbreaking step in the progress of legislation, and in things like this it is important  
that we do have access to the tests of legislation of this nature and therefore rely on the  
jurisprudence that is available.

I am aware that Mr Phillips said from a sedentary position that we should have done our  
homework on this and he referred us to changes that are proposed in the UK. Of course we are  
aware of this, and we all have an eye on it, but at this stage, and as Mr Bossino reminded us, it is  
2775 sensible that we provide a law for Gibraltar on the basis of what has already been tested.

Turning to the comments made by the Leader of the Opposition, I have to say that, of all the  
speeches, that was the speech which certainly recognised the position from this side of the House.  
The most important thing that the Leader of the Opposition reminded us of is that this Bill is about  
the recognition of children, and that is precisely how I ended the first intervention I made.

2780 Mr Bossino made many points of finer detail. A lot of them have already been addressed by  
the Chief Minister. May I say, Mr Speaker, before I go further, I respect Mr Bossino's views because  
these are his personal views based on his religion. That is not to say that I agree with his views,  
but again I share the view of the Chief Minister that we are in Parliament to make legislation for  
the people of Gibraltar, regardless of what our personal views are.

2785 I am grateful to Mr Bossino, who pointed out an error in the drafting when it came to the  
oversight of including artificial insemination in some of the sections. That, in the intervening  
period, has been addressed in a letter to you, Mr Speaker, so that we can deal with it at Committee  
Stage.

In relation to a lot of the detail that Mr Bossino raises, I will not deal right now with the points  
2790 that he raises in relation to the Adoption Act because those are details of a different piece of  
legislation, one that exists and in fact existed for a very long time, and it is not for us to be debating  
that here. But the reason I mention it is because some of the wording used in this legislation  
mirrors that of the Adoption Act, but then the finer detail, which may be a bit more refined, will  
be found in the subsidiary legislation. A lot of these details we will deal with. Our aspiration is to  
2795 pass this Bill in the House, but this Bill is complex in terms of the effect that we need to give to it,  
and drafting of the subsidiary legislation and guidance notes, and in particular the forms that we  
need for registration and forms that we require for the courts, have already been drafted. We  
hope that the Act will be law by next week, by which point all the finer details that we have to  
have in place will be in place.

2800 Mr Bossino spoke about parental orders and consistency in the drafting. This is the way it has  
been drafted, it is a matter of drafting style, but Mr Bossino can rest assured that parental orders  
will only exist in the Surrogacy Bill. Parental orders do not exist in any other pieces of legislation,  
so any reference to parental order will always refer to parental orders in this framework.

I will turn to the final speaker, the hon. Member Mr Feetham, who is aware that my reference  
2805 in the closing of my first intervention was to his niece. I have to say I have shared many  
conversations with this remarkable young lady, but of course this is not just about her, though I  
have found her, through experience, very inspirational in how motivated she is about the future.  
During the whole process we have had personal conversations with other people who have gone  
through the surrogacy process in other countries, because I think, after what we have heard today,  
2810 what really brings this home is that, because we are in Gibraltar, the people who will benefit from  
this legislation ... we will know who they are and if children have been born from the surrogacy  
process. We know those children. We have seen them arrive in Gibraltar, we have seen them  
around; we know the parents and we have engaged with them. One of the beauties of Gibraltar  
is that this is not just a piece of legislation, it is a piece of legislation that will have a real and  
2815 meaningful impact for our community.

I will end as I ended my first intervention, Mr Speaker. This Bill is about making a difference to people's lives and, more importantly, to those of their children.

**Hon. D J Bossino:** Can I ask the Hon. Minister to give way?

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**Hon. Miss S J Sacramento:** Yes, Mr Speaker.

**Hon. D J Bossino:** Again, if she has not had enough time to consider this, then I would encourage her, please, to do so. It is one of the points that she has not specifically addressed, which is the interpretation that I give to one of the clauses, which seems to – (**Hon. Miss S J Sacramento:** The inheritance?) No. The inheritance, if she can – (*Interjection by Miss S J Sacramento*) Okay, but it is more to do with ... What this Bill is intending to do, or one of the things it is intending to do is deal with the nefarious aspect of the process which could arise, which is the commerciality of it. We are dealing here with altruistic surrogacy, but there is this provision – I will cite it to her again – which is soon-to-be section 4(4), where, according to my interpretation, there is room for payment of the mother and there is no restriction in relation to that. Whether she agrees with my interpretation of it, and, if she does, whether she can speak to that and why that exception is there, or simply whether I have got it wrong, I think it would be helpful to have it on the record for future purposes.

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**Hon. Miss S J Sacramento:** Mr Speaker, I apologise for not having dealt with that particular point, but in relation to section 4(4) it is simply because the intention of this Bill is not to criminalise.

I have also realised that I did not address the other point, in relation to inheritance. I think it was section 16. This is the section that relates to the use of the sperm or transfer of an embryo after the death of the sperm donor. The hon. Gentleman asked about whether inheritance rights would flow, but it is very clear from the draft that the intention is that the particulars of the child's parent be relevant for the purposes of the registration of the birth and no other purpose. This follows the position in the UK and this is deliberate.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy and establishing legal parenthood in cases of assisted reproduction arrangements be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Mr Speaker:** The Surrogacy Act 2021.

**Surrogacy Bill 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for the Health Authority, Justice, Multiculturalism, Equality and Community Affairs** (**Hon. Miss S J Sacramento:**) I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

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



**COMMITTEE STAGE AND THIRD READING**

2860 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move now that the House should resolve itself into Committee to consider the following Bills clause by clause: the Income Tax (Amendment) Bill 2020, the Animals (Amendment No. 2) Bill 2020, the Gibraltar National Trails Bill 2020, the Climate Change (Amendment) Bill 2020, the Commonwealth Park (Amendment) Bill 2020, the Limited Partnerships Bill 2020, the Protected Cell Limited Partnerships Bill 2020, the Proceeds of Crime (Miscellaneous Amendments) Bill 2020 and the Surrogacy Bill 2021.

2865 Mr Speaker, as we do that, just a general note that of course we will be asking at the end that the Bills which are 2020 Bills be passed as 2021 Acts, so that we do not have to do that in respect of each Bill as we consider it in Committee.

*In Committee of the whole House*

**Income Tax (Amendment No. 2) Bill 2020 –  
Clauses considered and approved**

2870 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010.  
Clauses 1 and 2.

**Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

2875 **Clerk:** Clause 3 as amended.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, hon. Members have seen the proposed amendment that I have now circulated with the marked-up text.

2880 **Hon. R M Clinton:** Mr Chairman, I am fine with the amendments. *(Interjection)* Sorry, Mr Chairman, I am playing musical chairs here. My only observation would be the referencing for the Bill, which eventually will feed into the legislation: it should be Bill 10/20, because that will then feed into –

2885 **Chief Minister:** Mr Speaker, that is the Bill that was called. He has simply got the marked-up version in the Word version that I had, which is in respect of the new one, which has been withdrawn, so the reference will be in respect of the Bill for 2020 but amended to be an Act of 2021.

2890 **Clerk:** Clause 3 as amended.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

2895 **Mr Chairman:** The long title stands part of the Bill.

**Animals (Amendment No. 2) Bill 2020 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Animals Act in relation to service animals.  
Clauses 1 to 3.

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**Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

**Clerk:** The long title.

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**Mr Chairman:** The long title stands part of the Bill.

**Gibraltar National Trails Bill 2020 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to make provision for the establishment of a National Trails Coordination Board, to establish statutory public rights of access to land for recreational and other purposes, to be known as the Gibraltar National Trails, and to extend some of the provisions for that purpose to rights of way and other rights, to make further provision for the recording, creation, maintenance and improvement of public paths and for securing access to the Gibraltar National Trails; and for connected purposes.

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Clauses 1 to 5.

**Mr Chairman:** Clauses 1 to 5 stand part of the Bill.

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**Clerk:** Clause 6 as amended.

**Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes):**  
Mr Chairman, following the discussion at Second Reading, we considered that it would be appropriate for the report to be laid before Parliament. I am proposing we add a subsection (3) to clause 6 – which I have taken word for word from the Heritage and Antiquities Act, which was also passed unanimously in this House a few years ago – which should read:

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*(3) The Minister shall lay a copy of the annual report before Parliament as soon as practicable after it has been received by him.*

That is word for word in the Heritage and Antiquities Act, and I therefore am assuming that it would be acceptable. *(Interjection)* Yes, of course, I will provide this in writing straightaway.

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**Mr Chairman:** So, an amendment to clause 6 by the creation of a clause 6(3).

**Hon. Prof. J E Cortes:** In addition, Mr Chairman, to the two minor amendments to the same clause that I submitted in my letter of 26th September.

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**Mr Chairman:** Clause 6, as amended, stands part of the Bill.

**Clerk:** Clauses 7 to 13.

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**Mr Chairman:** Clauses 7 to 13 stand part of the Bill.

**Clerk:** The Schedule.

**Mr Chairman:** The Schedule stands part of the Bill.

**Clerk:** The long title.

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**Mr Chairman:** The long title stands part of the Bill.

**Climate Change (Amendment) Bill 2020 –  
Clauses considered and approved**

2945 **Clerk:** A Bill for an Act to amend the Climate Change Act 2019 to extend certain dates for the publication of targets and plans.  
Clauses 1 to 3.

2950 **Mr Chairman:** There is an amendment which was circulated on 9th December. I take it that the hon. Members in opposition are happy with the amendments.  
Clauses 1 to 3 stand part of the Bill.

**Clerk:** The long title.

2955 **Mr Chairman:** The Hon. Marlene Hassan Nahon indicated she was going to abstain?

**Hon. Ms M D Hassan Nahon:** Yes, Mr Speaker.

**Commonwealth Park (Amendment) Bill 2020 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Commonwealth Park Act 2014.  
Clauses 1 to 3.

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**Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

**Clerk:** The long title.

2965 **Mr Chairman:** Stands part of the Bill.

**Limited Partnerships Bill 2020 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to provide for protected cell limited partnerships in Gibraltar.  
Clauses 1 to 44.

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**Mr Chairman:** Clauses 1 to 44 stand part of the Bill.

**Clerk:** The Schedule.

**Mr Chairman:** The Schedule stands part of the Bill.

**Clerk:** The long title.

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**Mr Chairman:** The long title stands part of the Bill.

**Clerk:** Sorry, my mistake. That should have been the Bill for an Act to provide for the establishment, regulation and dissolution of limited partnerships and for connected purposes. That is the Bill we have just approved.

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**Protected Cell Limited Partnerships Bill 2020 –  
Clauses considered and approved**

**Clerk:** Now we consider a Bill for an Act to provide for protected cell limited partnerships in Gibraltar. Clauses 1 to 3.

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**Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

**Clerk:** Part 1, clauses 4 to 18.

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**Mr Chairman:** Part 1, clauses 4 to 18, stands part of the Bill.

**Clerk:** Part 2, clauses 19 to 24.

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**Mr Chairman:** Part 2, clauses 19 to 24, stands part of the Bill.

**Clerk:** Part 3, clauses 25 to 29.

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**Mr Chairman:** Part 3, clauses 23 to 29, stands part of the Bill.

**Clerk:** Part 4, clause 30.

**Mr Chairman:** Clause 30 stands part of the Bill.

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**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

**Proceeds of Crime (Miscellaneous Amendments) Bill 2021 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Proceeds of Crime Act 2015; to amend the Financial Services Act 2019; to amend the Supervisory Bodies (Powers etc.) Regulations 2017; to amend the Gambling Act 2005; to amend the National Coordinator for Anti-Money Laundering and Combatting Terrorist Financing Regulations 2016; to amend the Terrorism Act 2018; to amend the Insolvency Practitioners Regulations 2020; to amend the Register of Ultimate Beneficial Ownership Regulations 2017; to amend the Trustees Act; to amend the Private Foundations Act 2017; to amend the Terrorist Asset-Freezing Regulations 2011; to amend the Sanctions Act 2019; to amend the Chemical Weapons Sanctions Order 2019; to amend the Democratic People's

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Republic Of Korea Sanctions Order 2018; to amend the Friendly Societies Act; to amend the Charities Act; and to amend the Companies Act 2014.

Clauses 1 and 2.

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**Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

**Clerk:** Part 1, clauses 3 to 17.

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**Mr Chairman:** Part 1, clauses 3 to 17, stands part of the Bill.

**Clerk:** Clause 18.

**Mr Chairman:** Clause 18 stands part of the Bill.

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**Clerk:** Clauses 19 to 50.

**Mr Chairman:** Clauses 19 to 50 stand part of the Bill.

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**Clerk:** Part 2, clause 51.

**Mr Chairman:** Part 2, clause 51, stands part of the Bill.

**Clerk:** Clause 52, as amended.

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**Mr Chairman:** Clause 52, as amended, stands part of the Bill.

**Clerk:** Clause 53.

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**Mr Chairman:** Clause 53 stands part of the Bill.

**Clerk:** Part 3, clauses 54 to 60.

**Mr Chairman:** Part 3, clauses 54 to 60, stands part of the Bill.

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**Clerk:** Part 4, clauses 61 to 65.

**Mr Chairman:** Part 4, clauses 61 to 65, stands part of the Bill.

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**Clerk:** Part 5, clauses 66 to 72.

**Mr Chairman:** Part 5, clauses 66 to 72, stands part of the Bill.

**Clerk:** Part 6, clauses 73 to 75.

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**Mr Chairman:** Part 6, clauses 73 to 75, stands part of the Bill.

**Clerk:** Part 7, clauses 76 to 78.

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**Mr Chairman:** Part 7, clauses 76 to 78, stands part of the Bill.

**Clerk:** Part 8, clauses 79 to 81.

3070 **Mr Chairman:** Part 8, clauses 79 to 81, stands part of the Bill.

**Clerk:** Clause 82, as amended.

**Mr Chairman:** Clause 82, as amended, stands part of the Bill.

3075 **Clerk:** Clauses 83 to 89.

**Mr Chairman:** Clauses 83 to 89 stand part of the Bill.

**Clerk:** Clause 90, as amended.

3080 **Mr Chairman:** Clause 90, as amended, stands part of the Bill.

**Clerk:** Clauses 91 to 95.

3085 **Mr Chairman:** Clauses 91 to 95 stand part of the Bill.

**Clerk:** Part 9, clauses 96 to 100.

**Mr Chairman:** Part 9, clauses 96 to 100, stands part of the Bill.

3090 **Clerk:** Part 10, clauses 101 and 102.

**Mr Chairman:** Part 10, clauses 101 and 102, stands part of the Bill.

3095 **Clerk:** Part 11, clauses 103 and 104.

**Mr Chairman:** Part 11, clauses 103 and 104, stands part of the Bill.

**Clerk:** Part 12, clauses 105 to 107.

3100 **Mr Chairman:** Part 12, clauses 105 to 107, stands part of the Bill.

**Clerk:** Part 13, clauses 108 and 109.

3105 **Mr Chairman:** Part 13, clauses 108 and 109, stands part of the Bill.

**Clerk:** Part 14, clauses 110 and 111.

**Mr Chairman:** Part 14, clauses 110 and 111, stands part of the Bill.

3110 **Clerk:** Part 15, clauses 112 to 131.

**Mr Chairman:** Part 15, clauses 112 to 131, stands part of the Bill.

3115 **Clerk:** Part 16, clauses 132 to 137.

**Mr Chairman:** Part 16, clauses 132 to 137, stands part of the Bill.

**Clerk:** Part 17, clauses 138 to 141.

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**Mr Chairman:** Part 17, clauses 138 to 141, stands part of the Bill.

**Clerk:** The long title.

3125 **Mr Chairman:** The long title stands part of the Bill.

**Surrogacy Bill 2021 –  
Clauses considered and approved**

3130 **Clerk:** A Bill for an Act to make new provision and regulate certain activities in connection with arrangements made with a view to women carrying children as surrogate mothers and providing a legislative framework for altruistic surrogacy, and establishing legal parenthood in cases of assisted reproduction arrangements.

3135 **Mr Chairman:** Are Members content with the letter circulated by the Hon. Minister containing a number of amendments to the clauses? Are you satisfied and happy?

**Clerk:** Clauses 1 and 2.

3140 **Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

**Clerk:** Part 1, clause 3.

**Mr Chairman:** Part 1, clause 3, stands part of the Bill.

3145 **Clerk:** Clause 4, as amended.

**Mr Chairman:** Clause 4, as amended, stands part of the Bill.

**Clerk:** Clause 5.

3150 **Mr Chairman:** Clause 5 stands part of the Bill.

**Clerk:** Part 2, clause 6, as amended.

3155 **Mr Chairman:** Part 2, clause 6, as amended, stands part of the Bill.

**Clerk:** Clause 7.

3160 **Mr Chairman:** Clause 7 stands part of the Bill.

**Clerk:** Clause 8, as amended.

**Mr Chairman:** Clause 8, as amended, stands part of the Bill.

3165 **Clerk:** Clauses 9 to 16.

**Mr Chairman:** Clauses 9 to 16 stand part of the Bill.

**Clerk:** Clause 17, as amended.

3170 **Mr Chairman:** Clause 17, as amended, stands part of the Bill.

**Clerk:** Clauses 18 and 19.

**Mr Chairman:** Clauses 18 and 19 stand part of the Bill.

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**Clerk:** Part 3, clause 20, as amended.

**Mr Chairman:** Part 3, clause 20, as amended, stands part of the Bill.

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**Clerk:** Clause 21, as amended.

**Mr Chairman:** Clause 21, as amended, stands part of the Bill.

**Clerk:** Clauses 22 and 23.

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**Mr Chairman:** Clauses 22 and 23 stand part of the Bill.

**Clerk:** Clause 24, as amended.

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**Mr Chairman:** Clause 24, as amended, stands part of the Bill.

**Clerk:** Clauses 25 to 30.

**Mr Chairman:** Clauses 25 to 30 stand part of the Bill.

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**Clerk:** Schedule 1.

**Mr Chairman:** Schedule 1 stands part of the Bill.

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**Clerk:** The long title.

**Mr Chairman:** The long title stands part of the Bill.



**Income Tax (Amendment No. 2) Bill 2020 –  
Animals (Amendment No. 2) Bill 2020 –  
Gibraltar National Trails Bill 2020 –  
Climate Change (Amendment) Bill 2020 –  
Commonwealth Park (Amendment) Bill 2020 –  
Limited Partnerships Bill 2020 –  
Protected Cell Limited Partnerships Bill 2020 –  
Proceeds of Crime (Miscellaneous Amendments) Bill 2021 –  
Surrogacy Bill 2021 –  
Third Reading approved: Bills passed**

**Clerk:** The Hon. the Chief Minister.

3205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment No. 2) Bill 2020, the Animals (Amendment No. 2) Bill 2020, the Gibraltar National Trails Bill 2020, the Climate Change (Amendment) Bill 2020, the Commonwealth Park (Amendment) Bill 2020, the Limited Partnerships Bill 2020, the Protected Cell Limited Partnerships Bill 2020, the Proceeds of Crime (Miscellaneous Amendments) Bill 2021 and the Surrogacy Bill 2021 have been considered in Committee and agreed to with some 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 Income Tax (Amendment No. 2) Bill 2021, the Animals (Amendment No. 2) Bill 2021, the Gibraltar National Trails Bill 2021 as amended, the Climate Change (Amendment) Bill 2021 as amended, the Limited Partnerships Bill 2021, the Protected Cell Limited Partnerships Bill 2021, the Proceeds of Crime (Miscellaneous Amendments) Bill 2021 as amended, and the Surrogacy Bill 2021 as amended be read a third time and passed.

Those in favour of the Income Tax (Amendment No. 2) Bill 2021? (**Members:** Aye.) Those against? (All in favour.) All in favour.

3220 Those in favour of the Animals (Amendment No. 2) Bill 2021? (**Members:** Aye.) Those against? Carried.

Those in favour of the Gibraltar National Trails Bill 2021, as amended? (**Members:** Aye.) Those against? Carried.

3225 Those in favour of the Climate Change (Amendment) Bill 2021, as amended? (**Members:** Aye.) Those against? Carried.

Those in favour of the Commonwealth Park (Amendment) Bill 2021? (**Members:** Aye.) Those against? Carried.

Those in favour of the Limited Partnerships Bill 2021? (**Members:** Aye.) Those against? Carried.

3230 Those in favour of the Protected Cell Limited Partnerships Bill 2021? (**Members:** Aye.) Those against? Carried.

Those in favour of the Proceeds of Crime (Miscellaneous Amendments) Bill 2021, as amended? (**Members:** Aye.) Those against? Carried.

Those in favour of the Surrogacy Bill 2021, as amended? (**Members:** Aye.) Those against? Carried.

**SUSPENSION OF STANDING ORDERS**

**Standing Order 7(1) suspended to proceed with laying of papers**

3235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am grateful to hon. Members.

I now beg to move, under Standing Order 7(3), to suspend Standing Order 7(1), in order to lay a document on the table.

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

#### PAPERS TO BE LAID

3240 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the International Agreement on Taxation and the Protection of Financial Interests between the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland regarding Gibraltar.

3245 **Mr Speaker:** Ordered to lie.

#### Tribute to Capt. Sir Tom Moore

3250 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am going to move now that the House should adjourn. Before I do so, I think the whole House will want to join me on reflecting, with sadness but also with joy and inspiration, the example and life of Capt. Sir Tom Moore, who passed away two days ago at the age of 100. He really demonstrated that, even at the age of 99 and with a global pandemic going on, in one's own back garden you can get up and do something remarkable. In late spring last year, when things looked so bleak for all of us, this 99-year-old ex-serviceman really showed us all how you can get up and do it. I am sure the whole House will want to reflect on Capt. Sir Tom Moore's life and the magnificent work he did last year for the health authority in the United Kingdom, which has also been so helpful to us.

#### Adjournment

3255 **Chief Minister (Hon. F R Picardo):** Finally, Mr Speaker, I will move that the House should adjourn to Thursday, 25th February at 3 p.m. I am going to propose that the House should then deal with the Hon. the Leader of the Opposition's motion on the Tax Treaty, and he and I, on the basis that I have already set out, will be in touch to try to work out the mechanics of how we deal with that and how we deal with the new requirements in the legislation about international tax agreements.

3260 I move that the House should adjourn to Thursday, 25th February at 3 p.m.

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 25th February at 3 p.m.

3265 I now put the Question, which is that this House do now adjourn to Thursday, 25th February at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Thursday, 25th February at 3 p.m.

*The House adjourned at 8.47 p.m.*