



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4 p.m. – 4.50 p.m.

Gibraltar, Monday, 10th May 2021

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The Gibraltar Parliament

The Parliament met at 4 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*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 10th May 2021.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 16th, 24th and 25th September, 16th and 30th
5 October, 19th November, 10th, 18th and 21st December 2020, 15th January, 5th and 25th February, and 16th, 17th, 18th, 19th, 22nd and 23rd March 2021.

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

10 *Mr Speaker signed the Minutes.*

ANNOUNCEMENTS

Tribute to HRH the Prince Philip, Duke of Edinburgh

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, given that this is the first meeting of the
15 Parliament since his passing, I would just wish to reflect for a few moments on the death of the Duke of Edinburgh, Prince Philip.

Her Majesty's Government of Gibraltar and the people of Gibraltar were greatly saddened by the announcement on 9th April of the news of the death of His Royal Highness. Prince Philip has always had an interest in Gibraltar. He visited in November 1950 for the inauguration of our
20 predecessor Chamber, the then Legislative Council, and on several other occasions. When he was here opening the Legislative Council, he was explicitly supportive then of the strengthening of the institutions of self-government in Gibraltar. I dare say that the development of our democracy and the emergence of this Parliament and its enhanced jurisdiction and powers are a demonstration that successive Governments of Gibraltar and the people of Gibraltar have lived
25 up to the challenge set for us all by the Duke at the birth of Gibraltarian representative democracy in this place.

The Duke personally berthed the Royal Yacht *Britannia* alongside in the dockyard on the final stretch of his Arctic Adventure, as it was known, and he remained on the Rock for 10 days. How fitting that the United Kingdom is now likely to commission a new Royal Yacht in his memory.

30 His Duke of Edinburgh Award Scheme touched the lives of many young people in Gibraltar and around the world. I know that many in Gibraltar are very grateful for the establishment of that scheme and have benefitted greatly from it. The continued work by His Royal Highness the Earl of Wessex in respect of the award scheme will therefore be as welcome in Gibraltar as it will be elsewhere in the world. In 1991 the Duke of Edinburgh personally piloted the aircraft in which he
35 flew into Gibraltar Airport for a visit to celebrate the 25th anniversary of that award scheme. As we all know, personally piloting an aircraft into Gibraltar Airport sounds horrendously scary and difficult – although I welcome back to Parliament today the Hon. Gilbert Licudi, who has done the same thing himself on more than one occasion.

The Duke of Edinburgh was also Admiral of the Royal Gibraltar Yacht Club, something else
40 which cemented the Rock's links with him. And, of course, as Commandant General of the Royal Marines, a position the Duke held for decades, he wore the cap badge of that corps, which so prominently features the word 'Gibraltar' on it.

Every time I had the privilege of meeting the Duke of Edinburgh, here and in London, he recounted positive recollections of his many times on the Rock. The last time I spoke to him, he
45 was keen to ask about the fortunes of our people and he had fond words of recollection of the Convent, where he stayed on his many visits to Gibraltar.

Mr Speaker, the condolences of all her loyal subjects in Gibraltar have been expressed in writing by me to Her Majesty the Queen. I therefore now propose that after any other tributes that hon. Members wish to make, the successor in title to the Legislative Council that he
50 inaugurated 71 years ago should hold a minute's silence on behalf of His Royal Highness the Duke of Edinburgh.

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

55 **Hon. K Azopardi:** Mr Speaker, I entirely associate myself and Members on this side of the House with the comments made by the Chief Minister on the sad passing of His Royal Highness Prince Philip, the Duke of Edinburgh. It is appropriate, because today is the first moment and the first time that we sit since his passing, that we should make these remarks and read them into the record of *Hansard*.

60 We did say at the time, of course, that the Duke was an amazing friend of Gibraltar, a friend who showed his friendship and deep affection for the people of Gibraltar over many decades, dating, as indeed the Chief Minister has said, right back to his presence at the opening of the Legislative Council in 1951. His association with that event was not a simple attendance at any other function. This was not, as he joked, one of his plaque unveilings. This was a moment where
65 he decided to be associated with a significant event in the self-governance of this community, and by virtue of that, and in doing so at a time when we had a dictatorship in Spain, he was giving his royal backing to the process of self-government of the people of Gibraltar. That is an important milestone and an important fact for people to reflect on, that here was the Duke of Edinburgh, the husband of the Queen to be, giving such royal support to an important moment in our history.

70 As the Chief Minister says, it did not stop there. His Royal Highness was indeed a friend of Gibraltar through a long period of time, and on this side of the House we were also deeply saddened to hear of his passing. It was a passing that was mourned across the Commonwealth, across the British people, and no doubt also, absolutely the loss could not have been felt stronger by Her Majesty, who lost a lifelong partner of more than 70 years. On this side of the House, we
75 add our support and comment into the record of *Hansard* for the passing of someone who was such a loyal and deep friend of Gibraltar.

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

80 From my corner of the House and on behalf of my party, Together Gibraltar, I, too, wish to extend my condolences to the Royal Family, Her Majesty and the entire British family.

Prince Philip was the longest-serving British Royal Consort, the oldest ever male British royal and the third longest-lived member of the British Royal Family. Many were touched by Prince Philip in his long life of service, not least the people of the Rock, who flocked to see him parading
85 down the streets of Gibraltar in defiance of threats by the Spanish fascist administration across the border at the time. This show of support touched our community profoundly and we believe that it won our people over to the royalist cause.

The Duke of Edinburgh's solidarity with British Gibraltar was notable ever since, having visited on a number of occasions throughout the years, the last one being May 1996, which many
90 Gibraltarians still remember very fondly and which was, again, in spite of objection from the Spanish government. Indeed, Gibraltar expressed its thanks for his friendship on the occasion of his retirement from public duties in 2017, and that is a testament of his loyalty to the Rock.

Prince Philip leaves behind a rich legacy, which includes the work of the Duke of Edinburgh Foundation, an institution which has inspired and empowered many of our young Gibraltarians
95 with its values of solidarity and self-improvement.

I would like to add that I was also deeply touched to see how Gibraltar paid tribute the day after his death with a 41-gun salute, with images filmed by our local broadcaster and carried around the world as part of our great British family of nations alongside London, Glasgow, Edinburgh, Cardiff and Belfast.

100 I wish to convey my deep condolences, especially to Her Majesty the Queen, who has lost not only her husband but also her partner of seven decades, who had been with her through thick and thin through the ages.

Thank you very much, Mr Speaker.

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I, too, welcome the opportunity to say a few words on the sad passing of His Royal Highness Prince Philip, the Duke of Edinburgh.

110 It is an open secret that members of the Royal Family have always demonstrated a high degree of affection, commitment and attachment to Gibraltar. Indeed, this matches the same level of respect and affection that we in Gibraltar have for the Royal Family. His death at the age of 99 was felt here, in the UK, in the Commonwealth and also across the planet, and it impacted on the young and also on the old, for the monarchy is a powerful symbol of security, of stability and of continuity. It encapsulates what it means to be British in a volatile and fast-changing world, and
115 this matters to us here. That is why the Duke's death had a profound impact on Gibraltar, and we are proud, as the hon. Lady has said, to mark the event at the same time and to the same degree as our counterparts in the UK national capitals, London, Edinburgh, Cardiff and Belfast, as members of the British family of nations.

In this very Chamber, in November 1960, as my hon. Friend the Chief Minister has said, the
120 Duke addressed our forefathers, the very first Members of the very first Legislative Council. It was a truly historic occasion in more than one way, one which carried with it also important consequences: first, the Duke set in train a series of events that have led to the degree of self-government and self-determination that we enjoy today, 71 years later; and second, that visit, and specifically the opening of the Legislative Council, marked the real start of General Franco's
125 campaign against Gibraltar. Within weeks, the regime encouraged protests outside the UK embassy in Madrid as the right-wing press fanned the flames of anti-Gibraltar sentiment. Therefore, our own history and the Duke's own life are inextricably linked. It says much that he had no hesitation in coming to Gibraltar again and again, and he was always welcome.

130 Mr Speaker, I echo the sentiments of condolence expressed by my hon. Friend the Chief Minister and also by my colleagues across the floor.

Mr Speaker: The Hon. the Chief Minister.

135 **Hon. Chief Minister:** Mr Speaker, I now invite the House to observe a minute's silence in honour of the life of Prince Philip, the Duke of Edinburgh.

Members observed a minute's silence.

Hon. Chief Minister: Thank you.

PAPERS TO BE LAID

140 **Clerk:** (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the renewed facility letter of the revolving credit line facility for £150 million from Gibraltar International Bank Ltd, as lender, to Her Majesty's Government of Gibraltar, as borrower.

145

Mr Speaker: Ordered to lie.

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

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

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

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

Order of the Day

BILLS

FIRST AND SECOND READING

Referendum (Amendment) Bill 2021 – First Reading approved

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

155 A Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for the making of regulations for voting at referendums and the procedure to be followed in connection therewith. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for the making of regulations for voting at referendums and the procedure to be followed in connection therewith be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for the making of regulations for voting at referendums and the procedure to be followed in connection therewith be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

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Clerk: The Referendum (Amendment) Act 2021.

Referendum (Amendment) Bill 2021 – Second Reading approved

Chief Minister (Hon. F R Picardo): I have the honour to move that the Bill now be read a second time.

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Mr Speaker, before I start, I should just confirm to the House that I have certified this Bill as urgent and as one that should be dealt with before the expiry of six weeks since its first publication. The reason for that is to ensure that our referendum law is amended in time for the coming referendum in June in a way that enables us to carry out that vote with the additional protections against the pandemic that we want to see.

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I am grateful in particular for the work of the Clerk of the House in reviewing this legislation and proposing these changes to the Government. Mr Martinez has been instrumental in our preparation of this work. He has focused his approach on modernising the framework of our law and bringing into line procedures for voting in parliamentary elections with those with voting in referendums. Additionally, the Clerk has also liaised with Members across the floor on the reasoning behind his proposed changes to the legislation. The work required to achieve the publication of this Bill is therefore a testament to both Mr Martinez's experience and his ability. It is also a testament to how highly regarded he is by Members on both sides of the House, given that he is able to engage with all on the detail of a legislative proposal, as he has. I am minded to ask him to do the same piece of work on more controversial Bills in the future.

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Moving on now, and not to further embarrass Mr Clerk, as the explanatory memorandum sets out, the purpose of this Bill is twofold. Firstly, it removes from the main Act which is being amended all provisions regulating the procedure for the registration of voters, enabling voters to vote in person or by post or by proxy, establishing the various forms to be used by persons and generally for all practical matters relating to the organisation, administration and conduct of referendums. Additionally, it gives the Chief Minister specifically the responsibilities of the Minister under the Act, and with that responsibility the power also to make regulations governing all such matters and providing for extended postal and proxy voting also.

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Clause 2 of this Bill establishes that the Act will commence on the date of publication. This is more important in this instance and in this Bill than it might be in respect of most Bills. For the reasons I have already referred to the House as to the reasons for my abridgement of time for the taking of this Bill, we want to ensure that this Bill becomes an Act and is in effect and commenced before I, as the Minister now to be designated under the Act, have to sign the referendum notice, which can be no less than 40 days before the referendum due on 24th June.

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Mr Speaker, the third clause contains the meat of the amendments to the Referendum Act with the following new provisos.

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Section 2 of the Act is amended by introducing a new set of definitions to reflect the amendments to the Act. Those include the definition of the Chief Minister as the Minister with

responsibility for referendums, and the other relevant definitions, such as the definition of a voter, a register, etc.

205 Section 8(2) is amended by the inclusion of references to regulations, thus ensuring legal standing for the regulations which we are going to make under the Act.

Section 9(1) is amended to make reference to the Referendum (Voting) Regulations 2021, which will be made under this Act.

210 Parts 4, 5, 6, 6A, 7 and 8 are then deleted, as these parts have been amended and transposed into the new regulations that will be made.

A new section 10(1) is inserted to provide for the suspension of any regulations made pursuant to section 83 of the Act in the event of an emergency as defined by section 10 of the Civil Contingencies Act being declared by the Minister by notice in the Gazette. We now know that these eventualities under the Civil Contingencies Act, which we have legislated for so many times
215 in the past and which seemed so esoteric, are not just theoretical possibilities. Hon. Members will recall that we agreed to suspend the referendum on the Crimes Act – which we will now hold next June – just one week before it was due to be held last year, on the basis that the civil contingency had been declared.

A new Part 4 will set out the format for the report that the Referendum Administrator has to send to the Minister on the organisation, conduct and results of the referendum. The original report has been amended because the information it required the Referendum Administrator to give apparently breached the current incarnation of our data protection laws.

220 Section 61(1) deals with how secrecy is to be observed, and that is amended by the insertion of references to subsidiary legislation as well, which will bolster that right of secrecy of the voter.

225 Section 62 creates an offence if there is a contravention of the regulations.

Section 65 provides for the application of the offences of bribery to regulations created under the Act.

Section 66 is amended to cover subsidiary legislation which will be provided also.

230 Section 70A is inserted to create an offence if someone provides false information in connection with an application made for the purposes of this Act or any subsidiary legislation made pursuant to section 83 of the Act.

Sections 72 and 73 are amended to cover subsidiary legislation which has changed.

Sections 77 is amended to allow for the provisions of this section to be applicable to regulations also.

235 Section 78 is amended to reflect the new provisions of the Act and regulations and defines places of abode.

Section 79 is amended to provide for subsidiary legislation made under section 83.

Section 81 then is amended to cover subsidiary legislation also.

240 Section 83 sets out regulation-making powers and prescribes that any new regulations shall be laid upon the table in Parliament.

And, finally, of course, the Schedule is amended by the deletion of now irrelevant forms under the Act.

245 Mr Speaker, the work that we are going to do in amending this Act is going to modernise it and make it easier for people to register their desire to vote in a referendum, and is going to make the work of voting also more modern and easy. Therefore, I commend the Bill to the House with my renewed thanks for the work of the Clerk and his staff in the preparation of this Bill.

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

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Hon. K Azopardi: Mr Speaker, I am grateful.

I have been away for my Twitter feed for the last 30 minutes, so I am not sure if I should, first, before I launch into my speech, congratulate the Hon. Mr Licudi on re-joining the Government

front bench. If so, and if I have been forlorn in not congratulating him, well then, those are my
255 congratulations.

Mr Speaker, we will support the Bill. As the Chief Minister has indeed noted, the Clerk, with
some skill, has been able to explain to Members on this side of the House the purpose and indeed
the nitty gritty and granular effect of the changes that have been proposed. They were sent to us
in draft on a couple of occasions. I had a long discussion with him and one of his deputies in respect
260 of the detail and we are satisfied that what is being proposed is simply to, in effect, transplant
large measures of the legislation as it exists now and then transplant them into subsidiary
legislation, and indeed to back these up with a more dynamic ability to respond to events in the
event that a situation should arise, which no one wants on either side of this House, that should
intervene with any referendums in the future. So, we are satisfied that the process, and indeed
265 the amendments that are being carried out, are in line with measures that Members on this side
of the House can support.

I did, in my discussions with the Clerk, suggest a couple of points, one of which was taken on
board in a sort of shuttle diplomacy between the Clerk and those on that side of the House. There
was another that was not, but I will just repeat it, and then I just want to explain it, because of
270 course it was outwith the work of the Clerk and therefore is not something that fell within the
ambit and scope of what he had been asked to do, which was simply to carve out the provisions
and place them into subsidiary legislation to the extent that they dealt with the mechanics of the
voting.

Section 83 allows the Minister – the Chief Minister, as now defined – to introduce regulations
275 in relation to the voting at referendums. Let me put it that way. What I did suggest, and I suggest
again to the hon. Member opposite perhaps for him to reflect on and comment on, is that the
Chief Minister's power to introduce regulations governing the voting and affecting the voting in a
referendum should be after consultation with the Leader of the Opposition, whoever the Leader
of the Opposition should be at the time, because of this point. Under the guise ... as the Chief
280 Minister has given emphasis, there is an attempt to modernise this framework and I would say to
the hon. Member this: that it is not normal to subject ministerial power in the introduction of
regulation to any kind of consultative method, but there is exceptionally the decision to do so,
and we have done so previously, during COVID, in relation to public finance measures, but I would
say to the hon. Member opposite that in relation to elections and referendums, method of
285 elections and method of elections at referendums, the same should be the case.

The hon. Member opposite will say to me that under the Parliament Act, the Minister's powers
to introduce regulations are not caveated by the fact that he has to consult the Leader of the
Opposition, but what I would say to him is that when and if the Parliament Act is modernised, it
should also carry that out because this is a longstanding piece of legislation and the view certainly
290 that I express on behalf of Members on this side of the House is that when it comes to introduce
regulations that govern the method of voting at elections or referendums, it is appropriate that
we take a more bipartisan approach simply to the issue of the introduction of the regulations.

That does not mean that having heard Members on this side of the House, the Minister's
powers to introduce regulations are in any way affected. It will simply mean that the Minister
cannot introduce regulations without first consulting Members on this side of the House, and I
would ask the hon. Member to perhaps reflect on that because we believe that if there is a desire
to modernise this, it is indeed a modernisation that I would commend to him, that would reflect
a more bipartisan approach to the introduction of regulations that would affect elections, and
indeed, so that those regulations should never really be introduced, I would say to the hon.
300 Member, on a basis other than without prior consultation with Members on this side of the House.

With that slight caveat, which I would ask the hon. Member to reflect on, I certainly agree that
the learned Clerk's efforts should be commended and confirm that we will support the Bill.

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

As I understand it, this Bill has some technical changes and amendments in light of new requirements, largely associated with COVID-19, and technical, logistical and practical needs to make some changes. I just indicate that I will be voting in favour of the Bill and I take this
310 opportunity to thank in advance the Clerk of Parliament and his staff and wish them good luck in the next couple of months, which will no doubt be extremely tiresome and taxing for them. I wish them much good luck and thank them for their work.

Thank you, Mr Speaker.

315 **Mr Speaker:** Does any other Member wish to speak on the general principles and merits of the Bill? Otherwise, I will ask the Hon. the Chief Minister to respond.

Hon. Chief Minister: Mr Speaker, can I thank hon. Members for their contributions?

Can I just comment, given the way that the Hon. the Leader of the Opposition started, by
320 remarking how pleased I am to see that we are back in our usual positions. We have been able, in this House, as so much throughout our community, to return not just to what we might have referred to as a semblance of normality but actually return to what is very largely normality, and indeed we have come back to our usual sitting positions in this House, which means that Mr Licudi sits amongst us, just like the greatest Gibraltarian of all time – as he is referred to by some, not by
325 me – when he was a backbencher, continued to sit at the only bench which is available in this House. So, I do hope that the Hon. Mr Azopardi was making his remarks out of mischief and out of a desire simply to continue to see Mr Licudi in this House, as I am delighted to continue to see him amongst us.

On the issue of section 83, the Hon. the Leader of the Opposition has referred to the House
330 one of the proposals that he made to the Government, but not the one which we accepted. The Hon. Leader of the Opposition proposed two changes to the legislation: one to the legislation before this House, which is the primary legislation; and another change to the secondary legislation, which are the regulations. Both of the changes were of the same order, in other words that the Government should exercise a power only after consultation with the Leader of the
335 Opposition.

The position of this Government is that such a clause can be accepted in most instances and is one that should be accepted unless there is a good reason why it should not be accepted, because what it does is, whilst there is a Government which is collegiate, it brings about the opportunity for the collegiate work of the Parliament to be seen through in those bits of legislation which have
340 these requirements. The hon. Member knows that he has found an open and willing door with me whenever we have had the opportunity to consider issues together in his capacity as Leader of the Opposition, and we have worked well together, I think, in that way that is self-evident, during the course of the pandemic and on other issues as well. The pandemic is what I have described, and I think probably others more eloquently than me, as a life-changing event and probably a
345 planetary event, and we worked together during that event, even in respect of matters where there was no provision in the legislation that we had to work together, but his instinct and my instinct was that we should work together, and we did work together.

That clause, however, is a clause that can also be observed in its breach. There have been Chief
350 Ministers who have considered the words ‘after consultation with the Leader of the Opposition’, where they appear in a text, to be almost read as ‘after calling the Leader of the Opposition and telling him what I am going to do’, which, as he knows, is not my attitude. It is not my attitude in the context of where the clause appears and it is not my attitude where the clause is not in the legislation and where it is possible for us to work together. So, the Deputy Chief Minister and I considered this issue and we agreed that the hon. Gentleman’s proposal in respect of the powers
355 contained in the regulations should contain that caveat.

We were a little more cautious about the principal Act. The hon. Gentleman knows that what we are trying to do is ensure the same conditions apply to referendums as apply to general

elections. The Parliament Act, which was our elections Act, comes from, ironically, 1950. We were talking earlier about the Duke of Edinburgh being here when we had our Legislative Council. It is one of the original Acts of the people of Gibraltar in legislation that we are talking about mirroring, ironically; one of our oldest Acts, which we are now talking also about modernising in the context of its replication for referendums. That Act was considerably modernised after the 2006 Constitution, and the position that hon. Members gave us in the Parliament Act when they amended it after the 2006 Constitution was not to include a reference of this sort in respect of the regulation power. The hon. Gentleman says to us, 'We believe that ...' Well, Mr Speaker, the party that they represent in government believed that there should not be such a clause.

As I have said to the House before, I have a strong and positive relationship with my predecessor, which I think is important in the context of democracy, and I pledge that whoever my successor will be will enjoy the benefits of a strong relationship with me also, but unless hon. Members are saying that they were wrong in government when they modernised that Act and that we therefore need to learn from their mistakes in that respect, it does not make sense to say that this is a necessary way of reforming the Referendum Act in order to make it in keeping with the Parliament Act when the Parliament Act was not amended to contain this provision.

Having said that, a change to the manner of voting is something that, certainly whilst I am in office, I will want to reach across the floor of the House to do with hon. Members. That, I think, is self-evident, because that is exactly what we are doing today. We are doing, today, that which by power I will be able to do in the future without consulting, because of the absence of this clause under the Act, but with consultation under the regulations. And what have we done? Without that clause in the legislation, indeed even before we have put legislation, I have agreed that the Clerk should speak very openly and very candidly to hon. Members opposite and he should put the draft of the legislation to hon. Members, so that we could take their views on it.

I think that is a demonstration that a lot of the work that needs to be done at a collegiate level between Members of Parliament does not need to be prescribed in legislation; it needs to be in the instinct and in the gut of the parliamentarian. I think it is not to give anything away that the hon. Member has that instinct in his gut, and he has demonstrated it during the course of the pandemic, and that I have it too, and that our guts have met and have been able to work together on many of these issues, and that the shuttle diplomacy of the hon. the Clerk was challenging, but it was not the *Challenger*. The shuttle did not explode. It found a good conclusion in the suggestion that we would accept for the regulations.

It is also true that referendums in our community are sometimes not just about issues where there are differences of opinion which need to be tested in a plebiscite in this context, in the context of the Crimes Act as a result of a manifesto commitment of the party that won the election that there would be such a referendum. They can sometimes be about things on which we agree, and in that context, where there is a referendum of the sort that is not about a social issue, that is not about an issue that is being tested by a government or indeed by a parliament – because the notice would be from the parliament – where we are going for a message that has to be sent on behalf of the people of Gibraltar in respect of something as sacrosanct as the sovereignty of Gibraltar, then we believe that it should not be a necessary requirement that this aspect of consultation be provided for there, although I have no doubt that there will be private communications between any Leader of the Opposition and any Chief Minister at the time, because I do not believe that we will find ourselves with people represented in this House who would want a different conclusion to that sort of plebiscite that might relate to issues that relate to sovereignty.

Having said that, of course, hon. Members' positions in this particular referendum, the Crimes Act referendum, have ebbed and waned. I have heard them campaign against a referendum. Then I have heard them campaign in the referendum. And I have even heard them argue against and berate those who are talking about a referendum not being necessary, in very negative terms. So, the hon. Gentleman opposite will forgive me for thinking that, in particular in relation to this referendum, I have to be careful not to put anything in their hands, or goodness knows how they

410 might try and scupper the whole thing, even though they are now committed to being involved in
the thing. But, as their positions have changed so drastically throughout, in the context of it, I
think it is probably better for us to continue with the Act as proposed. He has, as he knows, a hand
of co-operation and collegiate working together offered from me in respect of any changes that
415 reference to a requirement for consultation. I would commend that attitude to anybody who were
to hold the distinguished office of Chief Minister.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the provisions of
the Referendum Act 2015 to provide for the making of regulations for voting at referendums and
420 the procedure to be followed in connection therewith be read a second time. Those in favour?
(**Members:** Aye.) Those against? Carried.

Clerk: The Referendum (Amendment) Act 2021.

COMMITTEE STAGE AND THIRD READING

Referendum (Amendment) Bill 2021 – Committee Stage and Third Reading to be taken at this sitting

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage
425 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 now?

430 **Members:** Aye.

In Committee of the whole House

Referendum (Amendment) Bill 2021 – Clauses considered and approved

Clerk: A Bill for an Act to amend the provisions of the Referendum Act 2015 to provide for the
making of regulations for voting at referendums and the procedure to be followed in connection
therewith.

Clauses 1 to 3.

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

Clerk: The long title.

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

**Referendum (Amendment) Bill 2021 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Referendum (Amendment) Bill 2021 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Referendum (Amendment) Bill 2021 be read a third time and passed. Those in favour of the Referendum (Amendment) Bill 2020? **(Members: Aye.)** Those against? Carried.

Standing Order 7(1) suspended to proceed with Questions

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 Questions.

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

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I now have the honour to move that the House should adjourn to Monday, 17th May at 3 p.m., when we will start dealing with the Questions.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday, 17th May at 3 p.m.

I now put the question, which is that this House do now adjourn to Monday, 17th May at 3 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn to Monday, 17th May at 3 p.m.

The House adjourned at 4.50 p.m.