



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.01 p.m. – 6.05 p.m.

Gibraltar, Thursday, 20th May 2021

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The Gibraltar Parliament

The Parliament met at 3 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*]

SUSPENSION OF STANDING ORDERS

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

Clerk: Meeting of Parliament, Thursday, 20th May 2021.
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **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.

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

Publication of Appropriation Bill 2021 – Statement by the Chief Minister

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has today published the Appropriation Bill 2021. The House will have a chance to debate the Bill in the Budget session, which will be held in July this year.

The Bill published today provides for an estimated Consolidated Fund expenditure in this financial year of £665 million – in fact, it is £664,692,000 – and capital expenditure of £68 million, or, in fact, £67,640,000. These are now the published figures, which hon. Members will have seen
15 from the Bill in the Gazette. The heads on which the spending is provided for are set out in the Bill in some detail. The schedules to the Bill actually set out every single one of the heads that is in the Estimates Book without providing the detailed breakdown, but provides the amount for each of the heads of expenditure.

Hon. Members will have also now received the Draft Estimates of Expenditure, the Book. The
20 Book contains all details of the estimate for Government spending for the year already gone, which was an exceptional 24-month year, as approved by this House unanimously.

The Book also contains the estimated spending for the year to come. Hon. Members are bound not to disclose the figures in that Estimates Book until the debate commences. I would, therefore, not usually say any more at this stage, but this year is an exceptional year, and it is an exceptional
25 year for every country in the world. Let us not kid ourselves. COVID did not just come to Gibraltar, the pandemic did not just happen to us, and the public finances of every nation on the planet are in a deplorable state as a result because the public finances of every nation have been decimated by the COVID pandemic. And let us not forget that, in our case, the pandemic has coincided also with the run up to a potential hard Brexit, something which undoubtedly hit business confidence
30 in some sectors. And so, as the Bill is published today, I consider that it is my duty to immediately

inform our people, today, of what the effect has been on Gibraltar's public finances of the published details of the COVID Fund and the COVID borrowing, which all Members of the House supported. I will limit myself to setting out the deficit position.

35 The Bill that will come before the House for our Budget debate in July will provide a forecast financial outturn that will estimate a deficit of £138 million. The Bill will provide for spending, as more particularly set out in its various schedules, that will see us deliver a deficit again next year of £51 million if we stick to the spending we are predicting and if we have the revenue that we are predicting.

40 We will be able to debate the whys and wherefores and look at the detail of every figure when we debate the Estimates, but given the publication of the Bill today, and the numbers which are included in it for spending in the next 12 months, I believe it is my duty to advise the nation and our people today, as all hon. Members are already aware, that we are in deficit.

45 We are in the company of – good, bad and indifferent – every other nation on the planet, but we have secured, with the unanimous support of the House, the necessary borrowing, at historically low interest rates, that enables us to continue to provide services and ensure all our salary and pension commitments are fully provided for and paid. We are and we will continue to pay our way.

50 We know what COVID has been. We have not just paid for ventilators and for medicine. We have not just paid for PPE and other equipment. Every single detail of COVID spending is provided for in the published details of the COVID Fund. We have also paid for the salary of every single civil servant and public servant, without deduction, in this period, even when they were not working, and we have also paid for the salary of every person in the private sector who was not permitted to work under the COVID Regulations. And so a deficit was the obvious result that every person should have expected was coming as a result. I now confirm it, as will be the case in every other nation and every other economy in the world.

55 I should just set out that our objective is to be back in the black in the next 24 months. We have grown this economy before. I have full confidence that we will reverse this deficit. We will get back on our feet, and in the process there will be a lot of hard work to be done but no hardship will be suffered. No austerity will be imposed, but no abuses will be tolerated either.

60 Mr Speaker, I believe it would be reckless and unfair not to have advised our people immediately today of this outcome, at the first available opportunity, on the publication of the Appropriation Bill. We cannot disclose more numbers at this stage until the debate on the Estimates, but this result is one that our people must know, they must know it today and it is my duty to tell them.

65 Finally, I take the opportunity to report to the House that the Joint Co-ordination Committee established under Article 5 of 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 met today for the first time. The meeting was virtual and was held by video-conference as a result of the, as yet, not entirely easy travel picture for all parties.

70 The meeting also hosted the Liaison Bodies established under Article 4 of the International Tax Agreement, who also met for the first time. The attendees included officials from the governments of Gibraltar, the United Kingdom and the different national and regional authorities of Spain. I sincerely hope that travel will be easier soon and that the committees can meet in person very soon. The Joint Co-ordination Committee and Liaison Bodies are purely technical and meet at official level without politicians. The report I have received from the Financial Secretary and the Commissioner for Income Tax suggests that the atmosphere throughout was positive and constructive with a genuine desire to move forward in a spirit of co-operation on the different areas under discussion.

75 Thank you very much, Mr Speaker.

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

Hon. K Azopardi: Mr Speaker, we will have quite a lot to say on the Budget in due course, and we welcome the hon. Member's remarks on the publication of the Bill, but we are not going to seek any clarification on it, and I have no questions on it. We have a lot to say, but these are in the nature of debate comments for the Estimates in due course, so we will not say anything on that Statement and indeed we will respect the confidentiality of the numbers until the Estimates debate, which is the normal way.

But I do want to ask for clarification on the second part, the separate statement on the Tax Treaty Committee meeting, if I can ask about that. Can the Chief Minister tell us how many people attended that? How big is this Committee? What is the composition of it? How many people attended? How many people for the UK, for Gibraltar and for Spain? Who attended for Gibraltar? How regular are these meetings going to be? And what was discussed specifically at that meeting, not in terms of the detail, but in terms of the agenda items? If I can ask that, it would be helpful to get those clarifications of the scope of those discussions.

Hon. Chief Minister: Mr Speaker, the meetings will be held, I believe, at least annually, and on some occasions biannually for the liaison committees, and more often if necessary.

I think, from memory, it is a committee of five and five. For Gibraltar, in the first five we have the Attorney General, the Financial Secretary, the Commissioner of Income Tax, the Senior Crown Counsel in the Income Tax department, as well as one Member from the United Kingdom. And on the Spanish side there are four individuals from the Hacienda Ministry and one individual from the Ministry of Foreign Affairs. The Liaison Body is made up of two individuals from the Tax department and, I think, also two individuals from the Spanish tax department.

Hon. K Azopardi: What was discussed?

Hon. Chief Minister: In the context of this initial meeting, Mr Speaker, the discussion was about the structure of the work of the Committee and how it will ensure that the liaison is being effective, etc. – purely technical matters, unrelated to any actual case, which is what the Committee will be discussing in future when it is receiving requests for information and sending requests for information, and then there will potentially be determinations in relation to individual cases.

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

Like the Leader of the Opposition has just said, I also have just had sight of the Bill that has just been published, so I will also reserve any words on this, as I am going to be continuing my analysis, which I have already embarked on in time for the Budget address.

I am glad to hear about the constructive meetings that the Chief Minister says he has been having with the Commission, and I continue to wish the Government the best of luck in their endeavours and remind them that I always stand available for any value that I may be able to add from this corner.

The Leader of the Opposition has already asked about logistics, so I am grateful for some of those answers, and I ask the Government and the Chief Minister especially if he will be continuing to brief me and the Leader of the Opposition, as he has been doing over the time that he has been conducting these meetings.

Thank you, Mr Speaker.

Hon. Chief Minister: Mr Speaker, I thank the hon. Lady for those comments. I will, of course, continue to keep them informed. At the moment, there is very little more to talk about. I dare say the House knows as much as I know, as the meeting ended just before I was able to come to the House to report on it, but I am very happy to provide further details to hon. Members. Of course,

135 the work of the Committee is confidential and I will share that information confidentially, insofar
as we can.

Mr Speaker, finally, I thank both hon. Members who have intervened. I look forward to the
debate, although the things that I have set out today are not really things which are open to
debate. They are the arithmetical result of the decisions that we have made together to introduce
140 BEAT and to pay BEAT etc., the natural and ordinary consequence of which is that the Exchequer
was open to make those payments and is therefore now, as a result, having to be assessed in the
context of the borrowing and the payments that we have made during the course of this pandemic
in order to ensure those sectors of our economy that required the support of the Government –
because they approached the Government, because the Government considered it necessary, or
145 because the Opposition joined us in wanting to ensure that they had the spending necessary
available to them – have had that spending, and this is the necessary and ordinary consequence
of it.

Questions for Oral Answer

ECONOMIC DEVELOPMENT AND ENTERPRISE

Q65 and Q68/2021

Public Debt and Reserves – Correction to previous answer

Clerk: We now continue with Answers to Oral Questions.

150 **Mr Speaker:** I believe the Hon. Sir Joe Bossano wished to clarify some information which he
gave yesterday in answer to certain questions from the Hon. Roy Clinton.

**Minister for Economic Development, Enterprise, Telecommunications and the GSB
(Hon. Sir JJ Bossano):** Yes, Mr Speaker, I would like to correct the answers to Questions 65 and 68.

155 The Net Debt figure for 1st March provided previously was incorrect. The correct figure was,
as the hon. Member suggested, £575.9 million. I think the figure that was provided in error was
the balance that we could still borrow from the ceiling of the debt.

The breakdown of the borrowing, in terms of the nature of the borrowing, from whom and at
what rate, is that there is a debenture from the Gibraltar Savings Bank of £100 million, and another
160 one of £147.7 million, which have no maturity date. They have been there for a very long time at
6%.

There is a debenture with a maturity of 10th October 2024 that pays 3.05% above base rate,
and it is £75 million.

165 There is another debenture of £50 million, which has a maturity date of 29th June 2025, and
that has got the same rate, 3.05% over base.

And then there is the ceiling facility local from NatWest of £75 million, which is available until
31st March 2025, which is at 0.875% over LIBOR.

The revolving facility, on which £100 million has been drawn and which expires on
3rd December 2022, is, as the hon. Member knows, 0.35% over LIBOR.

170 The final thing is the credit facility from Gibraltar International Bank. The hon. Member asked
whether it had been repeated, and I explained it had not and why not. That revolving facility
matures on 14th April 2022 and it is at 0.15% over base rate.

CHIEF MINISTER

Q73-74/2021

GibDock –

Extension of lease; sale

Mr Speaker: We now move to the question and answer session.

175 **Clerk:** We continue now with questions to the Chief Minister. We commence with Question 73, and the question is being asked by the Hon. D A Feetham on behalf of the Hon. E J Phillips.

Hon. D A Feetham: Mr Speaker, can the Government state whether the lease on GibDock has been extended?

180

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 74.

185

Clerk: Question 74. The Hon. D A Feetham, on behalf of the Hon. E J Phillips.

Hon. D A Feetham: Mr Speaker, can the Government state who will acquire GibDock and the status of any sale?

190

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the lease with GibDock has not been extended. Negotiations in this respect are ongoing.

Her Majesty's Government of Gibraltar is not involved in any potential sale of GibDock.

195

Hon. D A Feetham: Mr Speaker, this is a matter, obviously, that we have asked upon in the past. It is something that is of significant interest to the people who live around GibDock because this is an operation that operates 24/7, essentially, and we receive a lot of complaints in relation to pollution.

200

Can the Government at least answer some of the concerns that those residents may have, and perhaps assure them that if any new lease is being entered into with these operators, there will be some form of restrictive covenants in the lease or covenants in the lease that will either reduce the amount of time that GibDock is operating or force the operators to provide some protection in relation to pollution and the environment?

205

Hon. Chief Minister: Mr Speaker, I do have to check myself, but I agree entirely with the hon. Gentleman. The Government is very keen to ensure that in the context of these lease renegotiations we are able to ensure that the best modern environmental practices are protected, not just as they are in our laws but also in the context of the covenants that would be required of the lessee in this case, and we will do everything we can to reverse the situation that we inherited in respect of the lease granted to the predecessor in title of GibDock by hon. Members when they were in government.

210

Hon. D A Feetham: Mr Speaker, when the hon. Gentleman rose and paused, I thought that he was going to send another Exocet in my direction, which is his normal practice, although he did fire a bullet at the very end. I forgive him for that Mr Speaker. But I asked about the lease. Is it the intention of the Government to include within any new lease any type of covenants that at least offer some measure of legal protection for the residents living around GibDock?

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220 **Hon. Chief Minister:** Mr Speaker, I understand that Exocets are no longer the missile of choice in warfare. Even Pope John Paul forgave Mehmet Ali Agca for shooting at him, so we know that forgiveness is a virtue, not a vice, which I entirely commend to the hon. Gentleman.

Mr Speaker, the hon. Gentleman has asked me the same question now that he asked me in his first supplementary – it is one of his vices, not his virtues – so I refer the hon. Gentleman to the answer I gave a few moments ago.

225

Mr Speaker: Next question.

Q75/2021
Airport tunnel –
Status of works

Clerk: Question 75. The Hon. Roy Clinton on behalf of the Hon. E J Phillips.

230 **Hon. R M Clinton:** Mr Speaker, can the Government confirm the status of the works to complete the Airport tunnel?

Clerk: Answer, the Hon. the Chief Minister.

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the works to the runway tunnel project have been progressing continuously, including during the COVID lockdown period. The civil works are nearing completion, and the mechanical and electrical works are well advanced. The contractor is presently expected – I emphasise *expected* every time I deal with questions on this project – to finish the project towards the end of 2021.

240 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. Can he advise if there have been any incremental costs on the project, or is it as was originally envisaged? Also, can he provide any clarity as to how pedestrians will get from one side to the other? Is it still the intention for them to use the tunnel, or is there some other transport scheme being envisaged?

245 **Chief Minister:** Mr Speaker, I think I am right in saying that this is a question from Mr Phillips as well. (*Interjection*) I am sorry, I just did not hear you say that when you when you put the question. (*Interjection*) Did he? I am just clarifying it, because I thought it was from Mr Clinton.

250 The result of the litigation, which I think I have referred to in this House on a number of occasions in detail, is that the contractor is required to finish the works contracted for the sum contracted, and so the exact figures may change, but in principle the works contracted – roughly, a tunnel – were contracted for a sum in the region of £30 million. The litigation has added costs, of course. Most of the costs of litigation have been recovered by the Government, but there will always be an advisory element, for example, which may not be covered by the recovery of costs in court. We have, on site, our own project oversight team because we have lost confidence in the contractor and because we want to ensure that the work that the contractor does is in keeping with British Standards, and for that reason the cost of our oversight team will be for the Government – and that team has now been in place for, I dare say, a decade, remarkably.

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260 Any variations which may have occurred during the course of the period of the works would not be what was originally contracted to be done under the original contract price, and those variations will have increased the cost to the Government. I cannot give him a breakdown at the moment of that, but this is a project that has not just tunnelled under the runway, it has bridged administrations. I am very happy to give hon. Members chapter and verse on this, if they wish,

either across the floor if they ask specifically, or more privately if they are interested in having the detail in a less formal way.

265 Finally, on the issue of pedestrians, as I think I have announced already, the Government is in advanced negotiations with the Ministry of Defence to seek consent from the Military Aviation Authority for pedestrians to be able to continue crossing through the existing Winston Churchill Avenue aperture on the runway, not having to use the pedestrian tunnel that will be provided and which takes two-way pedestrian traffic and bicycles, as I understand it. We are not proposing, as
270 an alternative, to have a different mode of transport that would go the longer route.

Mr Speaker: Next question.

Q76/2021

**Customs clearance for goods –
Reason for delays**

Clerk: Question 76. The Hon. R M Clinton.

275 **Hon. R M Clinton:** Mr Speaker, can the Government explain why delays are being experienced in customs clearance for goods, and what additional information is being requested and why?

Clerk: Answer, the Hon. the Chief Minister.

280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there are no delays at present within HM Customs in respect of processing of customs clearance documentation for commercial goods.

Hon. R M Clinton: Mr Speaker, the information we are receiving is that there are significant delays to normal customs clearance. Is the Chief Minister then ...? Is the information he has been
285 given that it is business as usual, as it has been over the past few years, and there have been no changes whatsoever that he has been made aware of?

Hon. Chief Minister: Yes, Mr Speaker, that is exactly the position. I know that there was, as there was in the United Kingdom and in most of Europe, an issue on 31st December/1st January
290 changeover as new procedures were required in respect of some aspects of the receipt of foodstuffs in Gibraltar, and I also know that in that period as well, in order to fulfil part of an exercise that is necessary for us to better understand the current state, not just four years ago, of our goods importation market, customers were seeking information about the origin of goods, but that, as I understand it, lasted 21 or 30 days in the earlier part of this year.

295 Now we are in exactly the same situation as we were before, and there should be no delays – and when I have checked, I have been told there are no delays. If the hon. Member has constituents who are reporting to him that they have delays, he should please get in touch with me and give me some details, so I can check this again.

300 **Mr Speaker:** Next question.

Q77/2021

**Principal Auditor reports –
Reasons for delays**

Clerk: Question 77. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government explain why the reports of the Principal Auditor have been delayed?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Principal Auditor is currently finalising the audit of the 2016-17 and the 2017-18 Public Accounts of Gibraltar.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's answer. Can he give an indication of when the Principal Auditor expects to bring those to the House? And does he have a reason for the delay?

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Hon. Chief Minister: Mr Speaker, I cannot give him a date, but the Principal Auditor is, I am told, awaiting changes to be carried out to these two sets of financial statements by the Accountant General as a consequence of his audit and will then be able to release those reports.

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Hon. K Azopardi: Mr Speaker, does the Chief Minister agree that it is important that the Principal Auditor should present his report to the House as soon as possible in respect of those reports that he has just mentioned, the ones that he is working on, and indeed, going forward, there should not be such significant delay?

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If we are talking about, for example, the 2016-17 reports, we are talking about three or four years ago. It is important that the public should have information, I am sure he would agree, of a more contemporaneous nature, so that people can evaluate what the Principal Auditor's conclusions are in respect of important matters of public finance. Does he agree?

Hon. Chief Minister: Mr Speaker, what the hon. Gentleman has said is unobjectionable.

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Hon. K Azopardi: Will the Chief Minister perhaps engage, therefore, with the Principal Auditor? I accept he is an independent officer, but can he engage with him, with perhaps the view of both sides of the House, therefore, that if there are any issues that are arising which are complicating his work, he should inform both sides of the House, so that matters can be resolved and so that he can report to the House in a more timely way?

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Hon. Chief Minister: Mr Speaker, I would not wish to do anything that might be seen as an interference with the independence of the Principal Auditor.

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Hon. K Azopardi: Mr Speaker, I accept that he does not want to be seen to do that, but given the issues on which we both appear to agree, will he agree, therefore, that we can be in a joint meeting with the Principal Auditor to have a discussion about such matters? Therefore, there can be no question of interference, because we are both there and we know what we will be saying to the Principal Auditor. He will hear it from both sides and he will know there is no question of interference. It is a question of understanding whether there are any issues that are complicating his work.

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Hon. Chief Minister: Mr Speaker, I have absolutely no intention whatsoever of convening any meeting with any public officer with the Chief Minister and the Leader of the Opposition. We are both elected to fulfil different roles in this House.

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Mr Speaker: Final question.

Hon. K Azopardi: Mr Speaker, the Principal Auditor is a parliamentary officer. This Parliament would want to have those reports as soon as possible. It is not a question of making anybody's life difficult, but ensuring that the reports are put to Parliament as soon as possible. Rather than complicating stuff, that would make it easier, surely. Doesn't the Chief Minister think that we should co-operate on both sides of the House to ensure that that information is laid in this House and then is available to the public?

355

Hon. Chief Minister: Mr Speaker, I do not know whether this is an inordinate delay or not, because I have not gone back to check how delayed reports have been in the past and whether there is anything unusual about this level of delay. I certainly recall many delayed reports when we were in opposition. Mr Speaker, if I thought what the hon. Gentleman thinks, I would be asking him for membership of his party. In fact, I think what I have already told the House will remain our position.

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Mr Speaker: I think that this will be the final – (**Hon. K Azopardi:** Mr Speaker –) I think that we are going round in circles and not getting very far on this one. This will be the last one.

Hon. K Azopardi: Yes, Mr Speaker, I accept that. The last one was going to be my last one, but unfortunately, the way that the Chief Minister has answered it has made me rise to my feet because he now strays into what has happened in the past. I do not have those statistics either, but this is not a political matter. What I have been trying to ask the Chief Minister, and I ask again ... This is not a political matter. It is not about whether the 2005 report was two years old and this is now four years old. This is about facilitating the work of both sides of the House to ensuring the reports are here on a timely basis and the public knowing what information is available on matters that are important to public finance. Does he not agree that we should work together on these issues?

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Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman needs to understand that at Question Time there are rules that apply, and those rules are applied by the Speaker and not at the whim of the Leader of the Opposition.

The Leader of the Opposition in the United Kingdom has seven questions which he asks the Prime Minister once a week. If he does not like the answer that the Prime Minister gives on the seventh occasion that he asks the question, he does not get an opportunity to get up and ask an eighth question. It is, frankly, Mr Speaker, totally improper and, in my view, an attempt by the Hon. the Leader of the Opposition to abuse the position to ask a further question once you have told him it is final. But in the context of the substance of the question that he has asked, I have a very clear position: it is exactly as I have set out already. (*Interjections*)

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Hon. K Azopardi: Mr Speaker, on a point of order –

Hon. Chief Minister: Mr Speaker, I think it is incumbent on the hon. Gentleman to permit me to finish the answer that I am giving him before he decides whether he wishes to make a point of order, or not.

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The position of the Government in relation to the Principal Auditor has been to always respect the independence of the person holding that role. The individual is a constitutional officer with constitutional responsibilities, and, as far as the Government is concerned, we believe that the

400 job that is being done in the office of the Principal Auditor by successive Principal Auditors has
been as required by the Constitution. Whether or not we want to change procedures and advance
things and change things is a matter ... And there is a question on the Order Paper about
parliamentary reform, which I am very happy to deal with, with the hon. Gentleman.

405 What I will not do is simply allow the hon. Gentleman to try and pick off ad hoc areas where
he might think, at the moment – as we might say in the vernacular, ‘on the fly’ – he wants to
change the way that things happen in the context not just of this Parliament but of Government
in Gibraltar, which we might be able to agree in slower order but not across the Dispatch Box, in
relation to answers to a question, where we suddenly take the governance of Gibraltar into a
committee headed by the Chief Minister and the Leader of the Opposition.

410 I have extended to the Hon. the Leader of the Opposition a hand of friendship, so that in the
midst of the pandemic we were able to make decisions together and work together. I am very
happy to continue to do that in areas where there might be national issues facing Gibraltar. On
this issue, what I am saying is that if he wants to propose something which is parliamentary and
novel, it might find the support of the Government, but let’s look at it in the context of
parliamentary reform – and there is a question on the Order Paper to come in that respect.

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Mr Speaker: Let’s move on to the next question. I think we have actually –

Hon. K Azopardi: Mr Speaker, on a point of order, if I may –

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Mr Speaker: But you have to state which order is being infringed before you ...

Hon. K Azopardi: Mr Speaker, the order that is being infringed is that he is not answering the
question and he is looking at you, telling you about practice in the UK that has never applied in
this House. It is seeking, in some way, to encroach on the work of the Opposition.

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It is for Mr Speaker to consider what questions we can ask. If I had persuaded Mr Speaker that
I should be allowed to ask another question and Mr Speaker was persuaded, that should be the
end of the matter, and for the hon. Member to rise to then make that intervention, which had
nothing to do with my question, is simply to seek to encroach on your role, which I was not seeking
to do by having persuaded you on the issue. That was the point, Mr Speaker.

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Hon. Chief Minister: Mr Speaker, if I may, I do not think that was a point of order at all. I think
that was just the result –

Hon. K Azopardi: He is replying.

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Hon. Chief Minister: No, Mr Speaker –

Hon. K Azopardi: He is replying.

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Hon. Chief Minister: Mr Speaker –

Mr Speaker: The Speaker has the responsibility not only to listen to the person who is raising
the point of order but to allow the person to whom the point of order is being directed to speak.
That is practice in this Parliament.

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Hon. Chief Minister: Sorry, Mr Speaker, if I may, it is practice everywhere that when a point of
order is made and an allegation is put in respect of a Member, the Member is permitted to also
address the point of order that has been made.

450 The hon. Gentleman really seems, to me, to want to make the rules up as he goes. (*Interjection*
by Hon. K Azopardi) He wants to change the rules which apply to the Opposition at Question Time

when it is convenient to him. He now even wants to change the opportunity of a party who is impugned in a point of order made by him to respond to the point of order. That, Mr Speaker, is really quite remarkable, but it is significant because it shows that the hon. Member is a little like we used to say of equity in the old days, which used to be measured by the length of the Lord Chancellor's foot, which is to say that, depending on who was Lord Chancellor, equity might be one thing or the other. He wants to tailor-make the rules so that they are bespoke to his needs in the moment.

Mr Speaker, I think you have been very wise to have put the position as clearly as you have, and I have nothing further to add.

460

Mr Speaker: Next question.

Q78/2021

**Lathbury Barracks underground car park –
Maximum number of vehicles permitted**

Clerk: Question 78. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the maximum number of motor vehicles allowed in the underground car park sold at the Lathbury Barracks sports complex to the Bassadone Automotive Group under the terms of the associated licence required under the Petroleum Rules No. 23?

465

Clerk: Answer, the Hon. the Chief Minister.

470

Chief Minister (Hon. F R Picardo): Mr Speaker, the maximum number of vehicles permitted in the Lathbury underground garage at any one time will be determined by the licensing authority to the Petroleum Rules as and when Bassadone make an application. Bassadone have been liaising with the Gibraltar Fire and Rescue Service in connection with the vehicles stored at the Lathbury underground garage.

475

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer, but that implies that there are vehicles being stored in the underground garage at present. In fact, I can say I have seen movement of vehicles, in and out, in the area, so on what basis is this area being occupied if they do not have a petroleum licence? Surely they need a licence from the Fire Brigade in order to store motor vehicles.

480

Hon. Chief Minister: Mr Speaker, that is exactly why I told the hon. Gentleman that the Bassadone Group have been liaising with the Gibraltar Fire and Rescue service in connection with the vehicles.

485

I am also advised that there is a big difference between parking vehicles within demarcated bays in the traditional parking sense, which does not restrict the movement of adjacent vehicles, and the storing of cars, which is what Bassadone is doing in that area, where the vehicles have practically no fuel in their tanks and are stored as closely as possible to one another. That is an issue which is in the purview of the Gibraltar Fire and Rescue Service. They are the licensing authority and they deal with those issues. They are the ones who have to be and are satisfied as to the safety of the operation in question, in respect of the Petroleum Rules.

490

Mr Speaker: Next question.

Q79/2021

**Widows and Orphans Pension Scheme –
Update on reintroduction**

495 **Clerk:** Question 79. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please give the House an update on the position in relation to the reintroduction of the Widows and Orphans Pension Scheme, which the Chief Minister said in his Budget speech in 2017 would be reintroduced?

500

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Widows and Orphans Pension Scheme was reintroduced on 27th June 2017 on the back of my announcement in the Budget speech of 2017. All applications received from this day until 30th September 2017, which was the window, have been accepted and processed. However, payments cannot be made until the change in the legislation is reflected. I confirm that the Bill is on the agenda, ready to be read and passed in Parliament.

505

510 **Mr Speaker:** Next question.

Q80/2021

**Health and Safety Advisory Council –
Number of meetings since introduction**

Clerk: Question 80. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many times has the Health and Safety Advisory Council met since it was introduced in 2016?

515

I think the Hon. the Chief Minister has answered this in public statements he has made, but there it is on the Order Paper.

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am reminded that under the *ancien régime*, every time the Widows and Orphans Pension Scheme was mentioned my predecessor in the post used to mention that the then Clerk was the only remaining member of the Widows and Orphans Pension Scheme, now the Speaker.

520

Mr Speaker, once is the number of occasions that the Council has met, as Her Majesty's Government of Gibraltar convened the inaugural meeting of the Health and Safety Council on Tuesday, 27th April 2021.

525

Mr Speaker: Next question.

Q81/2021

**Trade union recognition –
Intention to introduce legislation**

Clerk: Question 81. The Hon. D A Feetham.

530

Hon. D A Feetham: Mr Speaker, is the Government going to introduce legislation to provide for recognition of trade unions?

Clerk: Answer, the Hon. the Chief Minister.

535

Chief Minister (Hon. F R Picardo): Mr Speaker, as announced in my May Day message, we have already published a Command Paper for this purpose, which has been delayed by the pandemic. We now expect to publish a Bill for an Act for trade union recognition and for it to become law this year.

540

Mr Speaker: Next question.

Q82/2021

**Extension of Rock Spur off Coaling Island –
Purpose and how it dovetails with Victoria Keys project**

Clerk: Question 82. The Hon. D J Bossino.

545

Hon. D J Bossino: The Government has recently announced a tender for the extension of the Rock Spur off Coaling Island. Please state what the purpose of the extension is and how it dovetails with the Victoria Keys project.

Clerk: Answer, the Hon. the Chief Minister.

550

Chief Minister (Hon. F R Picardo): Mr Speaker, the extension of the existing Rock Spur off Coaling Island is intended to provide containment along the northern boundary of the rubble fill that will be deposited at Coaling Island to create Victoria Keys as an advanced phase of the main reclamation.

Q83/2021

**Parliamentary reform –
Extent of Government commitment**

Clerk: Question 83. The Hon. K Azopardi.

555

Hon. K Azopardi: Is the Government serious about parliamentary reform?

Clerk: Answer, the Hon. the Chief Minister.

560

Chief Minister (Hon. F R Picardo): Mr Speaker, very.

Hon. K Azopardi: So, why doesn't the Government get on with it?

Hon. Chief Minister: Well, Mr Speaker, we have. When we were elected the proceedings of this Parliament were not transmitted in glorious technicolour for people to watch on their televisions, let alone on something called the internet. People were not able to read the *Hansard* of this place for months. Now, thanks to innovations which were propelled by the ingenuity of the man who was then the Clerk, we have *Hansard* very quickly indeed. And there are more reforms that we want to bring into effect.

When we were first elected we commissioned a Commission to advise us on parliamentary reform. We have brought a motion to this Parliament to implement all the reforms recommended by the Commission, and with the hon. Member not in this House – he was then leading another political party – but with the putative other potential leader of their party, now sitting to his right, in this Parliament at the time, my predecessor asked me not to do that, with the support of his then members of the GSD, and asked me to please not proceed with the reforms and send them to a Select Committee for advice. We sent them to a Select Committee. We said sending things to a Select Committee was going to delay things, and we were right. For that reason, we took those reforms which were non-controversial and we immediately implemented them.

We now find ourselves wanting to have the Select Committee meetings as soon as possible – pressure of work has not permitted us to have those meetings – and we very much look forward to implementing that parliamentary reform, which I genuinely believe will actually pass by way of unanimous agreement, because time has passed and so many of the things which were controversial with the former, former, former leader of the GSD are now not so controversial with the current leader of the GSD, who, as leader of the PDP, proposed many of these reforms, which we also agreed with at the time and supported.

So, Mr Speaker, I very much look forward to the meeting of the Select Committee that I hope we will be able to have very soon. If we are not able to have a meeting of the Parliament in June because of the Abortion Referendum, we might at least be able to prevail upon the Clerk – he throws his hands to his head – to enable us to have a Select Committee meeting, at least, so that we can get the ball rolling and see the effect of these reforms as soon as possible. I very much look forward to that.

Hon. K Azopardi: Mr Speaker, the Commission on Parliamentary and Democratic Reform was in 2013, eight years ago, and reported then. A lot of what is in that report can be done without discussion at the Select Committee. It can be done. It is eight years. There are other things that need to be done that do need to be discussed in the Select Committee. The Chief Minister established a Committee on Parliamentary Reform almost two years ago when the election was done, and yet we have not met once. No one in Gibraltar believes, really, that he is committed to parliamentary reform going forward, if the process is taking so long. Will he establish, if it is now contingent on a discussion at the Select Committee, will he now, on a timely basis, establish a date for that process to start?

Hon. Chief Minister: Mr Speaker, I do know that when we meet in Select Committee, when we meet outside the confines of this place, when he does not feel that I am getting the better of him, we actually have a much better relationship than is apparent at the moment across the Dispatch Box.

Mr Speaker, 2013 is indeed eight years ago. That is why, if the hon. Gentleman looks at the *Hansard*, which was produced very quickly after the debate in June 2013, he will see that we were resistant to the idea of going to a Select Committee. We actually implemented many of the key reforms – many of the things on which he and the former, former leader of the GSD, Mr Feetham, and Dr Garcia and I agreed – immediately, which were the televising of the proceedings etc.

There are other things to be done. For example, we have not stood still, we have already introduced – (*Interjections*) Mr Speaker, I am sorry, I am just waiting whilst hon. Members debate how many leaders they have had and their respective hierarchies.

615 **A Member:** And how many want to be the leader.

Hon. Chief Minister: And how many still want to be, including some who have been, Mr Speaker.

620 So, we have not stood still. The hon. the leader of the Liberal Party, the Deputy Chief Minister, reminds me that one of the recommendations which was outstanding was the introduction of a rolling register. We have just, together, agreed to legislate for a rolling register. We will have a rolling register for the referendum, and we have all that material already provided for. So, a lot has been done.

625 It is a little churlish, if I may say so to the hon. Gentleman, to say to me that we had an election in 2019 and nothing has happened since. Let's break that down. We had an election in the middle of October 2019. A hard Brexit was supposed to be at the end of October 2019; it was kicked forward to the end of January 2019. We had the opening session of the Parliament in November 2019. We had something called Christmas in December 2019 when, whilst the community was celebrating, we were getting ready for still a potential hard Brexit at the end of January 2020. And then, somebody in China got ill, went to Italy, and the rest is history. The hon. Gentleman has to understand that the Select Committee on Parliamentary Reform is important – it is hugely important – but after the fact that we had that person who got ill in China, we have been dealing with the negotiations for the New Year's Eve Agreement, etc. There are some things which are at least as important as parliamentary reform and we have not been able to advance matters further, although we would have wished to.

630 As to the idea that he throws to the wind, as if it should not be responded to, that nobody in Gibraltar believes that I am in support of parliamentary reform, like most of the statements that he has made today it is not a statement that stands up to scrutiny, because if you look at the report of the Canepa committee on reform and you look at the things that we have already done, and you look at our commitment to do them immediately, if you look at the fact that it was the party he now leads that asked us not to do so, if you look at the fact that since then we have nonetheless implemented some further reforms and you look at the fact that, in time, I think people will say that we were doing other things which were worthwhile and worthy to put ahead of Select Committees for the reform of this Parliament, I really do not think that people will put much store by his last and unnecessary remark that people will not believe what I am saying in this respect. But I am heartened by the fact that he said words much to that effect during the course of the last General Election campaign, and I came out with more than half the vote, and he came out with just about a quarter.

650 **Hon. K Azopardi:** Mr Speaker, whenever it is convenient to the Government they bring out the issue of COVID being an obstacle to progress on a number of matters, but whenever they wish to, they get whatever they want done. So, when it is convenient to the Government, they get things done; when it is inconvenient, then, of course, out comes the issue of the COVID pandemic being the problem.

655 During the COVID pandemic, the Chief Minister found time to sign off the legal notice on the Lucky Kitten commemorative coin, but he did not find time to set a date for the parliamentary reform process. Is the Lucky Kitten coin more important than parliamentary reform to the Chief Minister?

660 **Hon. Chief Minister:** Mr Speaker, I never thought that I would see a verbal manifestation of the scraping of the bottom of the barrel like I have seen now. It is important that this should be reflected in *Hansard*, and I am grateful to the hon. Gentleman for having followed up with this question, because it demonstrates that I think I have answered with substance the point that he first made.

665 What is, I am afraid to say, quite unexpected is to see a mainstream politician – and I give the hon. Gentleman the attribute of being a mainstream politician – refer to COVID and all the

suffering it has brought as something that might be prayed in aid by an opponent as an excuse.
The hon. Gentleman –

670 **Hon. K Azopardi:** I did not use the word ‘excuse’.

Hon. Chief Minister: No, the hon. Gentleman did not use the word ‘excuse’. He used words which are in the dictionary to describe the word ‘excuse’ in the context of why I referred to COVID as the reason why we have not been able to advance this since 2019. Frankly, I think that that is ...
675 I am not going to use any other adjective; I am just going to say it is below him.

Mr Speaker, the hon. Gentleman needs to know that the Chief Minister of Gibraltar signs off on many things. One of the things that I sign off on is coins, to ensure that there is a double filter on those issues, and there is therefore the requirement that something be put to me before it is put to His Excellency the Governor for onward transmission to Her Majesty the Queen in the
680 Palace. Her Majesty the Queen has seen her Prince Consort of 70 years pass away and Her Majesty the Queen stoically still continues to approve many Orders in Council, including coins proposed by Gibraltar.

In the period that we are dealing with – and I say this, Mr Speaker, only because it is important to put into context the way that the hon. Gentleman has wished to take this line of questioning –
685 the Deputy Chief Minister, the Minister for Public Health and I have awoken for 90 days looking at our communication devices every morning to see how many people have died in Gibraltar, to see whether we might get a day without a death, to see what else we could do to ensure that we continued in that way. The hon. Gentleman understood that and he was able to work with us in that difficult period. I am not going to let him get away with forgetting how understanding he was
690 of our plight at that time, how supportive he was at that time – and now that it might be convenient, try and lead the community into believing that the Government, when it refers to those difficult periods and explains what we were doing at the time, instead of what he now wishes we might have done at the time ... that that somehow is an excuse.

I will tell the whole community something else. In all that period, the hon. Gentleman never
695 picked up the phone or sent me a text message saying, ‘Fabian, do you have time today to talk about parliamentary reform?’ He knows that I would not have had the time, and he did not even have the presence of mind to think that I might.

Mr Speaker: Next question.

Q84-85/2021
Community Officers Scheme –
Hardship caused by application of eligibility criteria

700 **Clerk:** Question 84. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does the Government acknowledge that the decision by trustees of Community Care to apply the eligibility criteria in respect of the Community Officers Scheme from 17th February 2020 in a particular way has caused hardship to some people?
705

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 85.

710 **Clerk:** Question 85. The Hon. K Azopardi.

Hon. K Azopardi: Has the Government met the trustees of Community Care since 17th February 2020 to discuss the trustees' decision to apply the eligibility criteria in respect of the Community Officers Scheme in a way that excludes some people from benefitting under that scheme?

715

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government does not acknowledge or consider that the decision of the trustees of Community Care in respect of community officers has caused hardship, given that what the trustees have done is introduce means testing to ensure that the charity continues to pay persons who are in receipt of sums below £21,000 a year and guarantees them the difference between £15,000 and that amount.

720

I met with the Chairman of the Trustees of Community Care and with persons representing those who no longer qualify for benefit on two occasions. I am happy to meet both of these groups again.

725

My position remains the same as stated in my answer to Question 449/2020. Community Care is an independent trust, run by entirely independent trustees. As I have already told the hon. Gentleman in the past, I do not think it is in the public interest to be drawn any further into this matter across the floor of the House. I am happy to meet the hon. Gentleman to exchange on this subject, other than across the floor of the House, if he wishes. Mr Speaker, the invitation is there.

730

Hon. K Azopardi: Mr Speaker, I think we both had, at the last election, the manifesto commitment to look at the whole concept of Living Wage, and indeed we had a commitment also on a minimum income. Given that position and given the means testing level, does the Chief Minister not have concerns about the level that is now being applied by the trustees, of £21,000?

735

Hon. Chief Minister: Mr Speaker, in the context of the Living Wage as it is in the United Kingdom, and in the context of the Minimum Wage as it is in Gibraltar, it would be very difficult for me to share the hon. Gentleman's invitation to express concern.

740

At the time of the last General Election we went to the people with a commitment to continue with that which had been enshrined in law as the rate by which the Minimum Wage would increase. I recall that during the course of other debates, the hon. Gentleman had not realised that actually we had enshrined in law the increases in the Minimum Wage until this year. Therefore, given that the amounts that the trustees of Community Care have provided for in their means test exceed the Minimum Wage and are close to what the Living Wage is, I think, in the United Kingdom other than in London, it is difficult for me to agree with the hon. Gentleman, given that he is trying to lead me to share his use of the word 'concern'.

745

What I will say, and I will say it again, is that I have met with both the Chairman of the Trustees of Community Care and those who no longer qualify as a result of the means test, and I am happy to meet them again. And I reiterate my invitation to the hon. Gentleman to have a discussion about this issue not across the floor of the House, if he wishes to do so, because of the sensitivities that have traditionally attached to Community Care.

750

Hon. K Azopardi: Mr Speaker, in his meetings has the Chief Minister gleaned any information as to why the date of 17th February 2020 was specifically selected? It is not the end of a calendar year or the tax year, or, indeed, a financial year; it is in the middle of a month. I am not even sure if it was the end of a week on 17th February 2020. Has he gleaned any information which he is willing to share with us? Does he not agree that by choosing what notionally appears to be an arbitrary date, it will have surprised lots of people who thought that they would get it?

755

760

And does he think it is fair that someone on 16th February would have got that payment, but someone on 18th February would not, and perhaps the person on 16th February has more income than the person on 18th February?

765 **Hon. Chief Minister:** Mr Speaker, I have not gleaned information about the relevance of
17th February, but I have heard many theories about it. I have heard theories about relatives of
mine. I have heard theories about supporters of my party. I have heard theories about every
possible conjecture going as to why it was that such a date might be relevant, none of which I
think have any relevance to the truth, but that is Gibraltar. Neither have those who have met, with
me, with the trustees of Community Care sought to elucidate, at least in my presence, from those
770 from Community Care who were present why the date of 17th February might have been relevant.

So, if the hon. Gentleman is basing his questions on the notions that have reached my ears as
to the rumours that might be relevant, then there is, in my view, absolutely no truth to any of
that. It is all the usual pure Gibraltar conjecture. But I am quite happy to seek from the trustees of
Community Care a more detailed explanation as to why they chose the date.

775 If I was being frivolous, I would say that somebody might have thought I was about to turn 60,
and given that, as he knows, my birthday is on 18th February, they might have decided to ensure
that I was excluded from benefit.

Mr Speaker: Just to interject, I am going to allow one final question on this.

780

Hon. K Azopardi: Mr Speaker, that is fine. On this occasion, that is fine, but ... Yes, I am not
accepting it as a rule, but we will talk about that!

I rise for two reasons. First of all, the Chief Minister did not answer the question that I asked. I
asked him about the date, but I also asked him does he agree that what apparently, notionally,
785 seems an arbitrary date without notice would have been unfair for people who fall on both sides
of that date. I can certainly assure the hon. Member that the reason I feel that the question of
understanding the reason for 17th February is not based on any speculation – although, yes, I have
heard it too, it is not based on that – but simply to understand why that particular date was
reached, which seems peculiar on any view because whoever decides to change the application
790 of a system ... I can understand that someone decides to change a system. What I cannot
understand is why anyone would pick the middle of a month, when I have never seen anyone
changing a system pick the middle of a month. That was the point.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman makes his points in a number of ways.
795 Obviously, as he has recognised in his questioning, the Government is not involved in picking any
date in this issue. He has asked me whether I gleaned information in the meeting about the date,
and as I have told him already, the answer is no, I did not glean information about the date chosen
in the meeting because I did not ask and the other people there did not ask, and the persons
present from Community Care did not volunteer that information. But in the context of a date,
800 there will always –

Hon. K Azopardi: Will the hon. Member give way? I am only asking him to give way so that ... I
just ask him this one as well, so he can answer it all together. The other issue I was going to
mention to him and ask him to comment on as part of his answer was that the hon. Member will
805 be aware of the media comment there has been from those people who, of course, feel aggrieved
in respect of the matter, and in his meetings with the trustees has he also obtained information
that he might be willing to share in this House in respect of whether people will reflect on
transitional periods in respect of the implementation of any changes?

810 **Hon. Chief Minister:** Mr Speaker, let me just continue with the chronology that I was dealing
with, and then I will come to that at the end.

I have not gleaned any information because nobody from Community Care talked about the
date, none of the individuals there asked about the date for the group who are affected, and I did
not ask about the date. The hon. Gentleman says, 'Is it unfair that you have a date?' You have
815 people on either side of any date. Whether the date is in the middle of a month or the beginning

of a month – and what might seem logical to one group might not seem so logical to another – you are going to have people on both sides of that date.

820 The hon. Gentleman is going to permit me to stray into speculation, and it is nothing more than speculation, but if you ask the Treasury when they need to know if they are going to stop a payment at the end of the month, they would probably tell you, ‘In the Government, for a Government salary, a Government pension or a Government payment, we would need to know by the 16th of the month,’ for example, ‘so that the run that goes to the bank on about the 20th or the 21st of the month so that the salaries can go out between the 24th and the 27th of the month, is dealt with in that way.’ So, it may be, Mr Speaker – and this is pure speculation – that
825 that is why a particular date was chosen, or not.

In terms of fairness, I am reminded by the Hon. Minister for Financial Services that the changeover in the eligibility for non-contributory pensions was on 1st January. There are people who joined the Government just after 1st January, and some people who joined before 1st January, and there is an arbitrary line. One may have a very competent officer who did not
830 qualify and a very *laissez-faire* officer who does qualify. Sure. That is the Gregorian calendar. It is 1st January, and there is a reason why you might think that is a relevant date. Every date would have caused people to complain that they were or were not caught by this issue.

The other issue that arises in the context of answering the hon. Gentleman’s last point, which is his point as to fairness and transition together, is that the question is whether the charity is
835 required to consult or transition in the context of making decisions about payments. It is a charity and it has decided to introduce a means test, so that it makes its charitable payments to people who do not meet its threshold criteria and not pay charitable payments to individuals who have incomes which surpass its threshold criteria. So, I think the concept of fairness has to be put in that context and has to be understood in that context.

840 I once again emphasise that I am prepared, if people think it is helpful and that my good offices can be brought to bear in some way which might be positive, to meet again with the trustees of Community Care and this affected group. Indeed, I once again extend an offer to the hon. Gentleman, if he wants to discuss this further – outside of the glare of the microphones and the cameras, the cameras which are here as a result of our parliamentary reform – to do so at a time
845 that might be mutually convenient.

Mr Speaker: Next question.

Q86/2021

Divorced women’s pensions – Resolution of longstanding claim

Clerk: Question 86. The Hon. K Azopardi.

850 **Hon. K Azopardi:** Mr Speaker, is the Government now in a position to resolve the longstanding claim in respect of divorced women’s pensions? If so, how; and, if not, why not?

Clerk: Answer the Hon. the Chief Minister.

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Her Majesty’s Government of Gibraltar has worked with the Divorced Women Pensions Association. We have provided assistance beyond that provided by the GSD when they were in government. The GSD told the group that they would not assist them further. We have and we continue to look at ways to assist in cases of any hardship.

860 **Hon. K Azopardi:** So, the answer to the question is no, they are not going to resolve the long-standing claim, presumably, because he is talking about sifting through individuals and identifying people they deem to be of hardship.

Am I understanding that the answer to the question is they are not going to resolve the long-standing claim as a matter of principle, and what they have now decided is to, from among
865 the group, identify what the Government believes are cases of hardship and resolve those? If so, what criteria are being used in relation to identifying cases of hardship, and what resolution is being made to those?

Hon. Chief Minister: Mr Speaker, he has not understood my answer.

870 The long-standing claim by the Divorced Women Pensions Association was settled by the GSD. The Divorced Women Pensions Association then reverted and said that they were not satisfied with the solution that the GSD had given to their long-standing claim. When we were elected, we looked again at that issue and we proposed a manner in which the things which the Divorced Women Pensions Association complained had not been settled by the GSD and which the GSD
875 had said they were not prepared to go beyond could be resolved in another way. That resolved the issue for many women, so there is no question of us in principle not resolving the claim. The claim, in my view, has been better resolved by my Government than by the GSD, who insisted that they would do no more, so it is a little surprising to find the hon. Member now taking what appears to be a different position.

880 On top of that, we wanted to ensure that if there were individual cases of hardship which we could assist with, we would do so, and in fact we also continued to look at a different method of calculation which is proposed by the Divorce Women Pensions Association in respect of some of the Social Security rules which are in place. That work stopped completely as a result of the pandemic, but I have not had any further communication from the ladies in question. I know that
885 they were in touch with the Social Security Department, and if they feel that the Social Security Department is not continuing to progress matters, I am very happy to have a further meeting with them to consider what it is that might still be outstanding.

Hon. K Azopardi: Mr Speaker, maybe we are talking at cross-purposes. I was not talking about
890 a very historical situation, nor was I talking about the work that he had done. I was talking about much more recent times, because he will have met the group, the Association. I am not sure if it is formally an association or if it is a group. I have met them, too. I had met them before the 2019 election. They believed then they had a residue of unresolved claims. I put a question in the House after the 2019 election. He said he would consider the matter and they had not yet reached a
895 position. So, what I was asking for was an update in respect of those issues. I accept that perhaps in the intervening period he has had his mind on other matters, but I was asking for an update on those issues.

I welcome that he says he is prepared to meet them again, so is he willing to perhaps go back on his notes and focus the exercise that they need to do on the issues that are relevant of more
900 recent times and not the historical ones? I was not talking about the historical ones.

Hon. Chief Minister: Mr Speaker, I am always ready to go back and look at an issue if it is of merit, but as I understood it when I last left it, it was something that was ongoing between this group and the Department of Social Security. It was not something that was on my desk requiring
905 my attention. If it requires my attention, or if this group believes that it would benefit from my attention, I am very happy to give it my attention again.

What I am also highlighting is the fact that that residue of claims that the hon. Gentleman refers to is the residue of claims that these ladies were told the GSD would not countenance. I detect many changes in the position of the GSD. That is perhaps something to welcome, because
910 in many instances their position is now what our position has always been, but if they are going to continue to change their position on matters of policy such as this, can they at least say that

they believe that they were wrong when they turned these women away and told them that the solutions that they were given were final and there would be no further consideration of their claims?

915

Mr Speaker: Next question.

Q87/2021

GJBS –

Amount of Government financial assistance

Clerk: Question 87. The Hon. K Azopardi.

920

Hon. K Azopardi: Mr Speaker, how much money has Government put into GJBS by way of financial assistance?

Clerk: Answer, the Hon. the Chief Minister.

925

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has advanced a total of £23,339,371.52.

Hon. K Azopardi: Mr Speaker, in what period and for what purpose?

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Hon. Chief Minister: Mr Speaker, since November 2019 to assist with the working capital that that company has required.

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Hon. K Azopardi: Mr Speaker, that is a staggering amount of money. Can the Chief Minister give us a bit more information as to why the company needed over £23 million in working capital since November 2019? It is not even two years, so why is it that the company has needed such an injection of working capital?

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Hon. Chief Minister: Mr Speaker, it is, of course, a large amount of money, but it is not something which is unusual, as the hon. Gentleman refers. For example, in 2003 the company was loaned £2.3 million by the Government, or had an injection of capital of £2.3 million by the Government. In 2008 it had an injection of £6 million by the Government. In 2009 it had an injection of £21 million by the Government. In 2010 it had an injection of £27 million by the Government. And in 2011 it had an injection of £42 million by the Government. There has been a change of practice, nonetheless, which is that now we require that those injections of capital are documented, whilst in the time that I have referred the hon. Gentleman to, there was no direct recording of those amounts. But that is the context in which he has to analyse the answer that I have given him. I hope that is helpful.

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Hon. K Azopardi: Mr Speaker, yes, except that he has not answered the question that I have now put twice, which is for what purpose has it been injected? And perhaps I add this question, which would be new: is it that the Government has done the injection directly, or is it done by another entity? And, if so, which?

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Hon. Chief Minister: Mr Speaker, let me try to deal with both of those questions. I will start with the second. The injections of money have been always by the Government. We have injected the £23 million since November 2019, which is 18 months. The £42 million that they injected, also by the Government, was in one year, in 12 months; the £27 million that they injected was in one

year; the £21 million that they injected was in one year; and the £6 million that they injected was in one year.

960 As to the reason, in the context of the period that we are dealing with in particular, the issues relate, for example, to the collapse of the pound sterling against the euro, where contracts had been agreed before the exchange changed; retentions due from clients which the company still has out in the market and it is expected to recover; moneys due from the Government as client, because the Government as client has not yet been billed for particular works which are not finished and therefore the Government as shareholder is supporting the company until the bill
965 comes to the Government as client and we pay as client, and we are repaid as shareholder; and increased costs during the period of the pandemic and reduced output also in that period, which is something that has affected every single company, unfortunately, in our economy in this sector. Those are the reasons for the injection of the £23 million in the last 18 months. I cannot give him the reason for the injection of the £42 million, almost, in the 12 months of 2011, the £27 million
970 in 2010, the £21 million in 2009 etc., because I do not have that information here today, but that is the information that I have.

The hon. Gentleman may also like to know that in respect of the moneys that we have injected, which were £23,300,000, we have already had a repayment of 10%, which is £2.3 million, because we now document these figures as loans and we want them back, of course, as shareholder.

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Mr Speaker: This will be the last question.

Hon. K Azopardi: Well, it happens to be my last question, Mr Speaker.

980 **Mr Speaker:** I am so glad. (*Interjection*)

Hon. K Azopardi: Mr Speaker, I am not too sure what to say about your joy at my last question.

Mr Speaker: It was not a question of joy; it was a question that you seemed to suggest, in a
985 funny way, that it was, after all, going to be your last question.

Hon. K Azopardi: Well, it happens to be my last question.

Mr Speaker: Yes, so, in the same way as I accepted that as a statement made, you have to
990 accept what I said, but there was no malice intended and if the Hon. the Leader of the Opposition has taken it badly, I apologise.

Hon. K Azopardi: No, Mr Speaker, of course I have not taken it badly. All I am saying is that
995 certainly this newfound, perhaps, practice of ... I am not sure if a count is going on, but I am not sure if that is helpful, certainly to the work of the Members on this side of the House. I will just leave it there and perhaps Mr Speaker and I can talk about the issues later.

The Chief Minister has given a number of reasons why the payments were made. Some of it is in relation to moneys that were due to the company, I think he said, on account of contracts, and some of them contracts of the Government, I believe he said. Does he have a figure of how much
1000 of the £23 million would have been payment made by the Government because money was due to the company for doing a number of works done for the Government?

In respect of the repayment, can I understand the process a bit better? Obviously, if you are injecting capital to assist ... I understand it may be a loan, but if you are basically paying money on account, presumably it is not going to come back to the Government, is it?
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Hon. Chief Minister: Mr Speaker, if I can just say that you are being much less zealous in your count of supplementaries than Speaker Alcantara was when I had the misfortune of being on the Opposition benches and thinking that perhaps I still had one more to ask. He reminded me of his

1010 fearsome reputation on the Bench when he quickly informed me that I was better off sitting down, as I had had my fill of supplementaries.

The question of the £21 million still outstanding and its breakdown, or indeed the £23 million and its breakdown between amounts due from the Government and amounts due from third parties or arising from losses, from increased costs and reduced output and exchange rate problems, is not a breakdown that I have here at the moment.

1015 I can tell the hon. Gentleman that the method of repayment that we are using is that where the Government is billed as client for something, we set off that amount due to the company against the amount that we have injected, obviously so long as the company is able to continue from its working capital to trade, as we are very confident it will be able to do. that.

1020 But I think it is important to show that, in the context of the figures that I have disclosed to the House, the amount outstanding now – because we are talking about 18 months, we have injected £23 million and we have already got back £2.3 million – is less than there was injected by hon. Members when they were in government in 2008-09, 2009-10 and 2010-11, where the maximum amount outstanding in one year was £42 million, in another £27 million, in another £21 million, and in another £6 million. That, I think, is an important way to put in context the amount that we
1025 are dealing with at the moment and not allow anyone to think that this is unusual. This company is owned by the Government as shareholder, the Government stands behind it, we fund it and the company trades through the liability.

Hon. K Azopardi: I am grateful for the hon. Member giving way. My hon. Friend to my right
1030 just reminds me of a question that he asked in supplementaries to the Chief Minister just a few months ago, where he said:

Mr Speaker, I just have one final question on this matter. Can the Government advise whether they have made any kind of capital injection into GJBS, or any loan?

and the Chief Minister said:

Mr Speaker, no, sir.

I just ask him to comment on that. That was in March, as I understand it.

1035 **Hon. Chief Minister:** Yes, Mr Speaker, for the simple reason that the hon. Gentleman asked me in a supplementary whether I could provide that information, and I could not, because I did not have the information, but when it has been put I have been able to obtain the information and give it to the hon. Gentleman.

1040 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I can just ask a quick supplementary on this: there has been a lot of speculation that the coffers of GJBS have not been in good shape at all and they have been having financial difficulties, so I would ask the Chief Minister to tell us whether this
1045 cash injection is nothing more than a bailout or financial assistance to a Government-owned company which is really struggling to stay on its feet.

Hon. Chief Minister: Thank you, Mr Speaker.

1050 I think the hon. Lady needs to reflect on what I have said. The Government has been providing injections of capital to GJBS for many years. I have given the example of the years 2007-08, 2008-09, 2009-10 and 2010-11 because I think it is important to set them out so that the context can be had.

1055 If it were, as the hon. Lady has sought to characterise, a bailout of a Government company, it is half the bailout that the Government company endured in the last year that hon. Members opposite were in office; it is less than the bailout that they undertook in the year before, which was £27 million; and is the same now outstanding, £21 million, which was the amount that they advanced in 2008-2009.

1060 This is a Government company, and the hon. Lady will see that if she asks us about the Bus Company she will find that we are also having to pay money into the Bus Company. If she asks about other companies, we are injecting money into those companies. Indeed, it was one of the key things that we said we would do differently – that we would inject the money into the companies to ensure that we did not find the balance sheet of the companies with a hole in them – at the time that we were elected.

1065 GJBS is different. It is a trading company, and for that reason those are the numbers that are provided.

1070 **Hon. R M Clinton:** Mr Speaker, I think my supplementary was pretty clear at the time, but in any case can I ask the Chief Minister, in terms of what mechanism the Government used to provide this loan to GJBS, did it go through the Improvement and Development Fund; and, if not, how else?

1075 **Hon. Chief Minister:** Mr Speaker, I think we have to be a little more careful with our language – and I apologise if I have not been in the context of the answers that I have given as we went across the floor. What I said specifically in my first answer is that we have advanced a total of £23 million – so it is an advance that we have given, not a loan.

Mr Speaker: Next question.

Q88-91/2021

Treaty re future relationship with the EU – Type of arrangement sought; consultees; TLAC meetings and membership

Clerk: Question 88. The Hon. K Azopardi.

1080 **Hon. K Azopardi:** Mr Speaker, is the Government actively seeking a bespoke Customs Union type agreement as part of a possible treaty on a future relationship with the EU?

Clerk: Answer, the Hon. the Chief Minister.

1085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 89 to 91.

Clerk: Question 89. The Hon. K Azopardi.

1090 **Hon. K Azopardi:** Mr Speaker, has the Government now designed its template plan for a possible bespoke Customs Union type agreement for Gibraltar?

Clerk: Question 90. The Hon. K Azopardi.

1095 **Hon. K Azopardi:** Who are the industry leaders that the Government is consulting on the possible Customs Union type arrangement in the context of discussions on a possible treaty for a future relationship with the EU?

Clerk: Question 91. The Hon. K Azopardi.

1100 **Hon. K Azopardi:** How many meetings of TLAC have there been since its establishment to date, and can the Government set out who is on it?

Clerk: Answer, the Hon. the Chief Minister.

1105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the New Year's Eve Agreement states, the Government is prepared to consider a bespoke Customs arrangement for more fluid movement of goods between Gibraltar and the European Union. That is what the Government will be seeking once the negotiations with the European Union commence.

1110 The Government has a very good idea of the form that such a bespoke agreement with the EU on customs matters might take. This takes into account Gibraltar's geography, import/export activity and, in particular, low levels of manufacture. This is not limited to customs matters only. It includes consideration of standards of goods that are placed in the market and the special regime for sanitary and phytosanitary checks for goods that require such checks. The basis for such an agreement is clear to the Government, but the actual model will be developed after
1115 continued further engagement with the local businesses whose activities are relevant to this issue, and, of course, with the European Commission once the negotiations commence.

The Government has met the members of the Chamber and the GFSB, as well as individual sector representatives, on a number of occasions. This process is ongoing. The Government is not comfortable providing a public list of the persons met so far, across the floor of the House. I am
1120 happy to tell the hon. Gentleman directly.

The creation of the Treaty Liaison Advisory Committee (TLAC) was announced at a COVID Emergency Liaison and Advisory Committee (CELAC) meeting on 5th January 2021. There has been one TLAC meeting, on 25th March 2021.

1125 TLAC has the following participants: the Chief Minister, the Deputy Chief Minister, the Minister for Digital and Financial Services, the Minister for Business, Tourism, Transport and the Port, the Attorney General, the Financial Secretary, HM Collector of Customs, the Air Terminal Manager and the Deputy Captain of the Port. It includes also representatives from the Chamber of Commerce, the Gibraltar Betting and Gaming Association, the Gibraltar Federation of Small Business, the Gibraltar Finance Centre Council, the Gibraltar General and Clerical Association, and
1130 Unite the Union.

Hon. K Azopardi: Given that the Government has, I think, to paraphrase what he said, a good idea of what it wants if it were to contemplate a bespoke Customs Union type agreement, has that good idea of what it wants – a framework – been shared with TLAC and the industry need as he is discussing the matter with?
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Hon. Chief Minister: Mr Speaker, yes, sir.

1140 **Hon. K Azopardi:** So, that framework has been shared at that ...? Well, there has only been one meeting of TLAC, so presumably at that meeting there has been a sharing by Government of what its view would be for a possible customs union bespoke agreement – is that right?

Hon. Chief Minister: Yes, Mr Speaker.

1145 **Hon. K Azopardi:** Mr Speaker, would the hon. Member therefore be surprised that perhaps people in the business sector might not have that view, that the Government has shared what its intention for the way forward is?

1150 **Hon. Chief Minister:** I would not be surprised, Mr Speaker, because we have shared it in confidence, and I know that the people who make up TLAC will respect the confidence of the Government.

1155 **Hon. K Azopardi:** Mr Speaker, am I right, therefore, in asking ...? I am treading carefully because I understand that the Government will be going into negotiations and there are certain limits beyond which the Chief Minister does not want to go publicly. I am not going to take him there, and if there are other issues I will discuss it with him privately, but is it the position of the Government, therefore, that if, in the negotiations, it is possible for there to be a deal done around the scheme it has conceptualised, that is what they positively would seek in the negotiations? Or is it the position of the Government that if they have an option to do a treaty without a customs union agreement, but rather perhaps one more dominated by a Schengen arrangement, they would prefer that?

1165 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is right that this is a sensitive area of Government policy, because we are about to enter into negotiations. I am very happy to have meetings with him to deal with the subject, as we have in the past and I hope to be able to do in the future. Of course, I meet TLAC to take their views, and I am quite happy to meet him and the hon. Lady to take their views. We just have not got to the stage yet where we have anything to put to them in respect of what the official position of the European Union is. That is why we have not yet had an opportunity to meet. But in order to answer the hon. Gentleman's question, I will just remit to the New Year's Eve Agreement, which sets out that if there is an agreement, it shall include a provision as to immigration provisions akin to Schengen and it may or could include provisions in respect of goods.

1175 **Hon. K Azopardi:** Mr Speaker, can I just ask ...? I am going to package a few points together in the interests of time.

Would the possible conceptualised package around a Customs Union bespoke arrangement include the VAT? Is he able to comment on it at all?

1180 Is the Chief Minister aware that there will be competition concerns in certain sectors, and is the Government alive to those concerns and considering alternatives, finding ways of ensuring that all sectors of Gibraltar trade and commerce and financial services remain competitive beyond the reaching of an agreement, if an agreement is reached?

1185 Can he provide a bit more up-to-date information as to whether the negotiations are going to start, and does he have a date in the future? I know the Deputy Chief Minister did a recent interview on television, saying that discussions had not yet started. I know the ambition had been, when all of this happened on New Year's Eve, that it would be done in six months, and yet we are almost at the end of five months and there has not been a process started because the EU mandate has not come out, but can he share with the public and, indeed, the Opposition, whether there is any news on the commencement of the discussions?

1190 **Hon. Chief Minister:** Mr Speaker, the answer to his question about taxation is yes, and I agree with everything he has said.

1195 In relation to the start date, the issue was ventilated yesterday in the Comisión Mixta of the Spanish Parliament, where the Vice-President of the European Commission give public evidence and said that the European Commission expected to finalise its mandate for the negotiations in coming weeks or months. The Government has been ready for months to deal with the negotiation when the European Union is ready to deal with the negotiation. Her Majesty's Government of the United Kingdom is also ready to deal with the negotiation. We have done a lot of work, in the run-up to the New Year's Eve Agreement and after the New Year's Agreement, with Her Majesty's Government of the United Kingdom, with the Foreign Secretary in particular,

1200 with the Minister for Europe and with their respective teams in ensuring that, literally at the drop
of a hat, the UK and Gibraltar teams are ready to start this negotiation.

Hon. K Azopardi: I appreciate that, and I am sure the Government does want to start the
discussions, because he will agree with me, I am sure – does he? – that uncertainty is not helpful
1205 for Gibraltar. Is he concerned, therefore, about that delay?

I appreciate that the Government wants to move on, but is there anything that can be done,
or is he in discussions with the UK on that issue to try to move along the discussions or at least get
them commenced, so that we can end a process that would give Gibraltar greater certainty?

1210 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that the European Commission
is the entity that will negotiate this treaty, and the Government of Gibraltar is entirely respectful
of the need of the European Commission to assess its mandate for the negotiation in such manner
as it may consider appropriate, but we are very anxious to be able to have the negotiation as soon
as possible, to reach what we hope will be a positive conclusion as soon as possible.

1215 At the same time as we have been making preparations to be ready to start negotiations at the
drop of a hat, we have continued the preparations for the event that the treaty negotiations might
not result in agreement, so that we are able to deal with the consequences of departure from the
European Union entirely now without any of the bridging and mitigating measures, without any
harmful consequences which could be avoided – because there will be harmful consequences, but
1220 without any harmful consequences that might be avoided.

And so, Mr Speaker, the hon. Gentleman cannot, unfortunately, through his questioning,
assists the Government, as he might be trying to do, in bringing about an earlier commencement
to the negotiations, and neither can the Government, nor Her Majesty's Government of the
United Kingdom, pull the European Commission to the table. That is why I want to emphasise how
1225 respectful the Government of Gibraltar is of the right of the European Union to follow its own
procedures to ensure that its negotiation is run in the manner that it considers appropriate and in
keeping with its rules and its practices.

I will tell the House that the work that we have done with the United Kingdom I think has been
work that we have been able to do in a very positive and very collegiate way. The hon. Gentleman
1230 will have read in the press that we have also been working with Spanish colleagues in the context
of ensuring that, where possible, we have been ironing out details on which further information
has been required, and there has been further discussion in preparation for what we hope will be
early commencement of these negotiations. But this is a matter entirely out of our hands or the
hands of the United Kingdom, and we believe, of course, that it is best to permit the space that
1235 the European Commission and the member state Spain, and indeed the other member states, may
need in order to be able to commence the negotiation in keeping with their respective rules and
procedures.

Mr Speaker: This will be the last question.
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Hon. K Azopardi: I am grateful for that answer, but can I go back to the VAT? The hon. Member
answered yes to the VAT, that there might be a component in this bespoke arrangement. Has
there been any work done, therefore, on the economic impact of the introduction of VAT in
Gibraltar? If so, can he share some information on it with us, either over the floor of the House or
1245 privately?

Hon. Chief Minister: Mr Speaker, the answer is that work has been done, and I am happy to
try to schedule a meeting to have a discussion on the subject.

1250 **Mr Speaker:** Next question.

Q92/2021

**Tobacco products –
Government commitment to track and trace**

Clerk: Question 92. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Given that the transitional period of the Withdrawal Agreement is now over, is Government still committed to the implementation of the Seoul Protocol on track and trace for tobacco products?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, Her Majesty's Government of Gibraltar is fully committed to the implementation of the Seoul Protocol on track and trace for tobacco products, and I am grateful to the hon. Lady for her question as it enables me to clarify erroneous reports in some sections of the Spanish press that have mischievously, as ever, sought to suggest the opposite.
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The starting point for track and trace is Article 3(3) of the Protocol on Gibraltar in the Withdrawal Agreement. It is also raised in paragraph 3 in the Memorandum of Understanding on Tobacco and Other Products.
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Her Majesty's Government of Gibraltar put in place multiple pieces of legislation to implement the Protocol and published Regulations to introduce different provisions of the legislation as from 1st July 2020.

A temporary manual scanning system was introduced as from 1st September 2020 whilst technical issues arising from non-access to EU repositories and technical matters were addressed. This is work in progress and Her Majesty's Government of Gibraltar is in advanced discussions on the procurement of additional capabilities that will result in the creation of a bespoke, digital, modular traceability system.
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Our work on this continues, to have a digital track and trace system in place as soon as possible. Most parties that have acceded to the Protocol have been permitted a period of five years to implement its more technical aspects.
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Clerk: Answers to Written Questions –

Q11/2021

**Vocational qualification courses –
Completion dates –
Further information to be recorded in *Hansard***

Hon. E J Reyes: Mr Speaker, before we move out of the oral questions, the Minister for Education, I think, agreed on Monday afternoon ... He was trying to get for me the information that was missing in respect of Question 11, which was the completion dates for the vocational courses, because he only had the global figure for the two years. If he does have that information and he puts it on the table, it gets recorded in the *Hansard*, Mr Speaker. That is why I am asking, should we be lucky enough to have the information I requested on Monday.
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Minister for the Environment, Sustainability, Climate Change and Education (Prof. J E Cortes): Yes, Mr Speaker, I am afraid to say that I have not received that information. I will certainly forward it to the hon. Member as soon as I have it, and I am happy to mention it here at our next

1290 opportunity, so that it is recorded in *Hansard*, referring back to the number of the question. I am told I will have it imminently, so I hope that I can send it to him certainly by tomorrow.

Questions for Written Answer

Clerk: Answers to Written Questions. The Hon. the Chief Minister.

1295 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W1/2021 to W7/2021 inclusive.

Mr Speaker: Ordered to lie.

Procedural

1300 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if it is of assistance to the House, my intention is to take a Bill now. Before I do that, I, and I think others, have an engagement, so I wonder whether, with your guidance, we might decide to take the First Reading now, then adjourn the House for 30 minutes, and then continue.

Order of the Day

BILLS

FIRST AND SECOND READING

Business Improvement Districts Bill 2020 – First Reading approved

Clerk: Bills – First and Second Reading.

1305 A Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and other connected purposes.

The Hon. the Minister for Business, Tourism, Transport and the Port.

1310 **Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani):** I have the honour to move that a Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and other connected purposes be read a first time.

1315 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and

other connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against?
Carried.

Clerk: The Business Improvement Districts Act 2020.

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Chief Minister (Hon. F R Picardo): We have agreed, Mr Speaker, that now is when we will take the adjournment. I propose that the House should now recess until 5.30, so that hon. Members can attend this engagement, and then we can continue with the Bill.

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Mr Speaker: The House will now recess until 5.30.

The House recessed at 4.50 p.m. and resumed its sitting at 5.30 p.m.

Business Improvement Districts Bill 2020 – Second Reading approved

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): Mr Speaker, I beg to move that the Bill for the Business Improvement Districts Act 2020 be read a second time.

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In our 2019 manifesto we stated that we fully supported the initiative by the Gibraltar Federation of Small Businesses and other organisations to create a Business Improvement District (BID) for Main Street. The Government has been working closely with and fully supporting the team who are creating the BID for Main Street and now surrounding streets, too.

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Before turning to the general principles of the Bill, let me give some background on what are BIDs. BIDs are partnerships between local businesses and local authorities which aim to improve defined commercial trading areas by providing additional services funded collectively by business ratepayers. It was first put into operation in the UK in 2004, and there are now more than 300 operational BIDs across the UK.

Moving now to the general principles of the Bill, the Bill provides a statutory framework within which arrangements for the improvement of business districts can be proposed, approved, funded and implemented.

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Part I, 'BID Arrangements'. This Part imposes on the billing authority the responsibility for making the BID arrangements. This involves making arrangements for the collection of the BID levy to enable the projects specified in the BID proposal to be carried out for the benefit of those who live, work or carry on any activity in the district. This Part also confers on the Minister for Business the power to appoint, by regulations or by notice in the Gazette, any person or body as a billing authority. In default of any such appointment, the billing authority will be the Accountant General.

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Part II, 'BID Levy'. This Part limits the period that a BID levy can be imposed to the chargeable periods set out in the BID arrangements. Clause 16 limits this to five years, at which point a further ballot needs to be held in order for the chargeable period to be extended. It further provides that the BID arrangements must specify the description of non-domestic ratepayers in the district who are liable for the BID levy for a chargeable period, as well as the amount of the liability. It further provides that any person falling within that description must pay BID levy to the billing authority.

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Part III, 'Administration'. This Part provides that the billing authority must keep a separate account, called the BID Revenue Account, which it must maintain in accordance with proper practices. It further provides that all amounts paid to the authority by way of BID levy must be credited to the BID Revenue Account and those accounts can only be debited to the BID Revenue Account in accordance with BID arrangements. The proposed regulations provide further detail in relation to the operation of the BID Revenue Account. Clause 10 provides for the Minister to

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1360 prescribe in regulations further detail with respect to the imposition, administration, collection, recovery and application of the BID levy.

1365 Part IV, 'Procedure'. BID arrangements cannot come into force unless proposals for these arrangements are approved by a ballot of the non-domestic ratepayers who are to be liable for the proposed BID levy. It also provides for the Minister to make provisions by regulations for the matters set out in clause 11(2) of the Bill. Clause 12 sets out the two conditions required for a BID proposal to be approved. This Part also confers on the Minister a power to veto the proposals on certain grounds. These grounds must be specified in regulations. Where the Minister exercises his veto, he must notify the persons entitled to vote in the ballot, setting out the reasons for the veto, as well as giving details of the right to appeal the veto decision to the OFT. Clause 15 sets out the rules governing the commencement of BID arrangements where the BID proposal has been approved by ballot.

1370 Part V, 'Miscellaneous'. This Part provides that the duration of BID arrangements may be specified in the arrangements themselves but may not exceed five years unless determined by another ballot. The re-ballot will be subject to the same conditions set out in clause 12. Under clause 16, the Minister may make regulations relating to the alteration and termination of BID arrangements. Clause 17 confers on the Minister power to make, by regulations, further provisions in relation to ballots. Clause 18 confers on the Minister a general power to make, by regulations, such supplementary, incidental, consequential or transitional provisions as he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision made by or under the Act.

1380 Finally, section 19 binds the Crown to the provisions of the Act.

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

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

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

I can indicate to the Government that certainly the principles of this Bill will enjoy the support of the official Opposition. In terms of the Bill itself, I just have a couple of questions which perhaps the Minister will be able to clarify in his reply.

1390 First of all, there is provision in the Bill for regulations, which obviously will be important, especially under Part III, clause 10:

The Minister may by regulations make provision with respect to the imposition, administration, collection, recovery and application of BID levy.

I would appreciate it if the Minister could indicate to the House where he is in those regulations and what it is that he envisages will be in the detail of those regulations.

1395 Further, on the money side of things, there is reference in Part I, clause 4, where, in the absence of appointing a billing authority it will be the Accountant General. Can the Minister clarify, because there is reference later on to the need to keep the money, in Part III, clause 9(2):

Amounts paid to the authority by way of BID levy must be credited to the BID Revenue Account.

1400 In the BID proposal document they say that the BID funding will be kept in a separate BID Revenue Account, but they say 'Land Property Services', and transferred to the BID company, the company being what they are suggesting will be a company by guarantee. Can the Minister advise the House whether he has made a decision as to whether, in fact, he will appoint Land Property Services as being the billing authority? If not, will the Minister then clarify to the House how the Accountant General will account for the BID Revenue Account? I cannot see how he would do that

unless a special fund was created under the Public Finance (Control and Audit) Act and accounted through there.

1405 Fourth, on exceptions, there is a line in Part II, clause 8(1):

BID arrangements must specify the description of non-domestic ratepayers in the business improvement district who are to be liable for BID levy for a chargeable period.

Again, in the proposal documents they say the following will be exempt from paying the levy: non-retail charities with no trading income arm or facilities and are entirely volunteer based; non-profit-making organisations with an entirely subscription and volunteer-based set-up; and businesses that fall in the following sectors – industrial, manufacturing, storage and workshop. In the absence of anything in this Bill and in the absence of anything in the Minister’s regulations, it would appear that that discretion falls to the BID organisers or whoever is responsible for the BID, and I would encourage that the Minister perhaps should include that in his own regulations, so that there is no misunderstanding. That, of course, will be particularly important when it comes to formulating the ballot itself as to who is eligible to participate in the ballot – because, of course, if you are exempt from the levy you should not be participating in the ballot.

1410
1415 Fifth, talking about the ballot itself, I have had a quick scan through and I may have missed it, but who will pay for the ballot process itself? It is not entirely clear to me where that cost will be met. Perhaps the Minister could clarify that.

Finally, my sixth point is in relation to the power of veto under Part IV, clause 13(2):

The Minister may, in prescribed circumstances, veto the proposals within such period from the date of the ballot as may be prescribed.

1420 It seems to be a bit unusual that having gone through the process of the ballot, and if the ballot is successful and the BID is approved by the ratepayers in the districts, the Minister would then want to veto it. In my reading of the Bill it says ‘prescribed circumstances’ and defines ‘prescribed’:

‘prescribed’ means prescribed by regulations made by the Minister, and ‘prescribe’ shall be construed accordingly;

So, again, I would be grateful if the Minister would clarify under what circumstances he might deem it necessary to veto such a ballot.

1425 Other than those points, Mr Speaker – unless any of my colleagues have any other points of detail or clarification – that is all I have to say on the Bill.

One thing I would ask the Minister is, of course, given the economic circumstances that the business community is facing, which I need not elaborate on, he should perhaps choose the commencement of the Bill at a suitable time in the future. Certainly we would all welcome improvement in the district and investment into the district, but perhaps he should keep an eye on whether these businesses are now in the best state to support it at the moment, and it may be something that he may want to keep in reserve that of course he will no doubt consult with the representative bodies of the commercial organisations that will be affected.

Thank you, Mr Speaker.

1435

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

1440 I was a great supporter of the BID initiative, at first. It sounded like a bold yet necessary move, as well as a policy that involved public and private collaboration, which was definitely the best way to go about it. Unfortunately, I have to report that, after consultation with many local retailers, I must say that I and many of these retailers feel that the Bill leaves much to be desired.

The BID scheme was sold as a good investment for businesses that would be enhanced by a contribution from Government, but from our originally charging Main Street only, the scheme

1445 branched out into the arteries around Main Street, applying the same rate. Unfortunately, these
businesses are not likely to benefit much from the beautification and modernisation of the area,
and yet they are being asked to contribute in equal measure to those most favoured. For example,
1450 how would shops in Engineer Lane, Governor's Street etc., which do not receive as much influx of
tourists, benefit from the BID? Wouldn't it be fairer to calculate the benefit derived from the
project and create some sort of tiers with different levels of contribution?

That leads me to the following questions, which I am sure that the retail community would like
to see answered.

1455 Firstly, would the Chief Minister or the Business Minister confirm if the BID start rate has been
deferred to such a time when tourism returns to normal, to avoid what would be an otherwise
senseless punitive tax before then?

1460 The second question would be: what options do companies have to opt out or address any
unfairness in the imbalance between fees charged and the amount of traffic driven to the
backstreets? It is our understanding that all businesses will be charged a flat rate per square metre
irrespective of their location, so surely the hon. Members and Ministers can see the inequalities
arising. We would like also to know what right these parties will enjoy in this respect.

Thank you, Mr Speaker.

Mr Speaker: The Hon. Damon Bossino.

1465 **Hon. D J Bossino:** Mr Speaker, there is just one point I would like to make and it arises from
clause 18 of the Bill, if I could draw the Minister's attention to that particular provision. He went
through it, but I think he just paraphrased what is in there, without giving an explanation as to
what it is intended to do.

1470 The provision seems, on the face of it, pretty wide and extensive, and it says that the Minister
'may by regulations' ... Simply to point out, at this stage, that there are other enabling provisions
which allow the Minister to make subsidiary regulations in respect of specific issues. For example,
the BID levy is one, which is clause 10, and there was another one which I cannot find now, but in
relation to the other aspects of this scheme, like, for example, in clause 11(2), which deals with
the drawing up of the BID proposals as defined in the Bill. But this one seems to apply across the
board and it is not clear in my mind what it is meant to do. I would ask him to address that point,
1475 particularly clause 18(1).

Clause 18(2) is the one I find slightly more alarming, to say the least. I will read it out. It says:

The provision which may be made under subsection (1) includes provision amending any other Act (whenever
passed or made).

1480 I think that is not specific enough. It is something that, personally, I have never seen in any
legislation here. I would look forward to receiving the explanation that he is going to be providing
in relation to that, because it may have an impact as to whether we are able to support that
particular provision.

Mr Speaker: Does any other hon. Member wish to speak? The Hon. the Chief Minister.

1485 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I thank the Hon. Minister for Business for
taking this Bill through the House? I think it is an important Bill. We have been involved in talking
to the business community about the business improvement proposals that they put to
Government, for some time, and I am very pleased to see that those have now resulted in the
work that is being done between his Department and the relevant leaders of this proposal, to
bring a legislative proposal to this House.

1490 May I say, Mr Speaker, that we recessed the House in order to be able to attend the opening
of a new business in Main Street, an opening by the Tapiero family of the new Gibraltar restaurant,

1495 the Old Gibraltar Confectionery, which has been restored to its former glory and is a demonstration of the continued investment in Main Street that we see by Gibraltarian traders. This particular investment, I think, as everyone will see, will have the benefit also of bringing back the original façade, which in its day might have been thought to have looked dated and was covered by more modern signage. The work that this Bill is designed to deliver is to permit that there should be investment in issues such as that in a way that will once again bring a new shine to Main Street. Traders such as the Tapiero family are the backbone of Gibraltar commerce. They are the entrepreneurs who keep us going and who have so often relied on Main Street. What the Government wants to do is support those entrepreneurs by giving them a mechanism which enables them to, for themselves, take management and control of the areas in which they do business, invest in them and turn them around into something which is even more attractive than the proposition that is there from Gibraltar already.

1500 My own view is that retail will go through a difficult period and that services are now something that will match retail in most high street in the world. I think we have seen that in Main Street. We have seen more coffee shops and we have seen now this investment in another restaurant in Main Street. People are going out to consume services as much as they are going out to buy things which they can now very often buy sitting in the comfort of their own homes.

1510 I am very grateful to Mr Clinton for indicating support from the Opposition benches for the principles and merit of this Bill, and therefore the House will, I think, be demonstrating to the business community as a whole – although I am not sure whether the hon. Lady is going to vote for the measure, or not – that we support their desire to be able to propose and implement different mechanisms which they take the view will be positive and transformational for their businesses.

1515 In the context of one issue that Mr Clinton raised, which it falls to me to deal with, which is the public finance aspect and how the investment of money will happen from the public purse, it will be done in a way which will ensure full transparency of the amounts involved. I am attracted to the principle of a special fund. I think that is likely to be the way that we will do it. I think that gives the objectivity, transparency and accountability that would be necessary in an investment in this case. I am not going to say that we will do it in that way, in case there is another mechanism which might be just as appropriate, which might be more fleet of foot and which might be advisable, but the Government certainly is looking at that sort of mechanism.

1520 In the context of whether or not there is required to be a veto to the Minister, again I think there is a public finance aspect there. If something is going to happen or be voted on which, for example, might have a consequence on public finances, I think it would be important to have a veto. That is one of the things that I can think of that might require a ministerial power of veto. Certainly it is not the Government's intention to have veto powers in respect of this matter. What we are looking to do is actually the opposite, we are looking to empower traders, but it is very likely that we are advised that we need to have some sort of handbrake there. This should not be an issue of division. If they were here, they would probably have also been advised that they need to have some element of handbrake because there is a consequence on public funds and therefore it may be necessary to have such a handbrake.

1530 Mr Speaker, I will leave the Minister to answer all of the other points. I would only say to the hon. Gentleman and to the hon. Lady, both of whom made the same point about do we do this now, and the hon. Lady said it becomes another 'senseless and punitive tax'. I hardly think that that is the case, and neither do I think that this is something that should be delayed, for this reason: we are being urged to do this now by those who are driving this from the industry. The industry itself is wanting to do this and is urging us to do it now. That is why we are taking this Bill today. We might otherwise have taken it at a later date.

1540 I want to give the hon. Lady and the hon. Gentleman the comfort that this is not something that the Government is deciding to do now. We might have taken the view that, as the hon. Gentleman has said, these are hard times and are the things that we were looking at in better times the things that we would do now, or would we wait for better times? The industry is actually

1545 looking at it slightly differently. Perhaps that is why they are successful entrepreneurs and he and I are professionals. They are seeing this as fallow time which they need to use in order to improve themselves when the better times come around. I salute that, and we have therefore been prepared to come now with the Bill for that purpose, because they have asked us to do so. I hope that gives the hon. Lady and the hon. Gentleman some comfort.

1550 This question that the hon. Lady raises, of the flat rate and the different tributaries to Main Street, if I can describe it in that way – again, that is not of the Government’s making; that is the suggestion that has been put to us by the industry. I think what is important to say, in the context of the points that the hon. Lady has made about the fact that those who are beyond Main Street might see less benefit etc., is that the Government is not the driver of the inclusion of them. The driver of the inclusion of them is the industry, and people who have businesses in those side streets have approached those who are running this from Main Street to ask to be included.

1555 The other thing that is hugely important is that whether or not there is a flat rate charged in the tributaries to Main Street, or Main Street, or whether or not there are different tiers of charge being levied is not a matter for the Government. The Government will have a voice in that, but this is a matter for the traders and for agreement between the traders. We will work with; we will not impose on any considerations that we may have. What is going to happen first, though, is a referendum, in effect. This Bill is going to empower those who are making these proposals to hold a referendum of those in Main Street and in the tributaries to Main Street, behind Main Street and alongside Main Street, to participate in a referendum with options after they have had an opportunity of taking all these points into consideration. This is not the Government legislating for another, as the hon. Lady put it, ‘senseless and punitive tax’. This is the Government simply permitting the legislative mechanism for a trader-led initiative on those issues for a binding consultation with other traders, some of whom, from the side streets and high streets, have asked to be included, even though they are not on Main Street.

1560 Finally, Mr Speaker, I have had an opportunity to look at section 18(2), which the Hon. Mr Bossino has referred to; the rest of section 18 the hon. Gentleman can deal with. The only issue that I can imagine came into the draftsman’s mind was that there might be relevant enactments that require minor change in order to be able to give business efficacy to any amendment that might be required. I think he is right that it is a very wide power and it could be abused by an empirical Chief Minister, for example, or, indeed, by an empirical Minister for Business, who is the Minister empowered under the Act to make changes even to the Elections Act and alter the make-up of this House, and sign himself into the top job, given how wide the power potentially is. So, I wonder whether hon. Members would agree with me that, given the discussion we have had across the floor of the House about what the limits of that power should be, we all agree that, in fact, it should just be a power to amend *relevant* Acts which require minor amendment arising from the legislation, and that we therefore include the word ‘relevant’ in 1575 18(2), and so say ‘any other relevant Act’. I think in that way we would be curtailing the power quite considerably.

1580 There are, in many other Acts, powers to amend primary legislation. It is not unusual. It is not the first thing they teach you when you go to law school and you learn statute law; it is the last thing they teach you, when you leave law school, that everything they have taught you about statute law only being changed in a parliament by primary legislation ... actually, in just about every statute there is also a trigger to enable amendments.

1585 If the hon. Gentleman wants me to give way to address any point he may have on this point, I am quite happy to do so, but if we were to say, in section 18(2), ‘any other relevant Act’, given that he has raised it and the Government agrees that it is there for the purposes of *Pepper v Hart* investigation of this *Hansard*, we should be all satisfied with that amendment. Does he want me to give way? (Hon. D J Bossino: No.) No, he is satisfied. (Interjection by Hon. D J Bossino) I have not purported to address 18(1); I only looked at 18(2), which was the point that I thought required my attention. If he thinks that I should read it with 18(1), I am happy to give way to him.

1595 **Hon. D J Bossino:** Yes, I think if he could, and really address this particular point because the
language used there is not the usual language that you would find. For example, I dealt with, on
this side of the House, in relation to ... I cannot remember which one, but one of the financial
services pieces of legislation, which was moved by the Hon. the Minister for Financial Services,
and it did provide for the type of provision which he says this is purported to be, but I am not sure
1600 that this is that – in other words, whether it is that type of provision which is meant to amend
primary legislation by way of subsidiary legislation, so it would not oblige the Minister to have to
come back to this House in order to change the Act. I am not sure whether that is what this is
meant to be at clause 18(1). I think the Hon. Chief Minister is reading it now with a bit more care.
I would be grateful if he could address that point.

1605 Yes, I am not sure the word ‘amendment’ is even in there. It is almost by way of explanation
and to add to. It says:

The Minister may by regulations make such supplementary, incidental, consequential or transitional provision as he
considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision
made by or under this Act.

It does not provide for amendment.

1610 **Hon. Chief Minister:** In fact, Mr Speaker, I am quite comforted by the hon. Gentleman’s
reference back to 18(1) because 18(1) actually limits the power in 18(2). In other words, 18(2) is
not a power, as I thought it was, at large to amend any Act; it is only a power to amend any Act
for the purposes of subsection (1). In other words, subsection (1) is a power to make regulations,
and that power to make regulations is for the purposes of giving full effect to this Act.
1615 Section 18(2) says those regulations may actually amend a primary piece of legislation also, but of
course, for those regulations to be valid they have to be regulations which are being made to give
effect to the provisions of this Act. So, actually, it is much more circumspect than I thought on first
reading.

That is what happens when I take the hon. Gentleman’s word for something and I just read the
subsection that he said was relevant. When I have read it all together, perhaps I have given the
1620 hon. Gentleman comfort that actually the power in 18(2) is not a power at large; it is a power only
circumscribed to the circumstances in 18(1). Therefore, I think it is perhaps a different draftsman’s
way of doing it. I have seen it in many different ways and the pen of the draftsman sometimes is
relevant. I do think it is not a power at large to amend any Act.

1625 **Hon. D J Bossino:** I am grateful, Mr Speaker.

Hon. Chief Minister: I commend the Bill to the House also.

Mr Speaker: I now call on the Minister to respond.

1630 **Hon. V Daryanani:** Mr Speaker, I would like to thank the Hon. Mr Clinton and the Opposition
for supporting the Bill.

There were quite a few points and the hon. Member made them very quickly. Let me just try
and go through them one by one. You started off with the issue on the regulations. The regulations
1635 are at an advanced stage of being drafted, so we are trying to finish them off. What we want to
do is facilitate the task group to continue with their work, because they really want to get on with
this. I promised them that I would bring this legislation to the House a couple of months ago, but
it was not possible. We have done so now, and they want to start preparing for the ballot. They
are very keen because they still need to explain certain things to the traders, to the people who
1640 are involved in this project. I am not sure whether they have been told how much each one needs
to pay, so these things have to be agreed and decided upon and then they will go out and vote in

1645 the ballot and decide whether they really want to do this. As the Chief Minister said, this is not something that we are forcing on them, this is something that we are facilitating more than anything else, and of course we are supporting them on a pound-for-pound basis, so that they have more money available to spend on this project. That was the point on the regulations.

1650 Then there was the issue of the billing authority. We do have the default position of the Accountant General, which, once again, the Chief Minister has explained. You mentioned LPS in the BID proposal. I think that was one of the conversations we had with LPS, to see whether there was a possibility of them being the billing agents, but this proposal that you have is a very initial proposal and things have evolved since then. That is why we have this in the legislation, having a default position. As I said, it is the BID taskforce that takes the decisions. We act on their recommendations and on their advice, because this is really their project.

1655 Moving on to one point the hon. Lady made and the Chief Minister clarified, she asked about costs and the whether the people had the option to opt out. They will have an option after five years to opt out, because if the ballot goes in favour of having this BID, then, after five years, they will have to go to ballot and they will have to vote again. So, if people spend money for five years they might realise that this was not worth it after all, and then they will have the option to opt out. I think that is something that really is in favour of all businesses that participate in the scheme.

1660 Regarding the costs, I do not have exact figures but they are really minimal costs. I am told that in most cases you are looking at £100-£150 a month. In the difficult times that we are going through, I think businesses are willing to invest this small money in trying to rebuild their businesses, because this is what it is all about: rebuilding their businesses.

1665 Insofar as the side streets are concerned, the side streets are even more interested because they have probably suffered even more. The high street has suffered immensely, so you can imagine how the side streets have suffered. So, I think they are very keen and their investment will also be, on a monthly basis, a very low investment.

I think I have covered most of the points, the Chief Minister has covered them too, so I commend the Bill to the House. (*Banging on desks*)

1670 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and other connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1675

Clerk: The Business Improvement Districts Act 2020.

COMMITTEE STAGE AND THIRD READING

Business Improvement Districts Bill 2020 – Committee Stage and Third Reading to be taken at this sitting

Minister for Business, Tourism, Transport and the Port (Hon. V Daryanani): I give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1680 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

In Committee of the whole House

**Business Improvement Districts Bill 2020 –
Clauses considered and approved with amendment**

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

1685

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Business Improvement Districts Bill 2020.

1690

Clerk: A Bill for an Act to make provision for business improvement district arrangements, including provision regarding the financing, duration and termination of such arrangements, the duty to comply with such arrangements and other connected purposes.

Clause 1.

1695

Hon. Chief Minister: Mr Speaker, as is usually the case, given that the date is 2020 on the Bill, the Act should be 2021.

Mr Speaker: Clause 1, as amended, stands part of the Bill.

1700

Clerk: Clause 2.

Mr Speaker: Stands part of the Bill.

1705

Clerk: Part I, clauses 3 to 6.

Mr Speaker: Part I, clauses 3 to 6, stands part of the Bill.

Clerk: Part II, clauses 7 and 8.

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Mr Speaker: Part II, clauses 7 and 8, stands part of the Bill.

Clerk: Part III, clauses 9 and 10.

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Mr Speaker: Part III, clauses 9 and 10, stands part of the Bill.

Clerk: Part IV, clauses 11 to 15.

Mr Speaker: Part IV, clauses 11 to 15, stands part of the Bill.

1720

Clerk: Part V, clauses 16 to 19.

Mr Speaker: Part V, clauses 16 to 19, stands part of the Bill.

Clerk: The long title.

1725

Mr Speaker: Stands part of the Bill.

**Business Improvement Districts Bill 2020 –
Third Reading approved: Bill passed**

Clerk: The Hon. the Chief Minister.

1730 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Business Improvement Districts Bill 2020 has been considered in Committee and agreed to with amendment, and I now move that it be read a third time and passed.

1735 **Mr Speaker:** I now put the question, which is that the Business Improvement Districts Bill 2021 be read a third time and passed. Those in favour of the Business Improvement Districts Bill 2021? **(Members: Aye.)** Those against? Carried.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I am conscious that there are three motions on the Order Paper. We have agreed that we should be taking those motions at the next sitting, and so it is now my pleasure to move that the House should adjourn *sine die*.

1740 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*. I now put the question, which is that this House do now adjourn *sine die*. Those in favour? **(Members: Aye.)** Those against? Passed.
This House will now adjourn *sine die*.

The House adjourned at 6.05 p.m.