



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.04 p.m. – 7.10 p.m.

Gibraltar, Tuesday, 23rd March 2021

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The Gibraltar Parliament

The Parliament met at 5.04 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*]

Questions for Oral Answer

CHIEF MINISTER

Q836/2020

**Property modifications to comply with Disability Act –
Extension of tax concessions**

Clerk: Tuesday, 23rd March 2021. Meeting of Parliament.

Order of Proceedings: we continue with Answers to Oral Questions. We commence with Question 836. The questioner is the Hon. K Azopardi.

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Hon. K Azopardi: Mr Speaker, will the Government extend the regime providing tax concessions to businesses available for the modification of properties, so as to make these more disability friendly when the present scheme runs out, and is Government prepared to put this permanently in place and extend the scope to private individuals and internal works to homes?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is considering extending the measure in time, but not making it permanent. The extension would arise from the fact that works may not have been undertaken during the pandemic period. It would, however, make no policy sense to make the concession permanent. The extension to private dwellings is also under consideration.

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Hon. K Azopardi: Mr Speaker, can I just probe what the Chief Minister has said about it not making policy sense to make it permanent? Can he expand on that issue?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that the requirement to modify property for the purposes of ensuring compliance with the Disability Act is already in our law, and the purpose of the tax concession is to promote that the works that are relevant should be done now, when they are not works which are required. The position is that upon any refurbishment it is necessary to ensure that the refurbishment complies with the new rules, and in any new build it is necessary to ensure that the property complies with the rules. The purpose of the concession is to promote that people should now, because of the concession, decide to make reforms to the internal structure of a building that are required by the legislation. If we simply make this permanent, then of course there is no incentive to act now. People would then, whenever they

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decide to refurbish, have the benefit of the concession. The policy behind the tax concession is to try and promote that work being done sooner rather than later.

35 **Hon. K Azopardi:** Can I ask, on the extension of the scope to private individuals, which he said was under consideration, would we be right in thinking that if an announcement is going to be made in that respect, it would be made at Budget time?

Hon. Chief Minister: Mr Speaker, yes, sir.

40 **Mr Speaker:** Next question.

Q837/2020
AA vacancies –
Whether filled

Clerk: Question 837. The Hon. K Azopardi.

45 **Hon. K Azopardi:** Mr Speaker, will the Government be filling the AA vacancies it advertised in September 2019?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, these have been filled.

50 **Mr Speaker:** Next question.

Q839-41/2020
Asylum, section 12 and naturalisation –
Applications and appeals against decisions

Clerk: Question 839. The Hon. K Azopardi.

55 **Hon. K Azopardi:** Mr Speaker, how many asylum applications and appeals against asylum decisions have been filed under the Asylum Regulations 2008 during the period 1st January 2010 to 31st December 2020, broken down by years and numbers of applications and appeals?

Clerk: Answer, the Hon. the Chief Minister.

60 **Chief Minister (Hon. F R Picardo):** Asylum, Mr Speaker. I will answer this question with Questions 840 and 841, and I will answer them on the basis of applications in Gibraltar for asylum.

Clerk: Question 840. The Hon. K Azopardi.

65 **Hon. K Azopardi:** I am not sure what he means by that, but I am sure he will illuminate. I am not asking for asylum yet.

How many applications for exemption under section 12(2) of the Immigration, Asylum and Refugee Act have been filed in the period 1st January 2012 to 31st December 2020, broken down by year, and how many of those remained pending at 31st December 2020?

70 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the throwaway remark was about the reports in newspapers about Gibraltar being used for the processing of asylum applications (*Interjection*) to other nations. (*Interjection*)

Mr Speaker: We need to –

75 **Hon. Chief Minister:** So, yes.

A Member: There is one more.

Hon. Chief Minister: Oh, there is one more. I see.

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Clerk: Question 841. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many applications for naturalisation as a British Overseas Territory citizen had been filed in the period 1st January 2012 to 31st December 2020, broken down by year, and how many of those remained pending at 31st December 2020?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the information requested is set out in the schedule that I now hand over.

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Answer to Q839/2020

YEAR	ASYLUM APPLICATIONS	APPEALS
2010	8	1
2011	1	0
2012	6	0
2013	0	0
2014	1	0
2015	3	0
2016	3	0
2017	1	0
2018	0	0
2019	6	1
2020	4	0

Answer to Q840/2020

YEAR	S 12(2) APPLICATIONS	PENDING APPLICATIONS
2012	309	5
2013	364	4
2014	144	7
2015	178	20
2016	126	13
2017	152	15
2018	161	5
2019	172	74
2020	144	132

Answer to Q840/2020

YEAR	NATURALISATION APPLICATIONS	PENDING APPLICATIONS
2012	250	0
2013	424	0
2014	308	0
2015	132	0
2016	120	0
2017	107	0
2018	152	0
2019	95	0
2020	216	0

Hon. K Azopardi: Mr Speaker, can I ask about Question 840, which is the question about applications for exemption from section 12? For anyone listening out there, that is about a sort of waiver application that needs to be filed under the Immigration Act, which is usually a prelude to making a naturalisation application, in many cases. Can I understand the figures on the second column? For example, looking at the period 2012 My question asks how many applications had been filed, broken down by year, and how many were pending at 31st December 2020. Is it right that in respect of the year 2012 there are still, eight years later, five applications pending? And is it right that in respect of the year 2013 there are still four applications pending, and in respect of 2015, for example, there are still 20 applications pending? Is that correct?

Hon. Chief Minister: Yes, Mr Speaker, that is correct.

Hon. K Azopardi: Would the Chief Minister comment on that? Obviously I understand that insofar as 2020 or even perhaps 2019 is concerned, there would be a backlog of applications for a variety of reasons, and processing and so on, but when someone has made an application four, five, or even nine years ago in 2012, how is it justifiable that those applications are still pending?

Hon. Chief Minister: Well, it is very simply justifiable, Mr Speaker. If the hon. Gentleman looks at the number of section 12 applications, we were dealing, in 2012, with 309. I would say that is the sort of backlog that I found when I was elected, and if there are five still pending it is because there may have been either deficiencies in the application or reasons why the decision was not to grant the application. We will have gone back to the applicants in all instances and we will either have got back from the applicants further information and have had to go back to them again and again, or we will have deferred the application, rather than refuse it, after consideration with the applicant of whether there should be a deferral so that they can cure the problems or whether they would prefer a refusal so that they have the certainty of refusal, or they can then make the decision to challenge a refusal. They can also, of course, challenge a deferral if it is not a deferral that has been agreed. That is the sort of process that you go through, where you seek more information, where you try and tease out that information where it is not otherwise forthcoming, in order to be able to deal with the numbers.

If you look at the column of pending applications, other than for 2019 and 2020, where there is a backlog which we have to clear – and not just in relation to section 12 applications but in relation to so much more that I know is in my pending tray as we come into this period post pandemic, I hope – we have actually what I would say to the hon. Gentleman is a very good track record of dealing with section 12 applications. In the context of the numbers who have applied, getting through 304 applications in one year, getting through 360 applications in another year, all of these, or most of them, entirely granted – 134 applications granted in 2014, 158 in 2015, 113 in 2016, 137 2017 and 156 2018 ... Those are large numbers of applications to go through. They each require analysis by our Civil Status and Registration Office. They do an excellent job of giving

me, as the Minister responsible, a summary of each case, a table. In some instances, there is a requirement, for example, to have a knowledge of English; in other instances, where an applicant is over 65, there is no requirement for a knowledge of English. This is a complex area of law, as the hon. Gentleman will recall from his time in Government. Indeed, from his time in practice he will know that. And so those that are outstanding, which I expect will be greatly reduced for 2019 and 2020 once we are able to deal with the backlog, are those on which we are either pending further information or where we have deferred or where we are not getting further information and they remain as pending. In some instances people may not have been in contact with us when we have sought further information because they may have left Gibraltar.

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Hon. K Azopardi: In relation to that, just on this issue of the pending, and again making the point, as I did earlier, that I understand the issues of backlog in relation to 2020 and 2019, but in the more historic ones would it be right that those, as they are categorised as pending applications, not only the Department but also the person considers it a live application in some way – there is a sort of toing and froing of process and so on – so there are still people the Department is interacting with sufficiently so that the Department thinks it is a pending application in respect of applications that have been made seven, eight, nine years ago? Is that right?

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Hon. Chief Minister: Mr Speaker, at the moment, we are in the very happy position that the hon. Gentleman describes. That is to say that we have, in most years, single-digit still-pending applications, in some years double-digit still-pending applications. When I was elected, I found triple-digit pending applications going back many decades, which I thought was in fact summarily unfair. The hon. Gentleman will know, in particular, that visa applications sometimes have gone on for many years. I have tried to clear all of these backlogs because I think people deserve the benefit of certainty in respect of these applications.

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Where the Department is still considering live an application it is because they either still are in contact or seeking contact with an individual, but if we do not get contact back we leave the application as pending unless we are asked to consider it withdrawn by the applicant. I am going to entirely speculate, but in respect of those pending since 2012 we may have gone back to those individuals to seek further information. They may no longer be here. They may not be getting back to us, and we will not consider the application withdrawn in case they get back to us for some reason, because we would consider it unfair to consider the application withdrawn. We do not consider an application dormant either. Indeed, it may be that we are still in contact with some parties, or if a party has had a reason why we might refuse the application, we might have decided not to refuse the application and keep it pending so that they have the benefit of an application rather than a refusal.

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But in the context of the backlog that the hon. Gentleman is referring to, this is the lowest backlog in the history of our community in respect of section 12 applications, and I confidently expect that by the summer, when I have had an opportunity of going back to the administrative work that I have not been able to do over the past 12 months, we will see that reduced even further, in particular in respect of 2019 and 2020 and some of the early years which may still be requiring my attention.

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Hon. K Azopardi: Can I ask, just finally, generally in respect of all questions – and I appreciate the Chief Minister has answered the question I asked, but he may have this statistic in the supplemental information that the Department may have produced for him – does he have the number of applications that were actually granted in respect of asylum, section 12 and naturalisation? If not, I can submit a supplemental question another day.

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Hon. Chief Minister: I am pleased for the hon. Gentleman to file a question for a future session which provides for that, because I do not have the data for the years that are in the table.

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185 What I can tell him is that for the years 2019 and 2020, in September 2020, I am told, in respect
of the previous five years, 15 requests for asylum were made and one application was approved,
and in the 12 months leading up to September 2020, 53 people of various nationalities were
arrested for being on the Rock without valid papers and 117 arrested for the same offence
between April 2017 and September 2020.

190 That is all I have, which gives him, I think, the data he wants for one year only, so if he files a
question in respect of applications approved, then we will be able to have that data on the record.

Mr Speaker: Next question.

Q842/2020
Deaths in Gibraltar –
Number in period 2017-21

Clerk: Question 842. The Hon. K Azopardi.

195 **Hon. K Azopardi:** Mr Speaker, how many persons died in Gibraltar during the period January
2017 up to and including January 2021, with figures broken down by month?

Clerk: Answer, the Hon. the Chief Minister.

200 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested is set out in the
schedule I now hand over.

Answer to Q842/2020

	2017	2018	2019	2020	2021
January	26	39	36	34	89
February	22	29	26	27	29
March	17	25	27	24	-
April	13	28	22	21	-
May	28	27	15	12	-
June	23	21	17	16	-
July	17	21	20	23	-
August	24	23	21	22	-
September	29	30	17	23	-
October	27	22	21	25	-
November	25	21	16	26	-
December	36	28	30	17	-

Mr Speaker: Next question.

Q844-846/2020

**Former Commissioner of Police –
Payments received on retirement; property purchased from Government;
appointment of chairman of public inquiry**

Clerk: Question 843 has already been answered. We now move to Question 844. The questioner is the Hon. K Azopardi.

205 **Hon. K Azopardi:** Mr Speaker, what payments were made to the former Commissioner of Police on his retirement, specifying the nature of the payments and the amounts?

Clerk: Answer, the Hon. the Chief Minister.

210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Questions 845 and 846.

Clerk: Question 845. The Hon. K Azopardi.

215 **Hon. K Azopardi:** Mr Speaker, has the Government sold any property to the former Commissioner of Police in the last six months; and, if so, at what price?

Clerk: Question 846. The Hon. K Azopardi.

220 **Hon. K Azopardi:** Mr Speaker, when will the chairman/commissioner of the public inquiry into the circumstances surrounding the retirement of the former Commissioner of Police be appointed?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government can confirm that no payments have been made to the former Commissioner, other than the sums that may have been due to him as a result of his service.

230 It is not considered a proper use of data controlled by the Government for the information on gratuity or pension of an individual to be disclosed in this House, and it never has been in respect of anyone, as far as I am aware. The same is true in respect of any sale of property to identifiable individuals.

The appointment of a chairperson in respect of this inquiry will be announced as soon as the Government is able.

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Hon. K Azopardi: Mr Speaker, on the issue of the property, is the Chief Minister saying that the Government is simply not prepared to say? The information we have is that a property was sold to the former Commissioner of Police and we wanted to inquire as to the basis of that sale.

240 **Hon. Chief Minister:** Mr Speaker, it is uncomfortable for the Government to be asked any question about any individual and what may have been sold to them, and to have a discussion about that in this House.

245 I can confirm that a property was sold to the former Commissioner of Police whilst he was Commissioner of Police, but disclosing the details of that I do not think is necessarily fair or appropriate, given that the Government holds that information as data controller. I can tell the hon. Gentleman that the sale involved not just the consideration in cash, but also the release of a Government rental property to the Government and the assignment to Government of a privately owned property also, in exchange for the property in question.

250 **Hon. K Azopardi:** And this transaction happened in accordance with the sitting tenant formula that the Government applies in the usual cases?

255 **Hon. Chief Minister:** No, Mr Speaker. I do not mind disclosing to the House, because I think it is also not unfair to do so, that this was in the context of the former Commissioner considering that he could not continue to live where he was, for reasons which were operational, and the Government wanted to assist, of course, as we have in other instances where we have had difficulties involving police officers.

260 This was a property which the Commissioner was not the resident of, but which had come into the position of the Government as a result of a tenant moving out. The Commissioner handed in his tenancy, handed in another tenancy, in fact another private property which was owned by his partner, and a cash consideration in exchange for that other property.

265 I am just reminded by the Hon. the Minister for Financial Services that of course this transaction will be on the register. Because it is a public transaction, the lease will be registered. I am quite happy to give an indication to the hon. Gentleman, if he wishes, of what the address is – not across the floor of the House – and they can then search the register and obtain a copy of the lease, if they wish. That, I think, is the best way to ensure that they have the information they want without entering into exchanges about an individual across the floor of the House.

270 **Hon. K Azopardi:** I am grateful for that. Perhaps he can do that, so we can make our own view on it.

On the inquiry itself, when he says ‘as soon as possible’, I think he said –

Hon. D J Bossino: As soon as the Government is ready.

275 **Hon. K Azopardi:** As soon as the Government is ready – I am grateful to Mr Bossino for that. I just remind him that he told this House on 31st July 2020, so nine months ago:

The Government expects to be able to set up the inquiry quickly. It may take some weeks.

That was the position that the Government had on 31st July. He said also to the House on 31st July:

So Mr Speaker, the short answer to the issue of timing is that the timing of the convening of the inquiry will not be too long; that will be done as quickly as possible by the Government.

280 The Chief Minister will recall the Government decided to convene an inquiry for reasons made known by the Chief Minister in his Statement to Parliament, but it was against the backdrop where the former Commissioner of Police had issued a statement where he had said, as part of his statement:

without an independent judicial assessment, there is a real risk to the reputation of Gibraltar as an advanced parliamentary democracy under the rule of law.

285 ‘As a loyal servant of the Crown these past 36 years and a loyal Gibraltarian, he cannot stand by and watch this potential tarnishing of our City.’ Does he agree with me that having comments like that being made public, it is important that the convening of the inquiry take place sooner rather than later?

Hon. Chief Minister: Mr Speaker, the Hon. Mr Bossino did the Hon. the Leader of the Opposition no favours by inappropriately referring to what I had read out. The words I used were as follows:

The appointment of a chairperson in respect of this inquiry will be announced as soon as the Government is able

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– not ‘ready’.

The Government was prepared to convene an inquiry because Mr McGrail had called for it. Unfortunately, as hon. Members know, a lot got in the way of our ability to discharge business in 2020, especially in the latter part of 2020. Towards the end of July, we went into the summer
295 break. There was work being done in order to identify the parameters of the inquiry. Counsel were appointed by the Government and we were in the process of seeking, with correspondence with those representing Mr McGrail, to finalise arrangements for the inquiry. Of course, everything has stopped dead after that period.

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I breathe an air of normality about Gibraltar at the moment and I have started to go back to holding meetings, which I am delighted to be able to do, and I very much hope that, therefore, we
300 will be able to resolve this matter as soon as possible. That is why we are talking about the Government appointing a chairperson as soon as we are able.

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Hon. K Azopardi: Obviously, I appreciate all that has transpired in 2020, that is the case, but I am just reminding the Chief Minister that he said to this House on 31st July it would take a few
305 weeks. Gibraltar went into a second lockdown at the end of the year, so six months on from that. There was a period of significant at least social normality, although we were living in an unreal world for most of 2020, but insofar as that, can the Chief Minister elaborate a bit more why, given the forecast that he made in July to the House that it would take a few weeks, nine months on we
310 are still in this place? What progress has been made towards that? Can he say to the House who has been appointed as counsel and solicitors? Have they approached? Do they have a particular chairman in mind who tentatively has accepted the appointment, that he could inform the House about?

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Hon. Chief Minister: Mr Speaker, if the hon. Gentleman wants me to tell him what has happened since then, he will recall that, apart from the pandemic, we were also dealing with the small matter of trying to negotiate Gibraltar’s departure from the European Union without a hard
315 Brexit, which continued until 31st December, unfortunately, but which the Deputy Chief Minister and the whole of our team were trying to bring to a head and conclude even before the UK TCA had been announced. So, there was a lot of activity consuming the Government in that period. It is true that we were not able to resolve this within a few weeks, as we wanted to, which would have been my desired course of action, but there are only a certain number of hours in the day and this issue requires attention so that it can be dealt with entirely properly, as is necessary.

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We have appointed Sir Peter Caruana & Co as counsel for the Government and we have already, I understand, had an indication from a judge who is prepared to be appointed, but that
325 will be subject to agreement between all relevant parties. We will seek to resolve this as quickly as possible, not just for the reasons that the Hon. the Leader of the Opposition has highlighted, but also because the Government wishes to be able to deal with these matters and resolve them as soon as possible.

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Hon. K Azopardi: I appreciate that indication. Of course we were in a fairly abnormal situation, and of course there are priorities such as Brexit and so on, but does he accept that if assertions are made of a very serious nature, as indeed the former Commissioner of Police made when he issued his public statement calling for an inquiry, these are not helpful and should not stay
335 festering, they need to be inquired into by the public inquiry that the Government said it would convene – it said that it was eager for those issues to be dealt with – and the sooner these things are established, the better it is?

Will the Government give the convening of the inquiry a sense of urgency? Beyond that, once a chairman of the inquiry is appointed, then the momentum of the inquiry is out of the

340 Government's hands, it is a matter for the chairman of the inquiry and it takes as long as it takes, but until that happens, the ball is squarely in the Government's court on the appointment.

Hon. Chief Minister: Mr Speaker, many of the questions that we are dealing with today, as the hon. Gentleman knows, were filed on or about October and the business of the administration has really, to a very great extent, unfortunately, ground to a halt. I both apologise and make no apology for the fact for the Government, I think, has rightly concentrated on dealing with the pandemic issues and with the issues that relate to Brexit. Not all of those are obvious. In other words, when we are in the throes of the worst moments of a pandemic, all of us know it is happening because we are all stuck at home, we are subject to a lockdown etc., but there is a lot of action going on behind the scenes so that the Government can be ready at that moment to deal with the pandemic in a particular way. On the issue of Brexit, this was also an all-consuming issue which was happening constantly behind the scenes with Government in this period, and I think all parties would want to ensure that the Government is dealing first with issues that affect the whole community, whilst once again being able to deal with matters that relate to individuals.

355 The question we were dealing with a moment ago, about applications under section 12, is apposite. Those are applications that affect individuals. They need to be resolved. You can see from other years that we have resolved with alacrity the applications under section 12, but in respect of 2019-20 we have a backlog, quite unlike the backlog we have had in any other year. This is one of the victims. The resolution of this matter is one of the victims of those issues that consumed the last half of 2020, in particular the last quarter of 2020. It is almost tautologous to talk about two all-consuming issues, because if something is all consuming there is nothing left for another thing to consume, but in the context of the end of 2020 the Government has been faced with two all-consuming issues, the first the pandemic, the second the negotiations in relation to Brexit. It has been an extraordinarily difficult year and this is but one of the victims or casualties of us not being able to deal with those issues, but I have already given the House an indication that the Government is seeking to resolve this matter as soon as possible.

Mr Speaker: Next question.

Q847-48/2020

**Eastern Beach/Catalan Bay rubble mountain –
Progress re removal; cessation of deposits**

370 **Clerk:** Question 847. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what progress is being made to remove the rubble mountain between Eastern Beach and Catalan Bay?

375 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Question 848.

Clerk: Question 848. The Hon. K Azopardi.

380 **Hon. K Azopardi:** Is rubble from construction or other works still being deposited at the rubble mountain between Eastern Beach and Catalan Bay?
Obviously, I filed that question before the press release.

Clerk: Answer, the Hon. the Chief Minister.

385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the removal of the rubble from the Eastside is linked to the planned reclamation at Coaling Island for the magnificent Victoria Keys development. The environmental impact assessment and the planning application for the reclamation project are currently undergoing the planning process, and once this is completed it will be possible to begin the removal.

390 The Eastside rubble tip was closed on 18th January 2021 and no further construction rubble is being accepted as from then. That is, I think, the reference the hon. Gentleman made.

Hon. K Azopardi: In relation to the alternative arrangements for rubble, can the Chief Minister elaborate perhaps on that? Obviously rubble is still being created. Can he comment on the arrangements for taking rubble to Spain?

Hon. Chief Minister: Mr Speaker, the Government is not able to comment on the mechanics of the rubble from construction sites being taken to Spain, other than to say that there are commercial operators in Gibraltar who have obtained licences in order to be able to undertake that activity. The Government, in future, will deal with its own construction rubble in a particular way. We will have the ability to deal with it. We will want to assist those who have small-scale rubble arising from non-commercial ventures. For example, somebody who rips out a bathroom will have the assistance of the Government in order to be able to deal with their rubble without having to fly tip, but commercial operators will have the obligation to deal with rubble themselves and they will be able to find a number of other operators in the market who will have the necessary permits for the purposes of exporting rubble. In the medium to long term, we hope to be able to have a rubble processing plant in Gibraltar, which will enable us to then revert to dealing with rubble locally once we have made space.

The hon. Gentleman knows from his time in Government, no doubt – I think at one stage he used to deal with lands – that the most difficult Rubik’s cube in the world is relocations in Gibraltar. One of the things that we are embarked upon is, in the context of all the many relocations to come – and relocations are always to come – the opportunity to find space for a rubble recycling plant, which is one that is high on our agenda.

415 **Hon. K Azopardi:** Can the Chief Minister comment on this? Obviously one of the questions is about the removal of the rubble mountain, and I believe in his original answer he is talking about linking that removal in respect of the Victoria Keys development, but of course removal means, I assume, in effect, partial removal, because you are still building Hassan Centenary in that area, so it is presumably partial removal of the rubble mountain. What is the timescale of that kind of operation? Has the Government received advice on that? Bearing in mind I think the Government has a manifesto commitment to have started the removal of the rubble mountain by now, can he elaborate on that?

420 Also in relation to his comment on the hope that there will be a rubble processing plant in Gibraltar, is there an identifiable site, and is this a project that the Government anticipates will go out to tender?

425 **Hon. Chief Minister:** Mr Speaker, in relation to one of the earlier questions, I am told by an avid listener than I confused my tautology with my oxymoron in respect of two all-consuming things. It is good to know that we are not speaking just to each other and that people are listening and watching.

430 The timetable for the removal of that part of the rubble mountain that the hon. Gentleman refers to, and more of it, is hopefully to start during the course of this calendar year. Again, this has been a victim of the halt to which all Government projects have succumbed in the past six to 12 months. I very much hope that we will be seeing progress not just in the removal of that part of the rubble mountain that represents the area where the second phase of Hassan Centenary Terraces will go, but also a very large part, if not most of the rest of what the hon. Gentleman

refers to as the rubble mountain. Part of the referred-to rubble mountain is also used to square off the plot and level it off, so it does not all go from there; part of it is used to level off.

440 I am always reminded, Mr Speaker, that when hon. Members are opposite they refer to this area as a rubble mountain, and when they are here they tend to refer to it by more luxurious references, like, for example, Sovereign Bay. I am sure we all agree that we want to see that which is termed the rubble mountain dealt with as soon as possible and the development of the Eastside progressed as soon as possible.

445 **Hon. K Azopardi:** I suppose we can both agree to call it Sovereign Mountain, if he prefers.
Can the Chief Minister confirm the kind of cost of removal of the rubble? Is there a cost per tonne? Is there a projected cost for the removal of the rubble over a period of time?

450 **Hon. Chief Minister:** Mr Speaker, perhaps we should add to the 'not one grain of sand, not one breath of air, not one drop of our waters' not one sigh of our dust from the rubble mountain in terms of our Sovereign Mountain.

There are different estimates as to the cost of handling this rubble, depending on how it is handled and how it is moved, and the use of it for different projects would involve different costs. I do not have those costs available here today.

455 **Mr Speaker:** Next question.

Q849/2020
Companies with contracts with HMGoG –
Identity of beneficial owners

Clerk: Question 849. The Hon. K Azopardi.

460 **Hon. K Azopardi:** Mr Speaker, does the Government know the beneficial owners of all the companies it has entered into contracts with since 2011?

Clerk: Answer, the Hon. the Chief Minister.

465 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we believe we do.

Mr Speaker: Next question.

Q850/2020
Incident near Waterport –
Whether Government aware

Clerk: Question 850. The Hon. K Azopardi.

470 **Hon. K Azopardi:** Mr Speaker, is the Government aware of an incident on or about 5th October 2020 which resulted in a vessel crashing onto the rocks near Waterport after two occupants of the vessel were allegedly fired upon and injured with rubber bullets from a Spanish Aduanera vessel?

Clerk: Answer, the Hon. the Chief Minister.

475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is aware of an unacceptable incident that occurred at sea on 5th October 2020 and that the matter continues to be investigated by the Royal Gibraltar Police.

Briefly, because the matter is *sub judice*, I can only report on certain facts. On 5th October 2020, at shortly before 0903 hrs, the Spanish Guardia Civil RHIB the S-2, and not the Spanish Aduanera vessel, commenced a pursuit of a local pleasure craft G2050 being piloted by a local Gibraltarian with another local Gibraltarian also on board. The pursuit commenced in the area of Puente Mayorga in Spanish waters, by the beach near the oil refinery. The Royal Navy Gibraltar Squadron on patrol in the bay also observed the pursuit at the time. The pursuit subsequently entered British Gibraltar Territorial Waters and continued in an easterly direction towards the western end of the Airport runway. Whilst in BGTW, the S-2 conducted manoeuvres in what appeared to be an attempt to stop G2050 and made contact several times. During one of these contacts, well within BGTW, one of the officers aboard the S-2 fired at least two shots using a long-barrelled firearm, discharging two non-lethal rubber balls into the vessel. Shortly after, the S-2 disengaged from the pursuit in the area off the LNG power plant and G2050 travelled approximately 200m to 300m due east, crashing into the North Mole by the area more or less where the GibMaroc premises are. As a result of the impact, the occupants were seriously injured in the crash, but have since recovered.

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495 Mr Speaker, can I just say that in the answer I have been given the Spanish Guardia Civil RHIB is referred to as S-2 or S-21. I do not know which of the two is correct. I have referred to S-2 throughout, but it may be identified as S-21.

Hon. K Azopardi: Mr Speaker, I am grateful for that, and without straying into the perhaps investigative dimensions being conducted by the RGP – that is a matter for the RGP – I posed this question because information had been given to me and I had been provided with a brief on what had occurred by people who are close to the families and was shown photographs of the injuries of the occupants, and it seemed, to me, right to table this question.

500 Does the Chief Minister agree that, the investigative criminal dimensions to one side, which is a matter for the RGP, these incursions into our waters are unacceptable and that they are doubly unacceptable if those who were steering the Aduanera vessel then took shots with rubber bullets at occupants of an apparently peaceful craft in Gibraltar waters?

505 And does he know whether the British government, either directly or at the request of the Gibraltar Government, has been taking the matter up diplomatically?

Hon. Chief Minister: Mr Speaker, I entirely agree, with the following caveats only. First, it is not an Aduanera vessel, it is a Guardia Civil vessel, as I told him in the context of my answer. Second, there is absolutely no excuse whatsoever to shoot at a vessel in BGTW, other than in keeping with Gibraltar law, and that would mean if you are a properly empowered Gibraltar law enforcement agency. There is, nonetheless, a law enforcement reason why it might not be entirely correct to describe this vessel as a vessel that was engaged only in peaceful navigation of our waters, which I do not want to get into because it relates to the substance of the allegations in the context of the Gibraltar investigation, but I would simply add that caveat. Nonetheless, even with that caveat added, I make that caveat in respect of his description but not in respect of whether or not there should be any shooting with rubber bullets or otherwise, because that is entirely unacceptable, whatever the circumstances.

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525 There is a diplomatic process which was engaged as a result of this. The Hon. the Deputy Chief Minister and I have dealt with issues like this in the past also at the United Nations, where we have elevated these issues to the knowledge of the Committee of 24 in New York when a similar incident occurred in the area of Western Beach and I referred the C24 to the fact that we had had, in that context, a jet-skier fired upon in our waters in breach of the United Nations Convention on the Law of the Sea. The hon. Gentleman knows that there has been no session of the C24 since 5th October 2020, but these matters are matters that we raise routinely there, so that we also

give them the international dimension that is necessary, because this is an international breach of law also.

530 **Mr Speaker:** Next question.

Q851/2020
Incursions into Gibraltar territorial waters –
Number by Spanish vessels from 2012 to 2020

Clerk: Question 851. The questioner is the Hon. K Azopardi.

535 **Hon. K Azopardi:** Mr Speaker, how many incursions into Gibraltar territorial waters by vessels of Spanish authorities have there been since 1st January 2012, broken down by yearly figures to end of 2020?

Clerk: Answer, the Hon. the Chief Minister.

540 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand over a schedule with the information requested.

Answer to Q851/2020

Date	LEA Incursions			Military Incursions		
	Innocent Passage	Surface Incursion	Executive Action	Innocent Passage	Surface Incursion	Executive Action
2012	0	0	0	0	0	0
2013	142	194	786	11	3	9
2014	1057	276	87	18	1	17
2015	1134	235	169	9	0	35
2016	955	426	130	13	8	14
2017	152	80	4	20	8	7
2018	1365	724	20	32	6	9
2019	1157	598	51	3	2	9
2020	1140	591	73	14	3	22

Hon. K Azopardi: Can I ask the Chief Minister to comment on the schedule in these respects, if I may? In relation to 2012, across the board the results are zero. Is it because statistics were not compiled for that year?

545 In respect of the other years, can he perhaps elaborate? What does 'LEA' stand for? And when something is categorised as 'surface incursion' and 'executive action', perhaps it would help to understand the table he has given me if he explains those.

550 **Hon. Chief Minister:** Mr Speaker, an LEA is a law enforcement agency, compared to a military incursion. An innocent passage, as I understand it, is when there is no change of course and the assets would otherwise be defined as innocent passage under international law. A surface incursion is where that innocent passage has deviated from the rules on innocent passage, namely

by a change of course, for example. And executive action is when a law enforcement agency has acted in a manner that is to seek to act in our waters as if it had jurisdiction in some way.

I hope that is helpful.

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Hon. K Azopardi: I see, but I suppose that exercise of plotting it is done against the backdrop of if it is innocent passage because they say it is innocent passage or looks to someone keeping the statistics as innocent passage. A surface incursion then is if you are on a route of innocent passage but then you deviate, but you still do not look as if you are taking assertive action. And then I suppose the executive action is more of an assertive catalogue. Who takes those statistics and how do they get catalogued? Is it based on a judgement call of the particular compiler? Or is the fact that certain things get put in one column or the other because there is a particular classification depending on the individual circumstances of the incident, and someone has made a judgement call as to that?

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Hon. Chief Minister: Mr Speaker, as I understand it, these statistics are compiled, since we have been in office, by the Gibraltar Port Authority, who are the ones who make a decision as to innocent passage etc. by looking at the activity and ensuring that it is in keeping or not in keeping with the United Nations Convention on the Law of the Sea (UNCLOS) in any particular respect, and I think also the RGP and MoD are involved in the compilation of these statistics using their own data from Windmill Hill and our data from BTS.

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Hon. K Azopardi: I am grateful for that. I do not think the Chief Minister gave me an answer on why 2012, across the board, is zero. I do not know if he has that information.

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Does he agree that we are still seeing a significant number of what have been classified as executive action incursions, either by law enforcement authorities or by military vessels in the last few years?

Hon. Chief Minister: Mr Speaker, I believe the data was not maintained before we were elected, and that is what I said a moment ago.

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We are seeing a disappointingly high number of continued incursions, which of course relate to the respective positions of the Government of Gibraltar and the United Kingdom versus the position of Spain in respect of the waters around Gibraltar, where only one position has any substance in international law and it is the position of the government of the United Kingdom and the Government of Gibraltar.

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As hon. Members know, UNCLOS is the definitive charter of waters around the world. Gibraltar has been set out to have its territorial waters under UNCLOS since 1982. Spain has entered a reservation in respect of that position, which is well known to the House, but the reservation does not operate as an estoppel against the application of UNCLOS, and therefore the only position recognised in international law is the position of the governments of Gibraltar and the United Kingdom.

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Hon. K Azopardi: Given that he says that we are still seeing a disappointingly high level of incursions throughout these years, and given that we are in discussions, or we are about to enter into discussions, more meaningful ones, on the possibility of a treaty, that may include discussion about the monitoring of waters and so on, is he going to deal with those issues in those talks? What can be done? What is the Government thinking it could do in relation to those 'disappointing' – to use his word – incursions that really should stop?

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Hon. Chief Minister: Mr Speaker, we have already raised this issue. We will continue to raise this issue in the context of any contact we have with Spain and with colleagues. The hon. Member knows that in the 16 years that they were in government, they had – although there are no statistics, but there is anecdotal evidence that he will recall – many incursions also. We continue

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605 to try and ensure that BGTW is entirely inviolate when it comes to its recognition in international
law, because what there is here is an attempt to use these incursions by Spain in order to be able
to demonstrate de facto that they have jurisdiction, and that is why, although sometimes fellow
Gibraltarians are very frustrated to see another *note verbale* go in from the British Foreign Office
to Spain after these incursions and 'only a *note verbale*' etc., which is a sentiment that all of us
610 have felt, it is hugely important that those *notes verbales* are understood to be essential in the
context of preserving the inviolability of Gibraltar's waters under UNCLOS and their continued
recognition in international law as only British Gibraltar Territorial Waters.

Mr Speaker: Next question.

Q852/2020
GSLP manifesto commitments –
Impact of COVID and Brexit spending

615 **Clerk:** Question 853. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, what GSLP manifesto commitments are not going to be carried
out as a result of the extra spending caused by the COVID pandemic or as a result of the impact of
Brexit?

620 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as I stated in my New Year's message, in this
post-COVID financial world we will deliver what we can and what we need to from the 2019 GSLP
Liberal manifesto. Our manifesto was written to be delivered despite Brexit but not despite
625 COVID. As we take policy decisions on which projects we can and cannot undertake, we will make
relevant announcements.

Mr Speaker: Next question.

Q853/2020
COVID-19 pandemic –
Update to Unlock the Rock strategy; BEAT scheme post September 2020

630 **Clerk:** Question 852. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, will the Government be publishing a new, subsequent or
supplementary part to the Unlock the Rock strategy for the period after September 2020? If so,
when; and, if not, why not?

635 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 854.

Clerk: Question 854. The Hon. K Azopardi.

640 **Hon. K Azopardi:** Mr Speaker, does the Government envisage any further BEAT or BEAT-type
scheme for the period beyond 30th September 2020?
Again, I tabled that question some time ago.

Clerk: Answer, the Hon. the Chief Minister.

645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, given the very fluid situation we have
confronted during the second wave, the Government decided to set out progress in successive
statements. We have done so from Convent Place and in this House, when appropriate, in trying
to stick to the system of statement one per week. This has included various announcements on
650 BEAT measures.

Hon. K Azopardi: Mr Speaker, the reason for the first question that I ask, which is the need for
the subsequent or supplementary part to Unlock the Rock is because the Unlock the Rock strategy
that was published in May, I think it was, or April – I cannot remember – actually described itself
655 as part one. It could be one of those Netflix first season and last season wonders, and so I am
asking was that the season that we followed or was there going to be a different document? Is it
that the Chief Minister is saying that the current thinking, or the thinking that evolved in
Government since that document was published, is that the situation in COVID is so fluid, I
suppose, if I can put it that way, that in fact it is not now the view of Government that there would
660 be a published road map, as it did in May last year? Is that the position, that you would rather
stick to a more regular updating of the public on a developing panorama basis? Is that the
situation?

Hon. Chief Minister: Mr Speaker, the best series all end with a cliff hanger, and we have
665 absolutely no intention of being anything other than a blockbuster Government, so before we play
the Queen's gambit, and in order to ensure that we do not give up the crown of Government,
(*Laughter*) and in order to show hon. Members how to get away with delivering a manifesto, I
would say to them that what we learnt from Unlock the Rock is that we never got to the end of
part one of Unlock the Rock.

670 Hon. Members might know – well, in fact, they may recall; we have been in touch on these
issues – we never unlocked the Rock. The final step that was to be taken under part one of Unlock
the Rock has not yet come because we never moved to a fully unlocked Rock before we once again
found ourselves having to set new restrictions over the summer. We were very close. I think we
were within 48 hours of actually making the statement that was 'The Rock is now unlocked.' I do
675 hope that we might get to that during the course of this calendar year, if at all possible, full
unlocking of the Rock. It would be then that part two would be irrelevant.

What I think we have learnt in that process is that this was such a quickly developing situation
that came back at us with its second wave that actually committing to print, which we all thought –
I think the hon. Gentleman was with us in the context of this idea – was the right approach and
680 we worked together on, including the paragraph on Line Wall Road, I would gently once again
remind him.

I think we have decided that it is not in anyone's interest that we seek to set out in a document
how we will once again deal with the issues of unlocking. What we need to do is deal with the
issues now of recasting how we go forward, and that, I think, will likely be done in the context of
685 Government statements, indeed in the Budget etc., as the whole process develops. The two things
have really become so intimately entwined: the Brexit and post-Brexit world and the negotiations,
and the COVID and post-COVID world and the removal of restrictions. All of those create a cocktail
for the future that we still have to determine the exact ingredients of.

690 **Hon. K Azopardi:** Mr Speaker, much as we all enjoy thrillers and cliff hangers, I do not think as
a community we want a cliff hanger in this particular season of the pandemic. I certainly do not

want to discover Bobby Ewing waking up in the shower after he had been killed in relation to COVID. I am showing my age with that analogy, which I am sure is lost on the Netflix generation.

695 I actually expected a slightly different answer. I expected the answer not that we have not got to the unlock, because the Unlock the Rock strategy, the timescale and road map, all led us, with very structured timescales, to 1st August 2020 and beyond, when, yes, for reasons that have been well ventilated, the Government decided to keep certain measures in place, but I thought actually the thinking had evolved into a position of a more dynamic, less straightjacketed, perhaps, if you could take that view ... Not that I think that the Unlock the Rock document was a straitjacket, 700 because it was a pretty dynamic document, but I thought that the approach had evolved so that the Government was going to rule out a more published road map. But I hear what the Chief Minister is saying.

Can I ask him, on the BEAT measures? The reason I left this question on the Order Paper is ... Yes, the Government has made its views known on the BEAT schemes beyond 30th September. 705 The feedback I am getting from those in certain sectors, in particular the restaurant and catering sector, is that those sectors are seeing a pretty mixed reaction – there are good days and bad days, consumer confidence is not consistent, fairly volatile – that there are some places that are full one day and not on others, and that they are feeling the restrictions that continue in place.

So, can I urge the Government to consider as soon as possible lifting the restrictions, or at least softening the current restrictions that remain in place in respect of the catering industry, in particular in terms of one of the things that was unclear when the Government, for example, announced the lifting of the curfew and perhaps the Chief Minister could clarify? One of the things that I have been asked post the announcement of the curfew is does that mean then that it affects the closing times of restaurants and so on as well? There is a lack of clarity and I would be grateful if he would he would clarify that. 710 715

Hon. Chief Minister: Mr Speaker, I do not think it is the Government trying to create a cliff hanger that we found ourselves, at the end of Unlock the Rock, not being able to Unlock the Rock. It was the inevitable consequence of the return of infections, indeed not just in Gibraltar but also 720 around us. The Government has to have an eye to what is happening not just in Gibraltar but what is happening around us, especially in the context of the period when we did not have vaccinations and infections were going up around us.

The hon. Gentleman will forgive me for disagreeing with him also in the context of Bobby Ewing. Nothing could make me happier than to wake up sometime in February 2020 to find that everything that we have lived since then is no more than a nightmare. This is called dream 725 sequencing in screenplay, and I really do wish that I were dreaming and I had not lived this and that all of us could wake up once again in February 2020 without having to go through what we have gone through and the loss of life.

The hon. Gentleman puts to me as what he thought my position would be exactly what I explained to him was my position, but described in a different way. I said we are going to be more dynamic by dealing with the issues in Government statements going forward, rather than creating a document that might be stale, so to speak, as soon as it is published. That is what we learnt in the first wave. The Unlock the Rock document still gives us, in my view, a lot of detail, which has been very helpful as we have been unlocking at restrictions this time. We have referred back to 735 sporting associations being able to go back to activity as they did under the Unlock the Rock document etc., so it is a valuable document but it is not a document that is apposite now. I really do think that the way we are approaching it now has the benefit of the lessons that we learnt as a result of the initial lockdown having come to an end.

In respect of the restaurant and catering sector, there are very few restrictions still in place. 740 There is the requirement that waiters and other members of staff are double masked. That is a requirement that will continue until we are satisfied that all those who are working in catering establishments are properly inoculated. The only other restriction, I think, which is apposite is the one relating to last orders. There are none of the other restrictions in place anymore. I have

745 already been in touch with the President of the Gibraltar catering association this morning and clarified that those restrictions will be removed with the curfew, and indeed I have also clarified that those are not restrictions in regulations, they are just in the permits granted for operation.

It is also true, as I understand it, that there are some sectors of our community that are going to be more affected going forward than others, depending on whether or not we see the return of tourism during this calendar year. I would say that probably the catering sector is one of the sectors that is going to be affected, but not as affected as other sectors.

750 One of the areas that I know will be particularly affected is the tourism transport trade. The Hon. the Minister for Transport and I have had a very positive meeting today with the Gibraltar Taxi Association, who I must say have been incredibly helpful to the Government in the roll-out of our vaccination strategy. They have assisted us greatly in conveying people to the vaccination centre when they have not been able to convey themselves there. They have really worked with us. This is a sector that has been in receipt of BEAT payments for longer than most, but because their business is just not arriving in Gibraltar we have worked very closely with them to ensure the protection of the livelihoods of those who are working in the taxi trade and including those who work in the taxi offices, and we will look at other sectors that require that level of assistance also, to ensure that we can continue to provide help.

760 In the catering sector, many will be relatively back to normal, absent their tourist trade. Many did not rely on the tourist trade and will be back to their very successful local trade. So, we now move to perhaps a less industry significant understanding of the issues, because in one industry you can have one player doing very well indeed because he has got his business back and another player who has not got his business back. Indeed, one of the things that is relevant now is that Gibraltar is closer to being unlocked than we have been for some time, but the areas around us are not so open, and so many people are choosing to stay in Gibraltar and therefore avail themselves of the fact that Gibraltar is relatively open and hopefully will be even more open soon, and indeed that in Gibraltar it is easier to sit at a table in the catering establishment and do other things outside of the town centre.

770 I think this will now be a more sophisticated analysis of what we need to continue doing in terms of assistance, and with respect to the House, I think the Government, in some parts also by agreement with the Opposition, has done an important job in supporting those sectors of our economy that could not continue operating during the pandemic in a way that has cost the public purse greatly, but this was the right way to spend public money at this time in order to keep operators and our economy alive and ready to continue activity as soon as we were able to resume where we had left off.

Mr Speaker: Next question.

Q855-56/2020

Travel to the UK –

**Restoration of quarantine-free air corridor;
exemption from quarantine rules for COVID-vaccinated Gibraltar residents**

780 **Clerk:** Question 855. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can Government update the House as to when the quarantine-free air corridor with the UK will be restored?

785 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 856.

Clerk: Question 856. The Hon. K Azopardi.

790 **Hon. K Azopardi:** Is Government in discussions with the UK so as to ensure that Gibraltar residents who have been vaccinated for COVID-19 are exempt from the UK quarantine rules?

Clerk: Answer, the Hon. the Chief Minister.

795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as all hon. Members will know, the United Kingdom suspended its travel corridors with effect from 18th January. The United Kingdom government's roadmap for easing lockdown restrictions in England was announced on 22nd February. In respect of international travel, the United Kingdom government has stated that the Global Travel Taskforce will report on 12th April with recommendations aimed at facilitating a
800 return to international travel as soon as possible while maintaining the risk from imported cases and variants of concern. Following that, the United Kingdom will determine when international travel should resume, which will be no earlier than 17th May.

The United Kingdom government has, as yet, not published any plans for travellers who have been vaccinated for COVID-19 to be exempt from the UK quarantine rules. Indeed, even travellers
805 who have received the vaccination are still required to provide evidence of negative tests and be tested on arrival at the airport. However, the United Kingdom government's roadmap out of lockdown has indicated that vaccinations could offer a route to that safe and sustainable return. It has stated that once more is known about the evidence of vaccines on transmission and their efficacy against new variants, the Government can look to introduce a system to allow vaccinated
810 individuals to travel more freely internationally. We will continue to be in touch with the United Kingdom Department for Transport through the Foreign, Commonwealth and Development Office and the Convent in Gibraltar.

Hon. K Azopardi: Given that the UK, most recently, I think, in the House of Commons, has
815 commented on the vaccination programme in Gibraltar in glowing terms through the mouth, I think, of the Secretary of State for Health, is the Government impressing upon the UK ...? Obviously we understand the structural roadmap that the Chief Minister has given, and that indeed the UK has indicated that international travel may not start until 17th May, but have the Chief Minister and the Government impressed upon the UK hopefully the correlation between the
820 success of the vaccination programme and the restrictions, or the facilitation that could be made to travellers from Gibraltar given the trend of cases in Gibraltar, which presumably in large measure has been also driven not simply by the lockdown but also by the vaccination programme?

Hon. Chief Minister: Mr Speaker, the Government, I think, is able to point to a huge success in
825 the context of our relationship with the United Kingdom government in this respect. Our travel corridor was not suspended with the United Kingdom when it was operative, even at times when our figures were worryingly high when calculated over the 100,000 because the United Kingdom, in particular the Foreign and Commonwealth Development Office and the Department for Transport, understood that the travel corridor with Gibraltar is not just about tourism. Indeed, it
830 is not just about business. It is about the umbilical link between Gibraltar and the United Kingdom.

I think the Hon. the Leader of the Opposition must, in setting his question, no doubt reflect upon the incredible success, because when we were subject to weekly analysis by the United Kingdom and when our numbers were higher than the numbers of other European countries, the reality of Gibraltar, namely that there were not 100,000 people here and therefore the
835 extrapolation over that figure was an unrealistic one, and also the fact that the corridor is not just for tourism or business but it is about that umbilical link, and there are other human reasons for movement between Gibraltar and the United Kingdom which cannot be established in any other way, and the work that we were doing with Public Health England, very closely working with Public Health Gibraltar, and the Gibraltar Health Authority working closely with the Department of

840 Health and Social Care and the United Kingdom ... All of those things, and the transparency that they had from Gibraltar, enabled us to maintain the air travel corridor between Gibraltar and the United Kingdom when others might have expected it to go down. I think that is a demonstration of the depth of the relationship and of the support that Gibraltar has had from the United Kingdom in this period. When all of the travel corridors went down, only then did ours go down.

845 In the context of looking forward, we are in constant touch, through the FCDO and through the Convent, with relevant Whitehall departments. We have very good arguments to make, not just those which the Hon. the Leader of the Opposition has put.

Gibraltar has, in effect, been part of the UK's vaccination programme. Just today the Hon. the Leader of the Opposition may have noted that the news is about the extension of the travel ban in the United Kingdom into July. That is part of the news. The opening headline of today's *Times* is 'Overseas travel ban extended until July', so this is an issue which is still very much at large. It is about not importing variants of concern from the continent to the United Kingdom. Gibraltar expects that we will not be seen just as part of the continent of Europe, because with a fully vaccinated population and a fully vaccinated imported working population there should be no variance of concern in Gibraltar.

855 There is the possibility of restricting travel to the United Kingdom from Gibraltar to those who are residents of Gibraltar and to those who are vaccinated. All of those options are on the table in order to give the United Kingdom the confidence that Gibraltar is a place through which a travel corridor in the nature of that umbilical connection can safely be established.

860 The Hon. the Minister for Transport has done a lot of work to ensure that there are already continued flights between Gibraltar and the United Kingdom, and we hope that the extensive schedule of flights – more extensive than has ever been the case, to a network of airports like there has never been before – can be re-established as soon as possible. Then, the magnificent work of Samantha Sacramento, as Minister for Health, and the excellent work of Vijay Daryanani, as Minister for Transport, will really come into its own.

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**Q860/2020 withdrawn
Q857-59 and Q861-64/2020
Future relationship with the EU –
Feasibility of joining Customs Union and consultation re arrangements;
effect on handling of hot pursuit situations;
negotiations re possible treaty and timescale**

Clerk: Question 857. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, has the Government commissioned any study or expert report in relation to questions concerning the impact or feasibility of joining the Customs Union as part of a future relationship with the EU?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 858 to 864.

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Clerk: Question 858. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, I just tell the Clerk that I am going to withdraw Question 860, which has been dealt with publicly since I tabled the question.

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Mr Speaker, how will hot pursuit situations be dealt with in a possible Schengen association stemming from the New Year's Eve agreement on a future relationship with the EU?

Clerk: Question 859. The Hon. K Azopardi.

885 **Hon. K Azopardi:** When and how will the Government be consulting about any possible Customs Union type arrangement or bespoke goods arrangements with the European Union as part of any agreement on Gibraltar's future relationship with the EU?

Clerk: Question 860 has now been withdrawn.
We go to Question 861. The Hon. K Azopardi.

890 **Hon. K Azopardi:** Have there been any formal or informal talks between the EU and the UK or the UK, Spain and Gibraltar, in relation to progressing the discussions towards a possible treaty for a future relationship with the EU in respect of Gibraltar, since 1st January 2021; and, if so, will the Government update the House in relation to such talks?

895 **Clerk:** Question 862. The Hon. K Azopardi.

Hon. K Azopardi: Is the Government aware of the state of discussions to establish the EU negotiating mandate in respect of the negotiations with the UK concerning the possible treaty for a future relationship with the EU in respect of Gibraltar?

Clerk: Question 863. The Hon. K Azopardi.

905 **Hon. K Azopardi:** Is it still expected that the talks to conclude a treaty setting out a future relationship for Gibraltar with the EU will require until the end of June 2021, or does Government expect the process to require time beyond that?

Clerk: Question 864. The Hon. K Azopardi.

910 **Hon. K Azopardi:** In the event that talks to conclude a treaty on a future relationship with the EU in respect of Gibraltar require to be extended beyond the end of June 2021, what plans are being discussed or agreed to enable the current regime of extended or temporary recognition by Spain of Gibraltar-issued documents, driving licences or pet passports or current regime for movement across the border to continue pending the conclusion of such talks?

915 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I invited the hon. Gentleman to review his questions and see whether he was going to withdraw any some days ago. For him to withdraw it now is really unhelpful, in the sense that I have already got a prepared answer in respect of that question.

The in-principle agreement reached on 31st December 2020 has already been made public by a leak in a Spanish newspaper.

925 The Government is taking professional advice on all aspects of the proposed EU/UK treaty, including the aspects that relate to trade in goods. The Government is already talking to interested parties in our economy and has set up a committee, which will start considering information and proposals the Government will be relying on in the forthcoming negotiation. This committee, the Treaty Liaison and Advisory Committee (TLAC), will meet this week for the first time.

930 The Government will not be making any statements on any particular negotiating position in respect of the proposed EU/UK treaty at this stage, other than to say that the position of Gibraltar is clear as to what is or is not acceptable. We will not accept any incursion on our sovereignty, jurisdiction or control. We will not waiver from that position. I am happy to report to the House that this is also the position, unwaveringly, of Her Majesty's Government of the United Kingdom,

and in particular of the Foreign Secretary, the Rt Hon. Dominic Raab and the Prime Minister, the
935 Rt Hon. Boris Johnson.

Since 1st January 2021, the EU, Spain, the UK and Gibraltar respectively have been working
towards settling the separate negotiating mandates of each for the future proposed treaty
between the EU and the UK in relation to Gibraltar. Certainly as far as the UK and Gibraltar are
concerned, I can assure the hon. Member that a lot of work is being done on developing the Gib-
940 UK negotiating mandate with the full involvement and participation of my office as the lead
negotiator for Gibraltar, and the office of the United Kingdom Foreign Secretary.

The negotiations for a future treaty between the EU and the UK in relation to Gibraltar have,
unfortunately, still not started. It is therefore impossible to say at this stage whether the treaty
will be concluded by the end of June. That remains the target date for the conclusion of the treaty,
945 but clearly much will depend on how the negotiations progress once they start. The June date
should not be seen as being hardwired into the process, but it remains the aspiration of Her
Majesty's Government of Gibraltar to conclude this treaty as soon as possible.

The Government has successfully negotiated a number of bridging measures. The bridging
measures are under constant review and there is an understanding that they will be extended
950 until such time as the future treaty between the EU and the UK in relation to Gibraltar enters into
force. The same is true of the MoUs under the Withdrawal Agreement, which are in the process
of being extended.

Hon. K Azopardi: Mr Speaker, the Chief Minister has rolled up a few questions, so I have a
955 number of supplementaries, if I may.

In relation to the Customs Union, he says he is taking professional advice. From what kind of
profession? Can he give us an indication in respect of that? And when was the engagement of
those particular professionals undertaken? Is this a historic engagement of professional advice
because in the run up to post Brexit they thought they wanted advice, or is this a more recent
960 engagement on a more focused exercise?

Hon. Chief Minister: Mr Speaker, the Government has contracted – apart from the extensive
professionals that it employs, who provide excellent advice in respect of all aspects of this treaty –
with external entities to provide advice. One of them is Sir Jonathan Faull, who is a former senior
965 Commission official; another is a gentleman by the name of Michel Petite of Clifford Chance in
London, a former head of the Commission legal service; and the Government has also engaged
Messrs Ernst & Young.

Hon. K Azopardi: Is this Ernst & Young locally or the London base of Ernst & Young? And is
970 Ernst & Young specifically advising on the conducting of feasibilities in relation to joining the
Customs Union and the different permutations? And, if so, can he give us an outline of the kind of
work they would be doing? It is, I imagine, a fairly constrained period of time before which a
judgement needs to be made by those negotiating the treaty in respect of the Customs Union
parts.

Hon. Chief Minister: Mr Speaker, the engagement involves Ernst & Young London and Ernst &
Young Gibraltar and is a wide engagement and includes elements that relate to the Customs
975 Union.

Other advice is also being obtained in respect of the Customs Union involving other
980 professionals inside the Government service, in particular the expertise that we have available
from our own Customs department. The consultation with TLAC that rules will be particularly
relevant. I think that the Government is very well placed to do the analysis it needs to do in the
context of the decisions that we will need to make as a result of this negotiation.

985 **Hon. K Azopardi:** In respect of the Customs Union itself, does the Chief Minister agree with me
that ...? Obviously, we have been outside the Customs Union for many years. It is not suggested,
of course, that there is an inevitability of a Customs Union, because the Chief Minister has
explained on previous occasions that there are different permutations, and one of them is a
bespoke Customs Union arrangement. But even to do that, to define the measuring up of the suit
990 process, there will need to be a wide engagement and understanding of the Gibraltar economy,
the projections, the feasibility, the business case for it.

Shouldn't there be an engagement with the business community well beyond simply this
committee that the Government has set-up? How is the Government, if it considers it is going to
engage more widely with the business community, going to do that? And how are the experts the
995 Government has commissioned going to make a judgement on feasibility of options without the
most wide engagement with the business community on all these issues?

Hon. Chief Minister: Mr Speaker, the hon. Member, by looking at the composition of TLAC, will
see that actually it encompasses the representation of just about every economic actor in our
1000 community, so the Government is satisfied that, through TLAC, it will actually have a reach through
into all of our business community. But at the same time the Government is engaging directly with
industry leaders to ensure that the information that we have, both through TLAC and through the
Government's own data, is accurate and that we have interpreted it accurately.

We have taken the heat maps that we took at the time of the referendum, which gives a lot of
1005 data, which enables us to make decisions about what are relevant aspects of our economic activity
going forward that we need to protect and what are the opportunities for our economy that we
need to look out for. And so, in the engagement that we will have with those who represent all of
the sectors of our community and with the engagement that we will have with those who are
industry leaders in their particular sectors, I think that we will have all of the information that we
1010 need to make the right decisions for Gibraltar. That is a process that has already begun and will
become even more apparent as we are freed from the difficulties that we had during the COVID
pandemic to be able to engage more directly also with the parties that I am describing.

Hon. K Azopardi: Can the Chief Minister confirm whether, in the context of the work by these
1015 experts, Ernst & Young in particular, they are conducting simulations of economic models going
forward in relation to the different permutations of the Customs Union and what kind of Customs
Union, as a bespoke arrangement or not? Are they conducting surveys that would assist with that
work? Are they doing that kind of work also? And will that work fan out into the community?

Hon. Chief Minister: No, Mr Speaker, the work that is being done by Ernst & Young is more
1020 strategic in its nature. A lot of the work that the hon. Gentleman is describing, we would be doing
in the context of the work that our Customs department is able to do, and indeed we do not very
often nowadays need questionnaires. We actually have a lot of data available to us through the
ASYCUDA system and through the expertise of those who already serve the Government. What
1025 we do not want to do is waste the time of economic operators in Gibraltar by asking them to fill
in questionnaires, unless that becomes essential. We have a good see through to the imports into
the Gibraltar economy and we have a good understanding of the market, but we want to test that
to ensure that we are not missing anything, and that is why we are going to be talking to the
representative groups and to the individual industry leaders, to ensure that we have properly
1030 interpreted the data that we have, and we will seek further data from them if we need to.

Hon. K Azopardi: So, am I right in understanding the role of Ernst & Young as strategic in the
sense that the Chief Minister says, 'We think we have got the data and we then funnel it up to
Ernst & Young' – he has not put it that way, of course – 'and they will then crunch the numbers
1035 against a backdrop of strategic options; we will then engage with those experts and decide a way

forward, also in consultation with the industry leaders and the committees'? Is that the role of the engagement of Ernst & Young? Have I understood it properly?

1040 **Hon. Chief Minister:** No, Mr Speaker, it is not. The role of Ernst & Young is as I have described it. It is much more strategic than that.

Hon. K Azopardi: Mr Speaker, I will give him another opportunity because I am failing to understand it. I thought it was strategic in the way that I have described it. In other words, they get data. But perhaps he can elaborate as to the strategy.

1045 And can he answer, just on the Customs Union point, before I move on to other questions that I have: is there an intention for the Government to put out a consultation paper once it reaches a conclusion as to the kind of bespoke customs arrangement it envisages, so that the community is more widely informed and there can be feedback?

1050 **Hon. Chief Minister:** Mr Speaker, the work that has been done by Ernst & Young, as I have already said, is strategic. In other words, it is about the development of Gibraltar and the region around it and how the opportunities that we expect we will see arise from the treaty might assist us all to create an area of shared prosperity, and indeed some of the areas that we might not appreciate that the treaty could open up if we were able to conclude it.

1055 What the hon. Gentleman is describing is tactical advice for the purposes of dealing with just one aspect of what the treaty might provide for, and that, we are entirely satisfied, will be something that we are able to do by taking the advice of the representative organisations, as we are going to do in the context of the work of TLAC, by then talking to the industry leaders without the need to do the questionnaires or consultation paper that the hon. Gentleman has proposed, because we do not think that that is an efficient way of managing this process. I mean this in no disrespectful way, but I think that is quite a pedestrian way to see how we might progress through this period. We think we are being much more proactive by doing the work we are doing, analysing the data that we have, knowing the market as we know it and consulting on the potential for the market to develop, and therefore making decisions about how we might approach the final text of the treaty, ensuring that we do not in any way shut off any potential strategic advantage for Gibraltar going forward that we might not otherwise be cognisant of, and in a way that delivers this potential for the whole area to work together to create a larger economic benefit for all.

1070 **Hon. K Azopardi:** Mr Speaker, I am going to move on, but can I also ask whether, in relation to that, and apart from the engagement of Ernst & Young, there have been any more historical studies or expert reports in relation to the impact of the feasibility of joining the Customs Union? I am not sure if the Chief Minister answered that, but I will give him an opportunity to perhaps answer it again, or fill in that information if he did not provide it: more historical than Ernst & Young but post Brexit? I am not talking about much more historical than that, but has the Government engaged with experts in relation to this field before the engagement with Ernst & Young on these issues?

1080 **Hon. Chief Minister:** Mr Speaker, I think I have told him that our heat map set out a lot of data about how our market operates, and that includes how our market in goods operates. The electronic system that we have in place, ASYCUDA which deals with the importation of goods into Gibraltar, is now something that we can interrogate very quickly to see what is being imported and at what price it is being imported, and we can see at what price those goods are going in the market. Therefore, we have a very good see through of what is happening in our economy in goods, and by correlating that to the work that we are going to do with the representative bodies and TLAC and with the industry leaders we will be talking to specifically, we are satisfied that we will have the most up-to-date and most relevant data available in making the decisions that we will have to make in the context of the negotiation of the treaty.

1090 **Hon. K Azopardi:** Moving on to other questions, if I may, the Chief Minister talks about work towards settling the mandate. I assume the negotiating mandate at least with the EU needs to be approved by the European Council of Ministers. Does he have information that he could share across the floor of the House in respect of the progress of the mandate? He said talks had not started yet, but again, does he have visibility of the kind of timescale for the start of the talks at a more serious level?

1095 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is asking me about the state of play on what we might call the other side of the negotiating table, and I do not think it is appropriate for me to comment in that respect because we have not yet engaged with the EU with us having a mandate ready to go and them having a mandate ready to go. Therefore, it would be unfair and almost disrespectful to seek to impute to the European Commission any timetable which they have not yet officially shared.

1105 **Hon. K Azopardi:** Mr Speaker, I was not asking him that question. I may have misunderstood his response, but I understood when he used the phrase that they were working towards settling the mandate, I thought that this was a free-flowing exchange of discussions between the EU, the UK, Spain and Gibraltar as to where the respective sides were in settling their own mandates, without obviously sharing confidences on the EU side on what they are talking about, so I thought that he would be in a position to indicate when the talks would commence. Is he in a position to do that? He has spoken about not being able to talk about the opposite sides' mandate, but is he in a position to indicate when he thinks talks will start?

1110 **Hon. Chief Minister:** Mr Speaker, if I had a date on which I knew talks would start, I would have already informed the public in Gibraltar.

1115 **Hon. K Azopardi:** Mr Speaker, given that it is Easter next week and we are coming into April ... I hear what the Chief Minister has said about the expectation on whether it is possible to conclude a treaty by the end of June, and he said that there was an understanding that the bridging measures would be extended. I think in the context of the run-up to and implementation of a treaty ... Am I right in understanding what he said as being that as long as in principle there is progress and the parties are about to enter into a treaty, there will be an extension? What happens if actually we are not at that stage? Is the understanding on the extension that while talks are proceeding the bridging measures will be extended, which is a position that will give people more comfort? Or is it the position that the understanding on the bridging measures is that they will only be extended if, in principle, a treaty has been tentatively agreed?

1125 **Hon. Chief Minister:** Mr Speaker, the position is as I informed the whole of the community on the national broadcaster during *Direct Democracy* last week, on 16th March, when I said that whilst we believed that there was going to be a treaty, we might not be able to achieve it by June; we were giving ourselves until the end of the year in the context of extension of bridging measures and MoUs. If we get to the end of the year and we have not yet got a treaty, but all sides feel that it is likely that there is shortly to be one, then I am sure there would be an extension, but we would all hope to have been able to resolve matters before the end of the year and I would still try to see whether it is possible to resolve matters before the summer.

1130 The important thing is that we have the right treaty. As Gibraltar knows, this Government certainly will not sign up to a treaty that is not the right treaty for Gibraltar. We would rather no treaty than a bad treaty, but we will work for a good treaty and we will continue to be optimistic that we will be able to achieve a good treaty, just as we were optimistic that we would be able to achieve in-principle political agreement, and we did.

Mr Speaker: Next question.

Q865-68/2020

Bland Ltd and 36 North Ltd –

Details of existing and terminated contracts, payments made; NSCIS maintenance service

1140 **Clerk:** Question 865. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, does the Government have any existing contracts or contractual arrangements with Bland Ltd or paid that company for any services; and, if so, when, for what service or work, and how much has been paid in the last 12 months?

1145

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 866 to 868.

1150 **Clerk:** Question 866. The Hon. K Azopardi.

Hon. K Azopardi: Has the Government entered into or terminated any contracts or contractual arrangements with Bland Ltd or paid that company for any services; and, if so, when, for what service or work, and how much has been paid over the last 12 months?

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Clerk: Question 867. The Hon. K Azopardi.

Hon. K Azopardi: When were the agreement or contractual commitments or arrangements between the Government and Bland Ltd in respect of services concerning the maintenance of the National Security Central Intelligence System entered into, and what monthly or annual remuneration or fees or other payments have been made by the Government under it since then?

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Clerk: Question 868. The Hon. K Azopardi.

1165 **Hon. K Azopardi:** Has the Government entered into any contracts or contractual arrangements with 36 North Ltd or paid that company for any services; and if so, when, for what service or work, and how much has been paid?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has a number of different arrangements with the Bland Group, which trades under different names: Bland Ltd and OSG.

The services provided by the Bland Group are quite extensive, from the provision of security at No. 6 Convent Place and various sites, to the offering of IT deliverables such as programmes to handle the Employment Department databases, to the operating of the NSCIS system to help protect our borders, to airport handling services and the provision of travel arrangements, including the use of the Rock Hotel and the storage of documents, non-issued notes and coins.

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The total sum paid to Bland OSG in the past 12 months to date has been £6,942,516.07. The total amount paid to Bland in the previous 12 months and in each year since 2011 has been as follows, and totals in excess of £55 million: in the financial year 2011-12, £1,384,555.54; in the financial year 2012-13, £4,304,262.96; in the financial year 2013-14, £4,958,639.15; in the financial year 2014-15, £5,373,383.27; in the financial year 2015-16, £5,962,879.21; in the financial year 2016-17, £6,319,688.49; in the financial year 2017-18, £6,728,894.48; in the financial year 2018-19, £6,747,600.87; in the financial year 2019 - 20, £6,442,404.89; and in the financial year 2020-21 to date, £6,942,516.07. That makes a total of £55,164,824.93.

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The figures above show a gradual increase in the amount paid to the Bland Group over the years.

1190 There are ad hoc agreements entered into on an ongoing basis, so, for example, in terms of security we are constantly taking decisions to ask the Bland Group to relocate staff at different locations. An example of this was during COVID, when it was deemed necessary to increase security at some Government frontline services.

1195 Clearly, when we have asked them to write software – for example, in the context of the Employment Department – there has been a specification etc. in place. These things usually follow a tender process which sets out the specification of what Government is looking for. That said, there is no agreement that I know of that has been terminated in the last 12 or 24 months. The only major contract that has reached an end of term is the Air Terminal Handling Services Agreement, which has been entered into by the former GSD Government and which expired on 28th November 2018. Despite this contract having reached its termination, both parties have agreed to continue with the arrangement that is in place until such time as the Government is able to focus on how it sees the Airport developing.

1200 It is difficult to analyse the types of services provided, given everything is invoiced in the name of Bland Group. However, by focusing on the Departments, I can broadly confirm to Parliament that the following services were provided in the last two financial years.

1205 The service of information technology in the year 2019-20 produced a payment of £59,648.84; and in the year 2020-21, £110,341.45.

In the context of travel, £1,824.50 was paid in 2019-20, and £1,776 was paid in 2020-21.

In the context of security, £2,985,287.62 was paid in 2019-20, and £2,792,018.97 was paid in 2020-21.

The NSCIS contract attracted a payment of £500,710 in 2019-20, and £975,599.25 in 2020-21.

1210 There was no payment for the hire of buses in the financial year 2019-20, but there was a payment of £86,570 in the financial year 2020-21.

In the context of airport handling services, £2,894,933.93 was paid in 2019-20 and £2,976,210.40 was paid in 2020-21.

1215 That represents the totals I have given the House before in respect of 2019-20 of £6,442,404.89, and in respect of 2020-21, £6,942,516.07.

1220 As regards the NSCIS system, this originally started out as a contract designed at the bespoke request of the Government to monitor border fluidity, which has evolved into something that is a lot more sophisticated. This agreement dates back to January 2015, but in those days it was just to enable us to monitor the length of the border queue and accurately report this to the EU. Since then, it was decided, in combination with OSG, to turn this into a mechanism to protect our borders and monitor activity. This contract now covers a lot of security-related matters, such as the scanning of passports at entry points and the ANPR logging of number plates of vehicles crossing the border. It is a very wide agreement, and given the sensitivity of some of the functions carried out for Government in the security space, I would rather not disclose all aspects of the arrangement publicly. I am happy, Mr Speaker, to have a detailed discussion with the hon. Gentleman to tell him everything that the system does. We are presently being charged £67,644.75 per month for this arrangement. This amount has varied over the years as the services have increased.

1230 The discrepancy between the figures for NSCIS between 2019-20 and 2020-21 is on account of an issue relating to an outage of service dating back to September 2018. Since that date, the Government has paid a reduced amount of £50,000 against their monthly invoices of £66,693.75. A settlement was recently reached with Bland covering the period for a total of £338,979.

1235 In respect of 36 North, I preface my answer by saying that, as my declaration of interests shows, I am a partner, on sabbatical, of Hassans. The partners of Hassans have an 33.33% interest in 36 North through a holding company called Astelon Ltd. The sums paid to that company in the last two financial years are as follows. In the financial year 2018-19, a sum of £22,340.61, and in the joint financial year 2019-20, which is a two-year period, £79,647.84.

The 2018-19 figures were, in the main, made up of a number of services provided to the Environment Department, including security for their new premises at Leanse Place at £1,261.66,

1240 and a consultancy on a cable to Morocco in respect of renewable energy at £1,500 per month for seven months, together with other small services provided. In addition, there was a card reader deployed to the Borders and Coastguard Agency for £1,997.02.

The 2019-21 figures include the consultancy to the Environment, which continued for a further 18 months. In addition, the Education Department purchased two thermal imagers and tripods
1245 for a total of £28,222.00. The Upper Rock and Beaches department also purchased a further thermal temperature sensor for £9,933.18. The rest is made up of small individual purchases by the Environment Department totalling some £14,000.

None of these contracts have been approved or cleared by me. They are within the limits of what heads of department are able to agree without regard to my Ministry.

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Hon. K Azopardi: Mr Speaker, can I just ask, in terms of the difference in the figures in the National Security Intelligence System, and without treading into the areas that the Chief Minister has said that ... I am happy to have a discussion with him behind the Speaker's Chair. I am not sure if I followed the explanation of the difference between the £500,000, loosely, and the £975,000.
1255 He said it was an issue with the outage of the service, but why was it then that there was a much higher fee figure the subsequent year? Or is he saying that there was a lower figure the previous year because of the outage of the service? I did not quite understand the explanation.

Hon. Chief Minister: Mr Speaker, what I said was that the discrepancy arose from that outage of service, because, since the outage, the Government had paid a reduced amount. We had paid
1260 £50,000 a month instead of the whole amount, by agreement, whilst the whole thing was settled, instead of £66,693; and then a settlement was reached covering the total period since that outage, and the payment in respect of that settlement was £338,979. So, all of that would have been weighted in the year in which that settlement was paid.

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Hon. K Azopardi: In relation to the Bland contracts themselves, he has given us the figure of about £55.1 million over the last few years since 2011-12, he said, and the current contracts in relation to the Bland OSG Group I think he said is now around £6.9 million this year to date and previous years, in the last four or five years, have been in excess of £6 million. Can he indicate to
1270 us which of those services have been put out to tender?

Hon. Chief Minister: Not without notice, Mr Speaker, because there are many contracts, so I would need to be able to show exactly where there have been tenders or where there have been continuations of contracts which have simply increased in volume.

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Hon. K Azopardi: Mr Speaker, I am grateful. In part of his answer he spoke about some of the contracts that had been put out to tender, so I thought he had that information, but I will table another question at another time for that and ask him for that information.

In respect of the National Security Intelligence System – and again, I am not dealing with the more sensitive issues that he said, but I understand that, as he said, it was originally designed for a particular purpose but then it has moved on into a more dynamic organism for other purposes.

In other questions that I tabled in the House, which were answered by the Deputy Chief Minister some time ago, in October, he told me that there were problems with the counting system in the ANPR CCTV system, because he said at the time ... I am just quoting to facilitate the
1285 hon. Member's answer. When he gave me certain statistics on the numbers of vehicles crossing into Spain and Gibraltar, he said:

The hon. Member should note that these figures are collected automatically through the ANPR/CCTV system, and I am told that they are supplied with the proviso that they are less accurate than the manually taken entry figures.

Is this ANPR vehicle numbers collation system part of the work being done under this system?

1290 **Hon. Chief Minister:** Yes, Mr Speaker. I specifically, I think, referred to the ANPR aspect in the context of my first answer. In fact, I said the contract now covers a lot of security-related matters such as the scanning of passport entry points and ANPR logging of number plates of vehicles crossing the border.

1295 I think, in the context of the answer that the Hon. the Deputy Chief Minister gave the hon. Gentleman, it was about the exit area, where counters had also been provided. There had been a change of how vehicles exited and how individuals exited, and there had not been a realignment of cameras, and for a period we had lost the exact count that we had had earlier, but this is provided by the same system.

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

1300 In relation to 36 North he has declared the issue that the equity partners of Hassans are 33% owners of one of the shareholders of 36 North, and he ended his answer saying that none of the contracts were cleared or approved 'by me'? Was he aware that the Government was going to contract with 36 North before the contractual arrangements were entered into?

1305 **Hon. Chief Minister:** The answer to that question, Mr Speaker, is no. I have been made aware of these contracts in providing the answer to the hon. Gentleman in this House. In fact, I had the Hon. the Minister for the Environment advise me of the existence of this contract during the past 48 hours for the purposes of the compilation of the answer for the House.

1310 **Hon. K Azopardi:** So, if I understand the Chief Minister's answer, he is saying that his knowledge about these contracts was only acquired after I tabled these questions. That is what he is saying?

Hon. Chief Minister: Mr Speaker, that is correct in the context of all of the answers that I have provided him on contracts which 36 North has entered into with the Government.

Q544/2020

Outstanding debts re scholarships for uncompleted courses – Clarification re typographical errors in attachments

1315 **Mr Speaker:** We have come to the end of the Question and Answer session. Before the Chief Minister tables the Answers to Written Questions, I believe the Hon. Prof. Cortes wanted to speak regarding Question 544, because he has some amendments to the attachments.

1320 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Yes, Mr Speaker, thank you very much.

Apart from in Question 544, I did write to the Hon. Edwin Reyes with some clarification on Question 539, but it was merely clarification.

1325 In respect of Question 544, which was related to the amount of debt owed by students, there have been two sum-ups which were inordinately high and they were picked up. One read £133,375; another £159,104. Those were typographical errors. Entry number 89 should have read £13,375.40, and entry 161 should have read £15,904.80. I apologise for the typographical error, but I have already clarified that in an exchange of emails.

Thank you, Mr Speaker.

1330 **Mr Speaker:** I will ensure that the correct information is recorded in *Hansard*.

Q850/2020
Incident near Waterport –
Clarification re Guardia Civil vessel identity

Chief Minister (Hon. F R Picardo): Mr Speaker, can I also clarify that I have had confirmation from my office that in relation to Question 850, the relevant identifier for the Guardia Civil launch is S-21?

Questions for Written Answer

1335 **Clerk:** Answers to Written Questions. The Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W87/2020 to W118/2020.

Mr Speaker: Ordered to lie.

Procedural – **Estimates of Expenditure to be circulated before end of April**

1340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, believe it or not, this session I think started some time last year, when we could not imagine the winter that was to come. But now, in the early days of spring, it gives me great pleasure to utter the words that I move that the House should now adjourn *sine die*.

1345 **Mr Speaker:** Before I propose the adjournment, as hon. Members are aware, it is a requirement under section 69(1) of the Constitution that the Estimates of Expenditure for the next financial year be circulated to hon. Members on a confidential basis not later than 30th April. Since the House is now not scheduled to meet until May, I am proposing that the provisions of the Constitution will be deemed to have been met if the Estimates are circulated to all hon. Members
1350 before the end of April. This is what we have been doing for the last few years, so I propose that it should be the case again for this year. Is that agreed?

Members: Aye.

ADJOURNMENT

1355 **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 7.10 p.m.