



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.13 p.m. – 7.11 p.m.**

**Gibraltar, Wednesday, 19th July 2023**

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# The Gibraltar Parliament

*The Parliament met at 3.13 p.m.*

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

[CLERK TO THE PARLIAMENT: S C Galliano Esq *in attendance*]

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### **Land Registry Portal and Electronic Stamping Bill 2023 – First Reading approved**

**Clerk:** Meeting of Parliament, Wednesday, 19th July 2023.

Order of Proceedings: (ix) Bills – First and Second Reading.

5 A Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes.

The Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes be read a first time.

15 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

20

**Clerk:** The Land Registry Portal and Electronic Stamping Act 2023.

#### **Land Registry Portal and Electronic Stamping Bill 2023 – Second Reading approved**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill for the Land Registry Portal and Electronic Stamping Act be read a second time.

25 This Bill is designed to allow Land Property Services to move to a digital registry with electronic registration of deeds and electronic stamping. Clause 3 of the Bill amends the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and will and thereby permit the creation of this digital registry. The Bill, therefore, introduces a new section 8(4) of the Gibraltar Land Titles Act giving the Registrar power to provide a portal through which any person seeking to register a deed must submit an application. That would facilitate the registration process and permit a move to this new digital registry. The requirements of the portal are set out in the Schedule. The Registrar will have a duty to provide assistance to a person who is not legally represented to register a deed or a will.

30 In clause 4 we see that the Bill would also amend the Stamp Duties Act 2005 to introduce electronic stamping as Land Property Services moves to a digital registry. The definition of 'stamped' will be amended, therefore. The current definition is retained for documents stamped prior to the commencement of this Act whilst new documents will be stamped by way of electronic stamping through an electronic stamping system, which is defined in that new clause 4A that hon. Members will have seen. Definitions of 'stamping' and 'stamp' are similarly amended to cover both the traditional stamping method and the issue of a stamp certificate issued electronically.

40 Section 16 of the Stamp Duties Act 2005 is also amended by this Bill to reflect the six-month period in which a deed must be stamped and registered, ensuring a streamlining of the process.

Section 30 is deleted, as there will no longer be a need for duplicates and counterparts of documents – good for trees, Mr Speaker. (**Hon. Prof. J E Cortes:** Indeed.)

45 Section 19C addresses a Budget measure which creates an exemption on certain affordable housing estates, as I described during the course of my relevant address, and will include references to Hassan Centenary Terraces.

Finally, the Bill amends the regulation-making powers at section 46 to introduce a regulation-making power which will cater for any other requirements of the electronic stamping system.

50 Mr Speaker, I commend the Bill to the House.

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

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

Insofar as the Bill serves to modernise and bring into the 21st century systems for registration of documents and land registry etc., obviously those are matters which we can only welcome on this side of the House and are fully in support of.

60 The additional measure in respect of his Budget measure from 2019 ... I think I have made this point before, Mr Speaker, and I will continue to make it, that we seem to be in the habit of passing amendments that are mentioned and required by Budget speeches a substantial time afterwards. This was a measure from the Chief Minister's Budget speech from 2019, and if I may quote from his paragraph 497, which you will recognise:

Therefore, in order to assist with the purchase of future affordable homes, we will be introducing an amendment to the Stamp Duties Act whereby all initial purchases of properties by homebuyers in affordable housing estates developed by Government will be exempt from stamp duty. This measure will help ensure that future generations of Gibraltarians are able to continue to get on the property ladder and be the owners of their own home.

65 That was in 2019, and here we are, today, in 2023. It is evident that the completions of Hassan Centenary Terraces are due this summer, and therefore there is a need for this amendment to go through. Indeed, Mr Speaker, you will recall that the Chief Minister had originally certified this Bill as urgent on 20th June 2023. Seeing as the Bill was originally published on 25th May 2023, there was no requirement for a Certificate of Urgency, although I wonder why we did not do it in June.

70 Coming back to the Budget measure, what I would say is given the obvious increases in costs to young people and the difficulty in getting on to the first rung on the property ladder, we on this side of the House, in respect of this Budget measure, if indeed it had been put into a Finance Bill, would vote in favour of that particular clause, as we think it is a clause that is worthy of support, especially as mortgage interest rates, unfortunately, are on the increase.

75 This Bill covers two areas, really. One is in respect of modernisation, the other one is in respect of a retrospective Budget measure. They both have our support. In fact, this is an ideal example of what a Finance Bill would do, where it actually amends different bits of legislation in different places in one piece of legislation.

80 One thing that the Chief Minister did not mention, I think, in his address was the amendment he has proposed to this Bill dated 23rd June, where he has two particular amendments, one of which is in respect of the University of Gibraltar – a general exemption from all stamp duty – and then the second of which is whereby ... I think it is in relation to this specific clause of the University of Gibraltar, where it is effectively backdated to 1st January 2016. In respect of that I would request that the Chief Minister provide some clarification as to the necessity or the desirability of this amendment in respect of the University of Gibraltar and why it is backdated to 1st January 85 2016.

Other than that, Mr Speaker, we will support this Bill in full. Thank you.

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

90 **Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for indicating that they are going to be supporting the Bill. I do think that we should all be welcoming the modernisation of the registration process and it becoming digital. I do not, however, agree with any of what the hon. Gentleman has said about the need for a Finance Bill. He knows I do not agree. He says he is going to keep saying that we should have a Finance Bill. I am going to keep telling him that we are 95 not going to agree to have a Finance Bill unless in any particular year we think we should and that we should do it in that way.

We are going to continue to make the amendments in the way that we make the amendments today, which was the way that ... He told us he marched down Main Street in 1996 to liberate Gibraltar from a former GSLP administration, and in that march he ushered in a Government that 100 did it in the way that we are doing it. Therefore, in respect of the liberation that he says he brought, we will continue the practice of that liberation.

Mr Speaker, frankly, I had a whole section to go on about yesterday, which I omitted because of the time, but very often with the hon. Gentleman it is all about form over substance, so you put a measure in that says that you will exempt or change stamp duties in an Act that deals with land 105 titles – which is what a stamp duty is, in effect, dealing with land titles – and he says it should not be there, it should be in a Finance Act, and if it was in a Finance Act it would be in the proper place and if it is in this Act it is not in the proper place, ‘but I still support it here and I support it in the Finance Act’. That is the best example I have seen of why the hon. Gentleman is all about form over substance, but I am pleased that at least on the substance he is going to support the Bill and 110 he is going to support the measure, even though it was a measure announced in a Budget that he voted against. What the hon. Gentleman is, in effect, telling us is that he wants us to put things in a form that enables him to support Budget measures and say that he supports Budget measures whilst at the same time voting against the Budget. Therefore, it is very clear that the form over substance debate is even confusing him. I am disappointed at the insistence on the part of the 115 hon. Gentleman that we must have a Finance Bill. We do not need to.

Finally, on the point of the University, the Government took the decision some time ago to exempt the University from the payment of stamp duties. The University is a charity. It is the sort of entity that we would want to see exempted from stamp duties. I believe the first relevant land title transfer was in 2016, which might have attracted stamp duty, which we were exempting them 120 from, and that is why we are advised to make the exemption now.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes be read a second time. Those in favour? (**Members:** 125 Aye.) Those against? Carried.

**Clerk:** The Land Registry Portal and Electronic Stamp Act 2023.

**Land Registry Portal and Electronic Stamping Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading will be taken later today, if all hon. Members agree. 130

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

**Parliament (Amendment) Bill 2023 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Parliament Act. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Parliament Act be read a first time. 135

**Mr Speaker:** The Hon. the Chief Minister issued a memorandum on 23rd June explaining that the Bill was urgent enough to dispense with the giving of the usual six weeks. 140

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

**Clerk:** The Parliament (Amendment) Act 2023.

**Parliament (Amendment) Bill 2023 –  
Second Reading approved**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time. 145

The Bill is moved by the Government – if I may say so, at the request of the Parliament – to ensure that when the parliamentary election is called we have the flexibility for this election that we have seen work very effectively in the context of, I think, the referendum on the Crimes Act, where we made a similar amendment. That amendment only affected voting in referenda, not voting in parliamentary elections, and so this issue deals with postal voting and the need in our current legislation for the person who is going to vote by post to be out of Gibraltar. I know that in the past that has caused some difficulty for people who have to be out of Gibraltar after the relevant deadline has passed, or find that they return to Gibraltar for other circumstances, especially those who are going to be away in a place where they are not going to be able to get 150



155 their ballot in the right time, but sufficiently in Gibraltar, although they will not be here on polling  
day, that they will receive the ballot in Gibraltar, will be able to vote in Gibraltar and deliver their  
envelope to the post office so that their vote will be counted. The same amendment worked very  
160 successfully in the context of the Crimes Act and the report to us – and, I am sure, to Members  
opposite – from the Clerk and from the Parliament generally was that it made dealing with the  
postal voting easier. Easier means that more of those people who want to vote and who are  
entitled to vote get to vote, and more of those votes get counted because they return in time to  
be counted. Therefore, the Government is agreeable to the movement of this Bill. I certified it as  
urgent simply to ensure that the Parliament had the legislation in place before the summer, so  
that for an autumn election they will be able to have all of the relevant procedures in place.

165 Therefore, Mr Speaker, I commend the Bill to the House.

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

170 **Hon. K Azopardi:** Mr Speaker, insofar as the issue of the postal voting, which is the only issue  
that the Chief Minister has addressed in his principal contribution on the Second Reading, we have  
no difficulty supporting it. Our difficulty in this proposed Bill lies somewhere else, and if I may  
address that specifically so that he understands our concern, the proposal would be to amend  
section 25 of the Parliament Act in the proposed section 3(3) of this Bill, to allow a provision that  
175 says:

In the event of an emergency as defined by section 10 of the Civil Contingencies Act 2007 being declared the Minister may by Notice in the Gazette suspend all or any of the provisions in any rules made pursuant to this section

Under section 25 of the Act, rules are introduced which are used to support an election. If, in effect, you suspend the rules, you suspend the election, and that gives us some concern at different levels. If I may explain, part of our concern is that this provision is potentially unconstitutional unless amended. So let me explain our concerns.

180 The Chief Minister will know that under the interplay between sections 37 and 38 of the  
Constitution, under section 38 – I think it is section 38 – the House must be dissolved within four  
years of its first meeting. So there is a constitutional requirement to dissolve the House at a  
particular moment in time. Under section 37 there is then a constitutional requirement to issue a  
writ for a general election within 30 days, so again, a deadline. This potentially, read like this,  
185 unadulterated without being made subject to the Constitution, could be used as a power that is  
used in a period where it is not possible to suspend an election because the Constitution requires  
a writ for a general election to have been issued for a particular date. I think that point would be  
met if at the Committee Stage of the Bill we were to introduce the words, at the beginning of that  
section, ‘subject to the provisions of the Constitution’. If we were to say so, I think it would meet  
190 that particular point.

The other point I would have is that this is unprecedented because there was not a power that would allow a Minister to suspend the rules and therefore suspend an election, and that brings into play all sorts of issues of democracy and power and so on. Those powers would need to be exercised cautiously. But of course, there may be circumstances, very extreme circumstances, that would require the exercise of a power, if it is done in consultation, when there are circumstances that make it absolutely necessary.

195 The Chief Minister knows that, for example, when there was no power specified in statute, when the Abortion Referendum was going to be first held it happened to coincide with the outbreak of the worst part of COVID. I remember he called me the leader of TG to discuss the issue of his proposal to suspend the Abortion Referendum until such time as the COVID pandemic settled, so that it could reasonably and safely be held, and of course we agreed, because it was the right thing to do, without any issue.

205 So I understand that there may be circumstances, but I think the backdrop of the civil  
contingency is ... The panorama is very different. The global pandemic has been declared as over  
by the WHO. We always have to have an eye on the possibility that something might emerge, so I  
recognise that we might want to cater for a power, as long as it is constitutional. But I think it is  
also important, given the sensitivity of the exercise of the power – because you would be doing  
so in a way that, in effect, suspends a general election – that it be done with general approval of  
210 both sides of the House and the parties contesting. I think what would meet that point would be  
if, after the words ‘at Committee Stage’ we were to introduce after the word ‘Minister’ ... if we  
were to say ‘after consultation with the Leader of the Opposition or such person who was the  
Leader of the Opposition before the dissolution of Parliament should a dissolution have occurred,  
and with his approval’, and then it would carry on ‘may by Notice ...’ You would expect a Leader  
of the Opposition, or someone who was the Leader of the Opposition in circumstances where  
215 there is a global or a particular Gibraltar-unique public health reason, civil contingency, to be  
reasonable, but I think it is important in the interest of democracy that it should say so.

Subject to the inclusion of those amendments, we would be able to support the Bill. Otherwise,  
I regret that on the current framing of that provision, we would not be able to support it.

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

**Hon. Chief Minister:** Mr Speaker, I am grateful for the indication from the hon. Gentleman that  
they will be supporting the amendment to the postal voting aspect of this Bill. Similarly, I note the  
things that the hon. Gentleman has said.

225 The inclusion of these words is not a political imperative for the Government. We have just  
been asked to provide for this on the basis that when looking at the referendum, it was noted that  
in the context of convening the referendum the Chief Minister could simply issue a notice to stop  
that campaign, and here it was impossible to do. So this is a genuine concern about those who  
organise elections. If we are ever to find ourselves once again in a situation where it is necessary  
230 to stop a process, it can be stopped.

If I may say so, with respect to the hon. Gentleman, when I rang him it was not that I was  
ringing him with my proposal to adjourn the referendum, it was my proposal based on the advice  
we had been receiving from the medical professionals. It was not a decision that we had made;  
we were advised that we should make it. Again, in the context of this power, it would be a power  
235 that could only be exercised, as it says already, in the context of an emergency.

If I can go to the proposals that the hon. Gentleman makes, I have no issue whatsoever with  
including the words ‘subject to the Constitution’. I think they are entirely superfluous because  
every law we make is subject to the Constitution; it cannot be anything other than subject to the  
Constitution. Every law we make would have to take the words ‘subject to the Constitution’ if that  
240 were necessary, literally every law we make. If it gives him comfort because of the nature of what  
we are dealing with, which is a general election, to include those words, I would be happy to  
exceptionally – and I want to say this for the purposes of the *Hansard* – include those words in  
this context when they are genuinely, in my view – and he will agree with me on reflection,  
perhaps – not necessary.

245 The second point that he makes I find it very difficult to agree. The idea that a power exercised  
by a Minister in an emergency should only be subject to a consultation and agreement by the  
person who was or may have been or may be a Leader of the Opposition seems to me to be  
genuinely the wrong thing to be doing in that context. You have to understand when I make these  
points that I am not for one moment failing to understand the sensitivity of what we are dealing  
250 with. This is a general election that we are dealing with and suspending it would be a very sensitive  
thing and we must therefore ensure that our laws in that respect are very clearly set out, but the  
first part of the phrase says ‘In the event of an emergency’, and then ‘as defined by section 10 of  
the Civil Contingencies Act 2007’, which is an Act that they did when they were in government  
and is an Act which sets out, I think very accurately and in keeping with the UK civil contingencies

255 legislation, what the types of emergencies are. These are not at large. An emergency has to be  
declared and it has to be certified as such, and then certain powers are available. I believe that all  
the Governments of Gibraltar we have had to date and, no doubt, all Governments of Gibraltar  
we will have in the future will not seek to gerrymander an election by conjuring up an emergency.  
Indeed, I believe, from memory – and others may be better able to remember this, perhaps even  
260 the Leader of the Opposition – that in 1988, when Operation Flavius was executed in Gibraltar,  
there was already a general election on, and I understand – again from memory because I did not  
look at it for this, I read about it incidentally – that the general election campaign was either  
delayed by a week or somehow was put on hold. It may have been just the campaign that was  
suspended for a week and the date not changed, I cannot remember, but there have been  
265 instances in the past where things have happened where general elections have been affected.  
Here, that sort of incident would not, you would imagine, curtail a general election happening on  
a Thursday – this was an incident happening on a Sunday, resolved in great measure by the  
Monday, when the car was removed – but you could have a situation like that.

The question is do we genuinely not trust each other when we have ministerial office to  
270 discharge the functions that relate to the exercise of people’s democratic rights in a way that is  
going to be in keeping with the rules. I think he can trust me and I can trust him and we can trust  
every Member of this Parliament and every person who has been a Member of this Parliament in  
the past not to have used or abused any of the powers that they may have been given, in particular  
in the election period, in a way that would be designed to gerrymander. Having said that, I do  
275 think that it is not a bad idea that we perhaps look at this clause in committee and look at whether  
we perhaps put in a time limit, for example, where we might say you might suspend for no more  
than seven days and then put in something else – and for no more than seven days on no more  
than three occasions, and then if not, we might have to refer to some other agreement.

My view is that this is likely a power that would have to be used very likely after a dissolution  
280 had happened, because you would not dissolve if you were in the middle of an emergency, even  
if you had intended to. You might have a dissolution that happens to you, because you could be  
in the period where the dissolution happens. I seem, from memory, to recall that the ceremonial  
opening was on 14th November, so if you have an emergency on 10th November, a dissolution  
can happen to you. You might have been wanting to dissolve yourself on the 12th. You might find  
285 yourself in that sort of situation. So this happens when you are dissolved and you are still a  
Minister, there is no House, there is no Leader of the Opposition – of course, that is why the hon.  
Gentleman said ‘or had been Leader of the Opposition’. I think the power would be very sparingly  
exercised there. You would really have to show, if it was lockdown – to talk about the situation  
we have been through – that you had the medical advice telling you that you had to do it, that  
290 sort of thing, before you were ready to do it. You would be a fool, if you were standing for election,  
to simply suspend the election – to suspend the Constitution, in effect, by suspending the election.

So if I can, Mr Speaker, I will give the hon. Gentleman the comfort that I am prepared to think  
of some wording that we might look at in Committee Stage to put in some time limit for the  
Minister to act. Then, without being colonial, if he wanted to insist on some further comfort, I  
295 would suggest, apart from the time limits, potentially, if those time limits had to be renewed, that  
after their third renewal it would have to be with the consultation and agreement of His Excellency  
the Governor. That brings in a player who has been seen as being colonial in nature, but in my  
view, in the context of a general election, for example, is Crown qua Crown in respect of Gibraltar,  
to whom we take the oath, not a third-party administering power’s representative, and I think  
300 would potentially give us all an element of comfort in the context that the hon. Gentleman is  
suggesting. But to say that it has to be agreed between both sides of what had been the House  
post the dissolution I think is potentially problematic in my view of how it might be dealt with.

But anyway, I have given him my views and I think we can discuss it perhaps when other Bills  
are ongoing that we are not involved in. We might have a chat behind the Speaker’s Chair and we  
305 might be able to agree something for Committee Stage.

**Mr Speaker:** But you could start thinking of what it is that you can both agree to behind the Speaker's Chair, whenever that is possible. We have lots of Bills to deal with, so there will be time.

I now put the question, which is that a Bill for an Act to amend the Parliament Act be read a second time. Those in favour? (**Members:** Aye.) Those against? (*Interjection*) The Opposition are abstaining, but the Bill is carried.

**Parliament (Amendment) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Education and Training (Amendment) Bill 2022 –  
First Reading approved**

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Sorry, Mr Speaker, I thought the hon. Lady was going before me.

I have the honour to move that a Bill for an Act to amend the Education and Training Act be read a first time.

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

**Clerk:** The Education and Training (Amendment) Act 2022.

**Education and Training (Amendment) Bill 2022 –  
Second Reading approved**

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

Mr Speaker, I draw your attention and that of the House to my letter of 19th May, which supersedes some previous letters. I apologise for having written to you several times, but the last letter was following extensive discussions with the Hon. Edwin Reyes, which were very productive, and I will mention that again in a minute.

Also to note that in Part VIII A the Roman numerals should read VIII A and not IIX A

This Bill amends the Education and Training Act to reflect current practice, as well as modernise the language used throughout the Act. These updates are of particular relevance in the context of special educational need or disability provision, the school leaving age and the role and duties of the Director of Education.

340 The challenges that have presented themselves over the last few years in terms of the pandemic and the realisation of the dangers of climate change have also been given consideration in these amendments, with the duty to provide remote learning and the duty to provide and promote environmental education.

345 In addition to these changes, new provisions are included centring on the information that is to be provided to the Department when registering a child, as well as the consequences of not doing so, a commitment to have at least two government secondary schools in Gibraltar and a concerted effort to maintain disciplinary standards in our schools and how students are to be reintroduced into schooling.

350 Clause 3(2) amends section 2 of the Act. Paragraph (a) updates the language of the Act. There are also amendments to reflect changes in how education establishments are now categorised and the new school leaving age of 16.

355 Paragraph (e) amends subsection (4) of the Act in order to reflect the updated school leaving age and, for the avoidance of doubt, when a pupil is deemed to have reached that age for the purposes of the Act. In short, the Act treats a child's birthday as occurring at the end of the school year, meaning that whilst they may turn 18 in March, for example, under the Act they will have done so once the school year is completed. This facilitates enrolment and so on.

Paragraph (f) amends subsection (5) of the Act in order to require a notice in the Gazette to be published should the date for the end of school year change.

360 Clause 3(4) amends section 6. It removes the Minister's ability to exempt an education institution from the provisions of the Act.

365 Clause 3(5) amends section 8. The amendments, in large part, update the language used. However, paragraph (e) introduces two new paragraphs and, as a result, two additional duties for the Director. These relate to remote learning and developing teaching techniques as a response to the issues we faced with the provision of education during the pandemic with online teaching clearly not currently being provided for.

370 Clause 3(6) introduces a new section 8A. It is an additional duty on the Director to promote education in regard to the environment, with particular emphasis on the climate emergency and ecological crisis and the provision of opportunities for pupils to experience the outdoors and build relationships with nature. Education regarding the very real issues facing the youth of not just Gibraltar but the world will play a lead role in the societal shift that is required. The addition of this section restates the Government's commitment to a green Gibraltar, as set out both in the election manifesto and the Climate Change Strategy, and it also meets the commitment I made during the COP26 climate summit held in Glasgow in 2021.

375 Clause 3(8) amends section 14 and in the process gives the Minister discretion on whether an Education Council should be established and its composition.

Clause 3(9) redrafts section 16 of the Act in two subsections with the intention that the principles of education policy should extend to independent schools.

Clause 3(11) introduces a new section 17A, which states what information is to be provided when registering a child at a government school.

380 Subclauses 3(12) and (13) focus on the provision of schools offering primary and secondary education. More specific to the physical changes that schooling has undergone during the Government's tenure, a commitment to maintaining a minimum of two secondary schools in Gibraltar will now be enshrined.

385 Clause 3(16) focuses on discipline and is another substantive move to align our procedures with our counterparts in the UK. The Director will now have a duty to ensure that behavioural policies are pursued in our schools, with a focus on setting out general principles which head teachers are to take into account when formulating these policies. These changes also take into consideration the pupils' needs with specific reference to their age, religious requirements and any special educational needs they may be living with.

390 In addition to this, clause 3(18) introduces reintegration interviews for people who have been suspended.

395 The changes that are contained in this clause also hold parents to a greater standard when it comes to a child's education, and they will also be required to take on new duties under these amendments. Specifically in regard to suspension, there will be a parental responsibility to ensure, where they have been notified of said suspension, that their child is not seen in a public place during school hours to which their suspension relates.

400 A view has been taken to refocus some of the existing duties that are present in our law, and I refer specifically to section 52 of the current Act, which is being amended by 3(41). This section deals with attendance, and the amendment now requires pupils to maintain an attendance record of 85% in a school term.

Clauses 3(26) to (29) reflect the modern relationship that our institutions enjoy with religious education, worship and instruction. In addition to this, the membership of the Advisory Council on Religious Education will now be more diverse.

405 Significant consideration has been given to the Department of Education's approach towards special needs provision and how we can best provide for these children's education, as well as to how we set out the procedures from the point of assessment onwards, and subclauses (31) and (34) to (37) address these issues.

410 To ensure that the newly introduced and amended duties mentioned are treated with the respect and importance they deserve, penalties which are attached to the Act have been increased throughout, with a general penalty provision increasing to £500 in the first instance and £1,000 for every subsequent offence.

415 These changes are required in the short-to-medium term and they are to be supplemented by amendments to subsidiary legislation over the course of the coming weeks prior to the Act being commenced for the start of the new term. This is reflected by the additional regulation-making powers that have been added under clause 3(50). These regulation-making powers address domestic matters such as registers setting out inset days etc.

All of these changes will continue to operate with the requirements set out in section 82(4), which states that all regulations under section 82 will need to be laid before Parliament.

420 As I said at the start of this address and have already mentioned in my Budget speech, I thank the Hon. Edwin Reyes for his contribution in this Bill, and I do so again now. We worked together on this for many hours and I dare say that we ended up with a better Bill in the end as a result of those very helpful and constructive discussions. I also wish to thank David Smith for his commitment in drafting and the team in the Department of Education – present and past, as we have been working on this for some years. I want to also thank NASUWT, both their past executives and the current team, including that in the UK, for their helpful contribution and feedback.

Mr Speaker, I commend this Bill to the House.

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

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

435 I am very grateful to the Minister for his patience when we have met, and we have been up and down and even left to right on the Bill. It is a Bill that we welcome because certainly it needed updating. It needed to be brought in line with the 21st century. It is actually replacing a 1974 Act, which in its own right was controversial. We are talking of close to 50 years and many things have happened in the world of education. With some of them, we are just the victims of what happens in the overall world, and more so because we follow the British system. In those 50 years we have had the introduction of national curriculums and so on in the UK.

440 I accept, and I just mention it to have it on the record ... the Minister and I agreed that subsequent to this Bill, he will at some stage look into the Education and National Curriculum Regulations as published in 1991. There were minor technical things and nomenclatures. We now

have a senior education adviser who has *[inaudible]* and so on. On that understanding, we are happy to reconfirm what I had already told the Minister, that we will be supportive of this Bill.

445 If I may highlight, Mr Speaker, among our many discussions I think we were unanimous in accepting that we are far better off, once again, in having lower and upper primary that are aligned with key stages. I think those were political ambitions from both sides of the House. I am glad to note the Government has decided to enshrine it in law, through public legislation, that there will be at least two secondary schools. That, of course, is welcome because it does give ... Although  
450 the Department of Education plans in such a manner that pupils coming from such a catchment area will go one year to one school and alternate, it does give pupils and teachers alike a choice, and we are all for choice.

Education is a partnership of not only the professionals in the schools but also parents, and I think a couple of things come out in this Bill where the Director is asked to make sure, through  
455 the head teachers, that the parents are made aware of the school and so on, so the school ethos, which cannot be defined in law ... Certainly those of us who have spent a lifetime in schools welcome that.

We did spend a lot of time, and I think we have now come to a consensus ... There was a section, from subsection (41) onwards, on the Advisory Council on Religious Education. The composition,  
460 as such, I am quite happy with. It is representative of the religious bodies now in Gibraltar. The Minister and I had discussed, because of the interpretation of the words ... At one stage, if I just look at section 41, it says:

The Minister may establish an Advisory Council on Religious Education under this section to advise the Minister upon matters connected with ...

and there is 'religious worship', 'religious instruction' and 'religious education'. So it is up to the practical day to day terms of the Director taking the policy decisions for the Minister of how,  
465 where and when worship may take place in school and so on. But we were both wondering is it something that holds properly, should it come to the ultimate of having to go to a court of law or whatever. What is the difference between religious instruction and a religious education? A note I got from the Minister, which I am not disputing but I wanted recorded, is that religious instruction is generally worship related – in other words, denomination related – whereas religious education  
470 is more objective teaching on different religions. That, I recommend to the Minister, is something he could perhaps mention to the National Curriculum Council to look at, because within the provisions of the National Curriculum and from core and foundation subjects and so on in UK they were trying to make some provisions for it. So we are not going to waste our time today – it does not really affect the primary legislation, but it is something that is pending.

475 In the same way, I will mention that on this side of the House, although the title is Education and Training Act, we accept from the Minister that he is really tackling the education aspect of it. It does not mean he has put away forever the training section, and that is something that we will hopefully be able to work together on in the future.

I know some things could be dictated by a new relocation of the College of Further Education and so on. My interpretation of all this is that the College of Further Education will continue to be  
480 an educational establishment to provide education but starting from an age of those past the compulsory school age, which is now raised to 16. I think in the old legislation there was a provision more clearly set out that pupils under the age of 15 could not enrol at the College. It is more of an administrative nature, but I mention it because it does make provision in the Bill that  
485 the compulsory school age is 16 but grants the Minister power to be able to raise that to 18, which I welcome because it aligns us more with the United Kingdom, where the compulsory school age is 18 but the pupil may leave at 16 with the consent of the authorities, and consent is granted where a pupil is leaving school at 16 not to stay at home but is engaging in some sort of apprenticeship or type of employment and so on. We are not restricting ourselves so much to  
490 that. We are saying up to the age of 16 you will attend; it is up to you what you do after that. I

think there will be provisions in the training part made available for certain priority to those who have left school at 16, who have completed at least two ... the equivalent of a GCSE standard, irrespective of what grade they end up getting. There is provision already in the Bill for the Director of Education to ensure that certain vocational training is delivered in schools. So again, that is covered in this legislation. And then there are practical, day-to-day terms, which I am not too worried about at this stage.

I said at the meeting with the Minister, and I record it here, I wish him the best of luck, having been involved in the profession for so many years. We have left within the Act the provision of school committees. The problem has always been getting the right people interested in taking part. The mechanism of it, especially the intention, is quite good. We tend to find that parents of children in lower and upper primary school are far more willing to participate on school committees. There is always a danger that these school committees take on a role that, at other times and in other places, may be interpreted as a school fundraising committee. I think the intention here is more to advise the school, to help the school, to even depoliticise the issue but get concerned parents to raise it with the Minister should the occasion ever arise that funding for certain upkeep of school premises and equipment may be required. So we are supportive of that.

I think the Minister accepted, and it is probably one of his amendments, that by inheriting the previous legislation, those appointed to the school committees had representatives of teachers, and it said here 'but not being a member of staff of the school'. Although I understood the Minister's argument is to bring in an outside influence, I said – I think the Hon. Steven Linares will probably nod his head with me – we had to sometimes semi-blackmail some teachers and say do, for heaven's sake, serve on a school committee. But if I am a teacher in a particular school, to go to a rival – a healthy rivalry exists – upper primary school and be part of that school committee ... Does your heart really go with you in your role there? If it is possible to have the members of that school staff, it just helps to reinforce the work being done through the committee – on which, I repeat, I wish the Minister the best of luck.

There are no objections to anything else. We had even discussed the section where the young person who wanted to get employment needed to consult the Director of Education if they were under 18, but it was clarified between us, so there is no problem there.

The Minister nods his commitment that he is going to revise the nomenclature, such as it made reference to Principal Youth and Careers Officers and we need those updated, as well as having on the record that although not a major objection – it was perhaps a bit of a safeguard on my side – the Government has to appoint a Director of Education and I said the Director of Education should be someone who, in his own right, is already a qualified teacher. We clarified this. The Minister first provided me with something saying that it is more appropriately dealt with by the Chief Secretary and even the Public Service Commission, but he undertook to follow it up and I trust him. I know that he did have some sort of experience in the schools, but I know his heart is certainly behind the right thing in this one here.

There are provisions for independent schools, as well, made here in the legislation. It does give the Director the right, or the power in fact – an obligation is perhaps the right word – to inspect the schools and see them and so on. I am interested – but it is a debate for another day – to follow up. Government can even make grants and contributions to independent schools, but, with the proviso that it is equally applicable to all independent schools, in principle there should be no major of objections to it.

I am glad to see we continue with the health provision, something that a few years back no one thought would ever be necessary. When we had the pandemic, certainly the schools needed to ensure the health and safety of pupils and staff and so on, so that in itself is very welcome.

Mr Speaker, I do not have anything else to add here in the notes, just to thank the Minister for his co-operation and, whether we both continue with our respective portfolios or not, I certainly look forward to working with whoever, on whatever side of the House, on the next phase, which will be the training one and so on. Therefore, once the Minister, at the Committee Stage, tables



his amendments, which I think are now in order, I reconfirm that we will end up supporting this Bill.

Thank you, Mr Speaker.

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**Mr Speaker:** The Hon. John Cortes.

**Hon. Prof. J E Cortes:** Mr Speaker, thank you very much.

I would like to thank the hon. Member and, obviously, the Opposition for supporting the Bill and for his contribution in developing it.

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I do not have to answer all the points point by point, because it is a summary of the discussions we have already had and we have agreed on the outcomes, which I confirm are in that letter. Just one minor point is that setting out that there should be two separate government secondary schools does come as a result of some speculation, with the co-location of Bayside and Westside, that it would become one school and representations from the union that this should not be so and it is not in the interests of Gibraltar that we should put, literally, all our eggs in one basket, and that is now confirmed.

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So with renewed thanks to the hon. Member for the constructive way in which he has approached it, I am very happy to continue this collaboration. Just to point out that, yes, there are a number of regulations that need amending before, in effect, we commence at the beginning of term, although the commencement date is before that, but the de facto commencement of this Act will be when school starts, and between now and then we have a number of regulations that we will be publishing once this Bill is approved.

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So, with nothing further ado, I once again commend the Bill to the House.

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

**Clerk:** The Education and Training (Amendment) Act 2022.

**Education and Training (Amendment) Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

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

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

575

**Heritage and Antiquities (Amendment) Bill 2023 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Heritage and Antiquities Act 2018 and for connected purposes. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Heritage and Antiquities Act 2018 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Heritage and Antiquities Act 2018 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Heritage and Antiquities (Amendment) Act 2023.

**Heritage and Antiquities (Amendment) Bill 2023 –  
Second Reading approved**

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

The Government has, for years, prioritised the preservation, enhancement and conservation of all aspects of Gibraltar's heritage. Being a place of great historical significance, there are items of great heritage value located in many different areas. This Bill serves two main purposes. It amends the 2018 Act to regulate the use of metal detectors, which can often be used to find items with heritage value. This will ensure that there is greater monitoring of articles with heritage value found using these instruments. Secondly, it implements measures consistent with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which prohibits dealing in antiquities or objects of interest which have been unlawfully removed from the place they were found. This will ensure that any items of heritage value found in Gibraltar cannot be taken out of Gibraltar to be sold in antiquities markets online or added to private collections abroad.

The Bill inserts a new section 28A to the Act, which restricts the use of metal detectors by requiring the consent of the Minister prior to their use. There are exemptions for law enforcement officers and military personnel using such instruments in the course of their duties. The consent of the Minister will be required to use metal detectors in a public place, except for on the beaches, where there is a minimal risk of finding or damaging antiquities. Any archaeological findings must be reported. The granting of the consent to use a metal detector can be given subject to conditions, which will be implemented when necessary to safeguard any heritage item or historical area. Since section 28A governs the use of metal detectors, it replaces the former section 50 of the Act, which is repealed by the Bill.

The Bill also creates a new section 29A, B and C, together with consequential amendments, which together are intended to prohibit the dealing in antiquities or objects of interest which have been unlawfully removed or excavated from the place they were found, defined as tainted property. The Bill further amends, at section 49 of the Act, as well as the Imports and Exports Control Regulations 1987, to provide for forfeiture of any antiquity or object of interest which unlawfully is imported or exported.

Lastly, a minor amendment corrects an error in Part 3 of Schedule 2 and clarifies the definition of Alexandra Battery.

Mr Speaker, this Bill will go a step further in ensuring that Gibraltar history and heritage are protected and conserved for the benefit and enjoyment of everybody. The Bill also empowers our law enforcement officers to tackle conduct which seeks to treat the findings or trading in heritage objects as profit-making enterprises and sends a strong message that this will not be acceptable in Gibraltar.

I commend the Bill to the House.

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

**Hon. D J Bossino:** Mr Speaker, this is a Bill which the Opposition wants to support, and the Hon. the Minister rightly points out that it is an improvement on the current legislation and the statute book, but can I ask him to address some points?

635 There is a point which I have been alerted to by my hon. Friend Mr Clinton, and if he will consider this point, it relates to the amendments to current section 49, which is in terms of removal of antiquities and objects of interest from Gibraltar. In his initial address to the House, the Hon. the Minister talks about that in terms of tightening the provisions in relation to the removal from Gibraltar. As a result of the amendments which this Bill introduces in clause 3(7), it  
640 widens it to include importation of antiquities. The definition of an antiquity or objects of interest is already in the legislation, and in effect, if I can paraphrase, is something of historical, archaeological or any value which relates to Gibraltar. It strikes us as somewhat draconian, but it may be inspired by the conventions that the hon. Member has referred to, that, for example, if somebody imports or purchases an item of historical value which relates to Gibraltar – through  
645 eBay, let's say – unless that individual has the Minister's permit, that individual could find himself the subject of a custodial sentence of 12 months. If I could ask him to address that point for the sake of *Hansard*, I think it would be very useful.

The other points, I think, are slightly more minor. Is the analysis correct that the repealing of current section 50 in clause 3(8) is, in effect, because it is a replacement by the intended new  
650 section 28A? The hon. Member will know that section 50 talks about antiquities etc. which are obtained as a result of use of equipment, whilst section 28A is more specifically targeted at use of metal detectors. I just, at a very high level, thought at this stage that the current provision was wider and therefore would be more effective than simply specific to metal detectors, because it talks about, as I said earlier, the use of equipment in more general and generic terms. So I would  
655 ask him, please, to address us on that; it would be very useful.

If I can also take the hon. Member to what is, should this be passed, section 28A(3), which defines a protected place. I think this would be of benefit for anybody who is considering this in the future. For the benefit of *Hansard*, is it, in effect, the intention that a protected place is, in reality, the entirety of Gibraltar, except for the seashore? In other words, henceforth, the use of  
660 metal detectors in Gibraltar, other than at the seashore, which is also specifically defined in the legislation, will be prohibited in order to obtain ... any antiquities identified as a result of the use of metal detector will be prohibited?

Can I also, finally, Mr Speaker, ask him to address this point as well, which is in section 28A(4), which talks about the removal of any antiquity or object of interest which has been discovered by the use of a metal detector? I have not considered the Act in detail when looking at this particular  
665 Bill, but is the obtention of these items other than by the use of a metal detector also covered? Again, it is as a result of the specificity of that clause that it may leave out less than desirable behaviour which ought to be caught, in our view, by the provisions of the Act and the Bill.

Mr Speaker, that is the end of my points in relation to this.

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**Mr Speaker:** The Hon. Roy Clinton.

**Hon. R M Clinton:** Mr Speaker, in general, I cannot understand what the Minister is trying to do with this Bill, but on behalf of ... I must declare an interest, Mr Speaker. I have, for most of my  
675 lifetime, been an avid collector of anything in relation to Gibraltar, some of which may be more or less than 50 years old, but certainly all have a connection to Gibraltar and all are of interest to Gibraltar. In fact, it is through private collectors in Gibraltar who have assiduously, over the years, been collecting books, manuscripts, prints and various other items of interest, that they are repatriated to Gibraltar. Otherwise, they would still be out there, on eBay or other sites. And so I  
680 would ask the Minister whether the way this measure has been worded is perhaps draconian, in

that effectively what he is saying is that no one will be able to import so much as a postage stamp that is more than 50 years old into Gibraltar without permission. I know this is probably not his intention and I may be exaggerating, but on a rather bland reading of the law – and I am not a lawyer, but my colleagues are – it would appear that that would be how the provision would work.

685 There is no exit from that provision on importation. How does a bona fide purchaser for value of a Gibraltar item of interest import it legally into Gibraltar? Does everybody now need a permit from the Minister to import anything of historical value that is of interest to Gibraltar?

I think it is important. Again, as I said at the beginning, I understand what the Minister is trying to do, but perhaps it needs a bit of refinement, and I would ask the Minister to take that into account.

690 Thank you, Mr Speaker.

**Mr Speaker:** The Hon. John Cortes.

695 **Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to both Members of the Opposition for what I think are interesting comments. I do not believe that we need to refine it. I will explain a little bit of the background and place it in context. There have been a number of instances very recently in which individuals, it would appear – and they have been subject to investigation – have been using metal detectors on sites of heritage interest and advertising their wares, so to speak, online outside Gibraltar and elsewhere. There has also been an incident in which one particular item was imported purporting to be a historical item of considerable value which came from Gibraltar, and there was no provision in the law for us to be able to tackle and seize it in any way. This is why we have introduced this. I do not think it is draconian, in the sense that I think common sense will prevail. If anybody has a genuine interest in regularly importing items of historical value, I think they can always apply for permission and the permission will be granted. It is not that we are trying to stop something bona fide like the Hon. Mr Clinton clearly does, so I do not think that is ever going to be an issue and the archaeologists will be on the front line to discuss this and assist anybody with interest. In fact, if I can move down specifically to metal detectors, we have already had one application even in advance of the law being passed. They have seen the Bill and they have applied. I think it is important that, yes, it should just apply to metal detectors and not to other equipment. Otherwise, we might require somebody to have a licence in order to use a shovel digging their garden, so I think we do specify metal detectors specifically.

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710 I want to then also consider the other point that the Hon. Mr Bossino made regarding other items. The Act in itself does require any item, however it is identified, to be reported to the Museum curator, and therefore I think we are covering that one as well. *(Interjection by Hon. D J Bossino)* Yes, certainly.

**Hon. D J Bossino:** I am grateful for the response and I am sure that is going to be very useful, but if I can take him to the current definition in section 3(a), it is actually – following on from the point that my friend makes – wider than items even of historical interest. If one looks at it – and I think all the various subsections are to be read disjunctively – it means any object which is a work of art, for example – and I am paraphrasing the relevant bit – so long as it has a connection to Gibraltar – and it does not even necessarily need to relate to Gibraltar – will be caught by the prohibition unless you have the Minister's permission to bring that article in. So it is draconian not just in the sense of the penalties you can face as a result of this particular misdemeanour, being in breach of the Act, but also draconian in the sense of the wide net that is cast as a result of the amendments which the hon. Member now wants to introduce.

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730 **Hon. Prof. J E Cortes:** Mr Speaker, I am quite flattered that the hon. Member is now accusing me of being too strict in protecting Gibraltar's heritage, when usually it is the other way round.

I do not believe that we need to amend, but in the spirit of the Hon. Chief Minister's discussion on an earlier Bill, I am happy, between now and the Committee Stage, to step outside and discuss

possible amendments in order to cover those facts. I am happy to do that, and if we come to an agreement I will propose it at Committee Stage. If not, I will keep the Bill as proposed.

735        **Clerk:** With nothing further to add, I commend the Bill to the House.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Heritage and Antiquities Act 2018 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Heritage and Antiquities (Amendment) Act 2023.

**Heritage and Antiquities (Amendment) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Environmental Governance Bill 2023 –  
First Reading approved**

**Clerk:** A Bill for an Act to make provision about targets, plans and policies for improving the natural environment; to establish requirements for statements and reports about environmental protection; to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes.

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision about targets, plans and policies for improving the natural environment, to establish requirements for statements and reports about environmental protection, to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision about targets, plans and policies for improving the natural environment, to establish requirements for statements and reports about environmental protection, to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Environmental Governance Act 2023.

**Environmental Governance Bill 2023 –  
Second Reading approved**

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

770 Prior to Brexit, most of Gibraltar's environmental law and policy derived from the European Union, and EU structures and processes have provided for the oversight and enforcement of such laws. This Bill sets out the measures needed to ensure that there is no environmental governance gap, now that Gibraltar has left the EU. The Bill requires a setting of long-term, legally binding and joined-up targets tailored to Gibraltar, and it embeds consideration of environmental principles  
775 in future policy making.

The Bill places a statutory requirement for the Government to prepare and maintain an environmental improvement plan, the first being the 25-Year Environment Plan, which is about to be published, and creates a new statutory cycle of monitoring, planning and reporting to ensure continuing improvement to the environment. It also establishes a new framework for setting long-  
780 term and legally binding and joined-up targets covering, at least, air quality and resource efficiency and waste reduction, water and biodiversity.

The Bill legislates for environmental principles to protect the environment from damage by making environmental considerations central to the policy development process. The principles work together to ensure policymakers consider choosing policy options which cause the least  
785 environmental harm.

Ministers of Government will be required to make a statement to Parliament setting out the effect of new primary environmental legislation on existing levels of environmental protection provided for by environmental law. These statements will be published and open to scrutiny by Parliament, environmental stakeholders and the broader public as proposed new primary  
790 environmental legislation passes through Parliament.

The Bill also includes a commitment to review the biggest changes in environmental legislation from around the world every other year.

Lastly, the Bill also makes provision for new policy to conserve and enhance nature and biodiversity.

795 The Bill is partly derived from the UK Environment Act 2021, with appropriate modifications for Gibraltar's purposes.

The Bill allows Gibraltar to enshrine better environmental protection into law. It provides the Government and public bodies with powers and duties which, together, provide accountability, consistency and progress towards environmental improvement. These issues are too important  
800 to the well-being of current and future generations to be left to party political variance and the Bill will ensure that future governments are bound by environmental principles and are not able to simply undo progress in this area without accountability and transparency.

I commend the Bill to the House.

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

**Hon. K Azopardi:** Mr Speaker, in the absence of my hon. and learned colleague Mr Phillips, it is my honour to respond to this Bill and to say briefly that we will support this Bill. We welcome  
810 it. It is important in terms of strategising on the environment. We agree it provides a framework, as the Hon. Minister has said, so that plans can be established and then introduced, debated and discussed and then adhered to by future governments. I think it is important for that to happen over a long-term basis. We have been saying that for quite some time, so we share those views and objectives and we welcome the passage of legislation that will enable those plans to be  
815 formulated and then tabled.

**Mr Speaker:** The Hon. John Cortes.

820 **Hon. Prof. J E Cortes:** Mr Speaker, I am very grateful to the Leader of the Opposition. It reminds me of the time he was Minister for the Environment and we used to work together. I am very grateful for the Opposition's support and I have nothing further to add in commending the Bill to the House once again.

825 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision about targets, plans and policies for improving the natural environment, to establish requirements for statements and reports about environmental protection, to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

830 **Clerk:** The Environmental Governance Act 2023.

**Environmental Governance Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Fireworks (Control) Bill 2023 –  
First Reading approved**

840 **Clerk:** A Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks, and for connected purposes. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks, and for connected purposes be read a first time.

845 **Mr Speaker:** I now put the question, which is that a Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks, and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Fireworks (Control) Act 2023.

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**Fireworks (Control) Bill 2023 –  
Second Reading approved**

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

I think this House will be aware – and we have discussed this in the past in this Chamber – of the considerable concern there is every year around New Year in relation to the use of fireworks. I have been working together with many different agencies in order to develop a Bill: clearly, the drafting by Paul Peralta of the Gibraltar Law Offices; the Royal Gibraltar Police, the Fire and Rescue Service, the Environmental Agency, the Department of the Environment, Public Health Gibraltar and many different entities involved in coming up with a Bill that will offer protection, or at least potentially offer protection. It is a challenge in relation to fireworks, and therefore I have the honour to move the Second Reading.

The Bill makes provision for the manufacture, sale and use of fireworks.

Part 1 of the Bill contains the usual introductory provisions and also includes a clause on scope.

Clause 3 exempts persons and fireworks.

Clause 3(1) exempts the Forces, law enforcement, military cadets and airport bird management controllers from the scope of the Bill, as they need to use them as part of their duties.

Clause 3(2) exempts sparklers – *las bengalas* – Christmas crackers and throwdowns, which we know as *bombitas*, so that the age restrictions applied generally do not bite to these.

Part 2 of the Bill contains provision relating to the manufacture, storage and sale.

Clause 5 prohibits the manufacturing of fireworks. Even though manufacturing of fireworks is not undertaken in Gibraltar, this provision will ensure that this remains the case.

Clause 6 confers a power on the Chief Fire Officer to control the unsafe storage of fireworks in commercial premises. I should point out that although we are inserting this provision in the Bill, this is about futureproofing and not because the Chief Fire Officer has expressed any concern about the current licensed entity.

Clauses 7 and 8 provide for possible future events and not current concerns.

Clause 7 allows the Minister to place a restriction on the quantities of fireworks that may be kept in dwellings, and would be made only after consultation with the experts. Should behaviour change and persons stockpile fireworks at home in dangerous quantities, there will be a power available to tackle the matter.

Clause 8 sets out the penalties.

Regarding the sale of fireworks, clause 9 restricts the sale of categories F1, F2 and F3 fireworks to persons who are at least 18 years old, with the exception of category F4 fireworks. All fireworks manufactured in the UK and the EU are categorised. F1 fireworks are the least potent and captures indoor fireworks. F4 fireworks are at the top end of the scale and are intended for use by licensed professionals. The Bill reflects the policy decision taken following the advice of the multi-agency working group that I have referred to just now. Category F4 fireworks may only be sold to persons with specialist knowledge. These are persons who are certified either in Gibraltar or abroad for the use of those types of fireworks.

Clause 11 places an obligation on sellers to display notices that state the age limitations on sale.

Clause 13 requires that fireworks be labelled and marked in accordance with the information and details set out in Schedule 2. These parameters are the ones required in the UK and the EU.

Part 3 of the Bill contains provisions that apply to minors. Under clause 14, minors are prohibited from possessing fireworks. As is the case with alcohol, any prohibited items may be taken by law enforcement officers.

Clause 15 provides a restriction on the procuring of fireworks for a minor.

Part 4 of the Bill contains further restrictions on prohibitions. Clause 16 relates to category F4 fireworks and contains a list of persons who are exempt from the restrictions on possession of



900 these fireworks. Other than persons with specialist knowledge, the exemptions are based around government fireworks displays and those in the trade.

Clause 17 includes a ban on a number of firework types. The list of prohibited fireworks is taken from the UK's own list and includes the sort of annoying fireworks that have attracted the most attention – firecrackers, for example, *los petardos*.

905 Part 5 contains provision relating to the use of fireworks. Under clause 18, the use of fireworks on private property is permitted around New Year's Eve festivities and is not permitted at any other time unless authorised. Category F1 fireworks are exempted.

Clause 19 provides that the use of fireworks in or from public areas is never permitted unless authorised.

910 Part 6 contains provisions about enforcement and contains a regulation-making power for the purposes of fixed penalty notices, as well as powers for the courts to order the destruction of fireworks following a conviction.

Part 7 contains general provisions, including consequential amendments to other enactments. Schedule 1 sets out the different firework categories and their characteristics.

915 Schedule 2 contains provisions as to labelling.

I commend the Bill to the House.

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

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**Hon. D J Bossino:** Mr Speaker, this is a welcome development and I congratulate the Minister and the Government for introducing this piece of legislation. I think it is of huge and significant importance. I think it is very much – I think he alluded to it in his introduction – a first step in a direction that we all want to reach. But, of course, it is an issue, really, of enforcement, so 'the proof of the pudding' comes to mind, and let's see what happens this coming New Year. It was particularly bad, I think, last year. We need to be very conscious of certain groups and individuals of a certain demographic in Gibraltar – the elderly, the ill, the infirm and those – and I think I have referred to that particular group in this House before in this context – who have special educational needs and those within the autistic spectrum who simply cannot stand the loud noises and it sets them off on tantrums, which are not welcome. So a very welcome legislative initiative, but can I ask him to comment, therefore, on the issue of enforcement and how he sees that playing out?

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Can I also ask him to comment on what will be section 18? In my view, sections 18 and 19 are really the important sections that deal with the prohibition of the use of fireworks and the casting of fireworks etc. Can I ask him to comment on 18(2), which is the enabling provision that allows, in this case, him, or any future Minister with this particular responsibility to 'make regulations for the purposes' – and I am quoting, Mr Speaker – 'of prescribing other dates and times when fireworks may be used and those regulations may amend subsection (1).' Subsection (1), for the benefit of those listening, is that there will be a blanket prohibition for the use of fireworks in private properties, except in the period beginning at 11 p.m. on 31st December and ending at 1 a.m. the following day, which I think is going to be very welcome news for many people, whilst at the same time not being total party poopers and allowing people to enjoy the welcoming of the new year. But if I could ask him to comment on subsection (2) and what that flexibility will lead to in his mind at the moment.

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Because in many respects this is so radical a change and a move, I think he and I may have debated the point in the past that this is something which will require education and almost a cultural shift. We are now in July and it is so hot that Christmas seems like it is never going to happen, but it is really just five months down the line, and you know how time flies, so can he comment in relation to trying to educate – without saying it is in any patronising way – people that this is now going to be the law and it is going to be rather strict and there is going to be a complete and utter prohibition on the use of fireworks, unless it is within that very small window?

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I also ask him to make comments on the labelling and markings provisions. I am taking him back, slightly, to section 13, which sets out very specific provisions in relation to labelling and what it needs to say – and indeed, I think, the size of the notices that have to be set out in the establishments selling these things – and how, particularly, the labelling of these fireworks ... I just do not have it clear in my mind how you address that, because it only applies to items which are made available on the market, which is very specifically defined in the soon-to-be new Act. The point I am making is how does it capture and deal with those items which are imported from nearby Spain? I say this totally and utterly anecdotally, but I think I would say the vast majority of these items come in through the land Frontier, so can he comment on that?

And simply to join the hon. Member in congratulating the legal team that has produced this piece of work. He mentions Mr Paul Peralta specifically, and it must have been not an easy task, looking at the definition of these things. We all know what they look like and what they do, but actually to put that type of definition in a piece of law would have been quite a task, so I congratulate Mr Peralta and the rest of his team.

**Mr Speaker:** The Hon. John Cortes.

**Hon. Prof. J E Cortes:** Mr Speaker, I would like to thank the hon. Member. I enjoy getting on with him again. Perhaps we should not talk about heritage too often.

I am grateful to the hon. Member for his support and for the words of praise to the legal team and, indeed, to the whole team. I confirm it was very difficult to get our heads around this. There were several drafts and a lot of discussions, but I think we have come up with a fairly robust – it needs to be tested – piece of work, but it was necessary and I am glad to see general agreement in the House about this.

The questions of enforcement and education I am going to take together because we are very acutely aware of the challenges to both, and the same team that got together to draft the regulations will be meeting after the summer to prepare an educational campaign and discuss enforcement strategies. We do not want to arrest half of Gibraltar at five minutes to 11 on New Year's Eve. Clearly we have to do it in a way ... and have a practical approach, and we will be meeting the different agencies involved in order to ensure that we educate, firstly, and then look at enforcement. I agree that it is complex, I agree that it is needed, I agree that fireworks can have extremely distressing effects on the elderly, on some children, particularly on pets as well. My own granddaughter, mentioned here before, could have had her face blown off, and did not by this much, this last New Year's Eve, so we are acutely aware of these needs, and I am glad ... I repeat that we share the concern and are at one in getting this tackled.

In relation to section 18(2), there was a view, as part of the discussion, that perhaps we should allow open house for fireworks other than on New Year's Eve, and there was mention of National Day and Guy Fawkes, but we took one step back and decided that there could be specific occasions in some great celebration where we would take a view that people could just let fireworks off from their houses. So we would not want to preclude it completely, but we did not want to encourage it, and this was the way we decided to tackle it, by making it possible to allow but not allowing it outright. That explains why that clause is there.

In relation to labelling and importation, there is one registered fireworks supplier in the industry in Gibraltar, and both the legal team and I have met with them and have discussed this with them. They are very supportive of this and they obviously will keep to the labelling. Any legally acquired firework from Spain would have to follow EU regulations and therefore would be covered, but illegal fireworks would not. If illegal fireworks are imported, they are not adequately labelled and could be confiscated and there would be an offence. I do know that apparently there is a garage in Ronda that produces fireworks which are readily available throughout Andalucía, and that some of them come to Gibraltar. These are the sorts of things that would not be properly labelled, and these are the sorts of things that we would capture.

I think I have addressed all the points. I am happy to give away.

1005 **Hon. D J Bossino:** I think the hon. Member has addressed all the points, and this is simply by way of addition. Is he able to advise this House how advanced he is in terms of the making of the regulations? I think he makes an important point about having the complete and utter prohibition in the main Act, but that subsidiary legislation will allow, through the use of ministerial discretion, the ability for fireworks to be used on certain special occasions. How advanced is he in relation to that, and when does he think it is going to be published?

1010 **Hon. Prof. J E Cortes:** Mr Speaker, at the moment we are not recommending that we should make those exemptions at this point. The committee wants to meet again to discuss it once this is in law. We are not advanced in any way at this point in time, but we do have a list of possible circumstances where that could happen. *(Interjection by Hon. D J Bossino)* One more, Mr Speaker.

1015 **Hon. D J Bossino:** I am really grateful to the hon. Member for his patience. Is it the intention to commence this Act before this coming New Year?

1020 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. I have nothing further to add in commending the Bill.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks and for connected purposes be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

1025 **Clerk:** The Fireworks (Control) Act 2023.

**Fireworks (Control) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

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

1030 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? **(Members: Aye.)**

**Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023 –  
First Reading approved**

1035 **Clerk:** A Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles; and for connected purposes. The Hon. the Minister for Digital, Financial Services, Health Authority and Public Utilities.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles and for connected purposes be read a first time.

1040 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles and for connected purposes be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

**Clerk:** The Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Act 2023.

**Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023 –  
Second Reading approved**

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

1045 Mr Speaker, I have the honour to move that the Bill now be read a second time.

Interpreting Directive 2009/103/EC in the case *Vnuk*, the Court of Justice of the European Union controversially expanded the requirement for compulsory third party motor insurance to be applied to private land and to a range of vehicles that were not constructed for road use. In 2018, the case of Lewis and Tindall – upheld in *Motor Insurers' Bureau v Lewis*, which is persuasive authority here in Gibraltar – found that the interpretation of the 2009 Directive in the *Vnuk* judgment was sufficiently clear and precise to have direct effect and could, therefore, be enforced directly against the Motor Insurers' Bureau (MIB). The MIB is Gibraltar's and the UK's body responsible for compensating victims of uninsured and untraced drivers, such a body being a requirement of Article 10 of the 2009 Directive.

1055 As the scope for compulsory third party motor insurance obligation in Gibraltar and the UK extends only to motor vehicles and to roads and other public places, the *Lewis* decision has meant that the MIB's liability for insurance claims was extended beyond what had been required by applying the 2009 Directive to accidents on private land and potentially to a range of vehicles not constructed for road use.

1060 In line with the equivalent amending legislation already enacted in the United Kingdom, and in consultation with and on the advice of the Motor Insurers' Bureau, which, as noted, acts as the UK's and Gibraltar's compensation body in connection with untraced and uninsured drivers, this Bill removes the *Vnuk* decision from the laws of Gibraltar. Specifically, this Bill ends the effect of the *Vnuk* decision in retained EU law and that of related retained case law. It thereby ends any associated liability for insurance claims against the MIB in respect of accidents on private land and for vehicles not constructed for road use.

1065 Mr Speaker, I commend this Bill to the House.

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

**Hon. K Azopardi:** Mr Speaker, I understand this Bill was discussed by the Minister with my hon. colleague Mr Feetham, and the implications of it were also discussed. We will support the Bill.

1075 **Mr Speaker:** The Hon. Albert Isola.

**Hon. A J Isola:** Mr Speaker, I am grateful, and yes, indeed, I have discussed this previously with the hon. Member Mr Feetham, who has been involved professionally with the Motor Insurers' Bureau in this matter, too, so he is fully aware. I am grateful for the hon. Members' support.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1085 **Clerk:** The Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Act 2023.

**Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1090 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Insurance Schemes of Arrangement (Recognition) Bill 2023 –  
First Reading approved**

1095 **Clerk:** A Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers, and for connected purposes. The Hon. the Minister for Digital, Financial Services, Health Authority and Public Utilities.

1100 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I have the honour to move that a Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers and for connected purposes be read a first time.

1105 **Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Insurance Schemes of Arrangement (Recognition) Act 2023.

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**Insurance Schemes of Arrangement (Recognition) Bill 2023 –  
Second Reading approved**

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I have the honour to move that the Bill for the Insurance Schemes of Arrangement (Recognition) Act 2023 be read a second time.

1115 The Bill creates a regime which largely mirrors parts of the Chapter III provisions in Regulation (EU)1215/2012 in relation to the automatic recognition of judgments of Member States in Gibraltar for the purposes of the recognition of orders given in EEA States sanctioning a Scheme of Arrangement. This Bill is intended to close a gap which would otherwise arise as a result of the intended revocation of Regulation (EU)1215/2012 following our withdrawal from the EU. This is particularly important given that it is no longer possible to undertake insurance EEA  
1120 portfolio transfers under the Solvency II Regulations to Gibraltar insurers and that an alternative legal mechanism for such proposed transfers is a Scheme of Arrangement sanctioned by a foreign court and recognised in Gibraltar. This is precisely what this legislation will do.

1125 Clause 4 ensures that the GFSC retains ultimate control over what reinsurance business can be transferred to Gibraltar under a scheme of arrangement, by ensuring that no approval order is to have effect in Gibraltar unless the GFSC has given its prior written consent.

Mr Speaker, I commend this Bill to the House.

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

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**Hon. K Azopardi:** I am grateful, Mr Speaker. Likewise, we will support this Bill. As the Minister says, it is important for there to be this ability to recognise the orders of courts of the EEA in relation to schemes of arrangement and it makes sense for this legislation to be introduced, especially in the context of what the Hon. Minister says.

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I just have one question, and perhaps he can clarify when he replies on the Second Reading. He mentions the intended revocation of Regulation (EU)1215/2012 on the enforcement of judgments post Brexit. Is the Government considering, in the context of the discussions on Brexit, the possibility of retaining that if an agreement is done? I do not mean that in isolation. There may be other things as well that, as a package, may be retained in terms that if it is possible to enter a new relationship with the EU, it may be part of the relationship for there to be recognition.

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**Mr Speaker:** The Hon. Albert Isola.

**Hon. A J Isola:** Mr Speaker, what we do or do not do as a result of the outcome of the treaty negotiations is something which will be totally separate, obviously.

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If we revoke Regulation 1215, which is what the intention is, and do not do this, then we lose a tranche of business which we would rather keep. That is the sole purpose of this. At this moment in time it only applies in respect of one jurisdiction which permits them and there is some business coming our way which we are keen to ensure we are able to receive by putting in place this legislation, so I am grateful to the hon. Members for their support.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1155

**Clerk:** The Insurance Schemes of Arrangement (Recognition) Act 2023.

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**Insurance Schemes of Arrangement (Recognition) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Road Traffic (Windscreen Transparency) (Amendment) Bill 2023 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998. The Hon. the Minister for Transport.

1170 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Road Traffic (Windscreen Transparency) (Amendment) Act 2023.

**Road Traffic (Windscreen Transparency) (Amendment) Bill 2023 –  
Second Reading approved**

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I beg to move that the Bill for the Road Traffic (Windscreen Transparency) (Amendment) Act 2023 be read a second time.

1180 This Bill amends the Road Traffic (Windscreen Transparency) Act 1998 to harmonise the legislation relating to advertising on taxis and buses. Going forward, this will allow for uniformity in this matter, which is currently dealt with in subsidiary legislation.

Mr Speaker, I commend this Bill to the House.

1185 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles of the Bill? The Hon. the Leader of the Opposition.

1190 **Hon. K Azopardi:** Mr Speaker, what we wanted was a bit of clarification on this Bill, and I was hoping to get it on the Minister's original contribution, but as I have not, then can I just ask him the question, because we do not really understand the explanatory memorandum, which is to 'remove the requirements for windows that face the rear of vehicles listed ...' We are not really sure we understand the purpose of that in the context of what he just said, which is about advertising, as the object of the Bill is transparency of the windscreens. So perhaps he can illuminate us on that.

1195 **Hon. P J Balban:** Mr Speaker, this was something that came to me from the Chief Examiner at the MoT, and it was because at the moment what happens is that there is a different provision for advertising on the rear of taxis than there is on buses. You may have noticed some taxis have some advertising on the back, and it was just to bring both bits of legislation together neatly so that the same thing that applies to taxis applies to buses, whereby, for example, a taxi needs to show what they want to advertise to the Minister and the Minister has to approve it, to make sure that there is nothing that someone could take offence to, for example. That is not the case on buses, so it is really just to harmonise with the same process for taxis.

1205 **Hon. K Azopardi:** I am grateful to the Minister for giving way. When it talks about the removal of the requirement for windows that face the rear, is it that you can place advertising on the windows, or that the windows will be removed? That did not make sense to me. Presumably it is about advertising, as he is talking about now.

1210 **Hon. P J Balban:** Yes, Mr Speaker, anything that prohibits or prevents the light from coming through a windscreen, anything behind the B-pillar, is something which is not allowed. For example, there is an exemption for taxis and buses so that we can have advertising, and that is something which does happen. You can see back perfectly well, but you cannot see in. What this does is allow the same process. The process is done through one type of legislation and the other somewhere else, so it is just to bring them all together, so buses and taxis can advertise using the

1215 rear window. This is what this does. It is just a question, I think, of housekeeping to bring it all together as one.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998 be read a second time. Those in favour? (**Members:** Aye.)  
1220 Those against? Carried.

**Clerk:** The Road Traffic (Windscreen Transparency) (Amendment) Act 2023.

**Road Traffic (Windscreen Transparency) (Amendment) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Fair Trading Bill 2020 –  
First Reading approved**

**Clerk:** A Bill for an Act to repeal and re-enact with amendments and modifications the Fair Trading Act 2015; to continue the establishment of the Office of Fair Trading and to make provision for its composition and functions; to make provisions for the protection of consumer interests and for the making and investigation of complaints; to encourage good business practices towards consumers; to make provision for the licensing of businesses; to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading; to make provision for the imposition of sanctions and for purposes connected therewith.

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1235 The Hon. the Minister for Digital, Financial Services, Health Authority and Public Utilities.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to repeal and re-enact with amendments and modifications the Fair Trading Act 2015, to continue the establishment of the Office of Fair Trading and to make provision for its composition and functions, to make provisions for the protection of consumer interests and for the making and investigation of complaints, to encourage good business practices towards consumers, to make provision for the licensing of businesses, to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading, to make provision for the imposition of sanctions and for purposes connected therewith be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to repeal and re-enact with amendments and modifications the Fair Trading Act 2015, to continue the establishment of the Office of Fair Trading and to make provision for its composition and functions, to make provisions for the protection of consumer interests and for the making and investigation of complaints, to encourage good business practices towards consumers, to make provision for the licensing of businesses, to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading, to make provision for the imposition of sanctions and for purposes

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connected therewith be read a first time. Those in favour? (**Members:** Aye.) Those against?  
1255 Carried.

**Clerk:** The Fair Trading Act 2020.

**Fair Trading Bill 2020 –  
Second Reading approved**

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

1260 As hon. Members will note, this Bill was originally published in 2020, shortly after the outbreak of COVID. A lot of work had been done in previous years in preparation for this, and obviously, with COVID, its work was somewhat delayed. There is also relevance of IT in ensuring that at the time that this is implemented, the appropriate IT systems are in place to enable the new system of working, which is digitally based, to be able to support what is intended.

1265 The Bill is a radical change to the manner in which the OFT will operate, and, of course, one of its new additions, and it will be taking the format of the Financial Services Act with the decision-making committee, which I will go into in a moment. But it provides the regulator, the OFT, for the first time, with real enforcement and sanctioning powers, which it has not had previously.

I am extremely grateful to the Gibraltar Federation of Small Businesses and the Chamber of  
1270 Commerce, who have heavily engaged with us in improving the legislation. The hon. Members opposite will be aware that a letter has been sent to the Speaker with significant amendments as a result of those discussions. I have to tell Members that those discussions are ongoing and it may be that we come back with a very small number of further changes in the future. Hopefully we will be able to deal with those by regulation, but we will, of course, work with Members opposite  
1275 to ensure that we are clear on what it is that we are doing. So sincere thanks, and I very much hope to be able to meet with the OFT, GFSB and the Chamber very shortly to finalise their representations, which obviously have led to this Bill being prepared in the first instance, many years back, as a result of the manner in which the current legislation was found to be difficult and cumbersome to enable businesses to work.

1280 The Bill is aimed at supporting the business community of Gibraltar by streamlining the process of establishing new businesses and enhancing consumer protection. The proposed legislation absorbs certain licences issued under the Licensing and Fees Act, making the licensing process quicker and easier for businesses.

1285 Mr Speaker, given the length of the Bill, I propose to speak to the various parts, commencing with Part 2, as Part 1 simply contains procedural elements.

The Bill, in Part 2, also creates a new framework for the Office of Fair Trading, promoting good business practices and preventing anti-competitive behaviour.

In Part 3, the OFT will have the authority to handle complaints from both consumers and businesses, facilitating resolutions between parties.

1290 In Part 4, the Bill focuses on introducing a simplified business licensing application process, eliminating unnecessary bureaucracy. The Business Licensing Authority will be disbanded and all applications will be processed directly by the OFT. Certain businesses will be exempt from requiring a licence, and the OFT will have the power to amend conditions on existing licences. In the past, there was this cumbersome process of making an application, which is being done away  
1295 with. They will be directly dealt with by the OFT, normally, in most cases, without the need to actually have a hearing. Hearings will take place if there is an issue with the application, or if there are complaints or objections to the application. The following businesses should be exempted from requiring a business licence: companies providing a service within the same group – in other words, intra-group companies; domestic services provided to a private household; journalists; a

1300 person receiving a rental income from real property in Gibraltar; and small cottage industries,  
artisans and service providers with an annual turnover below a certain amount, initially to be set  
at £20,000 per annum. This is the de minimis number that has been set, below which licensing is  
not required, as the costs of licensing are disproportionate to the amount of turnover the business  
proposes to have. There will also be restrictions on catering service providers that operate from  
1305 club premises.

Part 5 provides the OFT with the regulatory powers it requires to investigate and verify  
compliance with the provisions of the Bill. This includes the power to conduct enquiries,  
information gathering and the appointment of inspectors – again, as we do in financial services  
and we will do in the new gambling Bill. These are the powers that are commonplace in those  
1310 sorts of regulatory pieces of legislation.

Part 6 of the Bill finally gives the OFT the teeth it requires to tackle non-compliance with a  
range of sanctioning powers. The Decision Making Committee will be responsible for exercising  
these powers. So again, as in the Financial Services Act, it is not the OFT itself that sanctions, it is  
the Decision Making Committee of independent people, apart from it, that will deal with the  
1315 sanctioning of people the OFT proposes to sanction. It will have the same system that hon.  
Members may be familiar with, in terms of ‘minded to’ notices, which are served prior to it going  
to the Decision Making Committee, and then their making representations to the Decision Making  
Committee.

Part 7 outlines the OFT’s role in providing guidance to businesses and co-operating with other  
1320 authorities.

Part 8 covers the right of appeal, regulations and offences under the Bill.

Part 9 ensures a smooth transition from the repealed Fair Trading Act to the new Bill.

Through these measures, the Bill aims to bolster the business environment of Gibraltar while  
safeguarding consumer interests.

1325 Mr Speaker, I commend the Bill to the House.

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

1330 **Hon. R M Clinton:** Thank you, Mr Speaker.

This is a major piece of legislation, running to 102 pages without the amendments. First of all,  
I would like to thank the Hon. Minister for giving us the heads-up this morning that it was his  
intention to bring the Bill to the House today, and also very kindly providing us with a clean version  
of the Bill and some very helpful notes, effectively his speaking notes.

1335 The Minister will know, having spent a significant amount of time in the financial services  
industry, that the mantra always was speed to market. This Bill has been a long time in gestation,  
dated, originally, 2020. We accept, obviously, that COVID happened, but it has been subject to a  
long period of discussion and consultation with both the Chamber and the Federation.

1340 Mr Speaker, at 12.21 p.m. we received from Parliament 16 A4 pages of amendments, which  
you will appreciate is not easy to digest. We, in principle, obviously support anything that will  
make life easier for the business community in Gibraltar and enhance their ability to do business,  
but as the Minister has already pointed out, this is really a living project and will probably still  
evolve and may still be subject to tweaks as it comes into place.

1345 There are two elements to this, I guess. There is the element of consumer protection and there  
is the element in respect of business licensing. The question, really, for us is where are we adding  
value on the business side? What is it that we are doing to help businesses? I think if you speak to  
businesses, pretty much the same as in those in financial services, they want the ability to start up  
and get going as soon as possible.

1350 In the UK, I do not believe a regime like this exists, so you could set up within 24 hours. Subject  
to whatever activity you were doing and whether it was something that did not fall under  
something that was medical or financial services, you could set up something fairly quickly. In

Gibraltar I am told it can take up to two months to get up and running in an ordinary business that is not anything related to financial services. Again, that, I accept, is anecdotal and I have no scientific evidence to say that is the case, but anything we can do to make the life of our business community easier we will obviously support.

1355

The other thing that we hear from the business point of view is yes, this is well and good, but what they are looking for is the policing and the parameters, and this is where the powers the Minister has mentioned I think will be welcomed, and it is the enforcement and the use of these powers which I think the business community would welcome.

1360

There were a couple of details in the legislation – and as I said, it is a major piece of legislation, but there is one particular point in, I think, section 104. It is about registers. I am pleased to see that the OFT register will be publicly available, as the Minister has said, now the IT system is up and running and ready to be implemented, but there is another register, of sanctions, in section 101:

The OFT shall compile and maintain a register of all sanctioning action taken under this Part.

1365

The register, ‘may in its discretion’ in section 102(1), ‘enable the contents of the register to be made available to the public’, and I just wonder whether there is any need for that discretion. I would welcome if the Minister could explain the thinking behind the discretion as to whether the register of sanctions should be public or not.

1370

The other thing that struck me – and because this piece of legislation has been evolving over time, I may have missed the nuance – is if we look in the Gazettes every month, the licence applications pretty much try to tick every single licence going, from making cakes to building aircraft, just in case you missed something, but in the legislation ... Again, I admit I may have missed it, but there does not seem to be a prescriptive list of licences. I am just wondering how you would know, if you are in business as a bakery, what licence you apply? Is it sale of confectionery, sale of drinks, sale of coffee? How would it work in practice? How would you know what licence you would need to apply for? I do see that there is a very wide general power in section 109, where the Minister may, by regulation, prescribe all matters which by this Act are required or permitted to be prescribed, which covers all things – prescribing forms of application, procedure, additional information, all sorts of things; it goes from (a) to (i). I just wonder, does the Minister have draft regulations prepared, which will go hand in hand with this, by which then prospective applicants will effectively know what it is they have to do? It is not entirely clear to me.

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Other than that, other than the size of the legislation ... Obviously the Minister is keen to accelerate things, as with all things he does, which I commend, but it is, I think, perhaps a work in progress, and whether it does everything that it says on the tin we will see when it is put into practice. I accept that the Minister says it will be tweaked and amended as the users recommend or as the Minister and the particular people who are given the responsibility for putting this into action will find in practice.

1385

Thank you, Mr Speaker.

1390

**Mr Speaker:** The Hon. Albert Isola.

**Hon. A J Isola:** Mr Speaker, I am grateful to the hon. Member for his comments and for his support.

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It is very much a living document. When you are trying to pass a fundamental change in the manner in which we work in this area there are going to be issues that arise from it, of course there are. As the hon. Member has quite rightly said, this is two strands: consumer protection and business licensing processes. I hope that we will get better in respect of both as we go along in implementing this piece of legislation and making changes, wherever necessary, to ensure that we achieve those very objectives that the hon. Member has referred to.

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1405 The hon. Member said 'speed to market' and I think he was referencing the delay it has taken us to get here, which is right – I acknowledged 2020. Speed to market is exactly what we are trying to achieve through this legislation, so the old method of having to advertise your application for two weeks in the Gazette and one newspaper, and then only after those two weeks have expired, when both adverts have been live for two weeks, can you make your formal application ... So the process begins after at least two to two and a half weeks from when the adverts were positioned, the application is then considered, it would then go to the Trade Licensing Authority, the BLA now, and then eventually you would hear back – so a lengthy process. This bypasses all of that. It is going to be on the website, you are going to be able to see it quickly, so the one strand that he refers to is to ensure that we can do this far quicker still. We do get speed to market in terms of licensing.

1415 He references the United Kingdom. Obviously, the positions of the United Kingdom and Gibraltar are totally different. We have a border; we have, hopefully, fluidity across businesses coming here that may not be licensed, competing with those that are. It creates unfair competition. Consequently, the second strand of the legislation is to give them the teeth to be able to enforce when it is not being complied with, and I think that is also extremely important. Doing this, and in the manner in which it is now, to an extent, tried and tested through financial services, the Decision Making Committee, where independent people from the regulator have the ability to then sanction or find enforcement powers, I think will work extremely well.

1420 The policing of the parameters, which the hon. Member referred to, is also important and I think this legislation, for the first time ever, gives that authority the ability to actually do that, and they do now have resources. As a result of that work in Money Val in particular, they have a very good grip on the commercial landscape and what is happening in and around town, with more resources to enable them to do that work, so I think that will help as well.

1425 In respect of the discretion, I believe it is always preferable to have a discretion. Why? Because there are instances where it may not be in the public interest to publish a particular sanction. I, myself, have seen, both in financial services and in gaming, where that has become an issue, and I will happily give the hon. Member examples of those behind the Speaker's Chair, obviously not publicly. So they will, as a matter of norm, be published, but you reserve the right, in exceptional cases in the public interest, to be able to exercise that discretion.

1430 In respect of the items, my understanding – and I will confirm this subsequently to the hon. Member – is that the list of items is a list that they have been working to for some time, and that refers and relates to the same list that Customs uses for importation of goods, I believe, but I will come back to the hon. Member when I get confirmation and give him those particulars.

1435 I am grateful to him and the Opposition for their support in respect of this legislation.

1440 **Mr Speaker:** I now put the question, which is that a Bill for an Act to repeal and re-enact with amendments and modifications the Fair Trading Act 2015, to continue the establishment of the Office of Fair Trading and to make provision for its composition and functions, to make provisions for the protection of consumer interests and for the making and investigation of complaints, to encourage good business practices towards consumers, to make provision for the licensing of businesses, to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading, to make provision for the imposition of sanctions and for purposes connected therewith be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1445

**Clerk:** The Fair Trading Act 2020.

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken  
1450 today, if all hon. Members agree.

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

**Licensing and Fees (Amendment) Bill 2020 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Licensing and Fees Act. The Hon. the Minister for Digital,  
1455 Financial Services, Health Authority and Public Utilities.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Licensing and Fees Act  
1460 be read a first time.

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

**Clerk:** The Licensing and Fees (Amendment) Act 2020.  
1465

**Licensing and Fees (Amendment) Bill 2020 –  
Second Reading approved**

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

1470 This is a Bill proposing to amend the Licensing and Fees Act, a 1961 piece of legislation. The  
amendment proposes to repeal sections 27 and 28 in Part 3 in relation to auctioneers, brokers,  
bakers, guides and porters, so that these businesses are no longer licensed or regulated under the  
Act. By default, the repeal of these sections would mean that they would now be licensed and  
1475 regulated under the new Fair Trading Act 2020, the Bill that we have just taken through its Second  
Reading. It is intended that both pieces of legislation shall commence at the same time.

The effect of this change will be that these businesses will now be licensed using a modern and  
more relevant licensing system, as set out in the Fair Trading Act 2020, rather than in the now  
largely outdated and irrelevant requirements set out in the Licensing and Fees Act, which at times  
1480 make little sense nowadays.

Transitional provisions are included in this Bill, including provisions to ensure any applicable  
licences issued for these businesses under the Licensing and Fees Act shall be deemed to have  
been issued under the Fair Trading Act and shall remain valid for the period in respect of which  
they have been issued.

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

**Hon. R M Clinton:** Thank you, Mr Speaker. We have no comments and we will support the Bill.

1490 **Mr Speaker:** The Hon. Albert Isola.

**Hon. A J Isola:** Mr Speaker, I am very grateful to the hon. Members for their support.

1495 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Licensing and Fees Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Licensing and Fees (Amendment) Act 2020.

**Licensing and Fees (Amendment) Act 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

1500 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

1505

**Proceeds of Crime (Miscellaneous Amendments) Bill 2023 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Friendly Societies Act and to amend the Charities Act. The Hon. the Minister for Justice, Equality, Public Standards and Regulations.

1510

**Mr Speaker:** Page 42.

1515 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Thank you, Mr Speaker. I have the pleasure to move that an Act to amend the Proceeds of Crimes Act 2015, to amend the Friendly Societies Act and amend the Charities Act be read a first time.

1520 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Friendly Societies Act and to amend the Charities Act be read a first time? Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Proceeds of Crime (Miscellaneous Amendments) Act 2023.

**Proceeds of Crime (Miscellaneous Amendments) Bill 2023 –  
Second Reading approved**

1525 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for a Proceeds of Crime (Miscellaneous Amendments) Act 2023 be read a second time.

Following recent changes in the Proceeds of Crime Act, a consultation exercise was carried out with stakeholders. This included the Charities Commissioner and the Gibraltar Financial Intelligence Unit, who requested some minor changes.

1530 Clause 4(a) of the Bill amends section 1E(2)(b) of the Proceeds of Crime Act, Cooperation with other FIUs, to delete a redundant ‘and’, but more importantly, clause 4(b) of the Bill amends section 1E(3) of the Act to allow the Head of the Gibraltar Financial Intelligence Unit to designate one or more persons as contact persons for the purpose of receiving requests for information from other FIUs and, in the absence of such designation, for the Head to be the contact person.  
1535 As currently worded, Section 1E(3) of the Proceeds of Crime Act appoints the Head as the designated contact person but does not confer on him or her the power to delegate the function. The amended version reflects the updated position under the Fifth Anti-Money Laundering Directive.

1540 Clause 5 amends section 1K, Access to Information held by GFIU, to extend the persons with access to information held by the GFIU by allowing it to disclose information to competent authorities, agencies or departments outside Gibraltar whose functions are connected with or relate to ‘(i) the prevention of abuse of financial systems or the prevention of money laundering, terrorist financing or proliferation financing; (ii) the prevention, investigation, detection or prosecution of criminal conduct; or (iii) the safeguarding against, and the prevention of, threats to national security’. This amendment has been made on the basis that the GFIU’s membership of the International Anti-Corruption Co-ordinating Centre (IACCC) requires the GFIU to share intelligence with the IACC. Without this provision, the GFIU can only share intelligence with it via Egmont Group channels rather than directly, which causes delay in the receipt of crucial intelligence.

1550 Clause 6 inserts a new section 41 into the Proceeds of Crime Act, which provides a mechanism for disclosure of information by the GFIU on a voluntary basis by any member of the public without the provider being deemed to be in breach of his or her duties or obligations of confidentiality or other restrictions on the disclosure of information, provided that the disclosure is made for the purposes of the exercise of a GFIU function. This will allow members of the private sector who  
1555 have information which they consider to be relevant to disclose the information to the GFIU without that disclosure having to fall within the narrow parameters of unauthorised disclosure under section 4G or a protected disclosure under section 4H, and therefore enhances and widens the scope of Gibraltar’s information gateways for the sharing of intelligence. Crucially, this brings us into alignment with the UK, where section 7(1) of the Crime and Courts Act 2013 similarly  
1560 provides that a person may disclose information to the National Crime Agency if the disclosure is made for the purposes of the exercise of any National Crime Agency function. In Gibraltar, the GFIU carries out many of the relevant equivalent functions of the National Crime Agency and these changes will enhance the GFIU’s ability to carry out those functions while protecting the reporting institutions who share information with the GFIU for that purpose.

1565 In Part 2, Amendment of the Friendly Societies Act ... In 2021, the Friendly Societies Act was amended to, among other things, provide a legislative basis for the Register of Friendly Societies to put in place outreach and educational programmes to raise awareness among friendly societies and the donor community about the potential vulnerabilities to financial crime, including terrorist financing abuse and terrorist financing risks and the measures that those societies can take to  
1570 protect themselves against such abuse. It is now felt that these obligations may have been seen as too onerous and there is the limit to encouraging outreach and educational programmes and encouraging charities to refine their best practices, rather than to directly undertake the outreach

and education programmes or the training themselves. Now section 8 gives effect to the requested changes.

1575 In Part 3, Amendment to the Charities Act, the position regarding the amendments to the Charities Act in clause 10 of the Bill mirrors the position regarding the changes to the Friendly Societies Act, as I have just read out.

Mr Speaker, I commend this Bill to the House.

1580 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

1585 **Hon. K Azopardi:** Mr Speaker, this is the first of a number of Bills that are being taken today and will tighten our criminal laws in respect of a number of areas. We will support this Bill, as we will the others on the Agenda. We consider that this Bill – together with the others, but I am speaking to this Bill only – will be a useful addition in the Proceeds of Crime Act.

**Mr Speaker:** The Hon. Samantha Sacramento.

1590 **Hon. Miss S J Sacramento:** Thank you, Mr Speaker, and I thank the Hon. the Leader of the Opposition for his indication.

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

1595 **Mr Speaker:** Not yet. I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Friendly Societies Act and to amend the Charities Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Proceeds of Crime (Miscellaneous Amendments) Act 2023.

1600

**Proceeds of Crime (Miscellaneous Amendments) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

1605 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree. I apologise for jumping earlier.

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

**Crimes and Communications (Online Safety) Bill 2023 –  
First Reading approved**

1610 **Clerk:** A Bill for an Act to amend the Crimes Act 2011 and the Communications Act 2006. The Hon. the Minister for Justice, Equality, Public Standards and Regulation.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill be read a first time.



1615 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and the Communications Act 2006 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Crimes and Communications (Online Safety) Act 2023.

**Crimes and Communications (Online Safety) Bill 2023 –  
Second Reading approved**

1620 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for the Crimes and Communications (Online Safety) Act be read a second time.

The Bill focuses on the creation of new criminal offences in relation to harms which are committed online, with the objective of enhancing protection of those in social media spaces.

1625 Clause 3 creates an offence in relation to flashing images. This was a UK Law Commission recommendation that there should be a specific offence of the intention of sending flashing images to a person with epilepsy with the intention to cause that person to have a seizure.

1630 Clause 4 creates a new offence in relation to cyber flashing, which expands on the current exposure offences. The new offence includes the unsolicited sending of sexual images using digital technology and differs from other forms of image-based sexual abuse, where the victim is the subject of the image. Here, the recipient of the image is the victim.

1635 Clause 5 creates an offence of extreme pornographic images. This law will shift criminal responsibility from distributors of extreme pornography to consumers, which was deemed necessary in the UK in order to deal with the volume of violent pornography available on websites based abroad. The Bill would make it an offence to possess pornographic images that depict acts that threaten a person's life, acts which result in or are likely to result in serious injury, bestiality or necrophilia. It also provides for the exclusion of classified films and sets out defences and penalties for the offence. The offence aims to break the demand-and-supply cycle of this material, which may be harmful to those who view it. Irrespective of how these images were made, banning their possession can be justified as sending a signal that such behaviour is not considered acceptable. Viewing such images voluntarily can desensitise the viewer to such degrading acts and can reinforce the message that such behaviour is acceptable. The restrictions on this material also achieve the aim of protecting others, particularly children and vulnerable adults, from inadvertently coming into possession of this material, which is widespread on the internet.

1645 The production of this Bill has been a long and complicated process and I commend the very thorough work and advice of Crown Counsel at the Ministry for Justice and the Government Law Officers for their many drafts of this Bill and for their continuous advice.

Mr Speaker, I commend this Bill to the House.

1650 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, this is an important addition to our criminal laws and we will support this Bill.

1655 Criminal laws have to be updated in relation to the emerging offences. The abuse of digital methods of communication to facilitate crime then needs the commensurate crackdown by the authorities and legislators of those new ways of committing criminal offences, so we support this Bill. It is important for that to be the case because the way that telecommunications devices can now be used in an intrusive way, if it is of criminal behaviour, certainly needs to find a penalty in the law, so we support this Bill.

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**Mr Speaker:** The Hon. Samantha Sacramento.

**Hon. Miss S J Sacramento:** Mr Speaker, I am grateful for the support of the Members opposite and for the Leader of the Opposition's intervention.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and the Communications Act 2006 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Crimes and Communication (Online Safety) Act 2023.

**Crimes and Communications (Online Safety) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Transnational Organised Crime (Amendment) Bill 2023 –  
First Reading approved**

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**Clerk:** A Bill for an Act to amend the Transnational Organised Crime Act 2006, to make further provision under the United Nations Convention against Transnational Organised Crime.  
The Hon. the Minister for Justice, Equality and Public Standards and Regulations.

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**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for the Transnational Organised Crime (Amendment) Act be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Transnational Organised Crime Act 2006, to make further provision under the United Nations Convention against Transnational Organised Crime be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Transnational Organised Crime (Amendment) Act 2023.

**Transnational Organised Crime (Amendment) Bill 2023 –  
Second Reading approved**

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**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill be read a second time.

This Bill further implements specific provisions of the United Nations Convention against Transnational Organised Crime in Palermo, Italy, in December 2000, otherwise known as the

UNTOC, which are currently not provided for under Gibraltar law. This omits a reference to a statute that has been repealed and another reference which is redundant, on the technicalities, but more importantly it creates a further regulation-making power for further implementation in the future.

The Bill amends the Transnational Organised Crime Act 2006.

Clause 3 amends the 2006 Act in the following way. Clause 3 replaces section 5, which is on jurisdiction and makes provision for offences covered under the UNTOC occurring on board a vessel that is registered in Gibraltar.

Subclause 3(4) inserts a new section 8A, which provides for further grounds of refusal by the central authority in Gibraltar in respect of mutual assistance requests, and this is in order to give further implementation to Article 18(21)(a), (c) and (d) of UNTOC.

Subclause 3(5)(a) omits the reference in section 9(1)(a) to the Criminal Justice Act 1995 and inserts the current provision, which is Chapter 2 of the Proceeds of Crimes Act 2015 (External Requests and Orders) Order 2019.

Subclause 3(5)(b) omits the words 'a court in Gibraltar shall proceed' after the amendment to subclause (5).

Subclause 3(6) repeals section 10 of the 2006 Act, as the criminal offence is redundant since the passing of the Crimes Act 2011, save for the savings provision under section 601(2)(a), which provides that corruption under the Criminal Offences Act is only actionable if there is a comparable provision under the Crimes Act 2011.

Finally, subclause 3(7) creates a new section 16A, which follows on from the regulation-making power in section 16 and is a regulation-making power for the Government for the purposes of further implementing UNTOC or another international convention extended to Gibraltar, obligation standards and recommendations. The regulation may contain consequential, supplementary, incidental and transitional provisions as may be appropriate. In addition, the Government is disapplying section 23(b) of the Interpretation and General Clauses Act, which has to do with the restriction of penalties under subsidiary legislation. Similar powers to the above appear under sections 129(g) of the Imports and Exports Act 1986 and section 184 of the Proceeds of Crime Act. The Trademarks Act, the Patents Act, section 179T of the Merchant Shipping Act and section 18 of the Mutual Legal Assistance (Council of Europe) Act are examples of this practice.

Mr Speaker, I commend the Bill to the House.

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

**Hon. K Azopardi:** Mr Speaker, there already exists, of course, legislation to tackle transnational organised crime – it goes back to 2006 – and to the extent that this legislation reinforces that in line with the United Nations Convention Against Organised Crime, we support this legislation.

**Mr Speaker:** The Hon. Samantha Sacramento.

**Hon. Miss S J Sacramento:** Indeed, Mr Speaker, this legislation further enhances the framework that is available, and I am grateful to the hon. Member opposite for supporting the Bill.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Transnational Organised Crime Act 2006 to make further provision under the United Nations Convention against Transnational Organised Crime be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Transnational Organised Crime (Amendment) Act 2023.

**Transnational Organised Crime (Amendment) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

1750 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Mutual Legal Assistance (Merida Convention) Bill 2023 –  
First Reading approved**

1755 **Clerk:** A Bill for an Act to implement, in part, the obligations in the United Nations Convention against Corruption made in Merida and New York on 9th December 2003 relating to mutual legal assistance; to make further provision for mutual legal assistance between Gibraltar and contracting states; to enable further provision to be made by regulations; and for connected purposes.

1760 The Hon. Minister for Justice, Equality and Public Standards and Regulations.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill be read a first time.

1765 **Mr Speaker:** I now put the question, which is that a Bill for an Act to implement, in part, the obligations in the United Nations Convention against Corruption made in Merida and New York on 9th December 2003 relating to mutual legal assistance, to make further provision for mutual legal assistance between Gibraltar and contracting states, to enable further provision to be made by regulations and for connected purposes be read a first time. Those in favour? (**Members:** Aye.)  
1770 Those against? Carried.

**Clerk:** The Mutual Legal Assistance (Merida Convention) Act 2023.

**Mutual Legal Assistance (Merida Convention) Bill 2023 –  
Second Reading approved**

1775 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for the Mutual Legal Assistance (Merida Convention) Act 2023 be read a second time.

1780 The Bill implements, in part, specific provisions of the UN Convention against Corruption, the Merida Convention, which are not currently provided for in Gibraltar law. The provisions are to do, mostly, with mutual assistance for relevant offences to which that Convention applies, and modifies current legislation to allow for such requests to be actioned in the particular and technical manner that is required to have the Convention extended to Gibraltar. In many cases, the assistance could already be provided and is, but it has been felt prudent to have a full and extensive Act covering all the areas, so as to expedite extension.

1785 Part 2 of the Bill sets out the local authorities in relation to the Convention and their functions and duties for the purposes of certain parts of the Bill. The central authority for requests shall be the Minister for Justice, and this follows the pattern in similar Acts where mutual legal assistance

is a major part of the implementation of a convention. The Bill also sets out the competent officers under it and their respective functions and duties. These are His Majesty's Attorney General, the Director of Public Prosecution and all Crown Counsel, as well as any other officers who may be designated.

1790 Part 3 sets out the definition of 'relevant offence' and the scope of the Bill.

Part 4 sets out the necessary modifications to other legislation being relied upon for the purposes of a request under the Convention. These are not textual amendments to the other legislation but rather technical modifications for the purpose of how that legislation is deemed to be changed in respect of matters under the Convention, such as letters of request for evidence, 1795 including the necessary provision under the Convention regarding language content and further information being required, or the transit and transfer of prisoners.

Part 5 makes provision for formal hearings through video conference, as required by the Convention.

Part 6 contains provision for the protection of witnesses who are involved in requests.

1800 Part 7 makes provision for other forms of assistance. This includes controlled delivery, sharing publicly available information and exchange of information between intelligence and law enforcement agencies.

Data protections are dealt with at Part 8.

1805 Part 9 deals with amendments to the Proceeds of Crime Act 2015 and the Crimes Act 2011, dealing with offences on vessels.

Part 10 has the miscellaneous provisions.

Clause 28 provides for the payment of ordinary and extraordinary costs of a request under Parts 5 and 6.

1810 Clause 29 is a standard provision giving the Chief Justice the power to make court rules in relation to proceedings under the Bill.

Clause 30 provides for the Government to make regulations for three purposes: (1) to amend the Schedule; (2) to make provision which is incidental to the Bill for the purposes of implementing a Convention requirement; and (3) to amend the Act through regulations for the sole purpose of implementing all necessary requirements and obligations under a convention or any other 1815 convention or international agreement extended to Gibraltar. All these powers are found in domestic legislation in various statutes over the years.

Mr Speaker, you have received a letter with proposed amendments to the Bill. The amendments are simply the correction of typographical errors.

1820 This Bill is required for the purposes of extending the Convention to Gibraltar, and I commend the Bill to the House.

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

1825 **Hon. K Azopardi:** Mr Speaker, we will support this Bill. In the same way as the other Bill that we just spoke to was to amend our legislation in the context of a UN convention, this is the implementation of a particular United Nations convention, as the hon. Lady has explained, and we think this will be a useful addition to our laws, in compliance with international obligations.

1830 Can I just mention, while I am on my feet, that the hon. Lady spoke about a letter on amendments? We have not seen that letter, but we take at face value the issues that she has explained, that it will address issues of typographical nature. Perhaps it can just be passed to us for our assistance.

1835 **Mr Speaker:** The Hon. Samantha Sacramento.

**Hon. Miss S J Sacramento:** Mr Speaker, I once again thank the Hon. the Leader of the Opposition for his support of the Bills this afternoon.

I am not sure why the letter has not been circulated to Members in this House, but I would ask Mr Clerk if he could make arrangements for this.

1840 Thank you, Mr Speaker.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to implement, in part, the obligations in the United Nations Convention against Corruption made in Merida and New York on 9th December 2003 relating to mutual legal assistance, to make further provision for mutual legal assistance between Gibraltar and contracting states, to enable further provision to be made by regulations and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Mutual Legal Assistance (Merida Convention) Act 2023.

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**Mutual Legal Assistance (Merida Convention) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Contaminated Land Bill 2023 –  
First Reading approved**

**Clerk:** A Bill for an Act to establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers on the Minister to impose remediation of contaminated soil; and for connected purposes between all bodies.

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1865 The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers on the Minister to impose remediation of contaminated soil and for connected purposes between all bodies be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers

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on the Minister to impose remediation of contaminated soil and for connected purposes between all bodies be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Contaminated Land Act 2023.

**Contaminated Land Bill 2023 –  
Second Reading approved**

1885 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill essentially addresses the legacy of land contamination. Its main purpose is to provide an improved system for the identification of land that is posing unacceptable risks to health or the environment and to secure remediation where such risks cannot be controlled by other means.

1890 The Bill introduces a regime for the regulation of contaminated land. The Department of the Environment is the primary regulator of the Act. The Bill aims to identify such land and then tries to ensure that, where possible, work is carried out to make the level of risk acceptable. This will take into account the cost of risk reduction, practical considerations and the potential benefits. The Bill is intended to complement other regimes, for example those aimed at preventing new  
1895 contamination.

The intention is that the Act will improve the transparency and focus of regulatory controls to ensure that the regulator takes a strategic approach to land contamination problems, increase consistency in regulatory approaches and provide a more tailored mechanism, including liability rules, that is able to reflect the complexity and range of circumstances found on individual sites.

1900 The responsibilities of the Department of the Environment under the Bill are as follows: preparation of an inspection strategy to determine whether particular areas of land are contaminated; to identify and notify owners, developers, occupiers and those who may be liable that the land is contaminated; to undertake urgent remediation action in cases where there is imminent danger of serious harm; to determine who may be liable to bear the responsibility for  
1905 the remediation of the contaminated land following the ‘polluter pays’ principle, while ensuring that the cost burdens are proportionate and reasonable; to ensure that the appropriate remediation takes place either through voluntary action or by serving a notice on those responsible; to take further action if remediation is not carried out or is not effective; and to maintain a public register containing details of action taken.

1910 The Bill envisages a ‘suitable for use’ approach, which requires that the risks associated with land contamination are assessed on a site by site basis. It applies to land with contamination where the contaminants pose an unacceptable risk to human health or the wider environment.

The aim of remedial work should be to remove the pollutant linkage either by reducing or removing the contamination source, breaking the pathway or removing the receptor. The  
1915 standard of remediation should be such that significant harm or pollution is no longer being caused.

The process of securing remediation will comprise a number of stages. Prior to issuing an identification notice and remediation notice, the Department will enter a period of discussion and negotiation with all appropriate persons and other relevant stakeholders in order to seek  
1920 voluntary remediation. There are four possible outcomes to this consultation. In the first, the appropriate person agrees to undertake a remediation and issues a remediation statement. In the second, where no voluntary remediation strategy is agreed, the Department serves an identification notice and a remediation notice. In the third, the Department uses its powers to undertake remediation itself and issues a remediation statement on the appropriate person or  
1925 persons and can seek to recover costs. In the fourth, where particular remediation actions have been precluded because they would not be reasonable, having regard either to the likely costs

and seriousness of the harm or pollution, the Department needs to prepare and publish a remediation declaration which records the reasons why it would have specified the remediation action in a remediation notice. The statutory guidance will contain more information about the process of remediation.

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The Department is required to inspect areas to identify land that is contaminated in line with their strategy for inspection. Where land is identified as contaminated, the Department will need to secure a remediation. In some circumstances, it may be unreasonable for the land to be remediated, in which case the land will remain contaminated and a declaration will be issued. Public registers will record the notification of identification of contaminated land and remedial activity at such land. The statutory guidance will require the Department to develop and publish a strategic approach to the identification of contaminated land which merits detailed individual inspection. The strategy will indicate how the Department will identify potentially contaminated areas and how these will be prioritised for assessment in more detail.

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The Department is required to give notice of land identified as contaminated to the owner or developer of the land, any person who appears to it to be in occupation of the whole or any part of the land, and anybody and everybody who appears to the Department to be an appropriate person. The notifications of contaminated lands are required to be placed on the public register.

Mr Speaker, I commend the Bill to the House.

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

**Hon. K Azopardi:** Mr Speaker, the principle of polluter pays has been a longstanding principle of maritime law, so we welcome the introduction of legislation that will replicate the polluter pays principle in respect of contaminated land. As a matter of general principle, that is welcome. Obviously this is a framework, it does not provide all the answers of how this is done, but I have some questions of clarification that I would seek the hon. Member to make in terms of the Bill itself, and then perhaps he can illuminate us a bit on how it would work in practice, because some of the questions, I think, would require answers that really descend into how it works, which is not really reflected in the legislation as it is intended. But if I could just raise a few issues with him.

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The definition of 'contaminated land' talks about conditions in respect of 'substances and/or conditions'. 'Substance' is then defined as 'natural or artificial substance, whether in solid or liquid form or in the form of gas or vapour'. There is, however, no definition of 'conditions'. There is a definition of 'substance' but not 'conditions', so I am not clear on what conditions that is referring to, which brings me to the wider question of this being a framework. Against what yardsticks is the contamination of the soil being judged? Presumably there would then be ... what? Regulations introduced under this piece of legislation that will specify the kind of thresholds of contamination? How will these analyses be done? Presumably there will be Environmental Health people who will do random inspections and they will be testing, but I would be grateful if the Hon. Minister could give us some idea of how this would work in terms of yardsticks which are not answered by the Bill itself. And are those yardsticks produced here in Gibraltar? Are they against some kind of internationally accepted thresholds of soil contamination?

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And then, in relation to a couple of the other sections, I had a couple of questions. One was in relation to clause 16, which is the exclusion from the Registers of Information affecting National Security. I was not really sure what the purpose of that would be. I understand that the object would be that certain information is not included to the extent that it is deemed that it affects national security. I get that, but I was struggling with the concept that there would be a finding, for example, by the Environmental Department that there is contaminated land, but that somehow would be excluded from the register. I am not sure why that would be.

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Equally, I was not sure I was understanding why there was a saving in clause 22 in the proposed Bill which says 'Except as may be provided by regulations, nothing in this Act applies in relation to harm, or pollution of controlled waters, so far as attributable to any radioactivity possessed by



1980 any substance'. So if, for example, there was a vessel in our waters that emits some kind of substance, as defined by the Contaminated Land Bill, that then pollutes and harms land or waters adjacent to the land which is captured by the Contaminated Land Bill, why is it that that would be an exclusion? What is the rationale for that? I would be grateful if the Hon. Minister could clarify.

Mr Speaker, subject to those clarifications, we will support the Bill.

1985 **Mr Speaker:** The Hon. John Cortes.

**Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to the Leader of the Opposition for his support for the Bill and I welcome it. I think there are five points raised and I think I can address them.

1990 Yes, it is a framework, absolutely a framework, and there will be guidelines. I think I mentioned them in my speech and this is provided for, some formal guidelines and regulations that will be produced which will specify the manner in which the assessments will be carried out. These will be based on similar guidelines in the UK and the EU.

1995 The 'condition' as I see it, allows more scope and probably, if I may say, flexibility as to how accessible the contaminant might be to receptors. There might be contamination but it is completely covered by a thick layer of concrete, so even though there is a contaminant, the condition of the land is such that it is not a danger to the receptor. That is the way that it has been put to me.

In relation to radioactivity, as I see it, it applies to water and therefore it would not apply in relation to contaminated land. I cannot see any other reason for including that.

2000 Those are the points that I wish to make in reply.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers on the Minister to impose remediation of contaminated soil and for connected purposes between all bodies be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2010 **Clerk:** The Contaminated Land Act 2023.

**Contaminated Land Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

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

2015 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**COMMITTEE STAGE AND THIRD READING**

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

2020 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House  
should resolve itself into Committee to consider the following Bills clause by clause, namely the  
Land Registry Portal and Electronic Stamping Bill 2023, the Contaminated Land Bill 2023, the  
Education and Training (Amendment) Bill 2023, the Fireworks (Control) Bill 2023, the  
2025 Environmental Governance Bill 2023, the Road Traffic (Windscreen Transparency) (Amendment)  
Bill 2023, the Fair Trading Bill 2023, the Heritage and Antiquities (Amendment) Bill 2023, the  
Mutual Legal Assistance (Merida Convention) Bill 2023, the Licensing and Fees (Amendment)  
Bill 2023, the Proceeds of Crime (Miscellaneous Amendments) Bill 2023, the Insurance (Motor  
Vehicles) (Third Party Risks) (Amendment) Bill 2023 and the Insurance Schemes of Arrangement  
(Recognition) Bill 2023. I think that is all of them.

2030 **Mr Speaker:** Before we continue, just to advise that the Chief Minister needs to get away for  
about 10 to 15 minutes, so when we get to his two Bills we will recess for 15 minutes – he will be  
called and will come over straight away.

*In Committee of the whole House*

**Education and Training (Amendment) Bill 2023 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to amend the Education and Training Act.  
Clause 1.

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** If I may, with your permission, the letter dated 19th May asked for an amendment in  
clause 2 to substitute ‘day of publication’ with ‘by 17th July’. This was, of course, in order to ensure  
it was after the end of last term, when we thought we were going to take this at the last session,  
2040 so I would ask that we remove that change and we allow ‘day of publication’ to remain, as  
originally proposed. Other than that, all the amendments should stand.

**Mr Chairman:** Yes. You did mention there was another minor amendment, if you could just –

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**Hon. Prof. J E Cortes:** Yes, Mr Chairman.

**Mr Chairman:** That is probably not properly covered in the memorandum.

2050 **Hon. Prof. J E Cortes:** Part VIIIA in the Bill, as I recall, appears with an unusual form of Roman  
numerals ‘IIXA’. That is on page –

**Mr Chairman:** Can you draw me to the page?

2055 **Hon. Prof. J E Cortes:** Page 19. I beg your pardon ... ‘VIII’ is the more correct form of Roman  
numeral.

**Mr Chairman:** Yes, so VIII replaces IIXA.  
May I ask Members of the Opposition are they content with the amendments? (**Two Members:**  
Aye.)

2060 Can you continue, Mr Clerk, with the clauses?

**Clerk:** Clause 2 as amended.

**Mr Chairman:** Clause 2, as amended, stands part of the Bill.

2065 **Clerk:** Clause 3 as amended.

**Mr Chairman:** Clause 3, as amended, stands part of the Bill.

2070 **Clerk:** The long title.

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

**Heritage and Antiquities (Amendment) Bill 2023 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to amend the Heritage and Antiquities Act 2018 and for connected purposes.

Clauses 1 to 4.

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Chairman, you will recall – if I may – that there was a discussion ... We have been in contact, the Hon. Mr Clinton and I, and he has discussed it with the Hon. Mr Bossino, and I will be introducing amendments to clause 29C(7).

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**Mr Chairman:** When are you going to be doing that?

**Hon. Prof. J E Cortes:** If you wish, I can mention them now.

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**Mr Chairman:** I think what is required is something in writing, for the purposes of the record and for the purposes of the Clerk, who will then need to transpose it when he provides the amendments to the Bills which will become law.

**Hon. Prof. J E Cortes:** Okay. I will provide those in writing now.

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**Hon. R M Clinton:** Mr Chairman, the amendments are quite simple in relation to (7)(b).

**Mr Chairman:** Could you draw my attention to which page we are talking about?

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**Hon. R M Clinton:** *[Inaudible]*

**Hon. Prof. J E Cortes:** Yes. Mr Chairman, since there is no microphone for Mr Clinton, these are the amendments that I am now going to quickly write down, if you wish me to do that.

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**Mr Chairman:** Yes.

**Hon. Prof. J E Cortes:** And they are, as Mr Clinton has said ... *[Inaudible]* I just put it in writing, Mr Chairman.

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**Mr Chairman:** Let's do it verbally then put it in writing, just to confirm that we have understood where the amendments are.

**Hon. Prof. J E Cortes:** They are these, which have been, in fact, suggested by Mr Clinton and which are, I think, clarified.

2110 On page 5 – this is clause 29C – (7)(b) would now read ‘in subsection (1) before “exports” insert “imports a tainted antiquity or a tainted object of interest ...”. So we would include the word ‘tainted’ after ‘a’, in replacement of ‘an’, and then ‘a tainted’ after the word ‘or’. I will write that down for you as soon as my intervention is finished.

2115 If I may then point to further down on that page, the Hon. Mr Clinton has pointed out that to further clarify the requirements of the UNESCO Convention to which I referred, we should make the following amendment, which again I will write down, and that is in (e)(6) we remove the words ‘to the Crown’ after the word ‘forfeiture’ – I will make this clear in my written contribution – and then, in the next paragraph, paragraph (7), at the end, after the words ‘forfeited to the Crown’, we add ‘or repatriated to the appropriate authorities in the country of cultural origin’. That better  
2120 reflects a requirement of the Convention, but I will write this down as soon as my intervention is finished, Mr Chairman.

**Clerk:** Clauses 1 to 4 as amended.

2125 **Mr Chairman:** Clauses 1 to 4, as amended, stand part of the Bill.

**Clerk:** The long title.

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

#### **Environmental Governance Bill 2023 – Clauses considered and approved**

2130 **Clerk:** A Bill for an Act to make provision about targets, plans and policies for improving the natural environment; to establish requirements for statements and reports about environmental protection; to impose duties on public bodies for improving the environment and enhancing biodiversity and for connected purposes.

Part 1, clauses 1 to 3.

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

**Clerk:** Part 2, clauses 4 to 23.

2140 **Mr Chairman:** Part 2, clauses 4 to 23, stands part of the Bill.

**Clerk:** Part 3, clauses 24 to 30.

**Mr Chairman:** Part 3, clauses 24 to 30, stands part of the Bill.

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**Clerk:** Part 4, clause 31.

**Mr Chairman:** Part 4, clause 31, stands part of the Bill.

2150 **Clerk:** The long title.

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

**Fireworks (Control) Bill 2023 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to regulate the manufacture, storage, sale, possession and use of fireworks and for connected purposes.

2155 Part 1, clauses 1 to 4.

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

**Clerk:** Part 2, clauses 5 to 13.

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**Mr Chairman:** Part 2, clauses 5 to 13, stands part of the Bill.

**Clerk:** Part 4, clauses 16 and 17.

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**Mr Chairman:** Part 4, clauses 16 and 17, stands part of the Bill.

**Clerk:** Part 5, clauses 18 to 20.

**Mr Chairman:** Part 5, clauses 18 to 20, stands part of the Bill.

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**Clerk:** Part 6, clauses 21 to 23.

**Mr Chairman:** Part 6, clauses 21 to 23, stands part of the Bill.

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**Clerk:** Part 7, clauses 24 to 26.

**Mr Chairman:** Part 7, clauses 24 to 26, stands part of the Bill.

**Clerk:** Schedule 1.

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

**Clerk:** Schedule 2.

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**Mr Chairman:** Schedule 2 stands part of the Bill.

**Clerk:** The long title.

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

**Contaminated Land Bill 2023 –  
Clauses considered and approved**

2190 **Clerk:** A Bill for an Act to establish a framework for the protection of soil to perform all environmental, economic, social and cultural functions, to set the polluter pays principle for remediation purposes, to establish a land use and existing contaminated land area register, to establish historical pollution sources and to track the progresses of remedying soil contamination and reserving natural soil capacities, to confer powers on the Minister to impose remediation of  
2195 contaminated soil; and for connected purposes between all bodies.

Part 1, clauses 1 to 3.

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

2200 **Clerk:** Part 2, clause 4.

**Mr Chairman:** Part 2, clause 4, stands part of the Bill.

2205 **Clerk:** Part 3, clauses 5 to 10.

**Mr Chairman:** Part 3, clauses 5 to 10, stands part of the Bill.

**Clerk:** Part 4, clauses 11 to 13.

2210 **Mr Chairman:** Part 4, clauses 11 to 13, stands part of the Bill.

**Clerk:** Part 5, clause 14.

**Mr Chairman:** Part 5, clause 14, stands part of the Bill.

2215 **Clerk:** Part 6, clauses 15 to 19.

**Mr Chairman:** Part 6, clauses 15 to 19, stands part of the Bill.

2220 **Clerk:** Part 7, clauses 20 to 23.

**Mr Chairman:** Part 7, clauses 20 to 23, stands part of the Bill.

**Clerk:** The long title.

2225 **Mr Chairman:** The long title stands part of the Bill.

**Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend retained EU law relating to compulsory insurance for the use of motor vehicles; and for connected purposes.

Clauses 1 to 3.

2230 **Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

**Clerk:** The long title.

2235 **Mr Chairman:** The long title stands part of the Bill.

**Insurance Schemes of Arrangement (Recognition) Bill 2023 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to provide for the recognition of judgments or orders made by the Courts of EEA States sanctioning Schemes of Arrangement relating to reinsurance business transfers, and for connected purposes.

Clauses 1 to 17.

2240

**Mr Chairman:** Clauses 1 to 17 stand part of the Bill.

**Clerk:** The Schedule.

2245

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

**Clerk:** The long title.

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

**Road Traffic (Windscreen Transparency) (Amendment) Bill 2023 –  
Clauses considered and approved**

2250

**Clerk:** A Bill for an Act to amend the Road Traffic (Windscreen Transparency) Act 1998. Clauses 1 to 3.

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

2255

**Clerk:** The long title.

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

**Fair Trading Bill 2020 –  
Clauses considered and approved with amendments**

2260

**Clerk:** A Bill for an Act to repeal and re-enact with amendments and modifications the Fair Trading Act 2015; to continue the establishment of the Office of Fair Trading and to make provision for its composition and functions; to make provisions for the protection of consumer interests and for the making and investigation of complaints; to encourage good business practices towards consumers; to make provision for the licensing of businesses; to make provision for information gathering, investigatory and enforcement powers of the Office of Fair Trading; to make provision for the imposition of sanctions and for purposes connected therewith.

2265

**Mr Chairman:** Before we go through all the clauses, can I take it that the amendments covered in the memorandum from the Minister dated 19th July are acceptable and Members of the Opposition are content? Yes?

2270

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** They spell out the amendments that I mentioned earlier.

**Hon. R M Clinton:** Mr Speaker, I am just reading it and I would just ask the Minister to be careful that he does not prevent his general export restrictions of cultural items.

2275

**Mr Chairman:** We are talking about the Fair Trading Bill.

**Hon. R M Clinton:** Ah, sorry. *(Interjection)*

2280

**Mr Chairman:** So we are content with the amendments to the Fair Trading Bill, yes?

**Mr Chairman:** Mr Clerk, please continue.

**Clerk:** Clauses 1 to 118 as amended.

2285

**Mr Chairman:** Clauses 1 to 118, as amended, stand part of the Bill.

**Clerk:** Schedules 1 and 2.

2290

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

**Clerk:** The long title.

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

**Licensing and Fees (Amendment) Bill 2020 –  
Clauses considered and approved**

2295

**Clerk:** A Bill for an Act to amend the Licensing and Fees Act.  
Clauses 1 to 5.

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

2300

**Clerk:** The long title.

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

**Proceeds of Crime (Miscellaneous Amendments) Bill 2023 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Proceeds of Crime Act 2015, to amend the Friendly Societies Act and to amend the Charities Act.

2305

Clauses 1 and 2.

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

**Clerk:** Part 1, clauses 3 to 6.

2310

**Mr Chairman:** Part 1, clauses 3 to 6 stand part of the Bill.



**Clerk:** Part 2, clauses 7 and 8.

2315 **Mr Chairman:** Part 2, clauses 7 and 8 stand part of the Bill.

**Clerk:** Part 3, clauses 9 and 10.

2320 **Mr Chairman:** Part 3, clauses 9 and 10 stand part of the Bill.

**Clerk:** The long title.

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

**Crimes and Communications (Online Safety) Bill 2023 –  
Clauses considered and approved**

2325 **Clerk:** A Bill for an Act to amend the Crimes Act 2011 and the Communications Act 2006.  
Clauses 1 to 6.

**Mr Chairman:** Clauses 1 to 6 stand part of the Bill.

**Clerk:** The long title.

2330 **Mr Chairman:** The long title stands part of the Bill.

**Transnational Organised Crime (Amendment) Bill 2023 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Transnational Organised Crime Act 2006 to make further provision under the United Nations Convention against Transnational Organised Crime.  
Clauses 1 to 3.

2335 **Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

**Clerk:** The long title.

2340 **Mr Chairman:** The long title stands part of the Bill.

**Mutual Legal Assistance (Merida Convention) Bill 2023 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to implement, in part, the obligations in the United Nations Convention against Corruption made in Merida and New York on 9th December 2003 relating to mutual legal assistance; to make further provision for mutual legal assistance between Gibraltar and contracting states; to enable further provision to be made by regulations; and for connected purposes.

2345 Part 1, clauses 1 and 2.

**Mr Chairman:** There are two amendments. Has the Hon. Leader of the Opposition had a chance to see them? They are dated 19th July. Are you content?  
Please continue.

2350

**Clerk:** Clauses 1 and 2.

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

2355

**Clerk:** Clause 3.

**Mr Chairman:** Can I speak to you, Mr Clerk? Mutual Legal Assistance.  
Clause 3 stands part of the Bill.

2360

**Clerk:** Clause 4 as amended.

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

2365

**Clerk:** Clauses 5 and 6.

**Mr Chairman:** Clauses 5 and 6 stand part of the Bill.

**Clerk:** Part 3, clauses 7 and 8.

2370

**Mr Chairman:** Part 3, clauses 7 and 8, stands part of the Bill.

**Clerk:** Part four, clauses 9 to 13.

2375

**Mr Chairman:** Part 4, clauses 9 to 13, stands of the Bill.

**Clerk:** Part 5, clauses 14 to 16.

**Mr Chairman:** Part 5, clauses 14 to 16, stands part of the Bill.

2380

**Clerk:** Part 6, clauses 17 and 18.

**Mr Chairman:** Part 6, clauses 17 and 18, stands part of the Bill.

**Clerk:** Part 7, clauses 19 to 23.

2385

**Mr Chairman:** Part 7, clauses 19 to 23, stands part of the Bill.

**Clerk:** Part 8, clauses 24 to 25.

2390

**Mr Chairman:** Part 8, clauses 24 and 25, stands part of the Bill.

**Clerk:** Part 9, clauses 26 and 27.

2395

**Mr Chairman:** Part 9, clauses 26 and 27, stands part of the Bill.

**Clerk:** Part 10, clauses 28 and 29.

**Mr Chairman:** Part 10, clauses 28 and 29, stands part of the Bill.

**Clerk:** Clause 30 as amended.

2400

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

**Clerk:** The Schedule.

2405

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

**Clerk:** The long title.

2410

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, may I propose a 15-minute recess?

**Mr Chairman:** The House will recess until five minutes to seven.

*The House recessed at 6.40 p.m. and resumed at 6.56 p.m.*

**Land Registry Portal and Electronic Stamping Bill –  
Clauses considered and approved with amendments**

2415 **Clerk:** A Bill for an Act to amend the Gibraltar Land Titles Act 2011 to make provision for the electronic registration of deeds and wills, to amend the Stamp Duties Act 2005 to permit the electronic stamping of documents and to make provision for a budget measure, and for related purposes.

Clause 1.

2420

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

**Clerk:** Clause 2, as amended.

2425 **Chief Minister (Hon. F R Picardo):** Yes, I was going to say, Mr Chairman, I have circulated a notice of amendment to this Bill and I would propose that clause 2 be amended as set out in writing in that proposed amendment.

**Clerk:** Clause 2 as amended.

2430

**Mr Chairman:** Are Members content with the amendment?  
Clause 2, as amended, stands part of the Bill.

**Clerk:** Clause 3.

2435

**Mr Chairman:** Clause 3 stands part of the Bill.

**Clerk:** Clause 4.

2440 **Hon. Chief Minister:** There is an amendment proposed to clause 4, Mr Chairman, of which I have given notice also.

**Clerk:** Clause 4 as amended.

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

2445 **Clerk:** Clauses 5 and 6.

**Mr Chairman:** Clauses 5 and 6 stand part of the Bill.

2450 **Clerk:** The long title.

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

**Parliament (Amendment) Bill 2023 –  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to amend the Parliament Act.  
Clause 1.

2455 **Mr Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

2460

**Clerk:** Clause 3.

2465 **Chief Minister (Hon. F R Picardo):** Mr Chairman, I have circulated a notice of amendment in respect of clause 3 after the discussion that the Leader of the Opposition and I had. I am, therefore, proposing to amend clause 3(3) in the way that I have set out there in writing, and set out a new clause 3(4) that deals both with the issue of consultation with the Leader of the Opposition – but not agreement with him – by the Minister. The period of time that I propose that the notice should provide for, which I am proposing should be seven days with a maximum of 21 days, and thereafter a new clause 3(4), making provision for extension beyond those 21 days to be only with the written agreement of the Governor. I understand that the Hon. the Leader of the  
2470 Opposition will accept those amendments.

2475 **Hon. K Azopardi:** Yes, Mr Chairman, we have spoken and I will, indeed, accept those amendments. The words that I had also spoken about in my original contribution on subject to terms of the Constitution are not there, but we accept the point made that of course this Parliament can only legislate subject to the Constitution anyway, so the amendments themselves are acceptable to us.

2480 **Clerk:** Clause 3 as amended.

**Mr Chairman:** Clause 3, as amended, stands as part of the Bill.

**Clerk:** The long title.

2485 **Mr Chairman:** The long title stands part of the Bill.

**Land Registry Portal and Electronic Stamping Bill 2023; Parliament (Amendment) Bill 2023;  
Education and Training (Amendment) Bill 2022;  
Heritage and Antiquities (Amendment) Bill 2023; Environmental Governance Bill 2023;  
Contaminated Land Bill 2023; Fireworks (Control) Bill 2023;  
Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023;  
Insurance Schemes of Arrangement (Recognition) Bill 2023;  
Road Traffic (Windscreen Transparency) (Amendment) Bill 2023;  
Fair Trading Bill 2020; Licensing and Fees (Amendment) Bill 2020;  
Proceeds of Crime (Miscellaneous Amendments) Bill 2023;  
Crimes and Communications (Online Safety) Bill 2023;  
Transnational Organised Crime (Amendment) Bill 2023;  
Mutual Legal Assistance (Merida Convention) Bill 2023 –  
Third Reading approved: Bills passed**

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Land Registry Portal and Electronic Stamping Bill 2023, the Parliament (Amendment) Bill 2023, the Education and Training (Amendment) Bill 2022, the Heritage and Antiquities (Amendment) Bill 2023, the Environmental Governance Bill 2023, the Contaminated Land Bill 2023, the Fireworks (Control) Bill 2023, the Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023, the Insurance Schemes of Arrangement (Recognition) Bill 2023, the Road Traffic (Windscreen Transparency) (Amendment) Bill 2023, the Fair Trading Bill 2020, the Licensing and Fees (Amendment) Bill 2020, the Proceeds of Crime (Miscellaneous Amendments) Bill 2023, the Crimes and Communications (Online Safety) Bill 2023, the Transnational Organised Crime (Amendment) Bill 2023 and the Mutual Legal Assistance (Merida Convention) Bill 2023 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

2500

**Mr Speaker:** I now put the question, which is that the Land Registry Portal and Electronic Stamping Bill 2023, the Parliament (Amendment) Bill 2023, the Education and Training (Amendment) Bill 2022, the Heritage and Antiquities (Amendment) Bill 2023, the Environmental Governance Bill 2023, the Contaminated Land Bill 2023, the Fireworks (Control) Bill 2023, the Insurance (Motor Vehicles) (Third Party Risks) (Amendment) Bill 2023, the Insurance Schemes of Arrangement (Recognition) Bill 2023, the Road Traffic (Windscreen Transparency) (Amendment) Bill 2023, the Fair Trading Bill 2020, the Licensing and Fees (Amendment) Bill 2020, the Proceeds of Crime (Miscellaneous Amendments) Bill 2023, the Crimes and Communications (Online Safety) Bill 2023, the Transnational Organised Crime (Amendment) Bill 2023 and the Mutual Legal Assistance (Merida Convention) Bill 2023 be read a third time and passed.

2505

2510

Those in favour of the Land Registry Portal and Electronic Stamping Bill 2023? (**Members:** Aye.) Those against? Carried.

Those in favour of the Parliament (Amendment) Bill 2023? (**Members:** Aye.) Those against? Carried.

2515

Those in favour of the Education and Training (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Heritage and Antiquities (Amendment) Bill 2023? (**Members:** Aye.) Those against? Carried.

2520

Those in favour of the Environmental Governance Bill 2023? (**Members:** Aye.) Those against? Carried.

Those in favour of the Contaminated Land Bill 2023? (**Members:** Aye.) Those against? Carried.

Those in favour of the Fireworks (Control) Bill 2023? (**Members:** Aye.) Those against? Carried.

Those in favour of the Insurance (Motor Vehicles) (Third Party Risk) (Amendment) Bill 2023? **(Members: Aye.)** Those against? Carried.

2525 Those in favour of the Insurance Schemes of Arrangement (Recognition) Bill 2023? **(Members: Aye.)** Those against? Carried.

Those in favour of the Road Traffic (Windscreen Transparency) (Amendment) Bill 2023? **(Members: Aye.)** Those against? Carried.

Those in favour of the Fair Trading Bill 2020? **(Members: Aye.)** Those against? Carried.

2530 Those in favour of the Licensing and Fees (Amendment) Bill 2020? **(Members: Aye.)** Those against? Carried.

Those in favour of the Proceeds of Crime (Miscellaneous Amendments) Bill 2023? **(Members: Aye.)** Those against? Carried.

2535 Those in favour of the Crimes and Communications (Online Safety) Bill 2023? **(Members: Aye.)** Those against? Carried.

Those in favour of the Transnational Organised Crime (Amendment) Bill 2023? **(Members: Aye.)** Those against? Carried.

Those in favour of the Mutual Legal Assistance (Merida Convention) Bill 2023? **(Members: Aye.)** Those against? Carried.

#### **Standing Order 7(1) suspended to proceed with a Government motion**

2540 **Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

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

2545 **Mr Speaker:** Those in favour? **(Members: Aye.)** Those against? Carried.

#### **GOVERNMENT MOTION**

##### **Ivory Act (Amendment) Regulations 2023 – Approved**

**Clerk:** Government motion. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2550 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I stand to propose a motion that this House approve, pursuant to section 40(3) of the Ivory Act 2019, the making of the Ivory Act (Amendment) Regulations 2023, as set out in the draft that has been circulated:

*That this House approve, pursuant to section 40(3) of the Ivory Act 2019, the making of the Ivory Act (Amendment) Regulations 2023, as set out in the enclosed draft*

2555 Section 40 of the Ivory Act provides a power to amend the scope of the Act by regulations to include ivory from another animal or species after approval from this House. It has not been necessary to pass an amending Bill to amend the definition of 'ivory' in the Act, as secondary legislation can implement the change with the approval of this House, hence the motion.

2560 In 2019 the Ivory Act was passed, aimed at reducing the demand for ivory overseas by restricting the market for ivory items in or passing through Gibraltar. The Act focused on reducing the poaching of elephants, but a recent consultation paper in the UK revealed the extent of ivory derived from other species that is in circulation in ivory markets in Europe and elsewhere. These regulations will extend the ban on dealing in ivory to the five ivory-bearing species listed in the Convention on International Trade in Endangered Species, being the hippopotamus, narwhal, walrus, sperm whale and killer whale. The extension of the definition of ivory can also reduce opportunities for the laundering of elephant ivory by passing it off as being from other ivory-bearing species and reduce the allure of ivory as a commodity, collectable or status symbol.

2565 I move that the House now pass this motion.

**Mr Speaker:** I now propose a question in the terms of the motion moved by the Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2570 The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, in the absence of my colleague Daniel Feetham, who was going to speak on this Bill because I know he has a particular interest in this area, I rise simply to confirm our support for the motion.

2575 The hon. Member rattled off the five ivory-bearing species. I am not sure if I caught that the rhino was there, but perhaps that is not an ivory ...

**Mr Speaker:** If no other Hon. Member wishes to speak, I will call on the mover of the motion to reply.

2580

**Hon. Prof. J E Cortes:** Mr Speaker, the species of rhinoceros are not there because their horn is made out of keratin, which is the same substance that nails, hooves and hair are made of, and not out of ivory. Therefore, you could not carve a rhinoceros horn. Rhinoceros horns are generally ground up and used for medicinal purposes – false medicinal purposes – in the oriental world. But that is a reason for not including rhinoceros. Instead of rattling them off, I can say more gently the hippopotamus, the narwhal, the walrus, the sperm whale and the killer whale.

2585

I propose that the motion now be passed.

**Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Minister for the Environment, Sustainability, Climate Change and Education. Those in favour? **(Members: Aye.)** Those against? Carried.

2590

### Adjournment

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I now move that the House should adjourn to Thursday, 21st September at three in the afternoon.

2595 **Hon. K Azopardi:** Before he moves the adjournment, if we are going that long, he will remember the exchange I had with him yesterday. *(Interjection)* I appreciate that. We may, in any event, seek to convert our questions into writing in the interregnum, by notice to the Clerk of the House, if we may.

2600 **Hon. Chief Minister:** Mr Speaker, there will be absolutely no objection from the Government if hon. Members want to convert their questions to writing.

If I may say to all hon. Members on both sides of the House that I hope they have a good ... It used to be called 'long vacation', but I hope that they have a good summer. I know that we will all

2605 probably be at work most of the summer rather than away, but I do hope everybody gets away a little bit, at least, and I look forward to seeing all hon. Members in Parliament at three o'clock in the afternoon on the first day of the autumn.

**Mr Speaker:** I now propose a question, which is that this House do now adjourn to Thursday, 21st September at 3 p.m.

2610 I now put the question, which is that this House do now adjourn to Thursday, 21st September at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 21st September at 3 p.m.

*The House adjourned at 7.11 p.m.*