



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11 a.m. – 1.10 p.m.

Gibraltar, Wednesday, 18th December 2024

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The Gibraltar Parliament

The Parliament met at 11 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Order of the Day

BILLS

FIRST AND SECOND READING

Financial Services (Amendment No. 2) Bill 2024 – First Reading approved

Clerk: Meeting of Parliament, Wednesday, 18th December 2024. Bills, First and Second Reading continued.

5 A Bill for an Act to amend the Financial Services Act 2019 to provide for market access
arrangements between Gibraltar and the United Kingdom in respect of financial services; to
amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility
for administering the Gibraltar investor compensation scheme to the Financial Services Resolution
and Compensation Committee; to make further provision concerning financial promotions; to
10 amend the matters considered by the Decision Making Committee and provide for decision
making in exceptional cases; to amend provisions relating to confidentiality, information gathering
and the assistance of other regulators and to provide for related offences; to amend the regime
for regulated individuals and non-executive directors; to amend publication powers and the time
limits for considering applications and certain notices; to amend the definitions of financial crime
and designated regulatory objectives; to extend indemnities for costs to include damages; and for
15 connected purposes.

The Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour
to move that a Bill for an Act to amend the Financial Services Act 2019 to provide for market access
20 arrangements between Gibraltar and the United Kingdom in respect of financial services; to
amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility
for administering the Gibraltar investor compensation scheme to the Financial Services Resolution
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for regulated individuals and non-executive directors; to amend publication powers and the time
limits for considering applications and certain notices; to amend the definitions of financial crime
and designated regulatory objectives; to extend indemnities for costs to include damages; and for
30 connected purposes be read a first time.

Madam Speaker: I now put the question which is that a Bill for an Act to amend the Financial Services Act 2019 to provide for market access arrangements between Gibraltar and the United Kingdom in respect of financial services; to amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility for administering the Gibraltar investor compensation scheme to the Financial Services Resolution and Compensation Committee; to make further provision concerning financial promotions; to amend the matters considered by the Decision Making Committee and provide for decision making in exceptional cases; to amend provisions relating to confidentiality, information gathering and the assistance of other regulators and to provide for related offences; to amend the regime for regulated individuals and non-executive directors; to amend publication powers and the time limits for considering applications and certain notices; to amend the definitions of financial crime and designated regulatory objectives; to extend indemnities for costs to include damages; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Amendment No. 2) Act 2024.

**Financial Services (Amendment No. 2) Bill 2024 –
Second Reading approved**

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour to move that the Bill be now read a second time.

Before explaining the purpose of this Bill and the changes it makes, it is important to give some background on the Act which it will amend. The Financial Services Act 2019 was the key part of the Legislative Reform Programme (LRP) which my predecessor Albert Isola implemented in close collaboration with the GFSC at the start of 2020 following an extensive industry consultation process. The LRP was the single largest review and reform of our financial services laws. It consolidated and rationalised over 90 enactments into one Act and the supporting sector-specific regulations. The main aims of the LRP were to update, rationalise and improve the previous legislation, to make it more navigable and to address inconsistencies between the law applying to different financial services sectors. The LRP and the changes it introduced were also essential to enable the continuation of Gibraltar's market access to the United Kingdom beyond Brexit, as the 2019 Act enhanced regulatory alignment with the UK. That alignment with the UK is critical and is a key part of the present Bill.

Madam Speaker, since the Gibraltar 2019 Act was commenced in January 2020, our Government has worked closely with HM Treasury, the GFSC and its counterparts, the PRA and the FCA, towards the establishment of the Gibraltar Authorisation Regime (GAR), the UK's long-term arrangements for market access between Gibraltar and the United Kingdom. The cornerstones of that regime are, first, alignment of law and supervisory practice; and second, closer regulatory co-operation. It is, therefore, vital for Gibraltar to remain aligned with the UK both during the transition phase towards the GAR and beyond its implementation. The GAR has been embedded in UK primary legislation and this Bill will do the same here. However, before the regime can commence, HM Treasury needs to carry out assessments of the different sectors which will be part of the regime, in order to confirm that there is sufficient alignment of law and regulatory practices. That requirement is set out in the GAR provisions of the UK Financial Services and Markets Act. If there is insufficient alignment, a sector cannot be included within the GAR, meaning it will not have UK market access. Clearly that must not happen. That is why in the last year I have continued the work done by my predecessor Albert Isola since Brexit to implement a wide range of legislative changes to ensure that alignment is maintained. This has included keeping pace with the UK legislative amendments such as the FCA's Consumer Duty Regime.

Given that background, the Bill has two main purposes: (1) to give effect to the GAR in Gibraltar by inserting in the 2019 Act comprehensive provisions which mirror the UK GAR legislation – this is necessary to embed the regime into our law and enable the GAR to operate in both directions; and (2) to align the law and regulatory practice in Gibraltar with the UK in those areas where further harmonisation is needed. Many of the changes relating to alignment have been informed by the first GAR assessment which HM Treasury conducted in the first quarter of this year. HM Treasury assessed Gibraltar’s cross-sectorial legislative content to ensure alignment with a wide range of detailed provisions of the UK Financial Services and Markets Act. Initial signs are that the outcome has been successful, albeit there is a need to enhance alignment in certain areas, which is what this Bill will do or enable us to do. There are other alignment changes in the Bill which we envisage may be necessary for the sector assessments that HM Treasury will be carrying out shortly. This Bill also makes other changes to enhance the 2019 Act generally, given that it is the first Bill to amend the Act since it was implemented almost five years ago. The main aims of these changes are to enhance the reputation of Gibraltar as a robust and modern financial services jurisdiction, and to assist the GFSC in its pursuit of its regulatory objectives, which are embedded in the Act.

Prior to its publication, the Bill was shared with industry associations through the Gibraltar Finance Centre Council for a one-month consultation period, in May. No material objections were received and limited feedback was received. I would like to thank the drafter, Jonathan Bracken, and the GFSC, who have worked closely with me on this Bill, in particular Julian Sacarello, Jamie Triay Clarence and Julian Warwick. My thanks also to Sir Peter Caruana for his contributions and advice on the DMC aspects of this Bill, and indeed to Luis Carreras of the FSC too.

The GAR provisions which create the regime in Gibraltar are set out in clauses 8 and 21. They are principally a mirror-image version of the relevant UK provisions, Sections 32A and 36A of the UK Financial Services and Markets Act, and Schedules 2A and 2B of that Act. The drafting follows the UK legislation, but some changes have been made so that there is a clear distinction between Gibraltar and UK terminology. For example, what will be approved and restricted activities in the UK are defined as designated and controlled activities respectively in Gibraltar.

The UK’s formal process for review and reporting on alignment have also not been adopted. In Gibraltar, a simpler ministerial designation power will apply.

The provision to make market access regulations has also been extended to include alignment with UK law.

Clause 20 makes related and other amendments to the regulation-making powers in Part 29 of the Act, including adding a power to address the application of international agreements.

Clause 5 extends the restriction on unregulated financial promotions to controlled investments and restricted activities.

Clause 6(1) amends the definition of ‘financial crime’ to include terrorism and proliferation financing.

Clauses 6(2) and 19(2) remove initial GFSC authorisation related decisions from those which need to be referred to the GFSC’s Decision Making Committee (DMC). This will enable the DMC to focus on scrutinising decisions that affect established firms. This was always the policy intent with which the DMC Chair, Sir Peter Caruana, agrees.

Clause 6(2) also makes various other changes to the DMC’s remit which have been agreed following extensive discussions with the GFSC and the DMC Chair. In particular, decisions involving the exercise of supervisory powers will only be DMC matters if they have the effect of suspending or cancelling a firm’s permission.

In summary, even with these changes the DMC’s remit will still be wider than its UK counterpart. These are the two key reasons for the amendments: to achieve closer alignment with UK regulators, PRA and FCA, of our decision-making levels and processes, which is important for the GAR; to improve the speed and efficiency of the GFSC’s authorisation related and supervisory decisions. The amendments support the GFSC’s objective of being a more forward-looking and proactive regulator. This will assist in demonstrating that the time between a risk being identified

and effective supervisory action being taken is as short as possible. This is an issue which is likely to form part of the GAR assessments and the next round of Moneyval assessments. In short, streamlining the GFSC's decision making and governance will assist the GFSC in moving more quickly to stop and prevent harm faster.

Clause 23(a) and (c) provides for decision making in exceptional cases where all DMC members are conflicted by a suitably qualified individual appointed by the Minister.

Clauses 6(3), 14, 15, 25(a), 28 and 29 transfer responsibility for the Gibraltar Investor Compensation Scheme to the GFSC's Financial Services Resolution and Compensation Committee, which administers the Gibraltar Deposit Guarantee Scheme.

Clauses 6(5), 16, 23(b) and 24 amend Sections 38 and 286 and Schedules 6 and 7 to the Act. They extend the cost of indemnity for members, employees etc. of the GFSC, its statutory committees and the Gibraltar Resolution Authority to include damages.

Clause 7 enhances UK alignment by amending the provisions in Part 5 of the Act relating to confidentiality and assistance by the GFSC of other regulators, including inserting a new Section 52A, making it a criminal offence to breach those confidentiality provisions. It also adds the UK Financial Services Ombudsman to the definition of 'foreign regulator', making it easier for the GFSC to co-operate and exchange information with them.

Clause 6 makes some changes to Part 7 of the 2019 Act, which contains the permission process and the GFSC supervisory powers. It amends the definition of 'designated statutory objectives' to incorporate the GFSC's objective to protect Gibraltar's reputation, aligns the criteria which need to be met for the GFSC to apply its supervisory powers with those which apply in the United Kingdom, extends the period in which the GFSC may process incomplete permission applications with the GFSC's and the applicant's agreement, and provides for specified changes to the material changes for the purposes of Section 83A of the Act.

Clause 10 amends Part 8 of the 2019 Act, and clauses 29 and 27 amend the related Schedules 14 and 15. The amendments enhance the UK alignment by requiring certain types of regulated firms to appoint non-executive directors, and certain functions performed by regulated individuals to be outsourced, subject to regulatory safeguards. Part 8 is also amended to add non-compliance with tax obligations as one of the fit and proper criteria of the GFSC which needs to be taken into account when considering an individual. Various UK alignment changes are also made, including adding an individual's capacity to carry out a regulated function to the relevant approval criteria, allowing the GFSC to impose conditions on an approval where it is appropriate or desirable to advance its objectives, extending the regime to those who work for a group entity but are able to exert significant influence over a regulated firm's affairs, adding a new ability to sanction those carrying out a regulated function without approval.

Clause 11 amends the time limit for processing change of control notices. It also increases UK alignment by giving the GFSC the same ability as the UK regulators to impose conditions on a change of control approval, if doing so is desirable to advance the regulatory objectives. Further UK alignment changes have been made regarding the period for which approval is valid.

Clause 12 amends Part 10 of the 2019 Act and clauses 19(1), (3) and (7) amend Part 28 of the Act to align the GFSC's information-gathering powers in respect of third parties and the publication of sanctions and supervisory action with those of the UK regulators.

Clause 13 amends Section 176 of the Act to bring within the definition of 'relevant requirements' retained EU law that regulates financial services or confers powers on the GFSC.

Clause 17 adds procedures to Chapter 3 of Part 19 of the Act relating to prospectuses.

Clause 18 amends Part 25 of the Act concerning the licensing of insolvency practitioners. The amendments apply the application criteria for regulated individuals to insolvency practitioners and also clarify that the prescribed notice procedure does not apply where a licence restriction is imposed with the applicant or the holder's consent or at their request, which is consistent with the general procedure for all other sectors. It also makes other minor changes.

Clause 22 amends Schedule 5. It introduces a more concise version of the regulatory objective in relation to the reputation of Gibraltar. It retains the Government's ability to require the GFSC to take action to protect Gibraltar's reputation.

Clause 25(b) adds the Office of Fair Trading to the list of domestic authorities in Schedule 9 of the Act.

The Bill also makes other, mostly minor, amendments.

Madam Speaker, I commend the Bill to the House.

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

Hon. R M Clinton: Thank you, Madam Speaker. May I start by thanking the Minister for his comprehensive description and explanation of the contents of the Bill, which, as all Members will no doubt agree, is a fairly complex piece of legislation, and necessarily so, I imagine, because of the need to, as the Minister has described, achieve regulatory alignment with the UK. I am conscious of what the Minister has said in that it has required, I imagine, significant liaison with HM Treasury to ensure that we do meet the criteria to satisfy the Gibraltar Authorisation Regime, which I am sure all stakeholders in Gibraltar's financial services industry – of which a significant element of our business in Gibraltar is facing the UK – will agree that this is a very important piece of legislation, and I agree entirely with the Minister that we need to do what is required to protect that market access to the UK in respect of financial services.

Madam Speaker, we on this side of the House have no problem whatsoever in wholeheartedly supporting the Bill.

Madam Speaker: If no other hon. Member wishes to speak, I will call on the mover to reply.

Hon. N Feetham: Madam Speaker, I am grateful to the hon. Members opposite for supporting the Bill.

Madam Speaker: I now put the question which is that a Bill for an Act to amend the Financial Services Act 2019 to provide for market access arrangements between Gibraltar and the United Kingdom in respect of financial services; to amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility for administering the Gibraltar investor compensation scheme to the Financial Services Resolution and Compensation Committee; to make further provision concerning financial promotions; to amend the matters considered by the Decision Making Committee and provide for decision making in exceptional cases; to amend provisions relating to confidentiality, information gathering and the assistance of other regulators and to provide for related offences; to amend the regime for regulated individuals and non-executive directors; to amend publication powers and the time limits for considering applications and certain notices; to amend the definitions of financial crime and designated regulatory objectives; to extend indemnities for costs to include damages; and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Amendment No. 2) Act 2024.

**Financial Services (Amendment No. 2) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

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

Members: Aye.

**Care Agency (Amendment) Bill 2024 –
First Reading approved**

230

Clerk: A Bill for an Act to amend the Care Agency Act 2009. The Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): I have the honour to move that a Bill for an Act to amend the Care Agency Act 2009 be read a first time.

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Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Care Agency Act 2009 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Care Agency (Amendment) Act 2024.

**Care Agency (Amendment) Bill 2024 –
Second Reading approved**

240

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I have the honour to move that the Bill for the Care Agency (Amendment) Act be read a second time.

245

The Bill amends the Care Agency Act 2009 in order to make provision by statute for the Adult Safeguarding Board. It allows me, by regulations, to establish the Board, its powers, functions and constitution. The Adult Safeguarding Board is a multi-agency body which is mainly made up of employees of the Care Agency and the GHA. It is a collaborative body made up from partner organisations that have made a commitment to safeguarding adults. The Board is responsible for promoting and supporting a co-ordinated and multi-agency approach and for creating a culture of continuous improvement in adult safeguarding practice and service responses. The aim of the Board is to understand and work together to overcome the challenges of dealing with abuse, exploitation or neglect when it affects those adults who are at risk of harm.

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Regulations have already been drafted and will be published as soon as this Act comes into force.

The Bill also amends the definition of ‘Minister’ to update and better reflect my responsibilities as set out in the particular directions.

255

Madam Speaker, I commend the Bill to the House.

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

Hon. Dr K Azopardi: Madam Speaker, I rise because my colleague Mrs Sanchez is not in the Chamber. Unfortunately, she had a medical scan this morning, so is unable to attend Parliament.

Just to speak on this Bill and perhaps another one that will be taken later today. We welcome the establishment of a safeguarding board, clearly. I do have some issues of principle that I will mention to the Minister in the hope that she might consider them before Committee Stage – and it may be that she might want to delay the Committee Stage, but for her to consider once she hears what we have to say on this issue.

We welcome the establishment of the Board. The Bill itself is a relatively short Bill, which simply establishes an enabling provision for the Minister, by regulation, to then cater for the functions of the Board and so on. It is clear that the Board itself will be for the protection of adults but I assume, from the way that the regulation-making power is drafted, that it is not necessarily adults that are within the care of the Agency; it is a wider provision that would allow regulations to be made in the context of adults who require care outside of the care of the agency. That is an important provision and we support the width of the provision, but we do notice these things that perhaps we would have thought would be in the Act.

The section establishes the ability to establish a Board to look after adults who are experiencing or are at risk of abuse or neglect, but ‘abuse or neglect’ is not defined and we would have thought that perhaps it would be worthy of a definition of abuse or neglect. Not everything is analogous, I suppose, but there are provisions, as the Minister will know, in the Care Agency Act 2014 in England – Sections 42 to 45 cover this area – and there are statutory definitions of ‘abuse’ and, as I understand it, ‘neglect’. I read somewhere that there are 10 classifications of abuse or neglect. I just wonder whether there should be embodied in the Act some form of definition of ‘abuse or neglect’, because otherwise it is unclear.

Also, there are provisions in the English statute that place statutory obligations on entities that are caring for adults of a safeguarding nature, so again, to the extent that some of these residents might be resident in a facility that is run by the Care Agency, for example, to that extent perhaps there should be safeguarding obligations also inserted into the Act. We thought that perhaps that should also be there.

Madam Speaker, in general it is clear that this is a welcome provision and we will support the principle of the establishment of a Safeguarding Board and that the ability the Minister should have a regulation-making power, because that will give her the flexibility to legislate by subsidiary legislation in this important area. We do, though, think that there should be an improvement to the Bill itself to make it clearer what the remit will be, what the categories will be and what the obligations will be on the public authorities safeguarding adults. Those are our views on the Bill.

Madam Speaker: If no other hon. Member wishes to speak, I will call on the mover to reply.

Hon. G Arias-Vasquez: Thank you Madam Speaker. I am happy to look at those points and include definitions, if necessary, on abuse and neglect, and look at all the points raised by the Hon. Leader of the Opposition. I am keen not to delay the Committee Stage and to pass this Act today, to be able to set up the committee, to have a functioning committee, and, if necessary, look at further changes down the line.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Care Agency Act 2009 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Care Agency (Amendment) Act 2024.

**Care Agency (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, Care and Business (Hon. G Arias-Vasquez): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

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

Members: Aye.

**Register of Property Occupation (Amendment) Bill 2024 –
First Reading approved**

315 **Clerk:** A Bill for an Act to amend the Register of Property Occupation Act 2021. The Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): I have the honour to move that a Bill for an Act to amend the Register of Property Occupation Act 2021 be read a first time.

320 **Madam Speaker:** I now put the question which is a Bill for an Act to amend the Register of Property Occupation Act 2021 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Registered Property Occupation (Amendment) Act 2024.

**Register of Property Occupation (Amendment) Bill 2024 –
Second Reading approved**

325 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I beg to move that the Bill for the Register of Property Occupation (Amendment) Act 2024 now be read a second time.

330 The landscape of short-term rentals has experienced a revival across Europe and further afield, with performance metrics moving closer to pre-pandemic levels. Gibraltar has been no different, as we have seen an exponential increase in this space in the last couple of years, which continues to grow. For property owners this presents a fantastic opportunity to capitalise on the growing trend and maximise their rental income.

335 Government has been keen to introduce a simple light-touch regulatory framework to regulate the short-term rental market in Gibraltar, to provide a level playing field between operators of short-term rental accommodation and other players in the tourism industry and the already existing Register of Property Occupation Act has been identified as the most suitable legislative framework for this purpose. The proposed legislation crystallises the discussions had with the Gibraltar Tourist Board and Land Property Services Ltd in this regard. The main thrust of the legislation is to ensure registration of all short-term rentals in Gibraltar, and, as such, the proposed legislation envisages a registration-only process by hosts followed by the submission of returns
340 prescribing certain information. As the current RPO registrar will be the same person dealing with the short-term rentals, they will be able to discern discrepancies in property occupation.

Government will be following up with subsidiary legislation relating to short-term rentals, which may deal with matters such as any amendment to the designated period for short-term rental accommodation services, which are currently set at a maximum of 30 days per stay; the form of advertising of short-term rental property; host availability in respect of short-term rental property; insurance, health and safety, and other requirements in respect of short-term rental property; the form of notification to the registrar in respect of short-term accommodation and rental services; the documents to be supplied to the registrar in support of notification to the registrar; any fees payable in connection with notifications to the registrar in respect of short-term accommodation, rental service and the time periods for the payment in payment in respect thereof, and the form of return and information to be furnished in respect thereof.

The amendments to the Register of Property Occupation Act will apply to all short-term rental property in Gibraltar. 'Short-term rental property' is defined as accommodation located in Gibraltar that is a subject of provision of short-term rental accommodation. In turn, 'accommodation' is defined as including the whole or part of any premises and a 'short-term accommodation rental service' is defined as a short-term letting of accommodation, whether through an online short-term rental platform as defined in the Bill or other means, and in respect of which all of the limbs of the criteria set out in the Bill are met.

A host who provides a short-term accommodation rental service shall notify the registrar in the prescribed manner and provide such detail as may be prescribed. A host can include a legal or natural person, and, where an agent is authorised on a host's behalf to deal with a short-term rental property, the agent shall be deemed to be the host for the purposes of the legislation.

Accommodation which becomes a short-term rental property after the commencement of the amendments to the Act shall be notified by a host to the registrar in the manner to be prescribed prior to the commencement, including the advertisement of the short-term accommodation rental service.

Accommodation which was short-term rental property prior to the commencement of the amendment Act shall be notified by a host to the registrar in the manner prescribed within three months from the coming into force of the amendments to the Act. The registrar will then consider whether to enter the notification into the Register of Property Occupation. Any change in the status of the short-term rental property needs to be notified to the registrar. Failure to notify the registrar as to a property being short-term rental property, or a change in the status of the same, is an offence.

Every host shall deliver to the registrar successive returns, each of which shall be made up to a date not later than the return date of the prescribed information. The amendments to the Act expressly provide for the information to be shared with the Income Tax Office and for the sustainable tourism fee to apply in respect of short-term lettings. Those renting out property short term have obligations to declare the income derived, and this Bill will make pursuing the correct declaration of that income easier to trace by the Commissioner of Income Tax. Removal from the registrar occurs if the host has provided false information or if notification is provided by the host to the registrar that the property has ceased to be short-term rental property. The proposed legislation does not envisage the issuing of permits but rather of a unique registration number in respect of that property.

Ultimately, this piece of legislation will assist Government to collate statistics of these properties insofar as occupancy rates, the number of guests, the length of stay and the revenue collected are concerned. For all these reasons, Madam Speaker, I commend this Bill to the House.

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

Hon. Dr K Azopardi: Madam Speaker, I assume that this Bill is also about the possibility of revenue raising, because the provision at Section 25 of the proposed Bill which allows the registrar to furnish the Commissioner of Income Tax with information may also be part of the purpose of the Bill. I mention that because I am not sure the Minister covered that precisely in her speech; she might have done. To that extent, I do recognise – I think as we all do – that these things are happening in Gibraltar quite a lot now and perhaps have been happening for the last 10 or 15 years; I would say longer than that. It would have been rare to think of people renting out their flats on Airbnb or whatever it is, but it is clear that this is happening in a lot of the more modern developments and quite often. And so, to the extent that there is this short-term rental market that in some way deprives the exchequer of trading rental income, then certainly we see the rationale behind doing this, and to that extent we will support the principle. But I have to say that I just express some misgivings about the difficulty of understanding this Bill, because it caused us some anxiety, some of the provisions, because they are not necessarily obvious. For example, some of the provisions on the hosts submitting returns, but we were not clear how often these returns were going to be submitted. I just cast my mind back to when the Register of Property Occupation Bill was first taken – by the Hon. Albert Isola at that stage. I think the hope had been that this would provide a fairly seamless ability for people to register their property and so on, but there had to be successive delays in the submission-of-information date because it was difficult to be able to have the bureaucracy put in place to deal with the flood of information that was being received.

When she rises to respond to me, can the Minister perhaps give a bit more insight or assurance to the House that there have been discussions with those who have to administer this system and that they are happy that they are able to administratively respond? Can she give us some clarification on how this will work in practice in terms of the specific returns, because, of course, the business community may also have interests here; and can she confirm that this is also a measure that will allow perhaps the Commissioner of Income Tax to take an interest in this field?

Madam Speaker: If no other hon. Member wishes to speak, I will call on the mover to reply.

Hon. G Arias-Vasquez: Madam Speaker, thank you for the opportunity to reply. In response to the first point – Sorry.

Madam Speaker: Sorry. I understood that the Hon. Minister Santos wished to speak, and I did not see him. If he wishes to speak, then he can interject before I call on the mover to reply. I apologise; I had not seen you.

Hon. C P Santos: Not at all, Madam Speaker. As Minister for Tourism, I obviously support this Bill. As mentioned by my hon. Colleague, we have worked closely together on this Bill and it is important to regulate short-term rentals and put all tourism-related properties on a more even playing field. This will also protect Gibraltar from the shortcomings experienced by other destinations due to not regulating this field.

I am sure that my hon. Colleague will be able to answer what has been put forward by the Leader of the Opposition.

Madam Speaker: I now call upon the mover to reply.

Hon. G Arias-Vasquez: Apologies, Madam Speaker; I was a bit over enthusiastic getting up to respond.

In respect of the first point raised by the Hon. Leader of the Opposition, it is a control of an income-generating measure. As I as I pointed out in my speech, the information will be shared with the Commissioner for Income Tax and therefore he will have a better oversight of the short-term rental market.

445 In respect of the more administrative points in relation to the Bill, we have been in discussions
with Land Property Services and also with the Government IT service that set up the platform for
the Register of Beneficial Interest online, and it is an addition to that website rather than a whole
new website. The teething issues that were experienced when the whole of Gibraltar went to
register their interest should not be experienced this time. I do not want to say in Parliament that
450 we will not have *any* issues because there will sometimes be issues, but we hope that because it
is in addition to an already existing service, it will be much easier to implement than was previously
the case. So yes, I can confirm that we have been in discussions with Government IT and with Land
Property Services, indeed with the Minister for Tourism and his team on these regulations.

455 So how will this work in practice? As I stated, it is an addition to the current Register of
Beneficial Interest, so it is an addition to the online service which is currently provided. It is on
that website where either the owner or the host – because often the person who administers the
property or the person who is actually controlling the property on a day-to-day basis is not the
owner but is a third-party host, which is what the legislation caters for.

460 I think the final point is very similar to the first point that the hon. Gentleman made. Yes, we
do envisage that this will give greater oversight to the Commissioner of Income Tax on the
question of short-term rentals in Gibraltar and therefore any income derived from the short-term
rentals.

465 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Register
of Property Occupation Act 2021 be read a second time. Those in favour? (**Members:** Aye.) Those
against? Carried.

Clerk: The Register of Property Occupation (Amendment) Act 2024.

**Register of Property Occupation (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

470 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** I beg to give notice that the
Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

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

475 **Members:** Aye.

**Gibraltar Culture Bill 2024 –
First Reading approved**

480 **Clerk:** A Bill for an Act to make provision for the management, enhancement and enjoyment
of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar,
for the preservation of buildings and premises used for cultural purposes, to establish the
Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other
cultural connected matters.

The Hon. the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): I have the honour to move that a Bill for an Act to make provision for the management, enhancement and enjoyment of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar, for the preservation of buildings and premises used for cultural purposes, to establish the Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other cultural connected matters be read a first time.

Madam Speaker: I now put the question which is that a Bill for an Act to make provision for the management, enhancement and enjoyment of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar, for the preservation of buildings and premises used for cultural purposes, to establish the Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other cultural connected matters be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Gibraltar Culture Act 2024.

Gibraltar Culture Bill 2024 – Second Reading approved

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): I have the honour to move that the Bill be now read a second time.

Madam Speaker, I would like to bring to your attention a letter with amendments sent on 18th June 2024, to be discussed at Committee Stage.

For a nation like Gibraltar, culture is extremely important in building a sense of local identity and reflecting our community. Culture is what connects us to our heritage, traditions and shared values. Culture is what fosters our sense of Gibraltarian unity and pride. During the periods of lockdown in the Covid-19 pandemic, consumption of different creative content, whether through music, books, film or otherwise, increased considerably. During those difficult and lonely times, it was culture that gave us hope, comfort and relief from isolation. That intangible but significant thing is what this Bill is designed to protect and enhance.

The purpose of the Bill is to cement in law the importance of Gibraltar's cultural scene and provide for the legacy of cultural services in Gibraltar. Currently, the Government chooses to invest in culture because that is our policy priority. However, there is nothing in law requiring the Government to do this. Other jurisdictions have demonstrated that in times of financial or social difficulties, one of the first things to be dispensed with is culture, when it may be exactly at those times when celebrating and embracing local culture is what the community needs the most. This Bill protects against that risk by making the provision of cultural services by the Government mandatory in law.

The Bill is divided into seven parts. Part 2 of the Bill imposes a number of duties relating to culture which the Government must comply with, including the organisation and co-ordination of cultural events, the development of quality in the arts and culture, and the promotion of understanding, appreciation and enjoyment of the arts and culture. In so complying, the Government must take into consideration certain principles, such as the need to use resources in the most efficient way and the need to increase diversity of people accessing and participating in arts and culture. The Government will have certain powers in order to discharge its duties. The main power is the ability to appoint a Chief Culture Officer, a suitably qualified person to whom the Government may delegate the duties and functions described in the Bill. The Bill also creates a register of cultural organisations, which will contain details of any person engaging in any cultural activity. This will enable the Government to gather greater understanding about how many different cultural activities take place in Gibraltar and how many people participate in a

certain type of activity, and this knowledge will enable the Government to better service the cultural community.

Part 3 of the Bill establishes the Gibraltar Arts Advisory Council and imposes on it a number of functions, including to advise the Government or any other person as the Minister for Culture may direct on matters relating to culture and the arts. The Bill empowers the Gibraltar Arts Council to establish committees for the purpose of carrying out its functions.

The Bill deals with cultural grants in Part 4, establishing a Cultural Grants Committee, whose functions include considering applications for financial assistance by organisations and individuals involved in cultural activities and making recommendations to the Government as to the merit of such applications. Cultural grants have been in place for a number of years already, but they are now enshrined in law in order to ensure that generations to come can also benefit from culture being made a priority.

The Bill appoints a Government Art Collection Curator in Part 5 of the Bill, who is responsible for a number of functions relating to the art collection which is in the possession of the Government. Subject to the terms on which such artwork was acquired, the curator shall carry out a number of functions, including the promotion of Gibraltar's national and modern art galleries, to research Gibraltarian artists and to provide and develop educational platforms to enhance a wider understanding of our cultural heritage amongst young people.

Part 6 of the Bill designates the John Mackintosh Hall Public Library as the public library, and appoints a library manager, who must carry out a number of functions set out in this part, for which they are granted a range of powers. Such functions include the management of the public library both as a venue and as a collection, and the promotion and encouragement of literature. As a public library, the John Mackintosh Hall Library will be the ISBN agency for Gibraltar and will also be the legal deposit library. This means that a person who publishes in print in Gibraltar a work must deliver a copy of it to the public library at their own expense, and in the case of a published work containing historical or military content, a second copy must be delivered to the Garrison Library. Having a legal deposit library in Gibraltar will ensure that Gibraltar's intellectual heritage is preserved and available for study, to safeguard knowledge and information for future generations and maintain an archive of Gibraltar published works. This will result in free access to all literary works published in Gibraltar, which can enhance Gibraltar's educational, cultural and literary offering for the benefit of the general public.

The final Part of the Bill creates powers for the Minister with responsibility for culture to make regulations for the due administration of the Bill and to preserve any rights or powers accrued or delegated prior to the commencement of the Bill.

While simple, the Bill paves the way to a greater objective to promote, enhance, protect and elevate culture in Gibraltar. It provides a legal framework in which participants in the arts can flourish in the same way that heritage or sports have enjoyed a legal framework in which to operate and grow for years.

Madam Speaker, I commend this Bill to the House.

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

Hon. E J Reyes: Madam Speaker, it probably pleases you to know that we should not have any major clashes or anything with this Bill because I have met with the Minister since the publication of the Bill. Keeping to my pedantic tradition of interpreting things, we managed to agree upon some issues and therefore the Minister, in June, wrote to you proposing certain amendments, clarification in the wording of the Bill and so on, which we hope to pass through in the Third Reading later today or whatever that is taking place. I will probably add a couple of more minor things when it comes to the Third Reading, but on the general principles of the Bill, like the Minister said, it is a tidying-up exercise, it is placing in law – which is welcome – things that are in existence, like the Cultural Grants Committee and so on, but instead of being left to the whim of

the Minister of the day, it is now enshrined in law. It is something that the whole House should welcome. It also gives a legal responsibility to the curator, who has to maintain a register and obviously the safekeeping of the artworks and so on, which should eventually clarify ... I know in the past there has been some tensions in historical works of art being housed at the Gibraltar Museum. The curator of the Museum has very much taken as his own personal possession the museum work itself, and here, now, the curator of the Government's art works will probably want to lay a claim on that. That is something that can be sorted out in the future based upon primary legislation, which hopefully we should pass today.

The final thing to say is we welcome the clarification of the inclusion of the library and library purposes in Gibraltar, because although through the desires and the will of the late John Mackintosh we have a library that is used by people of all ages, now enshrined in law there is a responsibility to maintain that library. There is an obligation for publications to be handed in and therefore stored in that library, and putting down in legal framework the ISBN numbers of books to be published, which all in all will only help to enrich culture in Gibraltar.

Madam Speaker, before I sit down, I just want to clarify that we will be supporting this Bill, just adding a couple of comments, when the Third Reading comes along, for minor wording.

Madam Speaker: Before I call on the mover to reply, or invite any other hon. Member to speak, just following up on what the hon. Member has said, if the hon. Member has clear in his mind now any amendments which are to be proposed, I would suggest that it might speed things up if those are put in writing so that there is clarification at the Committee and Third Reading stages.

Hon. E J Reyes: Yes, thank you for the advice, Madam Speaker; I will do so. They are minute, but I will do so to help you in the administration of the Third Reading.

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

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Thank you, Madam Speaker. I rise to fully support my hon. Friend and fellow performer, the Minister for Culture, in what is seminal legislation. I had the privilege of being closely involved with an earlier draft which was published before the election and obviously fell out of the Order Paper.

I think it is important to reiterate the words of my hon. Friend in the context of Covid, because the early drafts of this legislation happened during the Covid years when culture rose to take its deserved place in our community in giving focus, entertainment, activity and cohesion to the community during those difficult times. It reflects much of what is already there but sets it in law and, as my hon. Friend has said, brings culture up to the level of heritage and sports where it has always been but now will have recognition in being part of the laws of Gibraltar.

I take this opportunity to congratulate the Hon. Minister for bringing it back before Parliament, to congratulate his teams at the Ministry of Culture and Gibraltar Cultural Services for all the work that they do and continue to do. I just had to rise in support of that because it is a really important moment for the rich and world-class cultural community of Gibraltar.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I will call on the mover to reply.

Hon. C P Santos: Madam Speaker, I would like to echo the words of my hon. Colleague and say a huge thank you for the fantastic work that he did before I took office as Minister for Culture: thank you very much for leaving everything in such a great place. It is an honour for me to be able to bring this Bill to the House. And, of course, thank you very much to the hon. Member opposite for supporting this Bill.

635 **Madam Speaker:** I now put the question, which is that a Bill for an Act to make provision for the management, enhancement and enjoyment of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar, for the preservation of buildings and premises used for cultural purposes, to establish the Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other cultural connected matters be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

640 **Clerk:** The Gibraltar Culture Act 2024.

**Gibraltar Culture Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

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

Members: Aye.

**Civil Partnership (Amendment) Bill 2024 –
First Reading approved**

650 **Clerk:** A Bill for an Act to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year.
The Hon. the Minister for Equality, Employment, Culture and Tourism.

655 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** I have the honour to move that a Bill for an Act to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year be read a first time.

660 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Civil Partnership (Amendment) Act 2024.

**Civil Partnership (Amendment) Bill 2024 –
Second Reading approved**

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker,
665 I beg to move that the Bill for the Civil Partnership Amendment Act 2024 be read a second time.

The purpose of this Bill is to amend the Civil Partnerships Act 2014 to bring in line certain of its provisions with the Matrimonial Causes Act. These amendments come about further to the amendments made to the Matrimonial Causes Act by virtue of the Matrimonial Causes (Amendment) Act 2019, particularly in respect of no fault dissolutions, and to reduce the minimum
670 period of partnership required prior to the commencement of dissolution proceedings from three years to one year.

The genesis of these amendments was to harmonise certain key provisions in the civil partnership regime with those of marriage. This Bill establishes that, as is the case with the amended marriage laws, persons in a civil partnership no longer need to support an application
675 for dissolution, separation or nullity with allegations of adultery, unreasonable behaviour, desertion or any fault. The reduction in time period protects civil partnership partners who, for example, may have been the victims of domestic abuse, by not forcing them to wait for a two- or three-year period after separation before they can bring their civil partnership to an end.

The amendments proposed in the Bill cover the required changes to processes and wording
680 for matters including no fault dissolutions, dissolution, nullity and separation applications after the first year of partnership, as well as an extension of the cooling-off period between the provisional and final pronouncements from six weeks to six months.

I can also confirm that changes to the Civil Partnership Rules have been made in keeping with the amendments made to the Family Proceedings (Matrimonial Causes) Rules in 2019 in order to
685 mirror the changes I have mentioned to the civil partnership regime.

For all the reasons above, Madam Speaker, I commend this Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?
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Hon. J Ladislaus: Madam Speaker, I used to be a matrimonial practitioner, so I thought I would rise and make comment.

We, on this side of the House, agree wholeheartedly with bringing the legislation in relation to civil partnerships in line with the Matrimonial Causes Act. The amendments will serve to do things
695 such as simplifying the way in which you can obtain a dissolution. It increases privacy between parties, it increases the speed, it reduces the cost between the parties and also it goes some way to helping, as well – and I think it is important to say – victims of domestic abuse because the order is obtained in a faster manner and it allows obviously for a quicker separation, a formal separation of parties, which allows for healing to commence. So, we wholeheartedly agree with
700 the changes made.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I will call on the mover to reply.

Hon. C P Santos: Madam Speaker, I would like to thank the hon. Member opposite for the support of this Bill.
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Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Partnership Act 2014, to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.
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Clerk: The Civil Partnership (Amendment) Act 2024.

**Civil Partnership (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

715 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

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

720 **Members:** Aye.

**Boy Scouts Association (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Boy Scouts Association Act. The Hon. the Minister for Equality, Employment, Culture and Tourism.

725 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** I have the honour to move that a Bill for an Act to amend the Boy Scouts Association Act be read a first time.

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

730 **Clerk:** The Boy Scouts Association (Amendment) Act 2024.

**Boy Scouts Association (Amendment) Bill 2024 –
Second Reading approved**

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I have the honour to move that the Bill for the Boy Scouts Association (Amendment) Bill 2024 be read a second time.

735 This short Bill amends the current Act in two ways. The first is related to nomenclature. Although scouting has its origins in 1908, the Boy Scouts Association was created in 1912 when King George V granted a royal charter. In 1967, that name was changed by a supplemental charter to the Scout Association. At the time, no action was taken to update Gibraltar's legislation. This matter was brought to my attention in mid-October and I immediately commissioned the drafting of the Bill before us today. The changes I have just referred to are made by Clause 3(2) to (6) of the Bill.

740 The second way in which the principal Act is amended relates to the penal provisions. In updating the nomenclature, it was brought to my attention that the penal provisions also needed modernisation. The fine of £10 has not been revised for a very long time indeed. In Trinidad and Tobago, which has equivalent legislation, the fine is \$400. I have, therefore, amended the fine to level 1 on the standard scale, which is currently £200. The penal provision also currently provides

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for the imposition of a custodial sentence of one month. This is removed altogether. Clause 3(7) effects these changes.

I commend the Bill to the House.

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

755 **Hon. G Origo:** Madam Speaker, thank you for the opportunity. I rise to speak on behalf of my hon. Colleague who is not in the Chamber at the moment but I have managed to go over the Bill with my colleague and we have discussed and are happy with the merits and purpose as provided by the Hon. Minister opposite. We agree that it is high time to get in line with appropriate wording and the removal of the references to 'Boy', to the 'Scouts Association', as is done in other jurisdictions, and also with the amendment to the fine, to be increased in line with more modern legislation. So, we, on this side of the House, will be indicating our support for this Bill.

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

765 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, very briefly, as a scout for many years, from age eight, and the son of a former Chief Commissioner whose deputy, in fact, was the father of the Hon. Mr Clinton, I just want to briefly say that I fully support this and take the opportunity to congratulate the Scouts Association for its continued activity and for remaining relevant in the present day.

770 **Madam Speaker:** If no other hon. Member – Yes, the Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker, just to echo the comments that the Hon. Minister has just made in terms of the Scouts Association, with which I obviously fully associate myself. I congratulate the Scouts Association for obviously having been in Gibraltar for so long. This amendment is obviously an oversight and it is entirely correct that we do correct that today.

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

780 **Hon. Dr K Azopardi:** Madam Speaker, obviously I echo the words on this side of the House. This was a matter which, as the Hon. Minister knows, we had raised on this side of the House and he confirmed that the Government was looking at it, and so clearly we are supportive of the principles of this Bill. I declare my interest as a longstanding member of the 1st/4th Scout Group.

Madam Speaker: I now call upon the mover to reply.

785 **Hon. C P Santos:** Madam Speaker, we are all part of the 1st/4th family because I am very proud, as Cub Scout of the Year 1987, to be able to pass this legislation. (*Interjection*) This is a very momentous occasion for me because, today, passing these Bills and legislation is the closest my dear mother will ever see her son to becoming a lawyer. This is the closest she will ever get to it, (*Laughter*) so I hope she is glad that I have been a part of this today.

790 Thank you for the support on the other side of the House.

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

795 **Clerk:** The Boy Scouts Association (Amendment) Act 2024.

**Boy Scouts Association (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

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

Members: Aye.

**Stamp Duties (Amendment) Bill 2024 –
First Reading approved**

805 **Clerk:** A Bill for an Act to amend the Stamp Duties Act 2005. The Hon. the Chief Minister.

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

810 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Stamp Duties Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Stamp Duties (Amendment) Act 2024.

**Stamp Duties (Amendment) Bill 2024 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the Bill for the Stamp Duties (Amendment) Act be read a second time.

815 The Bill gives effect to the Budget measure I announced in July 2023, by which, firstly, the first and second time home buyers' allowance will be increased from £260,000 to £300,000. This amendment is deemed to have come into effect on 11th July 2023, which is the date the measure was announced. Secondly, the Bill increases the stamp duty on sales over £800,000 from 3.5% to 4.5%.

820 Madam Speaker, I will be moving an amendment to the Bill at the Committee Stage, of which I will give written notice.

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

825 **Hon. R M Clinton:** Thank you, Madam Speaker. I am not going to subject the House to a re-run of my address earlier this week in respect of the roll-up provisions of previous Budget measures, but unfortunately this does fall into that category of catch-up legislation retrospectively, going back to July 2023 in respect of the 2023 Budget. The problem is that I do not understand – and perhaps the Chief Minister can advise the House – what has happened in the interim from when
830 he stood up and gave his Budget speech. It is significant that he announced that the stamp duty

on sales over £800,000 will go up from 3.5% to 4.5% – it is a full 1% – on line 799 of his 2023 Budget speech, but how is this going to be applied retrospectively? How is this 1% tax being collected? Has it been collected or is there now going to be some kind of ...? I do not know; I do not know how it would work. How do you collect stamp duty in respect of stamp duty that was not due because he had not passed the law? How does that work? I really do not understand how this will work, unless the Chief Minister will tell the House that it has actually been applied and that tax has been deducted at a rate of 1% extra despite the fact the legislation was not passed. I would be grateful to know from the Chief Minister how exactly this measure has been administered in the interim. Again, I come back to the point – I am not going to labour it, Madam Speaker – that these things need to be legislated faster. I am not going to do and rerun of what I said earlier this week, but this relates to the Budget measures of 2023, which is the previous Parliament. We will, of course, be abstaining on this Bill.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I call upon the mover to reply.

Hon. Chief Minister: Madam Speaker, I am used to the hon. Gentleman making the same point over and over again; I am even used to him saying he is not going to make the same point over and over again and then going on to do nothing more and nothing less than make the same point over and over again. But I do not want to have to make the same point I made last time, over and over again, and I am therefore tempted, in order not to make the same point over and over again, to simply refer the hon. Gentleman to the things I said in the course of my intervention during the last session, but given that he has not, apparently, understood them, I shall have to repeat them over and over again. And that is very simple, that we have had established in this House at the very earliest, since 2011, the very clear understanding that it is possible to legislate retrospectively to give what is known as retrospective legal cover to charges, whether those are tax charges or other charges such as stamp duties. That was not established by us; it was established by the party that he is sitting with. It was established by the man who was the Chief Minister of Gibraltar until 2011 and who enjoyed his support and the support of the now Leader of the Opposition, who was a Minister at the time. Indeed, when Sir Peter Caruana explained to the House his view – which we have accepted – of what the provision was, he actually referred me, I believe, or Mr Licudi, and the now Father of the House, to the fact that the Constitution actually provides for this retrospective legal cover and indeed the Interpretation and General Clauses Act also provides for this. The hon. Gentleman is able to find all of this data from the *Hansard*, which is publicly available and, today, is searchable, not just by having to go to print copies but actually searchable online. If he uses the key words ‘retrospective legal cover’, he will be able to find exactly when in 2011 we had this debate and dealt with all of these issues. As I told him, Madam Speaker, also during the course of my intervention, I think on Monday afternoon, these matters were challenged in the United Kingdom in 2008, in a challenge to the Finance Act of 2008, in particular section 58 of the Finance Act, and the European Court of Human Rights has found that none of the issues that the hon. Gentleman is making are of sound legal foundation.

I am used to the fact that despite having been told that over and over again, the hon. Gentleman will get up and say that he is not going to make the point over and over again and go on and do nothing more and nothing less than make the point over and over again. We have answered those points already. Nothing that he says dissuades us from wanting to continue with this legislation and with adopting the attitude that the Gibraltar Social Democrats took when they were the Government of Gibraltar and did not bring Finance Acts, despite them having changed their mind, apparently, since his halcyon arrival in this House in 2015.

I, therefore, Madam Speaker, disregard what the hon. Gentleman has said and commend the Bill to the House.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Stamp Duties Act 2005, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

885

Clerk: The Stamp Duties (Amendment) Act 2024.

**Stamp Duties (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

890

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

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

895

Members: Aye.

**Tobacco (Amendment No. 2) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Tobacco Act 1997. The Hon. the Chief Minister.

900

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

905

Clerk: The Tobacco (Amendment No. 2) Act 2024.

**Tobacco (Amendment No. 2) Bill 2024 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the Bill for the Tobacco (Amendment No. 2) Act be read a second time.

910

This Bill amends Section 6 of the Tobacco Act 1997 to introduce a new condition to be imposed in respect of a retail or wholesale licence. This condition prevents a corporate body which holds a licence from pledging a security to shareholding, save with the previous written consent of the Collector of Customs; a very short provision.

I commend the Bill and the thinking of this provision to the House.

915

Madam 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. Dr K Azopardi: Madam Speaker, we will support the Bill. I had some concerns on the provision at Clause 3(2)(cc)(i) and (ii) and the use of the word ‘charged’, but I do notice that in the Tobacco Act ... I thought it should read ‘convicted’, but I notice that in Section 6 of the Tobacco Act the relevant provision under which this is going to be inserted does say ‘charged’. This is going to be introduced into a scheme that allows the Collector of Customs to refuse to issue a wholesale or retail licence. We are, as I said, supportive, but I do have to say that as a matter of principle it seems that this Bill, that builds on a previous provision, creates a scheme under which the Collector of Customs is mandated to refuse a change of director or shareholding when there is a charge of someone within the organisation with an offence, but is not prevented from the issue of a wholesale or retail licence if two years have elapsed from a conviction, which is later on, in Section 6.

I just raise this issue of principle for the perhaps Chief Minister to consider, outside of the scope of this particular amending legislation, as to the compatibility of these sections, although they are long standing, and as I said, we will support the principle of this Bill.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I call upon the mover to reply.

Hon. Chief Minister: Madam Speaker, I am grateful for the Hon. the Leader of the Opposition indicating that they are going to be supporting this Bill.

I do not want to transport you to a different place, but there is a golden thread that runs through English law that better a thousand guilty men go free than an innocent man go to jail. That is not the thread that was sewn into the Tobacco Act when it was created in 1997 for a reason that from this side of the House we accept. That is to say the Tobacco Act does not deal with people in the context of the provisions in Section 6 only after they have been convicted. The Tobacco Act, in Section 6, gives the Collector power to deal with people from the moment that they are charged – that is to say before the prosecution’s burden of proof has been discharged. This is about people who have been charged continuing to be in control of tobacco wholesale licences. This is not something that we have made up, and I will be corrected if I am wrong but I believe that the provision that the Hon. Mr Azopardi, the Leader of the Opposition, has referred to in Section 6 is one that the GSD introduced when they brought the Tobacco Act in 1997. That is relevant because that is, therefore, a provision that the Hon. Keith Azopardi, then a Minister, I forget with which portfolio, in 1997 voted for. I want to just reflect on that for a moment. Mr Azopardi, as a Minister, voted for the provision which gave the power to the Collector of Customs to deal in a particular way with wholesale licences in respect of someone who was charged, not convicted: the very point he is making now. We accept that that is the legislative scheme that we have inherited. We accept that it has worked well in the 30-year period since then. We accept the argument that when you are dealing with the question of charging – hypothecating – the asset, not the individual, you need to have the same scheme as you have in the context of assigning the asset. So, what this section does is, it says the Collector of Customs has the right to decide whether or not you can assign your tobacco licence, and you cannot assign it unless the Collector of Customs approves who you are assigning it to, and all of the criteria apply to those individuals who you may assign it to. Then the Collector of Customs is finding, potentially, himself or herself in a situation where if somebody has not sought consent to assign the asset but instead they have charged ... let me use the other word, hypothecated the asset, mortgaged the asset, and failed to comply with the obligations under that mortgage, the person who is the mortgagee can take the asset or can purport to take the asset but still needs the consent of the Collector of Customs. Well, that just puts us in the very invidious situation where a person may have been given security over an asset – in this case a tobacco licence – where the regulator in that space, the Collector of Customs, may not approve them to be the assignee of that licence but they have already given them the cash in respect of which the asset was security. The Bill ensures that at the stage of mortgaging or hypothecation, the person to be approved as the potential

holder of that asset in the event that the security provisions are not complied with and that person takes the asset is somebody who would have been approved by the Collector of Customs, at least at the time of the mortgage or hypothecation taking place, to be the assignee of the asset. And so it has to be the same legislative scheme. If, for assignment, you are talking about a person who has been charged, then on mortgage you also have to talk about the same structure of approval filter, and that is why we are adopting what I might call – perhaps, you might say, mischievously – the Azopardi doctrine – only because the Hon. the Leader of the Opposition voted for it then, in 1997 – as the same doctrine or structure that we approve today, despite the Hon. Mr Azopardi apparently having issue with it now. It has worked well for 30 years. Look, it is the season of goodwill, Madam Speaker. I would not want to spoil that in any way and I am very happy to talk about the fact that this Bill, which they passed almost 30 years ago, has worked well. Where we can agree, let's agree.

Madam Speaker, I commend the Bill as drafted to the House.

Madam Speaker: I now put the question which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco (Amendment No. 2) Act 2024.

**Tobacco (Amendment No. 2) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

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

1015

Chief Minister (Hon. F R Picardo): Madam Speaker, I pray that the House should resolve itself into Committee to consider the following Bills clause by clause, namely; the Genetically Modified Organisms Bill 2024, the Control of Major Accident Hazards Bill 2024, the Litter Control (Amendment) Bill 2024, the Transport (Amendment No. 2) Bill 2024, the Traffic (Amendment) Bill 2024, the Traffic (Amendment) Bill 2024 – must be another one – the Education and Training (Amendment) Bill 2024, the Transport (Amendment No. 3) Bill 2024, the Sanctions (Amendment) Bill 2024, the Global Minimum Tax Bill 2024, the Income Tax (Amendment No. 3) Bill 2024, the Income Tax (Amendment No. 4) Bill 2024, the Income Tax (Amendment No. 2) Bill 2024, the Financial Services (Amendment No. 2) Bill 2024, the Care Agency (Amendment) Bill 2024, the Register of Property Occupation (Amendment) Bill 2024, the Gibraltar Culture Bill 2024, the Civil Partnership (Amendment) Bill 2024, the Boy Scouts Association (Amendment) Bill 2024, the Stamp Duties (Amendment) Bill 2024 and the Tobacco (Amendment No. 2) Bill 2024.

1020

1025

In Committee of the whole House

**Genetically Modified Organisms Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to restate the law relating to genetically modified organisms, with modifications; and matters connected thereto.

1030

Part 1, clauses 1 to 3.

Madam Chair: Part 1, clauses 1 to 3 stand part of the Bill.

Clerk: Part 2, clauses 4 to 9.

1035

Madam Chair: Part 2, clauses 4 to 9 stand part of the Bill.

Clerk: Part 3, clauses 10 to 20.

1040

Madam Chair: Part 3, clauses 10 to 20 stand part of the Bill.

Clerk: Part 4, clauses 21 to 28.

Madam Chair: Part 4, clauses 21 to 28 stand part of the Bill.

1045

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

**Control of Major Accident Hazards Bill 2024 –
Clauses considered and approved with amendments**

1050 **Clerk:** A Bill for an Act to repeal and restate the law on the control and prevention of major accidents involving dangerous substances, the limitation of their consequences for human health and the environment; and for connected purposes.

Part 1, clauses 1 and 2.

1055 **Madam Chair:** Just a moment, Mr Clerk.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Chair, I would just like to remind the House of the contents of my letter of 10th June, which makes some housekeeping amendments.

1060

Clerk: Part 1, clauses 1 and 2.

Madam Chair: Part 1, clauses 1 and 2 stand part of the Bill.

1065 **Clerk:** Clause 3.

Hon. Prof. J E Cortes: Madam Chair, I refer once again to my letter of 10th June, in which I am proposing an amendment to clause 3. I propose, if there are no objections to any of the amendments – I think there will be none – that we consider them accepted as we go through, clause by clause.

1070

Madam Chair: Any objections to the amendments proposed for clause 3? No objections? All right, in that case, clause 3, as amended, stands part of the Bill.

1075 **Clerk:** Clauses 4 and 5.

Madam Chair: There is an amendment to clause 5.

Hon. Prof. J E Cortes: Madam Chair, once again, the amendment proposed in my letter of 10th June.

1080

Madam Chair: Any objection to the amendment to clause 5(2)?

Madam Chair: Clause 4 stands part of the Bill.

1085

Clause 5, as amended, stands part of the Bill.

Clerk: Part 2, clauses 6 to 8.

Madam Chair: Part 2, clauses 6 to 8 stand part of the Bill.

1090

Clerk: Clauses 9 to 11.

Madam Chair: Clauses 9 to 11 stand part of the Bill.

1095 **Clerk:** Clauses 12 to 20.

Madam Chair: Clauses 12 to 20 stand part of the Bill.

Clerk: Part 3, clauses 21 to 29.

1100

Madam Chair: Part 3, clauses 21 to 29 stand part of the Bill.

Clerk: Clauses 30 to 33.

1105

Madam Chair: Clauses 30 to 33 stand part of the Bill.

Clerk: Part 4, clause 34.

Madam Chair: Part 4, clause 34 stands part of the Bill.

1110

Clerk: Part 5, clause 35.

Madam Chair: Part 5, clause 35 stands part of the Bill.

1115

Clerk: Clause 36.

Hon. Prof. J E Cortes: Madam Chair, there are a number of, again, housekeeping amendments included in my letter of 10th June.

1120

Madam Chair: Any objections to the amendments proposed for clause 36? Clause 36 stands part of the Bill.

Clerk: Clause 37.

1125

Madam Chair: Clause 37 stands part of the Bill.

Clerk: Schedules 1 to 4.

Madam Chair: Schedules 1 to 4 stand part of the Bill.

1130

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

**Litter Control (Amendment) Bill 2024 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to amend the Litter Control Act 1990.
Clauses 1 and 2.

1135

Madam Chair: Clauses 1 and 2 stand part of the Bill.

Clerk: Clause 3.

1140

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Chair, I refer to my letter of 11th December proposing changes which I already explained at the Second Reading.

1145 **Madam Chair:** Any objections to the amendments proposed for clause 3? Clause 3, as amended, stands part of the Bill.

Clerk: The long title.

1150 **Madam Chair:** The long title stands part of the Bill.

**Transport (Amendment No. 2) Bill 2024 –
Clauses considered and approved with amendment**

Clerk: A Bill for an Act to amend the Transport Act 1998.
Clause 1

Madam Chair: Clause 1 stands part of the Bill.

1155

Clerk: Clause 2

Madam Chair: Clause 2 stands part of the Bill.

1160 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Chair, there is an amendment – again, I covered this in the Second Reading – included in my letter of 11th December.

1165 **Madam Chair:** Any objections to the amendments proposed for clause 2? Clause 2, as amended, stands part of the Bill.

Clerk: Clause 3.

1170 **Hon. Prof. J E Cortes:** Once again, there is a housekeeping amendment included in my letter of 11th December.

Madam Chair: Any objections to the amendments for clause 3? Clause 3, as amended, stands part of the Bill.

1175 **Clerk:** The long title.

Madam Speaker: The long title stands part of the Bill.

**Traffic (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Traffic Act 2005.
Clauses 1 to 3.

1180

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1185 **Madam Speaker:** The long title stands part of the Bill.

**Traffic (Amendment) Bill 2024 –
Clauses considered and approved with amendment**

Clerk: A Bill for an Act to amend the Traffic Act 2005.
Clause 1.

Madam Chair: Clause 1 stands part of the Bill.

1190

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Chair, my letter of 9th December ... As I explained during Second Reading, just to clarify, this is amendment number 2 of the Traffic Act.

1195 **Madam Chair:** Any objections to the amendment for clause 1? Clause 1 stands part of the Bill.

Clerk: Clauses 2 and 3.

Madam Chair: Clauses 2 and 3 stand part of the Bill.

1200

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

1205

**Education and Training (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Education and Training Act. Clauses 1 to 3.

Madam Chair: Clauses 1 to 3 stand part of the Bill.

1210

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

**Transport (Amendment No. 3) Bill 2024 –
Clauses considered and approved with amendments**

1215 **Clerk:** A Bill for an Act to amend the Transport Act 1998, to make provision for the inclusion of a second vehicle to road service licences in respect of taxis for the purposes of carrying out a night city service.
Clauses 1 and 2.

Madam Chair: Clauses 1 and 2 stand part of the Bill.

1220

Clerk: Clause 3.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Chair, my letter of 9th December ... Once again, I explained the rationale, which was accepted by the hon. Member, during my Second Reading. There are some amendments in clause 3 which allow this arrangement to continue during the day as well as during the night.

Madam Chair: Any objections to the amendments in clause 3? Clause 3 stands part of the Bill.

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

Sanctions (Amendment) Bill 2024 – Clauses considered and approved with amendment

Clerk: A Bill for an Act to amend the Sanctions Act 2019 to make provision about sanctions screening by relevant financial businesses, to amend the Proceeds of Crime Act 2015; and for connected purposes.

Clauses 1 to 3.

Madam Speaker: Clauses 1 to 3 stand part of the Bill.

Clerk: Clause 4.

Minister for Justice, Trade and Industry (N Feetham): Madam Chair, we have given notice of our intention to propose amendments to the Bill. I refer to our letter of 10th December.

We are proposing, in clause 4(3)(a), for the word ‘and’, in both places where it appears, to substitute ‘or’. In other words, for ‘and’, in both places it appears, we are proposing a substitution of ‘or’.

After clause 4(3), we are proposing to insert the following clause in section 157A: ‘In subsection (5)(a), for ‘subsections (6), (7), (8), (9), (10), (11) or (12)’ substitute ‘Sections 6, 7, 9, 10 and 11’, and in subsection (5)(c), for ‘subsection (9)’ substitute ‘subsection (12)’.

Madam Chair: Any objections to the proposed amendments? Clause 4 stands part of the Bill.

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

Global Minimum Tax Bill 2024 – Clauses considered and approved

Clerk: A Bill for an Act to impose a Global Minimum Tax including a Qualifying Domestic Minimum Top-Up Tax compliant with the Organisation for Economic Co-Operation and Development (OECD) objectives by direct reference to their Global Anti-Base Erosion Model Rules and Commentary and for connected purposes.

Clauses 1 and 2.

Madam Chair: Clauses 1 and 2 stand part of the Bill.

Clerk: Part 1, clauses 3 to 8.

Madam Chair: Part 1, clauses 3 to 8 stand part of the Bill.

1265 **Clerk:** Part 2, clauses 9 to 11.

Madam Chair: Part 2, clauses 9 to 11 stand part of the Bill.

1270 **Clerk:** Part 3, clauses 12 to 13.

Madam Chair: Part 3, clauses 12 to 13 stand part of the Bill.

Clerk: Part 4, clauses 14 to 25.

1275 **Madam Chair:** Part 4, clauses 14 to 25 stand part of the Bill.

Clerk: Part 5, clauses 26 to 29.

1280 **Madam Chair:** Part 5, clauses 26 to 29 stand part of the Bill.

Clerk: Part 6, clause 30.

Madam Chair: Part 6, clause 30 stands part of the Bill.

1285 **Clerk:** Part 7, clauses 31 to 37.

Madam Chair: Part 7, clauses 31 to 37 stand part of the Bill.

1290 **Clerk:** Part 8, clauses 38 to 40.

Madam Chair: Part 8, clauses 38 to 40 stand part of the Bill.

Clerk: Part 9, clauses 41 to 42.

1295 **Madam Chair:** Part 9, clauses 41 to 42 stand part of the Bill.

Clerk: Part 10, clauses 43 to 49.

1300 **Madam Chair:** Part 10, clauses 43 to 49 stand part of the Bill.

Clerk: Part 11, clauses 50 to 52.

Madam Chair: Part 11, clauses 50 to 52 stand part of the Bill.

1305 **Clerk:** The long title.

Madam Chair: The long title stands part of the Bill.

**Income Tax (Amendment No. 3) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 to 3.

1310

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1315

Madam Speaker: The long title stands part of the Bill.

**Income Tax (Amendment No. 4) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 to 3.

1320

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

1325

**Income Tax (Amendment No. 2) Bill 2024 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clause 1.

1330

Madam Chair: Clause 1 stands part of the Bill.

Clerk: Clause 2.

1335

Hon. N Feetham: Madam Chair, we have given notice of our intention to propose an amendment to this clause. We are proposing that in clause 2(2) we substitute the current subsection with the following: 'Subsection (3) comes into operation on 1st January 2025.'

Madam Chair: Any objections to the amendment to clause 2? Clause 2 stands part of the Bill.

1340

Clerk: Clause 3.

1345

Hon. N Feetham: Madam Chair, we move that an amendment be made in clause 3(3)(c) which inserts into Schedule 1 a paragraph headed 'Part 2': 'For (i) substitute 'a property constructed prior to and held by the owner since 1st January 1988'.

1350 We are also moving that in paragraphs 1(2)(a) and (b), for the words 'three or more taxable properties' we substitute 'five or more taxable properties'; in paragraph 1(2)(b)(i), for the word 'amount' we substitute the word 'profit'; in paragraph 1(8) we delete the closing speech, which was there by mistake; and after paragraph 1(8) we insert the following subparagraph: 'The Minister with responsibility for taxation may by order prescribe any class or category of property to be included within the definition of an exempted property, provided that no order shall be made under this paragraph unless it has been approved by resolution of the Parliament.'

1355

Madam Chair: Any objections to the amendments proposed for clause 3? Clause 3, as amended, stands part of the Bill.

1360 For the avoidance of doubt and for the purposes of *Hansard*, the previous clause, clause 2, stands part of the Bill as amended.

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

Financial Services (Amendment No. 2) Bill 2024 – Clauses considered and approved

1365 **Clerk:** A Bill for an Act to amend the Financial Services Act 2019 to provide for market access arrangements between Gibraltar and the United Kingdom in respect of financial services; to amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility for administering the Gibraltar investor compensation scheme to the Financial Services Resolution and Compensation Committee; to make further provision concerning financial promotions; to amend the matters considered by the Decision Making Committee and provide for decision making in exceptional cases; to amend provisions relating to confidentiality, information gathering and the assistance of other regulators and to provide for related offences; to amend the regime for regulated individuals and non-executive directors; to amend publication powers and the time limits for considering applications and certain notices; to amend the definitions of financial crime and designated regulatory objectives; to extend indemnities for costs to include damages; and for connected purposes.

1370

1375

Clauses 1 to 10.

1380 **Madam Chair:** Clauses 1 to 10 stand part of the Bill.

Clerk: Clauses 11 to 20.

Madam Chair: Clauses 11 to 20 stand part of the Bill.

1385

Clerk: Clauses 21 to 29.

Madam Chair: Clauses 21 to 29 stand part of the Bill.

1390 **Clerk:** The long title.

Madam Chair: The long title stands part of the Bill.

**Care Agency (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Care Agency Act 2009.
Clauses 1 to 3.

1395

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1400

Madam Chair: The long title stands part of the Bill.

**Register of Property Occupation (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Registered Property Occupation Act 2021.
Clauses 1 to 7.

1405

Madam Chair: Clauses 1 to 7 stand part of the Bill.

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

1410

**Gibraltar Culture Bill 2024 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to make provision for the management, enhancement and enjoyment of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar, for the preservation of buildings and premises used for cultural purposes, to establish the Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other cultural connected matters.

1415

Part 1, clauses 1 to 3.

Madam Chair: Part 1, clauses 1 to 3 stand part of the Bill.

1420

Clerk: Part 2, clauses 4 to 8.

Madam Chair: Part 2, clauses 4 to 8 stand part of the Bill.

1425

Clerk: Clause 9.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Chair, I refer to my letter of 10th June. This is already included as an amendment.

1430 I have also received an amendment today by the hon. Member opposite to clause 9(3). There is no objection to his amendment, but it is not really necessary as regulations are, as a rule, published in the Gazette already.

1435 **Hon. E J Reyes:** Madam Chair, I have proposed the amendment to insert in clause 3, after the words 'by regulations', 'published in the Gazette', so that it is in keeping with what then appears in other sections, so for uniformity, because it also appears in nine clauses. I am proposing to put it as published, the same as in clause 10(3), where clause 10(3) says 'the Minister may by regulations publish in the Gazette', so that the words match each other.

1440 **Hon. C P Santos:** As mentioned, I have no objections, and if it is going to make it a more cohesive Act, then yes, no objections.

Madam Speaker: We have the amendments, then, to clause 9(2) and (3). Clause 9, as amended, stands part of the Bill.

1445

Clerk: Part 3, clauses 10 to 12.

Madam Chair: Part 3, clauses 10 to 12 stand –

1450 **Hon. E J Reyes:** Sorry, Madam Chair, I had given notice that in subclause 11(c), after 'provide advice to any person' I am proposing to insert more equity in the same way as it appears in another section. In fact, in the amendment the Hon. Minister has just made to clause 9(2). He actually suggested, and we accepted, inserting the words 'or entity', and for uniformity I am proposing that we do the same in clause 11(c).

1455

Madam Chair: Any objections to those amendments?

Hon. C P Santos: No objections.

1460 **Madam Speaker:** Clause 10 stands part of the Bill.
Clause 11, as amended, stands part of the Bill.

Clerk: Clause 12.

1465 **Madam Chair:** Clause 12 stands part of the Bill.

Clerk: Part 4, clauses 13 to 14.

Madam Chair: Part 4, clauses 13 to 14 stand part of the Bill.

1470

Clerk: Clause 15.

Hon. E J Reyes: Madam Chair, in clause 15(1) I again propose the same amendment: after 'any person' insert the words 'or entity' so that we keep the uniformity throughout.

1475

Madam Chair: Any objection to the proposed amendment?

Hon. C P Santos: No objection. There are some amendments in clause 15, as stated in my letter of 10th June.

1480 **Madam Chair:** Any objections to those amendments in the letter of 18th June 2024? Clause 15, as amended, stands part of the Bill.

Clerk: Part 5, clause 16.

1485 **Madam Chair:** Part 5, clause 16 stands part of the Bill.

Hon. C P Santos: Madam Chair, I refer to my letter of 18th June with an amendment to clause 16.

1490 **Madam Chair:** Any objections to clause 16? Clause 16, as amended, stands part of the Bill.

Clerk: Clause 17.

Madam Chair: Clause 17 stands part of the Bill.

1495

Clerk: Part 6, clause 18.

Madam Chair: Part 6, clause 18 stands part of the Bill.

1500 **Clerk:** Clause 19.

Hon. C P Santos: Madam Chair, I refer to my letter of the 18th of June and an amendment to clause 19.

1505 **Madam Chair:** Any objections to the amendments proposed to clause 19? Clause 19 stands part of the Bill.

Clerk: Clauses 20 to 21.

1510 **Madam Chair:** Clauses 20 to 21 stand part of the Bill.

Clerk: Clause 22.

1515 **Hon. C P Santos:** Madam Chair, again, as referred in my letter of 18th June, there is an amendment to this clause.

Madam Chair: Any objections to the amendments proposed for clause 22? Clause 22, as amended, stands part of the Bill.

1520 **Clerk:** Clause 23.

Madam Chair: Clause 23 stands part of the Bill.

Clerk: Part 7, clauses 24 to 26.

1525

Madam Chair: Part 7, clauses 24 to 26 stand part of the Bill.

Clerk: Schedule 1.

1530 **Hon. C P Santos:** Madam Chair, again, I refer to my letter of 18th June.

Madam Chair: Any objections to the amendments proposed for Schedule 1? Schedule 1, as amended, stands part of the Bill.

1535 **Clerk:** Schedule 2.

Hon. C P Santos: Again, Madam Chair, as referred to in my letter of 18th June, there is an amendment to Schedule 2.

1540 **Madam Chair:** Any objections to the amendments proposed to Schedule 2? Schedule 2 stands part of the Bill.

Clerk: The long title.

1545 **Madam Speaker:** The long title stands part of the Bill.

**Civil Partnership (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year.

Clauses 1 to 4.

1550

Madam Chair: Clauses 1 to 4 stand part of the Bill.

Clerk: The long title.

1555 **Madam Chair:** The long title stands part of the Bill.

**Boy Scouts Association (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Boy Scouts Association Act.
Clauses 1 to 3.

1560

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1565

Madam Speaker: The long title stands part of the Bill.

**Stamp Duties (Amendment) Bill 2024 –
Clauses considered and approved**

1570 **Clerk:** A Bill for an Act to amend the Stamp Duties Act 2005.
Clauses 1 and 2.

Madam Chair: Clauses 1 and 2 stand part of the Bill.

1575 **Clerk:** Clause 3.

Chief Minister (Hon. F R Picardo): Madam Speaker, I was going to move an amendment to this clause, but I note that the drafters helpfully had included in the reissued version of the Bill after the Election the amendment that we would have moved if we had taken the Bill before, so there is no need to move it, as it was included in the Bill now as drafted in its 2024 version, so it can stand exactly as it is.

Madam Chair: Clause 3 stands part of the Bill.

1585 **Clerk:** The long title.

Madam Chair: The long title stands part of the Bill.

**Tobacco (Amendment No. 2) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Tobacco Act 1997.
Clauses 1 to 3.

1590 **Madam Chair:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1595 **Madam Speaker:** The long title stands part of the Bill.

**Genetically Modified Organisms Bill 2024; Control of Major Accident Hazards Bill 2024;
Litter Control (Amendment) Bill 2024; Transport (Amendment No. 2) Bill 2024;
Traffic (Amendment) Bill 2024; Traffic (Amendment) Bill 2024;
Education and Training (Amendment) Bill 2024; Transport (Amendment No. 3) Bill 2024;
Sanctions (Amendment) Bill 2024; Global Minimum Tax Bill 2024;
Income Tax (Amendment No. 3) Bill 2024; Income Tax (Amendment No. 4) Bill 2024;
Income Tax (Amendment No. 2) Bill 2024; Financial Services (Amendment No. 2) Bill 2024;
Register of Property Occupation (Amendment) Bill 2024; Stamp Duties (Amendment) Bill 2024;
Tobacco (Amendment No. 2) Bill 2024; Gibraltar Culture Bill 2024;
Civil Partnership (Amendment) Bill 2024 –
Third Readings approved: Bills passed**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to report that the Stamp Duties (Amendment) Bill 2024, the Tobacco (Amendment No.2) Bill 2024, the Income Tax (Amendment No. 2) Bill 2024, the Sanctions (Amendment) Bill 2024, the Financial Services (Amendment) Bill 2024, the Global Minimum Tax Bill 2024, the Income Tax (Amendment No. 3) Bill 2024, the Income Tax (Amendment No. 4) Bill 2024, the Care Agency (Amendment) Bill 2024, the Register of Property Occupation (Amendment) Bill 2024, the Genetically Modified Organisms Bill 2024, the Litter Control (Amendment) Bill 2024, the Transport (Amendment No.2) Bill 2024, the Traffic (Amendment) Bill 2024, the Transport (Amendment No.3) Bill 2024, the Gibraltar Culture Bill 2024, the Civil Partnerships (Amendment) Bill 2024 and the Boy Scouts Association (Amendment) Bill 2024 have been considered in committee and agreed to, some of them with amendments, and I now move that they be read a third time and passed.

Madam Chair: I am going to need that list; I have about four lists.

Madam Speaker: I now put the question, which is that the Genetically Modified Organisms Bill 2024, the Control of Major Accident Hazards Bill 2024, the Litter Control (Amendment) Bill 2024, the Transport (Amendment No. 2) Bill 2024, the Traffic (Amendment) Bill 2024, the Traffic (Amendment) Bill 2024, the Education and Training (Amendment) Bill 2024, the Transport (Amendment No. 3) Bill 2024, the Sanctions (Amendment) Bill 2024, the Global Minimum Tax Bill 2024, the Income Tax (Amendment No. 3) Bill 2024, the Income Tax (Amendment No. 4) Bill 2024, the Income Tax (Amendment No. 2) Bill 2024, the Financial Services (Amendment No. 2) Bill 2024, the Register of Property Occupation (Amendment) Bill 2024, the Stamp Duties (Amendment) Bill 2024 and the Tobacco (Amendment No. 2) Bill 2024 be read a third time and passed.

Those in favour of the Genetically Modified Organisms Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Control of Major Accident Hazards Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Litter Control (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Transport (Amendment No. 2) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Traffic (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Traffic (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Education and Training (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Transport (Amendment No. 3) Bill 2024? (**Members:** Aye.) Those against? Carried.

1635 Those in favour of the Sanctions (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Global Minimum Tax Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Income Tax (Amendment No. 3) Bill 2024? (**Members:** Aye.) Those against?

1640

Hon. R M Clinton: Madam Speaker, on this one we are abstaining.

Madam Speaker: I note that the Opposition abstain in respect of the Income Tax (Amendment No. 3) Bill, which is carried.

1645 The Income Tax (Amendment No. 4) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

The Income Tax (Amendment No. 2) Bill 2024: those in favour?

Members: Aye.

1650

Hon. R M Clinton: Madam Speaker, the Opposition abstain.

Madam Speaker: The Opposition, it is noted, abstain from the Income Tax (Amendment No. 2) Bill 2024, which is carried.

1655 The Financial Services (Amendment No. 2) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

The Care Agency (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

1660 The Register of Property Occupation (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

The Stamp Duties (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

The Tobacco (Amendment No. 2) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

1665 The Boy Scouts Association (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

Hon. R M Clinton: Madam Speaker, if I may interrupt for a minute, I misread my notes and I should have read 'against' for the Income Tax (Amendment No. 2) Bill.

1670

Hon. Chief Minister: Madam Speaker, I am afraid the moment has passed. The Bill has been voted on; the vote has been recorded. The Opposition may be in error or otherwise, but their vote has been recorded. There is no provision in the Rules in any Parliament to go back to change a vote. Therefore, Madam Speaker, I would ask that we continue with the business of the House as set out on the Order Paper, and that if hon. Members wish to write to you ... They may wish to do so, but I am afraid that, as has happened recently in other parliaments, a vote is a vote. If they have recorded it incorrectly, they may wish to publicly say that, but their vote has to be recorded as it was at the time, as an abstention.

1675

Madam Speaker: This is the Income Tax (Amendment No. 2) Bill. Well, the vote has been taken, the vote has been recorded, but for the purposes of *Hansard* the hon. Member may highlight that that was a mistake and that they intended to vote against.

1680

Hon. R M Clinton: Yes, and in fact it was my personal mistake rather than a mistake on behalf of the entire bench.

1685

Madam Speaker: The record will record that, but the vote is as it was passed.

Hon. R M Clinton: The intention of the Opposition was to vote against.

1690

Hon. D J Bossino: Madam Speaker, as the Hon. the Chief Minister says, there is a very perhaps infamous case where I think there was an error by a PSOE MP in the Cortes some time ago where I think he mistakenly pressed the wrong button and that had a change, because I think it was a one-man majority vote. In this instance, all we are seeking to do as an Opposition is to correct the record, and I am grateful for grateful for the Speaker's assistance in that regard because the reality is that our vote in opposition would not have made any difference given that the other side have a majority.

1695

Hon. Chief Minister: The record is not in any way altered. The record is that the vote that has been entered on behalf of the Opposition is an abstention. The *Hansard* will show that that abstention is one that has been entered in error – it will, obviously – but the record of the vote cannot be amended, Madam Speaker, by any rule that I am aware of, which applies in this Parliament or in any other, once you have walked through a division lobby, which is a different sort of mistake to what you might say, and without reliance on other systems of law which are Napoleonic and are not our own.

1700

1705

Madam Speaker: For the avoidance of doubt, the vote stands. The record reflecting the manner of voting in that vote stands and the record will also reflect that the Hon. Mr Clinton has risen to say that that was a mistake and that they had intended to vote against it. I think that clears the record. All right, we can proceed.

1710

Chief Minister: Madam Speaker, on that concordant note I move that the House should now adjourn until tomorrow at 3 p.m., when it is my intention to suspend standing orders to deal, first of all, with Government Motions before moving on to questions.

1715

Madam Speaker: Before I address the adjournment, I understand the Hon. Mr Reyes has something he wishes to raise.

Hon. E J Reyes: Thank you, Madam Speaker. I know we have been through the Committee Stage, but I cannot recall a few minutes ago having actually voted in favour of the Gibraltar Culture Bill. I do not think it has been mentioned, for the record, after the closing of the Third Reading. I think some paperwork must have been mislaid. I have two Bills here that have been through the Committee Stage, but you have not asked for a formal vote. They are Bill 2/24 and Bill 15/24. I stand to be corrected if I missed it.

1720

1725

Madam Speaker: I think the Hon. Mr Reyes is quite right; they did not appear to be on my list, but we did not vote on the Gibraltar Culture Bill or the Civil Partnership (Amendment) Bill.

To that end, before I deal with the adjournment, if I could deal first with the Gibraltar Culture Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

1730

The Civil Partnership (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

1735

Hon. R M Clinton: Madam Speaker, at the risk of incurring your wrath, I may have missed the Stamp Duties Act 2005. I do not know if we voted on that.

Madam Speaker: We did.

Hon. R M Clinton: Well, we should have recorded an abstention on that. It may be that because we have so many of them we missed it, but again I apologise.

Madam Speaker: The Stamp Duties (Amendment) Bill 2024 was voted on and it was carried.

Hon. R M Clinton: I do not believe there was an Opposition vote recorded at the time.

Madam Speaker: Well, there were ayes which carried it. There was nothing to the contrary, so it has been carried. If the Hon. Mr Clinton wants to make a comment or clarification on it now, then he –

Hon. R M Clinton: Yes, of course the ayes carried it, but we would have recorded an abstention.

Hon. Chief Minister: Madam Speaker, again, when Opposition Members are silent and it is carried by ayes, it is recorded as carried by all the ayes; that is to say without opposition. That has been the way that it has been consistently in the practice of this House, not for 12 years, not for 16 years when they were in Government; it has been the practice of this House since this House was constituted. Therefore, the record of the vote will show now, because it has already happened, that it has been voted on by ayes across the floor of the House. If the hon. Member, for the *Hansard* purposes, wants to say that they would have abstained if they had realised, well, that is fine, but the vote goes through as all those present in favour, because that is how the ayes are recorded when there is not anything else said.

Madam Speaker: I do not want to spend any unnecessary time discussing this. It is the same as the previous situation. The vote was carried with ayes but the *Hansard* will show that the Hon. Mr Clinton has flagged that that was an error and that the Opposition – would have abstained? (**Hon. D J Bossino:** Yes.) – would have abstained.

Hon. D J Bossino: As indicated by Mr Clinton.

Madam Speaker: I am grateful to the Hon. Mr Reyes for drawing my attention to the two Acts that slipped off the long list.

Adjournment

Madam Speaker: What I have before me now is the adjournment.

Chief Minister (Hon. F R Picardo): Madam Speaker, I formally move that the House should now adjourn to tomorrow at three o'clock, first of all dealing with Government Motions. I am heartened to do that and to move the adjournment with the acceptance of Members opposite that they too appear to sometimes make mistakes, something which they only like to visit at our door.

Madam Speaker: I now propose the question, which is that this House do now adjourn to tomorrow at 3 p.m.

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

This House will now adjourn to tomorrow at 3 p.m.

The House adjourned at 1.10 p.m.