



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 9.25 a.m. – 10.50 a.m.**

**Gibraltar, Thursday, 19th September 2013**

## The Gibraltar Parliament

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*The Parliament met at 9.25 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

### PRAYER

*Mr Speaker*

## Order of the Day

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**Clerk:** Meeting of Parliament, Thursday, 19th September 2013.

(i) Oath of Allegiance.

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### CONFIRMATION OF MINUTES

**Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 18th and 25th July 2013.

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

*Mr Speaker signed the Minutes.*

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**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions; (ix) the Order of the Day.

**BILLS**

**FIRST AND SECOND READING**

30 **Business Names Registration (Amendment) Bill 2013**  
**First Reading approved**

**Clerk:** Bills, First and Second Reading.

35 A Bill for an Act to amend the Business Names Registration Act.  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before I start to address the issues that arise in respect of this proposed amendment to the Business Names Registration Act, can I just acknowledge the fact that the Opposition have not asked Questions at this meeting of the House, as they are entitled to.

40 The Leader of the Opposition has expressed to me his understanding of the issues that affect Gibraltar today in respect of Spain, and in particular the actions being taken by that country at the Frontier and the efforts of the Government to deal with it, and has therefore asked his colleagues not to ask Questions, as he has not, to enable the Government to have more time to deal with international issues, rather than have to deal with Questions, which as he knows, having been a Minister, is a time-consuming issue for the  
45 Government.

Mr Speaker, the Business Names Registration (Amendment) Act, which I beg to move to be read for a second time... Sorry, I am on the wrong reading.

50 I have the honour to move that a Bill for an Act to amend the Business Names Registration Act be read for a first time.

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

55 **Clerk:** The Business Names Registration (Amendment) Act 2013.

**Business Names Registration (Amendment) Bill 2013**  
**Second Reading approved**

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

65 The Business Names Registration (Amendment) Act seeks to bring... to rationalise, rather, the references to 'Minister' across the Act and the rules which are relevant in respect of business names. So this amendment Bill seeks to change the reference in the Business Names Registration Act, as it stands at the moment, from 'the Minister for Trade and Industry' to 'the Minister for Finance'.

70 The Business Names Rules currently refer to a Minister for Finance. The Rules had previously made reference to the Deputy Governor as the party that was relevant in respect of those Rules to make decisions. The Gibraltar Laws (General Amendment) (No. 1) Act had a schedule which made various amendments to various pieces of legislation where references which were relevant prior to the 2006 Constitution were changed to references that were relevant after the 2006 Constitution. Therefore, that Act amended the Business Names Registration Rules' references to 'Minister' to a reference to 'Minister for Finance'. That Act that General Amendment Act did not attach the Business Names Registration Act.

75 Members can see this, Mr Speaker, from – I made a copy for all Members, should they wish to follow what is going on – Members can see this from page 15 of the Gibraltar Laws (General Amendment) (No. 1) Act. Schedule 4, this is. It is just being passed round. This schedule was referred to in section 7 of that Act. The schedule says that it relates to amendments relating to references to the Deputy Governor. If Mr Speaker looks on the left-hand column, where there is a list of the legislation being amended, two from the bottom is the Business Names Rules. Rules 5 and Form 6 made reference to the Deputy Governor.  
80 That was replaced, by that Act, by a reference to the Minister responsible for Finance.

85 Mr Speaker, we therefore now have a situation where the Act refers to the Minister for Trade and Industry and the Rules refer to the Minister for Finance. I think it is true to say that the absence of a Minister for Trade and Industry in my Government is what brings attention to the need to amend the Act, and therefore we are rationalising, by this amendment, the references to 'Minister' across the Act and the Rules, so it is the same Minister who has the responsibility under the Act as under the Rules.

Mr Speaker, I commend the Bill to the House.

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

90 **Hon. D A Feetham:** Mr Speaker, the Opposition will be supporting the Bill, and indeed my Hon. and Learned Friend, Mr Bossino, will be speaking on the merits of the Bill.

Mr Speaker, may I say a few words about what the Hon. the Chief Minister said before he commenced the... or rather on the First Reading of the Bill. The Hon. the Chief Minister and I have been political rivals now for the last 13 years. Some may describe us, at times, as bitter political rivals; but at  
95 times... at times when the national interest requires it, it is important to be able to set aside political rivalries in the greater public interest and in the interests of this community.

Whilst I am Leader of the GSD and whilst I am Leader of the Opposition, my Party will place the public interest and the interest of this community above its own narrow sectional interest, and that is why I felt that it was important, in this particular situation in which Gibraltar finds itself, for the Opposition to  
100 give the Government the necessary political space to be able to deal with the current situation in the current crisis. It would not have been in Gibraltar's interest for the Government to have been involved in an intense political battle at the same time as it was dealing with the current situation.

That does not mean, Me Speaker, that in the future there will not be a debate about political responsibility and political accountability for the current state of affairs, but that is something for the future and not for now. In that context, all I wish to say is – perhaps using a phrase that the hon. Gentleman and myself have used on many occasions in another professional capacity – all rights are reserved.

110 **Hon. D J Bossino:** Mr Speaker, dealing with more boring matters – the Business Names Registration Act and the amendment moved by the Hon. Chief Minister thereof – Mr Speaker, yes, the Opposition will be supporting the amendments.

The Hon. the Chief Minister has received from me – in fact, only yesterday – certain representations, and I will give him notice of the concerns that I have had in relation to the amendments being moved this morning. I think he has addressed the concerns that I put to him in the explanation that he has just given  
115 us across the floor of the House and which he gave me brief notice of before we walked into the Chamber, and I am grateful for that.

The only point I would make to him is that – I note in schedule 4 to the General Laws (General Amendment) (No. 1) Act, and he explains it as such – the legislation which was amended were the regulations passed under the Act and not the principal Act itself, so that we have a change to 'Minister with responsibility for Finance', which traditionally, and that currently is the case, is a responsibility handled by the Chief Minister himself. The only administrative point that I would make is, given that he has had to move an amendment to the principal Act and therefore undergo the administrative hassle which that entails in bringing it to this House – which, of course, from the Opposition benches we welcome because it gives us an opportunity to analyse it and debate it across the floor of this House –  
120 whether he would consider changing the responsibility to some other relevant Minister – perhaps the Hon. Mr Costa, who has responsibility for this type of thing, or indeed the Hon. the Minister for Financial Services, Mr Isola – as being more appropriate ministerial responsibilities which will deal with matters such as... For example, the Hon. the Chief Minister will now have to deal with matters under section 16  
125 of the principal Act – appeals from persons who are aggrieved by misleading business names, and things of that nature.

130 That is the only point that I would make from the Opposition benches, Mr Speaker.

**Mr Speaker:** Does any other hon. Member wish to speak on the Bill?

135 **Hon. Chief Minister:** Mr Speaker, let me start by addressing the remarks of the Leader of the Opposition. He knows that I have been very keen, from the moment I was elected, to create a body akin to the Privy Council in the United Kingdom. This gave us an opportunity to create such a body, and he and I have been communicating, as he has said, on Privy Council terms since we started this process of the Government briefing the Opposition. I know that he will welcome that, as he has. This is quite a  
140 departure for Gibraltar. It is not something that has happened before; it is certainly not something that happened under the previous administration, even when Gibraltar was faced with an equally problematic issue of joint sovereignty.

I think that it is right that we should, in these situations, communicate together on Privy Council terms, even if it is – to coin a phrase that he and I would use in another profession – without prejudice to what may come later. The Government is delighted that there may be more to come later – and that the hon. Gentleman has reserved his rights – because, as we are sure of our ground and have moved very  
145 carefully to ensure that we have acted properly, legally and responsibly and reasonably at every turn, we

shall very much look forward to the debate when it comes, if they decide that it is in their political interest to launch it.

150 But for now, Mr Speaker, I think it is right that we should not be at daggers drawn and that we should be working in this process where the Government briefs the hon. Member on Privy Council terms. I have told him, during the course of our discussions – and I am sure he will not mind me sharing with the community as a whole – that I think it is important for us to formalise the process and to set up a Privy Council for Gibraltar in more lasting terms, so that these opportunities for briefings can continue and should outlast this administration.

155 Mr Speaker, dealing with the issues that Mr Bossino has raised, is he saying that this Chief Minister is taking on responsibility for too many things across the board? I am sure he is not, because he knows what the repost to that would be.

160 The important issue here is to rationalise the legislation. I do not discard that, having rationalised the legislation, it may be that in the future we change which Ministry deals with these issues, but we would do it across the board. I think the error that crept in, in 2007, was to make an amendment to only part of the legislation. The Rules require already for the Ministry of Finance to be involved, the Ministry that is now taking the responsibility under the Act, as well. If that is not the right Ministry or if there are some arguments why it should be the right Ministry, then the whole of the responsibility, in my view, should be moved at one time to another Ministry.

165 For now, this is a process of rationalisation. I am advised that there are not many instances where business names issues go to appeals or anything like that. He should know that already the Chief Minister of Gibraltar deals with issues relating to the name ‘Gibraltar’ being used in company matters. That those are all referred for public policy issues to the Ministry for Finance and to the Chief Minister, so there is already historical involvement in those issues, but I am grateful for the support to rationalise, across the Act and Rules, the references to the relevant Ministry.

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

175

**Clerk:** The Business Names Registration (Amendment) Act 2013.

180

**Business Names Registration (Amendment) Bill 2013  
Committee Stage and Third Reading to be taken at this sitting**

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

185

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

190

**Imports and Exports (Amendment) Bill 2013  
First Reading approved**

195 **Clerk:** A Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel.

The Hon. the Chief Minister.

200 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel be read a first time.

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205 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

205

**Clerk:** The Imports and Exports (Amendment) Act 2013.

**Imports and Exports (Amendment) Bill 2013**  
**Second Reading approved**

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

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This Bill amends section 64(d) of the Imports and Exports Act 1986 in clause 2 by removing the restrictions of the exemptions from import duty which previously applied to ships travelling outside Gibraltar of less than 250 gross registered tonnes. This thereby encourages the use of Gibraltar by yachts, pleasure craft and all other seagoing vessels as a refuelling point. The Bill implements the Budget measures with retrospective effect to the date the Budget measures were announced in Parliament, namely 24th June 2013.

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Clause 3 of this Bill introduces consequential amendments to the Import Duty (Franchise) Regulations 1993 resulting from amendments made to the Act, as I have already referred to.

I commend the Bill to the House.

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

I now put the question, which is that a Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel be read a second time. Those in favour? (**Members: Aye.**) Those against? Carried.

230

**Clerk:** The Imports and Exports (Amendment) Act 2013.

**Imports and Exports (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

235

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

240

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

**Traffic (Amendment) Bill 2013**  
**First Reading approved**

245

**Clerk:** A Bill for an Act to amend the Traffic Act 2005.  
The Hon. the Minister for Traffic, Housing and Technical Services.

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**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 be read a first time.

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

**Clerk:** The Traffic (Amendment) Act 2013.

260

**Traffic (Amendment) Bill 2013**  
**Second Reading approved**

265

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill makes minor amendments to the Traffic Act 2005 following the introduction of the Traffic (Compulsory Basic Test) Regulations 2013, which, as from 1st September 2013, require persons seeking a learner's licence in respect of motorcycles to undertake a compulsory basic training course.

270 This Bill amends section 34 of the Traffic Act 2005 by providing for a new subsection (3A), which extends the period of validity of a learner's licence from three months to 15 months to persons who have been issued with a CBT certificate under the Traffic (Compulsory Basic Test) Regulations 2013.

I commend this Bill to the House.

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

**Hon. S M Figueras:** Mr Speaker, yes, I rise to speak on the merits and to say that this side of the House will be supporting the Bill as it is not a matter of controversy.

280 All I would ask the Hon. Minister to deal with in his reply is the length of time to which the validity has been extended as 15 months. One would extrapolate that the reason for this is essentially to make the process easier, the administration of the issue of learner's licence simpler, in that it is required every 15 months as opposed to every three months; but if perhaps the Hon. Minister is able to say anything more in respect of the reasons why this is being deemed necessary, beyond what he has already said in respect of the passing into law of the compulsory basic test requirements, I would be grateful.

285 But certainly we will be supporting this Bill.

290 **Hon. P J Balban:** Mr Speaker, the simple reason why the validity of a learner's licence has been extended to 15 months is that it makes it much more convenient for the learner driver, who has to go all the way down to the MoT every three months to renew his licence, and that does bring across problems when people forget to renew their learner's licence and are stopped by the Police, or whatever, and obviously, it is an issue. The 15 months ensures that the learner can drive, or learn, for the period of 12 months up to the date when he would be applying to pass his licence, which will be after the 12-month period; hence 15 months, so they do not have to renew – or should not have to review – in that period of time.

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

**Clerk:** The Traffic (Amendment) Act 2013.

300  
**Traffic (Amendment) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

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

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

**COMMITTEE STAGE**

315  
**Business Names Registration (Amendment) Bill 2013**  
**Imports and Exports (Amendment) Bill 2013**  
**Traffic (Amendment) Bill 2013**

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

325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause: the Business Names Registration (Amendment) Bill 2013; the Imports and Exports (Amendment) Bill 2013; and the Traffic (Amendment) Bill 2013.

*In Committee of the whole Parliament*

**Business Names Registration (Amendment) Bill 2013**  
**Clauses considered and approved**

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**Clerk:** A Bill for an Act to amend the Business Names Registration Act.  
Clause 1.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2.

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**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

345

**Imports and Exports (Amendment) Bill 2013**  
**Clauses considered and approved**

350

**Clerk:** A Bill for an Act to amend, a Bill for an Act to amend, with retrospective effect, the Imports and Exports Act 1986 and regulations made under that Act in relation to import duty payable on marine fuel.  
Clause 1.

355

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 2.

360

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 3.

**Mr Chairman:** Stands part of the Bill.

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**Clerk:** The long title.

**Mr Chairman:** Stands part of the Bill.

370

**Traffic (Amendment) Bill 2013**  
**Clauses considered and approved**

375

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

**Mr Chairman:** Stands part of the Bill.

380

**Clerk:** Clause 2.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

385

**Mr Chairman:** Stands part of the Bill.

**BILLS FOR THIRD READING**

390 **Business Names Registration (Amendment) Bill 2013**  
**Imports and Exports (Amendment) Bill 2013**  
**Traffic (Amendment) Bill 2013**  
**Third Reading approved: Bills passed**

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Business Names Registration (Amendment) Bill 2013, the Imports and Exports (Amendment) Bill 2013 and the Traffic (Amendment) Bill 2013 have been considered in Committee and agreed to without amendments, and I now move that they be read a third time and passed.

400 **Mr Speaker:** I now put the question, which is that (1) the Business Names Registration (Amendment) Bill 2013, (2) the Imports and Exports (Amendment) Bill 2013, and (3) the Traffic (Amendment) Bill 2013 be read a third time and passed.

405 Those in favour of the Business Names Registration (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Imports and Exports (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Traffic (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now recess to 3.00 p.m. this afternoon.

415 **Mr Speaker:** The House will now recess to 3.00 p.m. this afternoon.

*The House recessed at 9.50 a.m. and resumed its sitting at 3.05 p.m.*