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FINANCE AND BUSINESS

## Gibraltar Day in London



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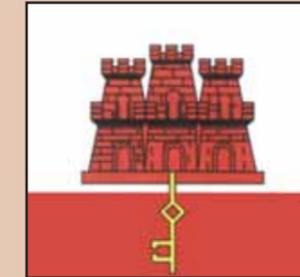
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## EDITORIAL COMMENT

# Weathering the storm

**I**t is as if just about everyone is going around wailing "we're doomed". Reaction on stock markets to the credit crunch and worldwide economic slow down has been near panic and a virtual roller coaster ride.



True something had to be done to halt the rot - particularly the loss of confidence in the banking sector, where lending got out of hand and massive Government-led re-capitalisation has been necessary. Clearly greater financial regulatory control is needed to ensure the mechanisms are in place to spot and, if necessary, halt reckless behaviours.

But even though we are beginning to see a severe contraction in world economies, with the worst still to come, it's looking like recession, not a depression! It's nowhere near as bad as the desperate 70's, when the 3-day working weeks and massive inflation were with us. More severe than the 90's economic slowdown maybe, but not the 70's experience.

Gibraltar's financial regulatory system seems to be working well - only time will tell - and many may regard The Rock's generally stable economy and low tax regime to be a safe haven.

The advent of the £5m+ villa at Ocean Village, sets a new price high and bucks the trend of reductions generally; demand from High Net Worth Individuals and Ultra HNWI's, on which much of Gibraltar's financial community depends, is said still to be strong.

But it's inevitable that some adverse effects of the world economic downturn will be felt locally - some job losses, less spending by customers, business as well as individuals, and a pause in investment - particularly when so much of the economy is based on the finance sector and shipping & tourism, each accounting for around a third of GDP.

However, with the world economy surprisingly still predicted to double in the next decade, there are, and will continue to be, opportunities to help cushion adverse effects on the economy.

The trick is for business to remain competitive and innovative, but with the firm marker from the FSC to watch for unlicensed businesses and those marketing financial products or services unsuited to their clients.

Whilst Gibraltar will not be immune to recession, its businesses are well placed to weather the storm and just maybe, to capitalise on it.



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## OECD hits at regulators and others over financial 'crisis'

Five unusual, non-traditional features, including the role of regulators and rating agencies, are at the root of the economic crisis, according to OECD Secretary-General Angel Gurría.

Among the others he cited:

- the development of the originate-and-distribute model of transferring risk;
- a high appetite for yield that nurtured a growing demand for high-risk assets;
- ex-ante ignorance and ex-post uncertainty on risks of mortgage-based securities, related derivatives and credit-default swaps;
- inadequate corporate governance and management incentives in financial institutions.

These were in addition to traditional factors that have led to past banking crises in the US and other countries – notably a boom period of large credit growth, a sustained rise in asset prices and explosive lending to non-creditworthy economic agents, Gurría told the Parliamentary Assembly of

the Council of Europe.

Beyond individual governmental emergency measures, he stressed the need to address the roots of the problem and reform the international financial system.

The OECD chief noted “We are facing the worst financial crisis since the Great Depression and its consequences are already spreading beyond the financial sphere, throughout the globe,” he said.

“The financial system is a conveyor belt through which the economy works. And if the financial system is partially blocked or paralysed, as it is now, then the economy cannot work normally.”

The OECD is to provide a forum for discussions to chart a way out of the current financial crisis, starting with a review of the main regulatory and market failures that have emerged.

Gibraltar is represented at the OECD independently of the UK.

## Gibraltar Day just keeps growing

The 9th annual Gibraltar Day celebrations in London were the biggest yet, with waiting lists to attend all three events – the Finance Centre and Tourism lunches and the evening Guildhall Reception – each of which has also grown in size.

Designed originally to provide a sustained friends-of-Gibraltar lobbying campaign to ensure its people secured the right to self-determination over its relationship with mother Britain, Gibraltar Day now acts as the focal point for promotion of Gibraltar to politicians, business leaders and individuals.

The Chief Minister's Reception at the Guildhall's impressive Great Hall on 20 October was attended by 1,200 senior military, political and business guests, including Ald. David Lewis, The Lord Mayor of London, and the new Minister of State for Europe, Caroline Flint.

*Continued on p12*

# Crisis can bring opportunities!

Gibraltar has the ability to minimise the impacts of the global economic slowdown if firms are innovative, **Marcus Killick**, chief executive of the Financial Services Commission, believes.

But as governments, regulators, speculators, traders, bankers and even ordinary borrowers are being blamed for contributing to the current world crisis, Gibraltar is urging its business community to ensure that they do not add to the problem.

He told *Gibraltar International*: “The need to compete requires the ability to respond swiftly both to changing circumstances and to enable the industry to bring out new products and services. Economic downturns exacerbate rather than reduce this requirement

“We have a window of opportunity to prepare for the worst and also be proactive to help lessen the impact.”

The FSC for example, is working with the private sector to expand the types of funds being offered. A similar initiative seeks to make Gibraltar a place of choice for Islamic (Shari'ah) products and services, including funds and insurance. And progress is being made on the establishment of a stock exchange.

The FSC has been working with the industry, in playing its role in upholding the reputation of Gibraltar as a finance centre of quality, as well as the use of regulation standards in a way that does not inhibit business.

“What we cannot do is sit and do nothing and hope everything will turn out alright in the end – let the oth-

ers panic, let us prepare. This way will lay our future prosperity,” he declared.

### Laying a marker

However, based on experience in previous recessions, instead of developing new products to help ride out the storm, a few firms may be tempted instead to sell financial products or services unsuited to their clients, just to generate more business.

Marcus Killick said he was putting down a marker. “I have no evidence of that happening at this time, but I've seen it happen elsewhere twice before in financial downturns.”

Some firms, when faced with a decline in sales may seek to get business by failing to follow rules to ensure suitability of the products they sell. There may also be more unlicensed businesses preying on some investors' lack of confidence in banking.

### More fraud possible

“Individuals faced with personal or their own business' financial problems may choose to act in an inappropriate way. This may result in an increase in fraud within companies as well as individuals by being less scrupulous about product suitability.

Increasingly, market abuse such as insider trading will be seen, Killick warned and as the market deteriorates, previous wrong-doings

may become exposed.

Recently, the FSC twice warned of websites that falsely claimed the firms were licensed or based in Gibraltar.

The Gibraltar FSC 2007/8 annual report this summer noted that differences between the UK and Gibraltar environments will occasionally mean that supervision in Gibraltar is tighter than in the UK.

The UK approach meant that the continuity of supervision is found to be lacking at the Financial Services Authority as was the case in the collapse and subsequent Government rescue of Northern Rock Building Society last year.

### More scrutiny

Killick welcomed the move in early October by the UK government towards further banking scrutiny and banking self scrutiny as part of the £400bn banking bail-out programme and Bank of England interest rate cuts to stabilize markets.

## Gibraltar ups the competition stakes

Gibraltar has risen in the estimation of financial services professionals so that the jurisdiction is now rated the 25th most competitive financial centre in the world, according to a survey in October for The City of London.

Having been placed at 26 in March, The Rock was one of 25 centres to see their position rise since the last survey that tracks the underlying competitiveness of the world's financial centres.

But he observed: “Many questions will be asked of the global regulatory system – should regulators have seen problems ahead and could more have been done to prevent them.

“Clearly the lack of effective mortgage regulation in the USA has been a significant factor. The risks of some instruments were unknown to the banks which sold them and their regulators. Some regulatory supervision was, at best, sloppy”, Killick charged.

After a Banking Supervisory Conference in Brussels, he noted that Gibraltar's FSC is better placed than many of its counterparts with its risk based supervisory process. The increased dialogue that has been initiated will strengthen this still further.

At end-September the FSC was making contact with Gibraltar's banking offices requesting updates on their counter-party risks in an attempt at discovering what risks there were and where.

He said: “We also have to make sure that we are getting more regular detailed information on the exposure to debt in the corporate and retail market. What is the banks' exposure to other lending? Given most of our banks are subsidiaries or branches of large banking institutions based elsewhere, we are also in discussions with the regulators of their head offices. We need to understand if their parent companies are at risk.

### Foolish to guess

If there is a massive slowdown in a particular market, we will know exactly who is suffering and can work with them – it's about having a pre-warning. It is foolish to guess, but wise to anticipate where there will be a downturn.”

For example, what would be the impact of personal debt – unsecured credit card debt – if more people can't pay? Credit card debt is not a Gibraltar problem as such, but it was in the UK and in the US.

As yet there have been few



signs of a real reduction in spending. “A bunch of it could become toxic if people are racking up credit card debt and lose their job or are unable to repay what they owe by taking up still more debt”, he said.

Killick graphically likened the effect to a tsunami – “the earthquake is offshore and we are not on the fault line, but we can still be affected by the resultant tidal wave.”

He added: “Our firms have markets in other countries and if these enter a recession, there will be an effect on the business of those firms and that is of concern to us.”

being executives from Europe.

Respondents rated the quality of the business environment – regulation and taxation in particular – as the most important factor for a centre's competitiveness, with availability of good staff as the next most important issue as well as being located in good places to live!

The ratings and rankings for 59 financial centres are calculated by a 'factor assessment model' combining (external indices including a survey of property and an index of occupancy costs as well as a corruption perception index) with

online assessments of financial centres.

Future GFCI reports are likely to take account of the current worldwide economic turmoil.

London, with a small lead over New York, is still top, but niche offshore centres continue to grow in importance with Jersey (14th), Luxembourg, (15th) and Guernsey(16th).

“There are other reasons why relatively small financial centres are very competitive – speed of decision making and a coherent regulatory regime are increasingly seen as important the report notes.

## Rock is tops again

The 4-star Rock Hotel has gained the World Travel Awards (WTA) accolade of Gibraltar's Leading Hotel for 2008 after a voting campaign that involved more than 167,000 travel professionals.

It is the second successive year that the 104-bed hotel has gained such recognition.

Established five years ago to

acknowledge and celebrate excellence in the world's travel and tourism industry, WTA is the travel industries most comprehensive awards programme.

Stephen Davenport, the hotel's general manager said: "Whilst Gibraltar is tiny by European and world standards it is always comforting to be recognised by your peers in such a capacity."



## Mixing arts funds to bring bigger growth

What is claimed to be the first 'Fund of Art Funds' has been launched to provide experienced and institutional investors with the opportunity to participate in a range of leading international Art Funds and to spread and reduce the levels of risk.

The Castle Apollo Fund from Gibraltar's **Castle Fund Administrators**, is an Experienced Investor Fund

(EIF) offering a balanced or growth orientated approach to portfolios.

Castle notes from its Europort base that "over the past few years investment returns from some Art Funds have exceeded 30 per cent per annum".

It suggests that "if optimised in the current environment, it may produce a higher return than other absolute

return instruments, such as Hedge Funds, for very little additional risk."

The Castle Apollo Fund, independent of all existing and future Art Funds, will invest from a selection of Art Funds such as the Sharpe Art Fund, the Fine Art Fund, the Chinese Fine Art Fund, the Indian Fine Art Fund, the Middle Eastern Fine Art Fund and the IndexAtlas Art Industry Fund.

Following a Christie's auction when a Monet sold for \$80.5m, reports said that the bidding was "dominated by hedge fund owners, Russian billionaires, Chinese industrialists, Indian technology entrepreneurs and Middle Eastern sheiks."

However, the Castle Fund undertakes to keep 20 per cent of its assets in cash to cover potential redemptions.

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# Personal tax restructuring or a change of life?

Low income tax and no exposure to any direct form of taxation at all! Too good to be true – but not if you're a 'Cat 2'

There are, according to Benjamin Franklin, only two certainties in life – death and taxes. The good news is that it is possible both to limit our exposure to income tax and to mitigate the incidence of other taxes, including death taxes!

By arranging our own financial affairs in a particular way we can be well on the way to devising an efficient personal tax structuring plan.

If at the same time we can secure these benefits by fixing our personal residence in a neutral jurisdiction that caters for our personal lifestyle, then the plan really works!

And this is where Gibraltar excels! Particularly for what might be termed high net worth individuals or people in the lower end of the higher income bracket.

Someone who is planning to sell their business might be particularly interested, for example, as would a person whose business is not dependant on his location such as a trader.

Every jurisdiction applies its own particular rules to determine an individual's country of residence. In fact choosing a country of residence is, from a tax planning point of view, the most important decision you will ever take.

This will determine not only the country which is entitled to tax you, but also, in many cases, the system of taxation which thereafter will apply.

Once regarded as a resident in any country, it is likely that that country's taxation system will seek to impose tax upon you under various headings. These may

include your worldwide income (income tax), your worldwide capital gains (CGT), your wealth and – in the event of death – inheritance tax on your estate (IHT).

However, Gibraltar offers great attractions to anyone considering the establishment of a new country of residence, whether in the context of a personal tax re-structuring, for estate planning purposes, or simply for a change of life.

## Tax efficiency

Quite apart from a friendly, relaxed lifestyle and perfect Mediterranean climate, Gibraltar offers fiscal advantages that make it extremely tax efficient, as well as being a desirable place to live.

Gibraltar has NONE of the following:

- Inheritance or succession taxes;
- Capital gains taxes;
- Wealth taxes;
- Tax on Savings and Investment Income;
- VAT;
- Stamp duty (other than on Gibraltar real estate)

So it is clear that Gibraltar provides what is potentially an excellent base from which to plan your personal affairs.

But by applying for what is known as "Category 2 status", when taking up residence in Gibraltar, there are significant further benefits available immediately.

These include

● Income Tax is limited – as a "Cat 2" (as everybody calls them) income tax is paid only on the first £60,000 of assessable income. This results in a maximum tax charge of approximately £23,000, while

the minimum tax payable is £18,000.

● A tax neutral jurisdiction – as a Cat 2 individual you will be resident in Gibraltar's tax friendly environment with no exposure to any of the other taxes listed earlier. In fact you will have no exposure to any direct form of taxation at all!

● Business Interests - you will also be entitled to continue to carry on your trade, business or employment with no tax consequences of any sort, so long as these are conducted outside of Gibraltar. You may even be able to carry on your business from Gibraltar through a Gibraltar company, so long as you meet certain criteria.

By taking up residence in Gibraltar and securing Cat 2 status, and in one move, the two limbs of an efficient plan will have been achieved - limited income tax and reduced exposure to other taxes.

## Satisfying requirements

In order to achieve ("Qualifying (Category 2) Individual Status"), it is necessary to satisfy the following requirements:

● **Accommodation** – as a Cat2 you must have a 'prime area', approved property for your exclusive residential use - owned or rented - in Gibraltar.

● **References** – you must produce two independent references from recognised institutions/ professionals, one being from an international bank.

● **Statement of net worth** – you must provide a statement of net worth to show a minimum of £2m, to the satisfaction of the Gibraltar Finance Director.



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● **Passport & CV** – you need a certified copy of your passport and full CV setting out your professional/business achievements/engagements, and your source of wealth.

However, even when satisfying the above conditions, it is not possible to be a Cat 2 if:

● You have been in Gibraltar for more than 183 days in any year, or an average of 90 days in any three years within the five years preceding the year of assessment in which a Cat 2 status application is lodged; or

● You have been engaged in a trade, business or employment in Gibraltar within a period of five years immediately preceding the year of assessment in which the application is made; or

● You are carrying on any trade, business or employment in Gibraltar, unless it is carried on from Gibraltar but conducted outside of Gibraltar. Or, as another exception, if the activity is regarded by the Finance Centre Director as being for the economic development or benefit of Gibraltar.

A non-refundable fee of £1,000 is payable on submitting the application.



Applications are usually granted within 14 days. Cat 2 Certificates are issued valid for an indefinite period subject only to continuing compliance with the applicable qualifying rules.

**Careful consideration**

Anyone who is about to engage in any tax planning or re-structuring of their private affairs will have to consider carefully where they wish to establish their residence in the context of the plans that

they may wish to implement.

Gibraltar provides a perfect platform to restructure private holdings efficiently, limit taxes, and at the same time, enable your business to be conducted from Gibraltar.

Naturally, as a Cat 2 you could continue to be, or otherwise become liable to, taxes in other countries in which you are, or may be deemed to be, resident. That will depend on how you choose to manage your affairs!

In fact, the applicable rules are a little complicated and you will almost certainly require professional assistance.

This is particularly so, because establishing residence in Gibraltar - even with Cat 2 status - may not

mitigate tax liabilities outside Gibraltar if you are taxed on the basis of your nationality, or on the basis of some criteria other than residency!

Expert advice should be taken before planning any change of residence of this kind.

*Based on a presentation by Joseph E Triay (Jnr), a partner specialising in Estate and financial planning with law firm Triay & Triay.*

This is because HEPPS applications currently take around two months to process and a necessary subsequent application for a residency permit and Identity Card usually takes two to four weeks for EU citizens and up to four months for non-EU applicants.

Residency permits normally are renewed annually, although after the first year, EU citizens may get theirs for 5 years.

The Gibraltar Government laid the foundations for the HEPPS tax residency scheme in its July 2007 budget. It has been devised to replace REPSS (Relocated Executives Possessing Specialist Skills), encompassed within the Category 3 and Category 4 classifications in mid-2009.

*From information supplied by Brendan Murphy of law firm, Triay Stagnetto Neish. bam@tsnlaw.com*

**Fresh skills can bring tax savings too**

Moving to Gibraltar for a job with an annual salary of more than £100,000 can mean your tax bill being capped at £27,500 a year!

All that's needed is a specialist skill that helps promote and sustain economic activity not already present on The Rock, and HEPSS (High Executive Possessing Specialist Skills) residency status.

In practice this tends to include people in sophisticated and often finance-related roles such as hedge fund managers, securities analysts and derivatives traders, who will both work and live in Gibraltar.

Many of the requirements and qualifying aspects for HEPPS are similar to those for Cat 2 residents (see adjacent

article), including not having been gainfully occupied or resident in Gibraltar for the three prior years and living in 'approved' accommodation, which in practice is limited to certain 'high-end' residential developments and properties for 'exclusive use' that therefore, cannot be rented to others.

However, there is no obligation for the applicant to spend any particular amount of time in Gibraltar.

And Gibraltar residents are exempt from paying capital gains tax or estate duty, which may add to an individual's yearly fiscal saving as compared with other jurisdictions. But timescales should be borne in mind with particular reference to the end of the tax year in the country where applicants are residing!



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## Gaming Trust's 'creative capitalism'

Around £3.5m has been invested by Bonita Trust in charitable projects "that have impacted directly or indirectly on the lives of more than half of Gibraltar's population", according to **Ernest Britto**, Minister for Environment & Tourism.

He told 150 business leaders at the locally-based independent philanthropic Trust's 4th anniversary dinner that the investments to enrich the Gibraltar community through a programme of endowments to educational, cultural, health and community projects was "an example of creative and responsible capitalism".

Bonita was set up by a subsidiary of PartyGaming Plc., whose then principals were Ruth Parasol, Anurag Dikshit, Vikrant Bhargava and Russ DeLeon, prior to the company's London Stock

Exchange flotation in June 2005.

Their aim is to help communities facing important health and education challenges, leverage new technologies and Internet-based solutions.

A "We Care" programme involving 800 Gibraltar middle school children has so far resulted in helping 25 local charities and "14,000 individual acts of kindness" looking after the elderly, the blind and others in need.

The Trust is working with Credit Suisse Bank in Gibraltar as partners in an educational programme to develop "future business leaders".

And Bonita has just invested around £300,000 in a Direct Digital Mammography Unit at St Bernard's Hospital to greatly advance diagnostics with high-resolution digital images as part of a widespread NHS breast screening programme for women over 40.

"The expenditure locally can make a much bigger impact than it might in other countries, because of the smaller number of residents in Gibraltar," explained **Moe Cohen**, Bonita's director and a senior partner of local chartered accountancy firm Benady Cohen & Co.

Although Gibraltar accounts for 70 per cent of investments so far, other countries benefiting from Bonita projects include the UK, India and Israel.

Moe, who previously was a partner with Deloitte & Touche, told Gibraltar International: "We are keen to lead by example and to inspire business people and other charities to work with us in helping people over the long term".

In a separate move, Bonita has established an international advisory board for its grant-making strategy. Its members include Dudley Fishburn (a former MP and Trustee of the National Trust), Ambassador Lalit Mansingh (former Indian Foreign Secretary, Ambassador to the US and High Commissioner to the UK), and Brooke Shearer (former and Senior Advisor in the Office of the US Secretary of Interior).

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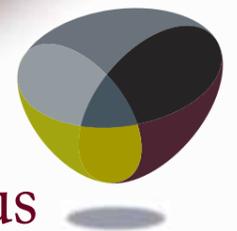
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# '10% or less' tax promise for next year – a balancing act for income

Gibraltar is to slash its business profits tax from 27 per cent to become just 10 per cent by July next year. And some 'specialist' businesses – insurance and on-line gaming companies – are expected to pay "significantly less".

The announcement at the Gibraltar Day celebrations in London came as a big surprise both in respect of the amount of tax and the timing, plus the proposed deal with some sectors of the local economy to allow still lower effective rates.

Business has known for a year or so that the government intended the rate to come down to 10 or 12 per cent, but that had been seen to be dependent on the long awaited outcome of a European Court decision on the territory's claim to continued tax independence from the UK.

In an exclusive interview, the Chief Minister told *Gibraltar International*

editor, Ray Spencer, he now expected a favourable decision to be delivered by next summer and even if not, the Corporation Tax rate would fall to 10 per cent.

The present world economic situation "perversely is a business opportunity" for Gibraltar, whose position of high regulatory standards and economic and political stability would pay handsome dividends, he said.

The special rate for some companies would be "well below" the new 10 per cent base rate. Caruna explained that it would be made possible by "a series of allowances to set against profits; the methodology is being sorted out now in consultation with on-line gaming com-



panies and other business interests".

He refused to be drawn further on the likely extent of extra savings, but the move comes against the background of a general shake-up in Corporation tax. Many of these firms are benefiting from



Pictures (clockwise) show: Peter Caruana at the Guildhall with Caroline Flint, Albert Poggio and Ald. Roger Gifford; The Finance Centre lunch; Guildhall guests witness the Sunset ceremony; The Final Salute.

a former Zero Tax regime, which must be removed by the end of 2010 to conform with EU regulations requiring tax equality when other businesses are paying 27 per cent.

Caruana admitted that the Government did not yet know what would be the net effect on revenue income of the big reduction in Corporation Tax and the extra to come from removal of Zero Tax rates.

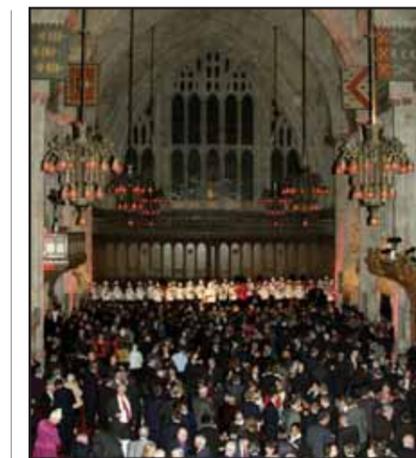
Indeed, it is near impossible to calculate with certainty, when by definition, companies with Zero Rate tax do not need to declare their

profits in Gibraltar.

There is a concern that some businesses are impermanent and can quite easily relocate to other low, or no, tax jurisdiction.

That would be a big setback for Gibraltar's economy, which also benefits from National Insurance and PAYE contributions from the staff employed and their local spending.

However, The Chief Minister conceded that whilst tax is a vital element of the competitive offering "I believe that most firms are not in Gibraltar because of our tax regime". That view would be



tested by the introduction [for some] of a new 10 per cent rate.

However, whilst admitting "some uncertainty" about how the final figures will balance out, Caruana assured "It is our aim to be tax neutral. We have not calculated in a revenue windfall."

And he was equally confident on the cost of living. He said that local inflation was up at 4.7% in the summer, because it took into account the impact of high oil prices, "but I still expect that by the end of the year the out turn will be around 3%."

## Keeps growing *Continued from p6*

She re-emphasised the UK Government's commitment to Gibraltar, after which the traditional Sunset ceremony was performed by the Royal Gibraltar Regiment Band & Corps of Drums, with the London Scottish Pipe & Drums.

The Finance Centre lunch was also well-oversubscribed with 220 attending, (up from 195 last time and at the RAC Club's maximum), and double the first event at Lloyds of London with a mini exhibition in 1999.

Whilst the overall day is a 'thank you' to Gibraltar supporters for their continued interest, the Financial Services event is a solid networking occasion when high profile banking insurance and other private sector executives meet to hear the latest on The Rock economy from Chief Minister, Peter Caruana, and firms invite clients and new

business prospects.

Subsidiary companies based in Gibraltar invite their head office counterparts from the City of London and other centres, such as Geneva and Zurich where the Finance Centre has maintained a two-year rolling presentation and business development seminar, as well as contacts, clients and new business prospects.

## More investment

The Tourist sector followed suit with a similar event, embracing cruise, general shipping, airline, hotel and tour operators at The Travellers Club.

Guests heard Minister for Tourism and the Environment, Ernest Britto, say that Gibraltar was "looking with relative confidence to the future being on the verge of massive investment which will go a long way to counter any recession".



"We are seeking to take tourism forward," he assured, despite difficult economic circumstances.

The UK remained Gibraltar's largest tourism market. And The Rock remained a unique tourist attraction – it was still a "home away from home with its red pillar boxes and the bobbies, a climate others would wish to have and it is one of the safest places in the world with no major crime" he declared.

## New London office brings additional meeting facilities

Gibraltar Day celebrations provided an opportunity for the territory to show off its new London office at 150 The Strand – and the buying skills of Gibraltar's UK front man, Albert Poggio.

A top-floor 100-seat presentation and event centre for use by Gibraltar businesses has been introduced, as well as a plush 18-seat Board Room with associated offices for smaller meetings in a new Gibraltar Business Centre facility. It replaces the original nearby offices which are being demolished.

There's an atrium that lets day light through much of the 6-storey building forming part of the Somerset House Estate, and which also has a new front office display and reception with the entrance separate from where politicians,

Ministers and business leaders are greeted.

But all of the plush furnishings came at a knock-down price.

Albert Poggio succeeded in buying most of the tables, chairs and other office fittings at the nearby Savoy Hotel closing down sale for around £100,000 and in the process saved an estimated 75 per cent of the cost.

"That's without taking into account for the nostalgia value", he pointed out, noting the underlying point of the Gibraltar office being closely associated with such a high-profile part of Britain's modern history.

"Now so many people want to join in with the Gibraltar Day celebrations, we must find new venues to satisfy the

demand", declared Albert Poggio, who has been responsible for London representation for 20 years. "We intend to maintain our strong connection with the City of London, but finding somewhere that can accommodate so many people comfortably will prove a hard task", he added

Clearly proud of the London office investment, Peter Caruana told journalists that it was a valuable opportunity to show Gibraltar's economy and politics in the best possible light. It would help to develop all of Gibraltar's business in London by providing a shop window.

Although the £6m-plus property investment had been at the height of the market, in years to come it still would be seen as a valuable asset for Gibraltar!

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# Memorabilia set to provide a safe investment haven

With property prices falling and commodities becoming uncertain in unstable markets, there is an investment that seems to be riding the waves with remarkable stability – collecting memorabilia.

According to the publisher of the magazine *Heroes of the Game*, the business of collecting sports memorabilia has grown in the past 15 years from US\$150 million to \$4 billion.

And reports from Frasers, the specialist autograph division of London-based Stanley Gibbons, the Top 100 signed items – its SP100 Index – rose by over 256 per cent in the ten years to the end of 2007.

Within the list of sports, music, film and other personalities there were significant variations.

A Beatles signed photograph has nearly quadrupled in value over the decade to reach £24,500; Madonna memorabilia shows promise with a ten-year appreciation of 155 per cent for a signed photograph that has risen to £895; however, the late Anglo-Irish Antarctic explorer Ernest Shackleton's signature value rose by just a third to reach £1,000 in the period.

But Paul McCartney's signature leads the field with 1,020 per cent appreciation and can be worth £1,400!

Football memorabilia is a popular choice for investors, with stars such as Pele and Maradona making the top of the charts. Indeed, Pele's 1970 World Cup Final shirt sold for £157,000,

while the shirt of the more modern Eric Cantona of Manchester United, fetched just £3,600.

Golf is another investor's favourite because items such as winning medals and trophies are rarely available. Early golf artefacts, such as a rare John Sharp feather ball from around 1850, can fetch £10,000 at auction. A Tiger Woods signature is difficult to obtain and as a result is steadily rising in value.

But how to start?



A framed Gershwin picture and his original Rhapsody in Blue score

Michael Carter from Leeds started out by bidding – “probably over the odds” – for a signed England football shirt at a charity auction in 1993.

When he sold his engineering business, he ‘retired’ to Marbella in 2002.

But having been bitten by the collecting bug and adding to his mainly sports collection, he was persuaded to open a shop in Puerto Banus specialising in signed memorabilia.

That was 4 years ago, and now his second retail venture, *Heroes*, at Ocean Village Marina, sells signed and unsigned items from £120 to £7,000.

“The Rock has huge potential, with a good mix of local people, including some

very wealthy individuals, and visitors”, he says.

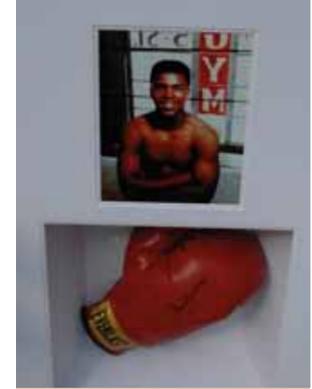
*Heroes* has a specialist investment section that includes Margaret Thatcher's signature on the British Houses of Parliament card (£575), a Seve Ballesteros autograph at the St. Andrews 1984 British Open Golf Championship (£350), and a framed 1924 original music score of *Rhapsody in Blue*, signed by composer George Gershwin, whose picture also appears, at £6,750!

Now Carter, who has an exhibition of memorabilia in Kuwait next year, plans to add historical and nautical themes at the Gibraltar outlet, including signed pictures and other items of Winston Churchill and Nelson.

Collecting is about visual pleasure as well as value-gain. In football try Pele, Maradona or George Best; in music, think more James Brown than Sid Vicious of Sex Pistols fame – “although potentially valuable, it's not the choice of most people”.

He recommends starting out with something not too expensive (around £500), have an eye for endearing personalities, and “those who may not have too long to live” when looking at growth potential.

But beware of fakes – it's easy to be fooled. *Heroes* sources its products from just three agents, all with over thirty years experience; one a



Mohamed Ali's signed boxing glove

sports professional having regular signing sessions with sports stars; another works for Sotheby's and Christie's auction houses and is one of Europe's top authorities on memorabilia; the third travels the world authenticating items.

And if you can't immediately see what you want, Carter is rebuilding his web site [www.hereosmemorabiliaworldwide.com](http://www.hereosmemorabiliaworldwide.com) or on request he will send a fortnightly e-mail alert for new items.

Carter's policy is to set prices at least 15 per cent



Soul singer James Brown autographed this record sleeve

below that quoted in the SP100 Index to give investors a head start, with an option to re-sell for the purchaser whenever it's time to sell the item of memorabilia.

# Go for growth in Private Funds – ‘we are only scraping the surface’

For a director of a large private bank that owes its growth to discretion in all things, Credit Suisse director Trino Cruz has much to say publicly on the way forward for his Gibraltar homeland. *Gibraltar International* Editor, Ray Spencer finds out more.

**A**s the co-head of Credit Suisse (Gibraltar) front office operations, the 47 years old Cruz has plenty of local business knowledge – a family claim- ing at least four generations of trade on The Rock and in Morocco - and international banking experience on which to draw.

“Banking newcomers to The Rock are very slow to arrive. Gibraltar needs to attract more significant world players.

There could soon be more Swiss initiatives, because Gibraltar really fits in extremely well,” declares Cruz, who began his banking career in Gibraltar as deputy manager in the client investment department of the then Hambros Bank (Gibraltar) Limited.

“Greater competition is ultimately good for us; after all, we all benefit by having increased activity within the jurisdiction and the new players also attract new business to The Rock and generate business locally with lawyers, accountants and so on.”

But he believes “the present lack of fiscal certainty may be causing hesitation” on the part of Banks and other financial services business before committing to a Gibraltar presence.

Once the European Court decides on Gibraltar’s claim to tax independence from the UK, things will move quickly forward. The planned 10-12 per cent Corporation tax is “very attractive”.

Credit Suisse opened its Marina Bay office 21 years ago and demonstrated confidence in Gibraltar’s future even then by taking an entire floor at Neptune House for what was initially a small team.

It was a shrewd move so early on; today there is a team of 55 staff - 17 nationalities speaking 14 languages - a small presentation theatre, catering facilities and a suite of private meeting rooms.

In 1992, Cruz joined Credit Suisse as an investment advisor, having been responsible for co-ordinating the set-up of ill-fated Banque Privée Edmond de Rothschild (Gibraltar) Ltd, where he was deputy general manager.

Reportedly, growth at Credit Suisse has been steady, with significant momentum in recent years, serving wealthy clients from Europe and elsewhere! High Net Worth individuals need at least £400,000 (\$US 1m) of disposable income to establish an account.

## Location is key

The key to that growth Cruz maintains is both location - being on the edge of, yet part of, the EU - and having a wealth of local professionals on the doorstep, “a rich community of lawyers, accountants, and other financial services operations that generate good demand for our Bank services”.

“Large numbers of our clients use Gibraltar, because it is a tax friendly environment for non-residents; it is perceived as a quality jurisdiction providing a high level of confidentiality, reports Cruz.”

We are perceived as a well regulated quality jurisdiction where information is not flowing freely without objectivity”, a modus operandi that chimes with Swiss banking.

“In the past decade, wealth generation has been very significant

globally and there are consequently many more high net worth people in the last 10 yrs and Credit Suisse is physically present wherever these people are.”

However, the Bank in Gibraltar has a European focus. “Our team has very valuable and extensive networks of contacts; many links go back to the UK where we either have been trained, or have lived and worked for some time - and, in our case, we have strong links with Switzerland too,” he explains.

Born in Gibraltar of Gibraltarian and Spanish parents, a young Cruz spent seven years in the UK gaining a first class BSc Honours degree in marine biology at Liverpool University and then a studentship at St George’s Hospital Medical School, University of London, conducting research into the influenza virus infection mechanism.

In 1989, an intensive course in Arabic followed at Morocco’s Mohammed V University in Rabat represented reflected his underlying passion for languages.

Cruz returned to the family retail gifts and perfumery businesses when the Spanish border re-opened, and married Isabel, whose family has strong links with both Algeciras and Gibraltar.

During more than 20 years in private banking, Cruz has travelled frequently to the UK and Switzerland taking in advanced investment advice training on the way, which also included Credit Suisse’s New York International Bankers’ School. Promotion in 1995 to Head of the Investment Office followed.

Cruz, an executive committee member of the Gibraltar Association of Stockbrokers and Investment Managers

(GASIM), explains: “How we work, how we network, how we are as a business community, is a big benefit in offering services over other jurisdictions; we all trust and work closely with each other.”

## Grown up together

“We have no place to hide - we have grown up together, we were classmates, or we are related and newcomers also fit easily into this model - it makes a virtue of the tight-knitted nature and very small size of The Rock. This really brings value to our clients”, Cruz maintains.

For all his enthusiasm for the Rock’s business growth and inherent advantages, Cruz still feels the jurisdiction is only scraping the surface.

“Much more can be done. This is a jurisdiction of choice in Europe; a niche player. With fiscal certainty, we will go into a new space; Gibraltar will be on the map and attract corporates to use this as their base to carry out international re-structuring”, he enthuses.

The Credit Suisse (Gibraltar) profile within the Group has improved significantly over the last ten years. Although supported by Swiss private banking brains, Gibraltar’s position as a niche player adds value to the Group with the EU passporting rights Switzerland lacks.

## Niche opportunities

“In addition, Gibraltar benefits from the simplicity of a Common Law jurisdiction for setting up legal structures - for example, the Experienced Investor Fund (EIF) is an excellent pragmatic solution without the administrative burden of the more usual Civil Law,” he points out.

Cruz believes there are significant niche opportunities - the private fund legislation in particular is a door opener to put Gibraltar on the map.

“The problem is that Gibraltar historically has not been the obvious location of choice; they will know Gibraltar, but it probably is not their number one, or even number two, choice”, he declares.

Three years after legislation allowed funds to be established, Gibraltar has around 40 in total - “not a bad start,



Pragmatic solutions are Gibraltar’s way forward, thinks Credit Suisse director Trino Cruz

but not as many as the maybe 2-300 we might have expected.

“It is over the next 18 months that we should see the fruit from the Private Funds effort. After people set up a fund or move their business here - and it is a simple process - they look at other aspects of Gibraltar and the possibility of Cat 2 residency, for example,” says Cruz warming to his theme.

“In my experience, many Cat 2 residents with High Net Worth, often end up spending far more time on The Rock than they originally expected.”

A Credit Suisse Group Director for six years, having been a vice president previously, Cruz has been focusing for 18 months on developing business with Independent Asset Managers as part of an international team at Credit Suisse, traveling extensively to the UK, Switzerland and Latin America.

Embracing UCITS “We’ve not got to be spewing out Funds like the Cayman Islands. It’s a short time to set up a private fund - maybe 14 days - and then it can get going, but we need to pave the way for further development”, he says.

In particular, “there’s an urgent need to continue to develop legislation further to embrace the larger Public

Funds such as UCITS” (Undertakings for Collective Investment in Transferable Securities) that allow collective investment schemes to be marketed freely throughout the EU with authorisation from a single Member State - a Euro Unit Trust.

It’s an understatement to say father of four Cruz is passionate about both private banking and Gibraltar.

He’s at one and the same time vocal with praise and concerns, as befits an accomplished poet whose writings have been published in Spanish and described as ‘delving into the richness of a composite identity defined to a great extent by the region of the straits of Gibraltar and its heritage’.

## Too limited menu offering

He has also collaboratively translated literary texts of Arab writers, as well as Moroccan poets and writers from the Sephardic communities of the Mediterranean

Rather graphically Cruz asserts: “In Gibraltar at present we have an attractive but a too limited menu offering for Funds, a simple main course; but no tasty alternatives. Opening up to Public Funds would help provide a more complete and appetising menu.”

# Speed and simplicity make EIF funds set up 'an attractive proposition'

Three unique selling points make Gibraltar an interesting and competitive jurisdiction for the setup of funds, explains lawyer James Lasry.

**T**he quick and easy regulatory notification process, the possibility of setting up PCC funds and Gibraltar's position within the European Union are the main factors that make Gibraltar an attractive proposition for establishing funds.

One of the key unique selling points of the Gibraltar fund is the speed of the authorisation process.

No regulatory pre-approval is necessary - it is sufficient only for the fund to incorporate, appoint its service providers, produce its prospectus and hold a board meeting to launch.

## Fast setup process

Within 14 days of launch, a fund must provide the Financial Services Commission (FSC) with the prospectus, the memorandum and articles, a legal

opinion from senior Gibraltar counsel stating that it was setup in accordance with EIF regulations and other relevant legislation, a form signed by the administrator, and a one-off, licence fee of £2,500.

This means that effectively, there is no regulatory down-time and the fund can be launched quickly. The FSC may then come back with questions or comments.

The authorised directors especially, and the administrators must ensure on-going compliance with Gibraltar legislation and with corporate governance requirements. The EIF fund administrator must be both authorised and present in Gibraltar.

In addition to two Gibraltar based EIF directors, the fund requires Gibraltar registered auditors: three of the "big four" firms are Gibraltar based and several others locally have fund audit experience.

## No restrictions

There are no restrictions on borrowing or owning investments, unless the fund has chosen to do so in the prospectus. A fund may invest in any class of investment and at any percentage, given that it is targeted at experienced investors, who are informed and able to bear the risks.

The valuation methods for EIFs must be disclosed and there are no particular rules.

Many Gibraltar funds are audited under IFRS or UK GAAP, although any internationally accepted accounting standard can be used.

There is no capital gains, wealth or inheritance tax in Gibraltar, nor tax on dividends from quoted securities, or on

income from trading listed securities. There also is no withholding tax on payments to non-Gibraltarian investors.

Gibraltar funds may obtain exemption on any tax on investment income from the Commissioner of Income Tax.

However, it may be more beneficial not to do so and instead to rely on Gibraltar's regular internal tax regime, which in the majority of cases will not tax any income or gains earned by the fund.

Being part of the EU, Gibraltar benefits from the European Parent Subsidiary Directive. Payments to a Gibraltar company from subsidiaries in certain European jurisdictions (such as Luxembourg) will not be subject to withholding tax.

## PCC brings an advantage

This provides another unique selling point particularly relevant to private equity and real estate funds.

The third unique selling point of Gibraltar is that funds can be setup as a

Protected Cell Company (PCCs).

As a PCC can segregate its assets into cells that are statutorily protected and remote from each other in bankruptcy, if one cell incurs a liability, the creditors of that cell will be unable to satisfy their debt from assets attributable to another cell.

This is particularly useful to investment managers who wish to setup several funds with several strategies under one vehicle and save with economies of scale. Investors can invest in one or more cells according to their investment strategies.

Although many funds in Gibraltar do not have investment managers, and are managed by their boards of directors, an EIF can appoint an investment manager in Gibraltar or in any other jurisdiction.

It is sufficient under Gibraltar law that the investment managers or advisers are licensed or entitled to give investment management/advice in their home jurisdiction. A Gibraltar investment manager/advisor must have a physical

presence and staff in Gibraltar.

An investment manager or advisor licence in Gibraltar is a full European Union licence that can be passported anywhere within the EU. As such, the normal capital adequacy requirements that exist in other European jurisdictions also apply to the Gibraltar managers or advisors.

An EIF that is open ended must have a depositary. The fund may also appoint brokers to assist with their trading activity.

Neither the depositary nor the brokers need be in Gibraltar, although in the case of PCCs there may be some advantage to having these in Gibraltar, as there is more certainty that a Gibraltar court will enforce the statutory segregation of cell assets than a non-Gibraltar court which may not be as familiar with PCC legislation.

*James Lasry is a partner specialising in financial services and tax at international law firm, Hassans. [www.gibraltarlaw.com](http://www.gibraltarlaw.com)*

## EIF funds must be targeted

Experienced Investors are closely defined under the Financial Services (Experienced Investor Funds) Regulations 2005 (the "EIF Regulations").

They are people who

- have €1m net worth, aside from their residential property; or
- are individual investors whose normal business activity includes investment related activity (i.e. investment professionals); or
- invest a minimum of €100,000 in the fund.

These definitions are individual and not cumulative, so it is sufficient for an investor only to satisfy one of the definitions.

An EIF can have any number of investors. Indeed, the Gibraltar Companies Act was amended to allow a fund to trade as a private company even with more than 50 shareholders.

Unlike other jurisdictions, there is no requirement in Gibraltar for fund promoters to be licensed: it is sufficient for the fund administrator to perform the normal 'know your client' and 'client acceptance' procedures.

There must be two EIF directors authorised by the Financial Services Commission (FSC) whose role is to ensure proper governance, with similar requirements for unit trusts with a corporate trustee and limited partnerships with a corporate general partner.

An EIF must issue an industry standard prospectus so investors can make informed decisions. There are rules for the prospectus/private placement memorandum (PPM) a private document, except if the fund is incorporated as a public limited company.

## Thinking outside several boxes

*A different perspective*



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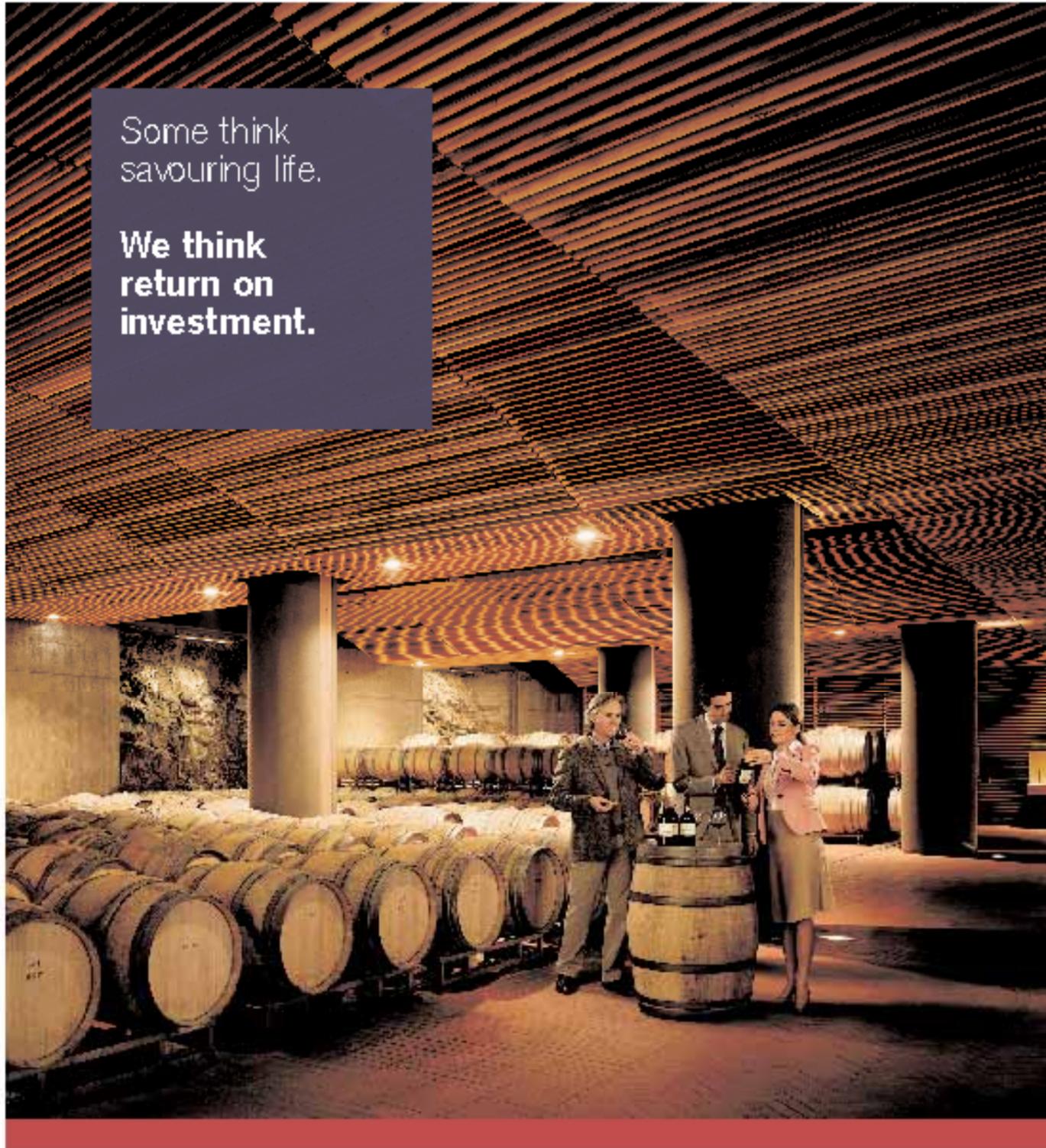
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Thinking New Perspectives.

CREDIT SUISSE

**New bid for business**

Jesper Breinholt has joined Jyske Bank (Gibraltar) as deputy manager of Business Development and heads up a team of five new business consultants in a strengthened bid to win custom on the Costa del Sol, Algarve and in Gibraltar.

Previously manager of a Copenhagen branch, Breinholt (39) is keen to further enhance bank 'Values' of being "efficient and persevering" and "different and unpretentious".

Jyske employees are not paid commissions, so "clients can be assured that they will get investment advice to match their own personal risk profiles", says Breinholt.

**Beefing up service**

Even though Price Waterhouse Cooper (PWC) is one of the 'big 4' audit and accountancy firms in the world, managing



partner Christopher Pitaluga believes his Gibraltar staff can benefit from developing client relationships.

Some 90 colleagues met as part of the firm's worldwide 'Experience Day' at The O'Callaghan Elliott Hotel to consider how greater customer

service could help single out PWC as competitively 'different'.

"Many people have a misconception about us and think that we are just auditors and accountants, but we get involved in far more financial-related areas" he said.

With global attention to detail – and there's 140,000 PWC staff worldwide – "everything from simple, but informative and up-to-date voice mail messages, can make a big difference", Chris, who is one of 4 partners locally, noted.

Around & About

PWC, which counts banks Barclays and Credit Suisse as clients, has two divisions in Gibraltar, one trading as Abacus for trust company, administration and tax, with the other division offering audit and accountancy services.

**14 holds the key**

Mike Forster (45) has achieved a life-long ambition by opening his own up-market restaurant at Queensway Quay, having gained experience in four countries – Wales, England, Hong Kong and Gibraltar.

He began as a kitchen hand washing up and preparing starters in Cardiff, before moving on to London's Langhans Brasserie, Caprice and Ivy restaurants and executive chef in a Hong Kong Italian restaurant. Before opening 14 on the Quay Mike was executive chef at The Caletta Hotel for 5 years.

**Rewarding innovative solutions**

Seven years after being called to the Bar and joining Hassans, Gibraltar's largest law firm, 31 years old Vikram Nagrani has been made a partner.

Nagrani attended Cardiff Law School as a member of the Middle Temple and in 2004 qualified as a member of the Society of Trusts and Estate Practitioners, and earlier this year as a Notary Public.

He has acted in a number of tax-driven schemes, including large multinational corporate restructures and structured financing transactions that have required innovative and complex solutions and is president of the Hindu Merchants' Association,

At the same time, Kenneth Bonavia, former managing partner of Stephenson Harwood and DLA Piper in Madrid, has been appointed by Hassans to lead the firm's expansion in Spain and will be based primarily in Sotogrande

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## Spread it safely

Gibraltar banks advising High Net Worth Individuals (HNWI) are seeing more broadly-based investment and a move to larger cash holdings.

"We are working to ride the storm", says Emma Perez, managing director of **S G Hambros (Gibraltar)**, which has just taken over the Gibraltar private banking business of Dutch banker ABN AMRO Bank NV.

In the process, Perez has seen her client base near double and her staff similarly grow to 70 people, as part of the French parent company Societe Generale's global strategy to increase its presence in key established markets for private banking and wealth management business

through both internal and external growth.

With offices at Line Wall Road and Europort that shortly will be combined, Perez says there is a critical mass that can benefit clients "who are being quite active and diversifying their investments more than they have done in the past".

It's a similar story at **RBS International (Gibraltar)** where Gerald Rodriguez, head of treasury and investor solutions, points out: "With the increase of volatility and uncertainty about the market, we're helping more customers hedge their foreign exchange and interest rate risk through a wide range of options.

"Our role is to tailor structured investment prod-

ucts to clients in the retail, international personal banking and corporate sectors and we see this as one of our main opportunities for growth in the next few years."

Clients increasingly are "looking for the advantages of bespoke services, but for a relatively low level investment - as low as £250,000.", Rodriguez observes, and adds: "Instead of looking for capital growth, it's now about capital preservation."

**Merrill Lynch and Capgemini** in the meantime suggest in their wealth industry benchmark survey, *2008 World Wealth Report*, that there will be continued growth for high net worth individuals (HNWI) for the foreseeable future despite the current slowdown in global markets.

However, the prediction made in July was based on

the belief that the financial downturn would be relatively brief, and pointed to the way in which increasingly the HNWI is well-protected from market turmoil.

That protection lies both in the numbers of wealthy individuals and the way they hold their wealth.

The strongest growth - 8.8 per cent in population size and 14.5 per cent in accumulated wealth - was in ultra high net worth individuals (those with at least \$30 million in financial assets).

And there are now over 10m HNWIs holding at least US\$1million in financial assets each.

But in view of the developing financial crisis, it is increasingly diversified portfolios that are responsible for helping to preserve greater levels of wealth, the report says.

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PROPERTY

# Marina to progress with £5m homes

The £430m Ocean Village complex is set to open its Leisure Island Casino in January as sales of the final residential units – costing up to £5.5m each – are launched.

By far the largest construction project in Gibraltar, Ocean Village is almost complete and includes 500 apartments and villas, over 10,000 sq.m of office space, a health club with three large swimming pools, seven lagoon pools, spas, saunas, steam rooms, over 3,300 sq m of gardens and a 280-berth

leisure marina.

As Ocean Village chairman and entrepreneur Greg Butcher declares: "It's the fulfillment of a dream to create a world-class resort that will elevate the standing of Gibraltar as a top visitor destination and permanent living environment, and give Gibraltarians their waterfront back."

Economic uncertainty has not dampened demand for top property, so the three-storey 993 sq metre St Tropez Mansion, with 5 ensuite bedrooms, staff accommodation, a games room, banquet

and roof terraces, pool, gymnasium and 45 metre mooring, has been added.

In late September the development received three 2008 CNBC Europe & Africa property awards for Best High-Rise Architecture, Best Interior Design and Best Apartment.

Judges for architecture noted the distinctive design of Royal Ocean Plaza, and innovations of construction, the provision of large communal spaces integrated with landscaped gardens and pools. High specification design, fixtures and finishes of the 155 units contributed to the Apartment and Interior Design awards.

The 15 storey towers that make up Grand and Majestic Plazas' 205 units are 75 per cent built and expected to be ready by late next summer. But it will be at least another two years before the fourth Imperial Tower with its 105

apartments is complete.

In the heart of the resort, Leisure Island's five-storey, semi-circular blue-tinted glass building has just opened as Gibraltar's first resort granted a 24-hour licence.

It houses the Gala Casino - its £6m interior features a bar made from ice - the Babylon Night Club, champagne and sushi bars, offices and an open-air concert arena.

Work has started on the



Award-winning Royal Ocean Plaza (right) in the making with the Casino on distinctive Leisure Island (left) opening in January.

Royal Ocean Business Plaza's 8,000 sq metre office building with roof gardens, a café and computer games room and is scheduled for completion by the end of next year. There

will be 600 car parking spaces, 350 of which are for public use, a condition of planning approval.

Commenting on the development success during a world recession, sales & marketing director Brian Stevendale, says: "Gibraltar is the ninth richest community per capita in the world, but there was a massive shortage of residential and office space and it lacked a first-class marina to rival Puerto Banús in mainland Spain."

Ocean Village also embraces Sheppards Marina and Marina Bay. Stevendale points out: "It costs much less to register a boat here than in Spain."



Ocean Village complex just beyond the airport runway (foreground)

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## Three still to go after 45 years

Completion of three Gibraltar residential projects – the Tradewinds luxury development and 'affordable plus' apartments at Filomena House and Eden Place - will mean Taylor Woodrow continuing to work on The Rock at least until 2010.

But having been involved with Gibraltar for more than 45 years, there is no current plan to invest in any new major projects locally despite a continuing "robust and

buoyant" local housing market, the company said.

The move results from UK parent Taylor Wimpey £1.54bn half-year losses, even though Gibraltar is said to be one of the group's most profitable operations.

Tradewinds - three towers with 75 luxury apartments and 6 penthouses overlooking Marina Bay – will be complete at the end of this year and is Taylor Woodrow's most successful

and ambitious project, the firm claims.

Filomena House with 44 apartments is due to be finished next year and work began in late October on 48 apartments at Eden Place.

The gradual exit from Gibraltar over the next two years is "only a reference to the fact that Taylor Wimpey, due to its global financial situation, will not be undertaking any big new capital schemes that the company

might have been contemplating to do in 2009," a Taylor Woodrow (Gibraltar) statement explained.

The builder's first luxury residential project, Queensway Quay, came to life in 1992 and provided a complete transformation of a derelict wharf into a stunning modern day marina development. It now boasts two additional phases; Cormorant Wharf and Ordnance Wharf.

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# Image shift wins strong approval

When Gibraltar's financial community invited UK specialist journalists at the start of summer to see what is on offer, they may not have expected that their Last Word would be so welcome.

Headlines such as "Gibraltar Rocks" from *Insurance Times* and *Private Banker International's* "Rocking the offshore boat", were only tempered slightly by *International Investment Magazine* suggesting The Rock has been "Snagged by its label".

All the editorials focussed in large part on the shift in emphasis from a 'no tax' to 'low tax' regime.

"Gibraltar has taken great care in improving its reputation beyond that of just another tax-friendly domicile, and anyone who suggests different is quickly corrected", **Lauren Macguivray** pointed out in the insurance publication.

"But while Gibraltar prides itself on mimicking the UK" (in its strong financial regulatory environment and anti-money laundering regime), "it also differentiates itself by boasting a more accessible financial services community".

She noted: "UK insurers are eyeing Gibraltar as a place to write business across the EU, as they become increasingly frustrated with the UK tax regime."

**Sarah Godfrey**, associate editor of *International Investment* pointed out: "Insurance has been one of the biggest growth areas for Gibraltar, but it has also seen growth in its banking and funds sectors, all underpinned by a strong legal community able to advise on trust and corporate structures."

She quotes chief minister Peter Caruana as saying: "We don't want to be swimming against the tide. We're in the EU single market and we have access to the whole market. We formed a view it was unlikely that Gibraltar would be allowed to access everybody else's markets indefinitely from a zero-tax location."

And Caruana reportedly also told her: "Our model has moved away from

the old brass-plate tax haven to a system that doesn't discriminate between offshore and onshore business and fully complies with legislation."

**Dan Jones**, writing for *Private Banker International* noted: "In a year which has seen an increasing focus on the activities of low-tax jurisdictions around the globe, Gibraltar's decision to build its reputation on the back of an attentive yet flexible regulatory environment seems increasingly wise..."

He went on: "The financial centre's EU membership has furthered the realignment of Gibraltar that began a decade ago and has now transformed the jurisdiction into one which is more certain of its identity both politically and economically. On a diplomatic level, this has resulted in the easing of the tensions with neighbouring Spain that for so long overshadowed all other activity in the region."

And to substantiate the enthusiasm, Jones quotes Eric Barnett, chief executive of SG Hambros Private Banking as saying: "Gibraltar is a very interesting jurisdiction. It's become very prosperous over the past ten years. It's radically different now to how it was ten years ago and compared to 20 years ago it's from a different planet."

Insurance Times turned to Bruno Callaghan, managing director of Willis in Gibraltar, to make the predictions.

He told the magazine: "Now that you've got the politics mended between Gibraltar, Spain and the UK, Gib could become a conduit for South American business into Spain and vice versa. In due course, Spanish multinationals will begin to use Gibraltar as a domicile to be able to write their South American business."

And Callaghan added: "It's really only competing with Malta and Dublin. And Dublin is pretty much closed to business

unless there's a very large multinational wanting to operate from Dublin. Malta is a fledgling and should do very, very well, but because of where it is geographically, it will attract business from a different part of Europe than us."

Editor Maguivry showed some concern as "the government is positioning itself as a low-tax, instead of no-tax, financial services centre – perhaps risky considering Jersey and Guernsey, for example, are no-tax jurisdictions."

"But Gibraltar is now concentrating solely on attracting companies from elsewhere in the EU. The 10%-12% tax regime will undercut its main rival, Ireland, which has a top rate of 12.5%."

**Alex Hawkes**, news editor of *Accountancy Age*, declared: "Gibraltar is, and will remain, a defiantly low-tax jurisdiction, a fact that some will applaud."

Under the headline 'The Rock Rebrands', he reported: "There is no tax on investment income, on capital gains or on estates. The territory makes a lot of its money from income tax, and has been highly successful in attracting 'mobile' income, from companies such as PartyGaming, the online gaming giant." Wondering whether success will continue being successful, Hawkes concluded: "If Gibraltar and other havens can convince the world they have indeed cleaned up their act, critics of the tax avoided through them may have to look for new arguments, and new methods, to tackle them."

"it also differentiates itself by boasting a more accessible financial services community"

But it was left to **Ruth Emery** of *High Net Worth* magazine to point out that: "With a clear commitment to luxury standard, and a focus on quality and reputation, Gibraltar faces a bright future as a destination for HNWI's, and for their money."

Gibraltar wanted to be high net worth – "it's simply yearning to be the new Monaco." It wanted to "get away from the fish & chips Brits that flock to the Rock" and remodel itself as a land of yachts and luxury.

Whilst both worlds existed, "it is the marina lifestyle that is flourishing and the one Gibraltarians want to promote."

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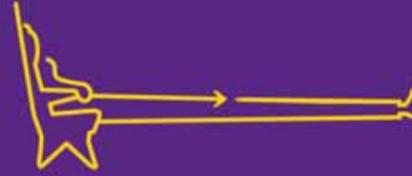
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