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**Constitutional prohibition on spending did not exist in 1996 says Government**

The Opposition clearly will stoop to any level to defend the indefensible following the publication of the legal opinion that certain of their actions as a caretaker Government were unlawful.

They have attempted to justify this by publishing a list of contracts that the then GSLP Government entered into after Parliament was dissolved but before the General Elections of May 1996. It is obvious that they do not know what they are talking about.

The clause in the constitution which prohibits a caretaker government from committing a successor Government to “public funding or liability, except in the ordinary course for the day-to-day affairs of Gibraltar” did not exist in 1996, therefore there was nothing unlawful or constitutional about the list of contracts that were entered into at that time. The Constitution which prevailed in 1996 was that of 1969 and this specific prohibition was absent from it.

The point is that this clause was inserted into the text of the 2006 Constitution. Therefore it binds the caretaker Governments that existed after 2006 and not those that existed before. This means that the action taken by the then GSD Government to promise and deliver a pay rise to the staff of GJBS was an action which is both unlawful and unconstitutional. This does not apply to the list of contracts that they have published simply because the same provision in the constitution did not exist at the time.

The irony is that it was Mr Caruana himself, during the Constitutional talks that preceded the 2006 Constitution, who was very keen that this provision should be introduced precisely to control and regulate the liability that a caretaker Government could pass on to its successor. It is obvious, in the mad scramble for votes that preceded the 2011 General Election, that Mr Caruana did not even realise that he was breaking his own rules.

The Opposition have become very nervous about this accusation given that they have got such a basic fact completely wrong in their haste to confuse the issue by putting forward a red herring.