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**MINUTES OF THE 191<sup>st</sup> MEETING OF THE TWELFTH ANGUILLA  
EXECUTIVE COUNCIL HELD ON THURSDAY 4th JULY 2024 AT 9.00 AM**

- PRESENT: Acting Governor, Mr. Perin Bradley
- The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr. Ellis Webster
- Acting Deputy Governor, Dr. Bonnie Richardson-Lake
- The Honourable Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning AND Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Mr. Kenneth Hodge
- The Honourable Minister for Infrastructure, Communications, Utilities Housing and Tourism, Mr. Haydn Hughes
- The Honourable Minister for Sustainability, Innovation and the Environment, Mrs. Quincia Gumbs-Marie
- Acting Attorney General, Ms. Erica Edwards
- Clerk to Executive Council, Ms. Dumisa Webster
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr. Merrick Richardson
- Head of Governor's Office, Mr. Orlando Ames-Lewis
- ABSENT: Her Excellency the Governor, Ms. Julia Crouch
- The Honourable Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Ms. Dee-Ann Kentish-Rogers

The Honourable Minister for Sustainability, Innovation and the Environment, Mrs. Quincia Gumbs-Marie

**EX MIN 24/174**

**CONFIRMATION OF THE MINUTES**

Hon. Parliamentary Secretary and Head of Governor's Office remained.

Council confirmed the Minutes of the 190<sup>th</sup> Meeting of Executive Council held on Thursday, 27<sup>th</sup> June 2024.

**MATTERS ARISING FROM THE MINUTES**

**EX MIN 24/175**

**EX MEMO 24/124 2024 Statutory Body Budgets- Anguilla Social Security Board**

Hon. Parliamentary Secretary and Head of Governor's Office remained.

The following persons joined the meeting:

Ms. Marisa Harding-Hodge, PS, Finance

Mrs. Solange Lloyd-Browne, Director of Finance

Mrs. Kimberly Hazell, Chief Financial Officer (Ag), Anguilla Social Security Board

Mr. Carlyle Franklin, Investment Manager/Deputy Director (Ag), Anguilla Social Security Board

Mrs. Maglan Lewis-Webster, Director (Ag), Anguilla Social Security Board

The Honourable Premier and Minister for Finance, PS, Finance, Director of Finance, and the team from the Anguilla Social Security Board ("ASSB") briefed Council. The ASSB was formed pursuant to section 3 of the Social Security Act, RSA ch S045. Under the Financial Administration and Audit Act, RSA ch F027, Section 64, Government Agencies, as is the ASSB, are required to submit its estimates of expenditure and revenue for approval by its respective Minister and the Minister of Finance.

**Revenue**

The ASSB's anticipated revenue for 2024 is EC\$52.23M. This represents a 7% increase when compared to the 2023 preliminary

actuals of EC\$49M and a 9% increase above the 2023 approved budget of EC\$48.08M. The 2024 revenue consists mainly of Interest Income and Pension and Benefits Contributions. Interest Income for 2024 has seen an increase of 19% when compared to the preliminary actuals and 12% increase over the approved budget for 2023. This increase is due in part to the Board's planned execution of its diversification strategy, which involves investing in additional fixed deposits in the US market. The Pension and Benefit Contributions of EC\$32.31M represents a 7% increase over the 2023 budget of EC\$30.25M and a 0.45% increase over the 2023 preliminary actuals of EC\$32.16M. This growth is due to the increased contribution amendments.

### **Recurrent Expenditure**

The ASSB recurrent expenditure budget for 2024 is EC\$44.10M, which represents a 9% increase over the preliminary actuals of EC\$40.41M for 2023 and an 8% increase over the 2023 approved budget of EC\$40.74M. The operational budget is EC\$38.46M, noting an increase of 10% over the 2023 preliminary actuals and approved budget. The operational budget consists of notable changes in, inter alia, advertising and promotions, communication expenses, professional and consultancy services, training and uniforms and protective clothing.

### **Capital Expenditure**

The 2024 Capital budget is EC\$223K which is primarily intended for the acquisition of additional computers and telephone system estimated at EC\$95K and software enhancement estimated at EC\$69K.

### **Surplus**

The 2024 budget for the Social Security Board presents an overall surplus of EC\$7.91M.

The ASSB is planning to incur additional expenditure funded by Social Security contributions to increase the staff pension fund to address actuarial deficit rather than placing this obligation on the pension fund beneficiaries. The Board's obligation to the Social Security Staff Pension fund at the end of 2023 was \$10.2M,

however, it is anticipated that this figure will be increased following the actuarial review. Executive Council noted the ASSB's statements that the ASSB Staff Pension Fund is underfunded and the current policy, which has the employer contributing more than the employees was recommended by the actuary, however, the current rates being used were not based on the actuary's advice. The employee rate is fixed. It was also noted that the Staff Pension Fund came into operation well after employees were already promised a pension. As of today, only two employees have received their pension from this fund. It was noted that the contribution rates of employees are low, however, the benefits received are generous. These are the main issues with the fund.

Executive Council:

- 1) Considered the related concerns in relation to the Anguilla Social Security Board's expenditure as it relates to contribution to the Staff Pension Fund;
- 2) Advised PS Finance and the Honourable Premier and Minister for Finance to engage the Anguilla Social Security Board outlining clear parameters regarding the management and contribution rates of the Staff Pension Fund; and
- 3) Approved the planned 2024 budget of the Anguilla Social Security Board.

Action: PAS, FIN; PS, FIN; HON. PREM.

**EX MIN 24/176**

**EX MEMO 24/125 Reappointment of Trustees to the Board of Trustees of the NCBA Employees' Pension Trust**

Hon. Parliamentary Secretary and Head of Governor's Office remained.

The Honourable Premier and Minister for Finance briefed Council. Board of Trustees of the NBA Employee's Pension Trust ("the Board") was established pursuant to the Trust Deed dated January 29, 2021, among the Government of Anguilla (GOA), the Receiver of NBA, and the National Commercial Bank of Anguilla Limited ("the Trust Deed"). The Fund was terminated pursuant to Clause 10.1 of the Trust Deed. Ex Min 21/255 notes that in accordance with Clause 10.2, the termination was approved by the Governor in

Council, with directions to the Board to proceed with the distribution of the fund. The Board worked to distribute the fund in October 2021, however a portion of the fund remained with the Receiver and was paid over on May 16, 2024. This remainder is to be distributed and, as such, there are still tasks for the Board to complete. The tenure of the Board has expired, however, reappointment of Board members is necessitated due to the outstanding matters of proper distribution and winding up of the fund. Clause 2.3 of the Trust Deed empowers the Governor to appoint the Board of Trustees and Clause 6.4 allows for the reappointment of members for one further term.

The following persons currently form the Board of Trustees:

- i. Mr. Rodney Rey – Chairman
- ii. Pastor Philip Gumbs
- iii. Mr. Selwyn Horsford
- iv. Mr. Romare Kelsick
- v. Mr. Ardin Richardson

Executive Council recommends to the Governor to:

- a) Reappoint the current trustees to the Board of Trustees of the NBA Employees' Pension Trust fund for a further period of one year; and
- b) Note the Boards intention to complete the distribution of the remaining fund and the winding up of the fund.

Action: PAS, FIN; PS, FIN; HON. PREM.

**EX MIN 24/177**

**EX MEMO 24/126 Application for Issue of Licence Under the Aliens Land Holding Regulation Act- Registration Section: North, Block 58817 B, described as Parcels 92, 93, 94, 98, 99, 100, 101, 103 and 104 being 0.75, 0.77, 0.75, 0.50, 0.50, 0.50, 0.57, 0.75 and 0.75 Acres Respectively for a Total of 5.84 acres.**  
Hon. Parliamentary Secretary and Head of Governor's Office remained.

Executive Council Minute 24/205 notes that Executive Council approved the granting of an Aliens Land Holding Licence to the applicant through its Directors. This approval was granted for

construction of a golf course and a clubhouse. However, by letter dated 13<sup>th</sup> March 2024, from the applicant’s agent, it was requested that clause 5 be substituted with a provision to have the selected lots be amalgamated into development and earmarked for future development of the staff and visitor parking, generator house and ancillary services such as the sewerage treatment plant. This request warranted a new application being submitted to the Land Development Control Committee (LDCC) to approve the change in use of the development. Subsequently, the Applicant’s new application was approved by the LDCC. Therefore, it is requested that Executive Council amend condition 4 and remove condition 5 as the parties have been notified of forfeiture.

Executive Council approved the granting of an Aliens Land Holding Licence to the applicant to hold property situated in Registration Section North, Block 58817 B, described as Parcels 92, 93, 94, 98, 99, 100, 101, 103 & 104 being 0.75, 0.77, 0.75, 0.50, 0.50, 0.50, 0.57, 0.75 & 0.75 of an acre, respectively for a total of 5.84 acres, located at Brimegin, Anguilla for the construct a Generator House and Sewage Package Treatment Plan for tourism purposes, subject to the following:

a) Stamp duties payable are as follows:

**PARCEL 98**

(i)	under the Stamp Act – 5% of EC\$188,174.00	EC\$ 9,408.70
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$188,174.00	<u>EC\$11,760.88</u>
	<b>TOTAL</b>	<b><u>EC\$21,169.58</u></b>

**PARCEL 99**

(i)	under the Stamp Act – 5% of EC\$188,174.00	EC\$ 9,408.70
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$188,174.00	<u>EC\$11,760.88</u>
	<b>TOTAL</b>	<b><u>EC\$21,169.58</u></b>

**PARCEL 100**

(i)	under the Stamp Act – 5% of EC\$188,174.00	EC\$ 9,408.70
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$188,174.00	<u>EC\$11,760.88</u>
	<b>TOTAL</b>	<b><u>EC\$21,169.58</u></b>

**PARCEL 101**

(i)	under the Stamp Act – 5% of EC\$215,056.00	EC10,752.80
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$215,056.00	<u>EC\$13,441.00</u>
	<b>TOTAL</b>	<b><u>EC\$24,193.80</u></b>

**PARCEL 103**

(i)	under the Stamp Act – 5% of EC\$860,224.00	EC\$43,011.20
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$860,224.00	<u>EC\$43,011.20</u>
	<b>TOTAL</b>	<b><u>EC\$86,022.40</u></b>

**PARCEL 104**

(i)	under the Stamp Act – 5% of EC\$860,224.00	EC\$43,011.20
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$860,224.00	<u>EC\$43,011.20</u>
	<b>TOTAL</b>	<b><u>EC\$86,022.40</u></b>

**PARCEL 92**

(i)	under the Stamp Act – 5% of EC\$994,634.00	EC\$49,731.70
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(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$994,634.00	<u>EC\$49,731.70</u>
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<b>TOTAL</b>		<b><u>EC\$99,463.40</u></b>
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**PARCEL 93**

(i)	under the Stamp Act – 5% of EC\$1,021,516.00	EC\$ 51,075.80
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(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$1,021,516.00	<u>EC\$ 51,075.80</u>
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<b>TOTAL</b>		<b><u>EC\$102,151.60</u></b>
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**PARCEL 94**

(i)	under the Stamp Act – 5% of EC\$994,634.00	EC\$49,731.70
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(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$994,634.00	<u>EC\$49,731.70</u>
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<b>TOTAL</b>		<b><u>EC\$99,463.40</u></b>
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<b>GRAND TOTAL</b>		<b><u>EC\$560,825.73</u></b>
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- b) The property must be used for Tourism purposes.
- c) The Applicant Company must obtain a Business Licence from the Ministry of Finance in order to rent the said property;
- d) The Applicant shall, during the period of construction, permit the authorised officers or agents of the Government of Anguilla access to the land to inspect the site and building work;
- e) To construct a Generator House, Sewage Package, and Treatment Plant on Parcels 98, 99, 100 and 101.
- f) Parcels shall be amalgamated into the development within three (3) months from the date of this Licence.



- g) The Licensee shall fully comply with the laws of Anguilla enforced from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour Relations Act 2018 and Work Permit Regulations, the Social Security Act, the Immigration and Passport Regulations and any statutory modification or re-enactment thereof and any rules or regulations made there under.

Council authorized issue of the action sheet before confirmation of the minutes.

Action: PS, HA; DLS; HON. MIN. HA.

**EX MIN 24/178**

**EX MEMO 24/127 Acquisition of Lands at Shannon Hill for Road Development**

Hon. Parliamentary Secretary and Head of Governor's Office remained.

The following persons joined the meeting:

Ms. Sharmer Fleming, Director of Maritime Affairs, Anguilla Maritime Administration and Shipping Registry (AMASR)

Mr. Travis Carty, PS, MICUH&T (Ag.)

The Honourable Minister for Infrastructure, Communications, Utilities, Housing and Tourism, PS, MICUH&T (Ag.) and the Director of Maritime Affairs briefed Council. Currently, there is a dirt road that provides access to numerous dwelling houses and villas in Shannon Hill. A large number of these accommodations do not have legal access to the Public Road and in some cases are not legally accessible due to the land-lock nature of the subdivisions. Mr. David Carty has, over the past few years, sought to have land owned by him subdivided. However, his application was deferred by the Land Development Control Committee (LDCC) due to there being no legal access to the property from the road. On advice from the LDCC, Mr. David Carty sought to obtain permission from land owners in the area to transfer a portion of their lands to declare the road in Shannon Hill a Public Road and to facilitate development. On 14<sup>th</sup> November 2023, The Roads Division of MICUH&T received documents from Mr. David Carty that were signed by 20 land owners, with more expected, thus forming a majority. The majority of land owners have signed agreements to the transfer of their

portion of land to make a public road. However, some signatures could not be obtained due to some persons being deceased or their whereabouts unknown

Executive Council:

- 1) Noted that the relevant officers within MICUH&T will request that the Department of Lands and Surveys provide an estimate of the valuation of the relevant land at Shannon Hill;
- 2) Noted that the lands at Shannon Hill that are to be compulsory acquired are being voluntarily transferred to the Government of Anguilla by the land owners. Therefore, this acquisition will come at no cost to the Government of Anguilla. However, some land owners cannot be contacted, therefore, EC101,000.00 has been reserved as a contingency, should the need for purchase of the lands arise;
- 3) Instructed the relevant officers within MICUH&T to liaise with the District Representative to facilitate contact with all land owners listed in the Schedule in Appendix 3;
- 4) Approved the Gazette Memo in Appendix 2;
- 5) Approved the compulsory acquisition of parcels required to declare the road in Shannon Hill a Public Road as indicated in the schedule in Appendix 3; and
- 6) Approved the Roads Division of MICUH&T preparing the necessary documents for survey and declaration of a Public Road;

Council authorized issue of the action sheet before confirmation of the minutes.

Action: PS, MICUH&T; HON. MIN., MICUH&T.

**EX MIN 24/179**

**EX MEMO 24/128 Approval of the Renewal of the Licence for the Wallblake House**

Hon. Parliamentary Secretary and Head of Governor's Office remained.

This matter was deferred for a next sitting of the Executive Council.

Action: PS, MICUH&T; HON MIN. MICUH&T.

**EX MIN 24/180**

**EX MEMO 24/129 Approval of Recreational Watercraft Bill**

Hon. Parliamentary Secretary and Head of Governor's Office remained.

The Honourable Minister for Infrastructure, Communications, Utilities, Housing and Tourism, PS, MICUH&T (Ag.), and the Director of Maritime Affairs briefed Council. The Government of Anguilla Personal Watercraft (Jet Skis) Draft Policy was published in August 2014 under the notion of expanding the tourism product to offer additional recreational activities at sea. In 2023 the Tourism Unit of MICUH&T in collaboration with the Attorney General's Chambers Parliamentary Counsel drafted the Commercial Recreational Watercraft Act. After consultation on the Act, the Anguilla Maritime Administration and Shipping Registry acknowledged it was the responsible Authority for the enforcement of the Act and consequently worked further on devising the Act. The Anguilla Maritime Administration and Shipping Registry Unit is responsible for, inter alia, ensuring marine safety and fulfills this responsibility through enforcing the principal legislation, Merchant Shipping Act. However, the definition of ships in the Merchant Shipping Act is not inclusive of watercrafts (mechanically propelled or human powered) used for recreational purposes by one or two persons. There is also a recognized 'grey area' in the regulation of recreational watercraft actively used in Anguilla waters and difficulties in defining and classifying watercraft. These reasons necessitated the enactment of a standalone Recreational Watercraft Act for regulating recreational watercrafts, including jet skis.

The primary purpose of the Recreational Watercraft Bill is to address the aforementioned 'grey area' in the maritime regulatory framework as it pertains to recreation watercrafts and to enable the importation and operation of jet skis by repealing the Prohibition of Importation of Jet Skis Order. The Bill for the Recreational Watercraft seeks to ensure that certain watercraft operated in Anguilla or its territorial sea are registered and subject to regulation by the Maritime Administration to ensure that they are safe to operate and their operators meet minimum proficiency standards. The Bill also seeks to regulate the operation of watercrafts in Anguilla

waters by, for example, restricting the area in which watercrafts operate. The Bill also makes provision for watercraft sporting events from a safety position.

Executive Council:

- 1) Noted that the Government of Anguilla- Personal Watercraft (Jet Skis) Draft Policy was not entirely clear as to whether jet skis are to be used only by commercial operators or by both private citizens and commercial operators and, consequently, approved the use of jet skis by watercraft business licence holders and visiting watercraft owners (pleasure yachts).
- 2) Approved amendment to the Prohibition of Jet Skis Order to allow for only watercraft business licence holders and visiting watercraft owners (pleasure yachts) to import jet skis.
- 3) Noted that the four authorized areas listed in the Policy are Crocus Bay, Long Bay, Forest Bay and The Southern Side of Road Bay. As shown in Appendix 3, the Crocus Bay and The Southern Side of Road Bay have changed since 2014 with the construction of a jetty in each locale. As a safety measure, the launching of the vessels in these areas can only be permitted on the grounds that a channel is established to direct operators to an area outside the operation of the ports.
- 4) Instructed that Junk's Hole Bay be added to the authorized areas listed in the Policy.
- 5) Instructed the Attorney General Chambers to include the authorized areas for jet ski use as part of the regulations, as opposed, to the schedule;
- 6) Acknowledged that while the Anguilla Air and Sea Ports Authority port limits on the seaward side expansive, the landside proposed for the launching ramps on the Southern Side of Road Bay Port is not Government owned property or property belonging to the AASPA. Consequently, the ASSPA is not in the position to establish a launching ramp in that location nor does the Government of Anguilla have the obligation to build launching ramps in any of the locations for operation.

- 7) Instructed the Ministry of Economic Development to remove the Policy clause which states that there will be no more than four (4) licences granted to own and operate Jet Skis Companies (Belongers of Anguilla) under the Trades Businesses, Occupations and Professions Licencing Act, as this is inappropriate to state in the Policy given that the necessary Business Legislation already exists.
- 8) Instructed the Attorney General Chambers to include prison sentences as punishment for misconduct in operation of the watercrafts, in addition to the already included monetary fines in the Recreational Watercraft Bill.
- 9) Noted that the certification required by the watercraft licence holders and their staff to commercially operate jet skis is not currently offered locally. However, it is the intention of the Government of Anguilla to, over time, locally offer an approved programme that provides certified training in the maritime sector based on defined standards, including adherence to the Safety Code and rules of the sea within the local context. The certificate to operate these watercrafts will be issued annually following inspections to ensure accordance with the Legislation.
- 10) Approved the drafting of the Bill for Recreational Watercrafts.
- 11) Instructed that the approved Bill for Recreational Watercrafts be brought no later than 1<sup>st</sup> October 2024.
- 12) Approved the repeal and replacement of the Prohibition of Jet Skis Order.

Council authorized issue of the action sheet before confirmation of the minutes.

Action: PS, MICUH&T; HON. MIN. MICUH&T; HON. AG.

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