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**MINUTES OF THE 195<sup>TH</sup> MEETING OF THE TWELFTH ANGUILLA  
EXECUTIVE COUNCIL HELD ON THURSDAY 1st AUGUST 2024 AT 9.00 AM**

- PRESENT: Her Excellency the Governor, Ms. Julia Crouch
- The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr. Ellis Webster
- Acting Deputy Governor, Dr. Aidan Harrigan
- 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 Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning, Mr. Kenneth Hodge
- The Honourable Minister for Infrastructure, Communications, Utilities Housing and Tourism, Mr. Haydn Hughes
- Acting Attorney General, Ms. Dawne Richardson
- Clerk to Executive Council, Ms. Dumisa Webster
- IN ATTENDANCE: Parliamentary Secretary, Mr. Merrick Richardson
- Financial Advisor, Mr. Evarist Mwesigye
- ABSENT: The Honourable Deputy Governor, Mr. Perin Bradley
- The Honourable Minister for Sustainability, Innovation and the Environment, Mrs. Quincia Gumbs-Marie

**EX MIN 24/200**

**CONFIRMATION OF THE MINUTES**

Parliamentary Secretary and Financial Advisor remained.

Council confirmed the Minutes of the 194<sup>th</sup> Meeting of Executive Council held on Thursday, 25<sup>th</sup> July 2024.

**EX MIN 24/201**

**EX MEMO 24/140 Extension on Approval of Allowances and Overtime for Department of Health Services Staff Including Technical and Contractual Workers**

Parliamentary Secretary and Financial Advisor remained.

Ex Min 24/110 approved the payment to the Department of Health Staff (DoHS) (mostly Technical and Contract Workers) for allowances namely: On Call (retainer fee), Call Out (based on number of hours worked), Housing, Uniform, Travel, Overtime/Sessions, Public Holiday and Responsibility. This payment was approved until June 30<sup>th</sup> 2024.

Approval was also given for the establishment of a work group to review rates for the Health Authority of Anguilla (“HAA”) allowances and submit revised allowance rates and recommendations to Executive Council for consideration and approval. However, it is being requested that Executive Council approve an extension to the implementation of the former HAA allowance rates for the DoHS staff until the end of the year 2024. This request is based on, inter alia, the transitional changes that DoHS is still undergoing that impact daily operations and job functions and that Public Administration is currently taking steps to procure a consultant to conduct a comprehensive job grading exercise for the Anguilla Public Service which will include the DoHS.

Executive Council approved a further extension for Health Authority of Anguilla Allowance and Overtime rates to be used to pay Department of Health Services staff including doctors and technical workers until the end of the year 2024.

Action: PS, HEALTH (Ag.); HON. PREM.

**EX MIN 24/202**

**EX MEMO 24/141 Revised Analysis of Maximum Sale Price on Gasoline for Delta Petroleum (Axa) Ltd., Sol St. Lucia (Anguilla) Ltd. and Anguilla Gases Ltd.**

Parliamentary Secretary and Financial Advisor remained.

Pursuant to the Distribution and Price of Goods Act, R.S.A. c. D30 Distribution and Price of Goods (Maximum Gasoline Price Order) Regulations, 2022, the Minister responsible for Trade and Industry signed the Order providing the maximum price at which gasoline may be sold. The maximum prices were, EC \$18.15 per imperial gallon for Sol St. Lucia (Anguilla) Ltd. EC\$17.73 per imperial gallon for Delta Petroleum (Anguilla) Ltd., EC \$16.45 per imperial gallon for Anguilla Gases Ltd. (regular) and EC \$17.35 per imperial gallon for Anguilla Gases Ltd. (premium) from 23 May 2024 to present.

Routine analysis of current fuel import data resulted in a re-evaluation of the cost information for Sol St. Lucia (Anguilla) Ltd. Delta Petroleum (Anguilla) Ltd. and Anguilla Gases Ltd. to ensure that the price ceiling imposed proves to be reasonable for both the consumers and fuel providers alike.

Following this re-evaluation of the price ceiling, the ideal selling prices for gasoline are currently EC\$16.91, EC\$16.03, EC\$15.76 and EC\$16.88 for Sol St. Lucia (Anguilla) Ltd., Delta Petroleum (Anguilla) Ltd., Anguilla Gases Ltd (regular) and Anguilla Gases Ltd (premium) respectively. These prices represent a decrease from the current maximum gasoline price order.

It was noted that the legislation which stipulates that the Attorney General must submit the Orders and Notice of Extension of Regulations for the signature of the Minister is outdated and fulfilling this requirement is time consuming. It was suggested that the legislation be amended to provide a policy by which the maximum gasoline prices must be approved by the Executive Council, however, the Attorney General's Chambers will not be the drafting authority for the Orders and Notice of Extension of Regulations.

Council:

- 1) Considered and approved the imposition of maximum price orders on the sale of gasoline, starting 6<sup>th</sup> August 2024 to:

- EC\$16.91 per imperial gallon for Sol St. Lucia (Anguilla) Ltd.
  - EC\$16.03 per imperial gallon for Delta Petroleum (Anguilla) Ltd.
  - EC\$15.76 per imperial gallon for Anguilla Gases Ltd. (regular); and
  - EC\$16.88 per imperial gallon for Anguilla Gases Ltd. (premium)
- 2) Considered and approved the dissemination of the proposed price order to the fuel suppliers and allow them the opportunity to provide further information prior to the Order taking effect.
  - 3) Considered and approved the continuation of price order revisions as new information from the fuel suppliers and pertinent data on fuel import costs are obtained; and
  - 4) Requested that the Attorney General's Chambers prepare the Orders and Notice of Extension of Regulations for the signature of the Minister.
  - 5) Instructed the Ministry of Economic Development to prepare drafting instructions for amendment to the relevant legislation which stipulates the process of the Attorney General's Chambers must submit the Order and Notice of Extension of Regulations for the Minister's signature. The amendment will stipulate a policy to discontinue this process.

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

ACTION: PS; EDMSIE; HON. PREM; HON AG.

**EX MIN 24/203**

**EX MEMO 24/142 Appointment of an Advisory Committee on a Private Sector Pension Proposal in Anguilla**  
Parliamentary Secretary and Financial Advisor remained.

The Government of Anguilla has expressed interest in ensuring greater protection for employees within the private sector. Following

consultations with the relevant stakeholders, it was concluded that there was a favourable response and great interest in a pension plan being implemented for private sector employees. Further research also revealed that there were certain retirement savings initiatives being launched within the island. Although several parts of the Labour (Relations) 2018 Act make reference to retirement benefits as provided at the discretion of the employer, there is no legislative mandate for employers to provide retirement benefits to their employees or any mechanisms where deductions are made from the employees' wages to provide for contributions to a retirement fund or pension plan.

It is requested that the Executive Council approve the establishment of an Advisory Committee on a Private Sector Pension Plan. The purpose of the advisory committee is to undertake the necessary research to advise the Ministry of Home Affairs on the following:

1. General views of employers and self-employed persons in Anguilla towards the implementation of a Pension Plan for the Private Sector requiring employer contribution;
2. General views of employees of Anguilla towards the implementation of a Pension Plan for the Private Sector requiring employee contribution;
3. The Viability of the Pension Plan Proposals for the Private Sector available or proposed within Anguilla;
4. Implications for the Government of Anguilla if they were to implement a Government managed/backed pension plan for the Private Sector;
5. Recommendations on the extent to which the Government of Anguilla should become involved in implementing a Pension Plan for the Private Sector; and
6. If the recommendation is that Government should implement a Government managed pension plan for the Private sector, recommendations on the type of pension plan which should be implemented and how it should be rolled out and managed.

In considering the key issues outlined above, the committee shall have regard to data, information and literature they deem necessary to fulfil the objectives.

Executive Council:

- 1) Approved the appointment of the following persons to the Advisory Committee on a Private Sector Pension Proposal to serve for an initial period of six months with the possibility to extend:
  - a. Chair: Dr. Wycliffe Fahie (representing the national interest)
  - b. Deputy Chair: Mrs. Monifah Gumbs (representative of the Department of Pensions)
  - c. Mrs. Jo-anne Hodge
  - d. Dr. Maglan Lewis Webster
  - e. Mrs. Kathleen Rogers
  - f. Ms. Cheryl Webster
  - g. Mrs. Melisha Maccow
  - h. Mr. Graham Crabtree
  - i. Mrs. Erimel Franklin
  - j. Ms. Susan Hodge

- 2) Approved that the Advisory Committee on a Private Sector Pension Proposal be paid a monthly stipend/ be paid at the completion of this process in accordance with the following:

**Monthly Rate**

1. Chair- EC\$550.00
2. Other Members- EC\$450.00

- 3) Noted that it will be stipulated that if no meeting is held in a particular month, no allowance is paid.
- 4) Noted that funds will be vired from Grants and Contributions to Allowances under the Ministry of Home Affairs Budget to cover abovementioned financial costs.
- 5) Noted that the Advisory Committee on a Private Sector Pension Proposal shall report to the Permanent Secretary and the Minister of Home Affairs, with the Minister of Home

Affairs providing updates to the Executive Council as necessary.

- 6) Noted that the Advisory Committee on a Private Sector Pension Proposal shall follow the procedural rules set out below and additionally shall make further rules for the regulation of the its proceedings:

The Committee may at any time if it deems it expedient to do so:

1. With the prior approval of the Permanent Secretary of Home Affairs, consult with/ enlist the aid of one or more assessors, specially qualified in the opinion of the Committee to give assistance to the Committee in the matter under investigation, or in any matter relevant to such investigation; and
  2. Conduct such surveys in such manner as it may deem fit.
- 7) Tasked the Advisory Committee on a Private Sector Pension Proposal to report back within 1 month of the commencement of work to submit a Work Plan including a detailed Schedule of Activities, in the form of a GANTT Chart or similar flow chart.
  - 8) Commended the PS and PAS of Home Affairs for their efforts toward progressing this matter.

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

Action: PS, HA; HON. MIN. HA

**EX MIN 24/204**

**EX MEMO 24/143 Acquisition Through Exchange of Property in Registration Section North Central, Block 48813 B, Described as Parcel 66 and 68**

Parliamentary Secretary and Financial Advisor remained.

Executive Council Minute 23/340 deferred this matter for further consideration. The exchange of Crown lands on Registration

Section North Central, Block 48813B described as Parcels 66 and 68 each being 0.23 of an acre of land with property situated in Registration Section Cauls Pond, Block 68914 B Parcel 346 being 0.53 of an acre is requested. It is noted that the party who has requested this exchange with the Crown has received planning permission from the Land Development Control Committee for their development plans, thus proving the land's suitability. The Valuation Section of the Department of Lands and Surveys undertook a valuation of both properties and it was determined that the exchange can be considered to be a 'fair market exchange' for land situated in Registration Section Cauls Pond, Block 68914 B Parcel 346.

Executive Council approved:

- 1) Lands situated in Registration Section North Central, Block 48813B, described as Parcels 66 & 68 registered to the Crown being a total of 0.46 of an acre, be acquired via an exchange for lands situated in Registration Section Cauls Pond, Block 68914 B described as Parcel 346 being 0.53 of an acre.
- 2) Each Applicant be responsible for Tax Clearance certificates fees; and
- 3) The Ministry of Lands write to the proprietors of the said property to communicate GOA's interest.

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

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

**EX MIN 24/208**

**EX MEMO 24/147 Application for Issue of Licence Under the Aliens Land Holding Regulation Act- Registration Section: South Central; Block: 38812 B; Parcel 12 being 0.80 of an acre.** Parliamentary Secretary and Financial Advisor remained.

It should be noted that the property is severely damaged, confirmed following a site visit by the Department of Lands and Surveys and as stated in the Purchase and Sale Agreement.



Executive Council approved the granting of an Aliens Land Holding to the applicants to hold on a freehold basis, property situated in Registration Section: South Central 38812 B, described as Parcel 12 being 0.80 of an acre of land with a dwelling house thereon, located at Corito, Anguilla for residential purposes, subject to the following:

Payment of the following Stamp Duties:

(i) under the Stamp Act – 5% of EC\$1,353,207.62	EC\$ 67,660.38
(ii) under the Aliens Land Holding Regulation Act – 5% of EC\$1,353,207.62	<u>EC\$ 67,660.38</u>
<b>TOTAL</b>	<b><u>EC\$135,320.76</u></b>

- (a) The property must be used for residential purposes.
- (b) The Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources in order to rent the said property.
- (c) The Licensee shall fully comply with the laws of Anguilla in force 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.

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

**EX MIN 24/209**

**EX MEMO 24/148 Application for Issue of Licence Under the Aliens Land Holding Regulation Act- Registration Section: South Central; Block: 38812 B; Parcel 29 being 0.43 of an acre. Parliamentary Secretary and Financial Advisor remained.**

The applicant's agent has by letter stated the name of the owner of the property, which was used as a family home. However, this property sustained significant damage after the passage of Hurricane Irma and the owner decided not to extend their retirement funds to renovation of the property. The owner instead intends to gift the property to their family, namely their son and son-in-law, the applicants in this matter. Given the condition of the property, the applicants are seeking that the Government waive the ALHL stamp duty and treat the gift as a testamentary gift, as opposed to, an inter vivos gift. The applicants also seek that the Government waive the requirement of any development deposit so that they can direct the funds to the restoration of the property. The severe damage to the property was confirmed following a site visit by the Department of Lands and Surveys.

The Aliens Land Holding Regulation Act RSA c A55, 14 (3) states "Notwithstanding the provisions of subsections (1) and (2), where an alien acquires land or an interest in land under a voluntary disposition inter vivos or under a will or an intestacy from or of a licensed alien being his lawful spouse, or father or mother, or son or daughter, whether natural or legally adopted, the amount of stamp duty payable is \$200."

The Applicants have also provided their Birth Paper and Marriage Certificate for son and Marriage Certificate for Son-in-law to their daughter. The Ministry is of the view that while the Act speaks to direct relations, an exception can be made to allow for the Son-in-law to meet this criteria since the property will be owned by both Applicants and the property is in dire need of replaces.

Executive Council approved the granting of an Aliens Land Holding Licence to the applicants to hold on a freehold basis, property situated in Registration Section: South Central, 38812 B, described as Parcel 29 being 0.43 of an acre of land with a derelict building house thereon, located at Corito, Anguilla for residential purposes, subject to the following:

(a) Payment of the following Stamp Duties:

- (i) under the Stamp Act – 5%  
of EC\$403,230.00 EC\$20,161.50
  
- (ii) under the Aliens Land Holding

Regulation Act Section 14 (3)

EC\$ 200.00

**TOTAL**

**EC\$20,361.50**

- (b) The property must be used for residential purposes.
- (c) The Applicant be granted exemption on the payment of fees under Section 14 (1) of 5% under Aliens Lands Holding Licence Regulation Act on an exceptional basis that the property is being inherited from his Father-in-Law and will be owning the property jointly with his brother-in-law (Son the current owner).
- (d) The Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources in order to rent the said property.
- (e) The Licensee shall fully comply with the laws of Anguilla in force 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 thereunder

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

**EX MIN 24/210**

**EX MEMO 24/149 Sale Price for 2022 Revised Edition of the Statutes and Regulations of Anguilla**

Parliamentary Secretary and Financial Advisor remained.

Executive Council previously granted the approval of the coming into force of the 2022 revised laws by the Revised Statutes and Regulations Coming into Force Regulations, 2024. The 2022 Revised Laws came into force on 31<sup>st</sup> July 2024 as approved by the Governor in Council. The Regulations were published in the Gazette and tabled in the House of Assembly on 9<sup>th</sup> July 2024. The laws will be available online for viewing purposes only and not printing. The physical laws will also be made available at the Anguilla Library Service. Business and individuals may wish to purchase the physical laws. As such, it is requested that a price be set for purchase of the laws.

Executive Council:

1) Approved:

- a) the sale price (to persons other than Government Departments) of US\$2,500.00 for the 12 Volume printed version of the Revised Edition and USB flash drive which will be available to first-time purchasers ("non-subscribers");
- b) the sale price (to persons other than Government Departments) of US\$1,100.00 for the Revised Edition USB flash drive which will be available to first-time purchasers ("non-subscribers");
- c) the sale price (to persons other than Government Departments) of US\$1,671.00 for the 185 booklets of the Revised Edition Update and USB flash drive which will be available to repeat customers ("subscribers");
- d) the sale price (to persons other than Government Departments) of individual Acts and their regulations at US\$20.00, US\$35.00 and US\$50.00 depending on the length, and US\$5.00 for the Constitutional Law Set;
- e) the sale price to Government Departments of US\$1,750.00 for the 12 Volume printed version of the Revised Edition and USB flash drive which will be available to non-subscribers;
- f) the sale price to Government Departments of US\$770.00 for the Revised Edition and USB flash drive which will be available to non-subscribers;
- g) the sale price to Government Departments of US\$1,169.00 for the 185 booklets of the Revised Edition Update and USB flash drive which will be available to subscribers; and
- h) the sale price to Government Departments of individual Acts and their regulations at US\$10.00, US\$17.50 and US\$25.00 depending on the length, and US\$5.00 for the Constitutional Law Set.

- 2) Noted that the Government of Anguilla will discuss a policy that states that Government Departments do not have to purchase the Revised Statutes and Regulations and they will instead be made available to them at no financial cost. This policy and the revised price list will return to Executive Council for approval.

Action: EXCO CLERK; HON. AG.; EXCO MEMBERS.

**ORAL MENTIONS**

**EX MIN 24/211**

**Use of Face Coverings at Anguilla Summer Festival Events**  
Parliamentary Secretary and Financial Advisor remained.

It was noted that there has been a trend of persons wearing balaclavas during the Anguilla Summer Festival events, particularly, J'ouvert. It was expressed that this poses a safety risk as persons' faces are entirely obscured. It was noted that the Commissioner of Police does not have the legal authority to ban the use of face coverings at these events. It was noted that given the concern for safety, HE the Governor will consult with the Acting Attorney General on the legality of banning certain face coverings.

Action: EXCO CLERK; HON. AG. EXCO MEMBERS.

**EX MIN 24/212**

**General Security of Regional Government Officials Visiting Anguilla for The Anguilla Summer Festival**  
Parliamentary Secretary and Financial Advisor remained.

It was noted that private citizens, which include government officials from other countries in the region have expressed that they will be visiting Anguilla for the Anguilla Summer Festival ("ASF"). It was noted that although, these persons are visiting as private citizens, it would be helpful, from a safety perspective, to be provided with the details of their visit, i.e. their names, address while on island etc. It was noted that said persons will be contacted to request that they submit the details of their visit.

Action: EXCO CLERK; EXCO MEMBERS.

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