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MINUTES OF THE 222ND MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON FRIDAY 2ND JANUARY 2015

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration and Minister of Social Development and Health
- The Hon Acting Deputy Governor, Mr Larry Franklin
- The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human
Rights, Environment, Gender Affairs and Agriculture and Fisheries and Minister
of Education, Library Services, Sports, Youth and Culture
- The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing
- The Honourable Attorney General, Mr Rupert Jones
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Hon Haydn Hughes, Parliamentary Secretary
Mr Foster Rogers, PS, EDICT
Mr Leslie Hodge, DLS
- ABSENT: The Hon Deputy Governor, Mr Stanley Reid

EX MIN 15/01 **EX MEM 15/01 DUTY EXEMPTION FOR VERNON FLEMING**

Council agreed that duty exemption should be granted to Mr Vernon Fleming on a solar home system.

Council additionally agreed that the PS, FIN should be asked to submit to Executive Council a paper outlining the Ministry's policy position regarding duty exemption on solar systems for green/renewable energy so as to provide certainty for investors and importers, and to reduce the need for individual requests to come to Council.

Council noted that the estimated duty loss to the GoA on the solar home system for Mr Vernon Fleming was EC\$4,981.50.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, FIN; PAS, FIN; COC; FO

ORAL MENTION

EX MIN 15/02

PROPOSED AMENDMENT TO THE LEGISLATORS PENSIONS ACT 2010

Council noted the Ministerial proposal to amend the Legislators Pensions Act 2010 to remove the phrase “and has attained the age of 55 years or 60 years, as the case may be,” from section 7(1). This would have the effect of making legislators who have served less than ten years eligible for a gratuity on ceasing to become a legislator, rather than waiting to attain the age of 55 or 60 years as applicable.

Ministers noted that elected and nominated legislators are a special category of persons not employed in a normal way. As a result, they suffered from contingencies that others did not, and were restricted in their activities in many ways because of their position. When they demit office, they should therefore not be humiliated in a way that degrades them. In many other Caribbean countries departing legislators were treated differently and better, and this proposed amendment would bring Anguilla into step with that.

The Governor noted that the amendment was being proposed without public consultation, as was usual for legislative changes, or the alternative of an independent committee to review and make recommendations on arrangements for legislators’ pay and pension entitlements (an approach used in many other legislatures). The absence of either consultation or independent advice would add to a perception that legislators were taking decisions in their own interest without recourse to the taxpayer.

Council agreed that:

- (i) advice should be sought from the Attorney General’s Chambers as to any implications such a change might have on wider pensions legislation; and
- (ii) the Ministry of Finance should calculate figures based on those legislators (past and present) who would be considered eligible for such payment of gratuities if the legislative change were to be made.

Council further agreed that a paper incorporating the above be submitted to Executive Council on Thursday 8th January 2015 for further consideration.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: AG; PS, FIN; PS, EDICT; BD

EX MIN 15/03

**EX MIN 14/827 EX MEM 14/479 THIRD AMENDMENT TO THE MOU
BETWEEN THE GOVERNMENT OF ANGUILLA AND SOF-VII-HOTEL
II ANGUILLA HOLDINGS LLC AND SIDE LETTER**

Mr Haydn Hughes, Parliamentary Secretary, Mr Foster Rogers, PS, EDICT and Mr Leslie Hodge, DLS joined the Meeting.

Further to EX MIN 14/827 of 24th December 2014, Council directed the PS, EDICT and the DLS to prepare a full paper on the Viceroy matter to be submitted to Executive Council for consideration on Thursday 8th January 2015.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, EDICT; TIO; DLS; AG; PS, FIN; PS, MHA/LANDS
