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MINUTES OF THE 140th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 15th JUNE 2023 AT 9.00 AM

- PRESENT: Acting Governor, Mr Perin Bradley
- Acting Deputy Governor, Mr Karim Hodge
- 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 and acting Premier, Mr Haydn Hughes
- The Honourable Minister for Sustainability, Innovation and
Environment, Mrs Quincia Gumbs-Marie
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson
- Financial Specialist, Mr Stephen Turnbull
- ABSENT: The Honourable Premier and Minister for Finance, Economic
Development & Investment and Health, Dr Ellis Webster
- The Honourable Minister for Social Development, Cultural Affairs,
Youth Affairs, Gender Affairs, Education and Library Services, Ms
Dee-Ann Kentish-Rogers

EX MIN 23/193

CONFIRMATION OF THE MINUTES

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 139th Meeting of Executive Council held on Thursday 8th June, 2023.

MATTERS ARISING FROM THE MINUTES

Noted with respect to Ex Min 23/191 that the Acting Governor shall provide the Anguilla Public Service with an update on the final determination. He will oversee the process to ensure the timely processing of the payments, which is estimated to take approximately 3 weeks.

EX MIN 23/194

EX MEMO 23/154 LIMITED LIABILITY COMPANIES (AMENDMENT) ACT, 2023

Parliamentary Secretary and Financial Specialist remained. The Director of the FSC, Ms Tina Bryan and Companies Registrar, Mr Lanston Connor joined the meeting.

The Director of the FSC briefed Council. The amendments proposed to the Limited Liability Companies Act allow for compliance with Financial Action Task Force (FATF) Standards, particularly Recommendation 24. This Recommendation requires basic information on companies to be filed with the Companies Registry.

The amendment seeks to validate all acts done under and pursuant to the Limited Liability Companies Act. The legislation requires an LLC to file a return within the calendar quarter of its registration of articles of formation. Furthermore, under the amendment a registered LLC will be required to file with the Registrar a notice in the approved form, within 1 month after a change in particulars, such as a change in corporate name, members, registered agent and address of the registered office.

The key objective is that Anguilla is able to demonstrate full compliance with Recommendation 24.

Council:

- 1) noted that public consultation has taken place. Noted that public consultation has to be undertaken in a sensitive and

targeted manner and modality is important in order for it to be meaningful;

- 2) approved the Limited Liability Companies (Amendment) Act, 2023; and
- 3) instructed the Attorney General's Chambers to table the legislation for consideration at the next sitting of the House of Assembly.

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

EX MIN 23/195

EX MEMO 23/155 ANGUILLA'S NATIONAL ANTI-MONEY LAUNDERING COMMITTEE'S POLICY DOCUMENT

Parliamentary Secretary and Financial Specialist remained.

Senior Crown Counsel briefed Council. On 5th April 2022, the Executive Council approved the formation of and Terms of Reference for the Anguilla National Anti-Money Laundering Committee ("ANAMLC"). Executive Council noted that the ANAMLC should report to the NSC and proposed policy changes should be approved by the Executive Council.

The ANAMLC published its first National Risk Assessment ("NRA") on 21st February 2023. The NRA covered the period 2014 - 2020. The ANAMLC intends on updating the NRA noting the following changes:

- The implementation of the Business Companies Act which replaces the Limited Liability Act; and
- The assessment of the risks for Non-Profit Organisations.

Policy 001/23 dated 24th April 2023, indicates that the reassessment of AML/CFT and PF threats, risks and vulnerabilities for Anguilla will be conducted 3 years after the last date for the period of assessment. The assessment will include sectoral reassessment relative to the Non-Profit Organisation sector. As such, the reassessment of AML/CFT and PF is due in 2023.

Council:

- 1) noted that in relation to this matter and Ex Min 196 to 198 the proposals presented for consideration codify existing working practices and consolidate provisions enshrined elsewhere. Consideration has to be given as to whether the administrative burden is increased and what, if any, resources need to be put in place to adequately deliver the mandates;
- 2) noted that making changes to model policies is not harmful and is only restrictive if you do not take into consideration the practical application in the jurisdiction; and
- 3) approved the Anguilla National Anti-Money Laundering Committee's Policy Document 001/23.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: SCC (Cr); HON, AG

EX MIN 23/196

EX MEMO 23/156 NATIONAL COUNTER-TERRORISM, TERRORIST FINANCING AND PROLIFERATION FINANCING STRATEGIC PLAN

Parliamentary Secretary and Financial Specialist remained.

Senior Crown Counsel briefed Council. Anguilla is currently being evaluated by the Caribbean Financial Action Task Force ("CFATF"). Immediate Outcome 9 deals with terrorism and terrorist financing and requires that a system is in place to mitigate the risks associated with terrorism and terrorist financing.

The National Counter-Terrorism, Terrorist Financing and Proliferation Financing Strategic Plan (the "Plan") seeks to establish a national plan to deal with the issues of terrorism, terrorist financing and proliferation financing. The plan includes a strategic portion which will be implemented to ensure that Anguilla has a functioning system to prevent terrorism, terrorist financing and proliferation financing.

The formation of a Joint Terrorism Task Force (“JTTF”) with responsibility for ensuring that the strategic plan is actioned is proposed. There are terms of reference for the JTTF specific to the duties of the task force.

Council:

- 1) noted that the delivery function is targeted in this plan. If the National Security Council Act is passed, amendments will be made;
- 2) noted that in respect of the constitution of the JTTF, at page 21 of the plan, representatives of Government Ministries shall be invited as needed to provide information;
- 3) agreed that in respect of page 12 of the Plan, an amendment shall be made to remove the reference to the Governor’s residence and refer to the Governor’s Office and compound;
- 4) approved the National Counter Terrorism, Terrorist Financing and Proliferation Financing Strategic Plan and implementation of same;
- 5) approved the formation of the Joint Terrorism Task Force; and
- 6) approved the Terms of Reference for the Joint Terrorism Task Force.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: SCC (Cr); HON, AG

EX MIN 23/197

EX MEMO 23/157 APPROVAL OF FIU'S POLICY FOR THE MANAGEMENT OF ASSETS RECOVERED THROUGH CRIMINAL AND CIVIL RECOVERY AND FIU'S UNDERCOVER AND CONTROLLED DELIVERY OPERATIONS POLICY

Parliamentary Secretary and Financial Specialist remained.

Senior Crown Counsel briefed Council. In preparation for the CFATF 4th round mutual evaluation and specifically the on-site review, the sub-working group has produced a number of protocols and guidance papers. These papers seek to make the jurisdiction compliant with respect to specific Recommendations and Immediate Outcomes.

The FIU's Undercover and Controlled Delivery Operations Policy seeks to make the jurisdiction compliant with Recommendation 31.2, which deals with the powers of law enforcement.

The FIU's Policy for the Management of Assets Recovered through Criminal and Civil Recovery addresses Immediate Outcome 8, which deals with having an effective regime for the recovery of the proceeds of instrumentalities of crime being confiscated.

Council:

- 1) noted the FIU's Policy for the Management of Assets Recovered through Criminal and Civil Recovery; and
- 2) noted the FIU's Undercover and Controlled Delivery Operations Policy.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: SCC (Cr); HON, AG

EX MIN 23/198

EX MEMO 23/158 APPROVAL OF 1) GUIDELINES FOR AUTHORITIES OUTSIDE OF ANGUILLA - REQUEST FOR MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS; 2) ANGUILLA'S FINANCIAL SANCTIONS GUIDELINES; 3) POLICY FOR THE INVESTIGATION OF FINANCIAL CRIMES, MONEY LAUNDERING, TERRORIST FINANCING AND PROLIFERATION FINANCING OFFENCES AND STANDARD OPERATING PROCEDURE FOR TERRORISM, TERRORIST FINANCING; AND 4) PROLIFERATION FINANCING INTELLIGENCE ANALYSIS AND INVESTIGATIONS FOR BOTH THE INTELLIGENCE AND INVESTIGATION DIVISIONS

Parliamentary Secretary and Financial Specialist remained.

Senior Crown Counsel briefed Council. In preparation for the CFATF 4th round mutual evaluation and specifically the on-site review, the sub-working group has produced a number of protocols and guidance papers. These papers seek to make the jurisdiction compliant with respect to specific Recommendations and Immediate Outcomes.

Specifically, the Guidelines for Authorities outside of Anguilla Request for Mutual Legal Assistance in Criminal Matters seeks to comply with Recommendation 40.

Anguilla's Financial Sanctions Guidelines seek to comply with Recommendations 6 and 7 and Immediate Outcome 11.

The Policy for the Investigation of Financial Crimes, Money Laundering, Terrorist Financing and Proliferation Financing Offences seeks to comply with Recommendations 3, 4, 5, 6 and 7 and Immediate Outcome 9.

Standard Operating Procedure for Terrorism, Terrorist Financing and Proliferation Financing Intelligence Analysis and Investigations for both the Intelligence and Investigation Divisions seeks to comply with Recommendations 5, 6, and 7.

Council approved:

- 1) the publication of the Guidelines for Authorities outside of Anguilla Request for Mutual Legal Assistance in Criminal Matters. Noted this was prepared by the Attorney General's Chambers in order to assist countries that make requests to Anguilla and it is already in force. It will be placed on the website and shared with the USA and St. Maarten;

- 2) the publication of Anguilla's Financial Sanctions Guidelines. Noted this was prepared by the Attorney General's Chambers and provides an overview of the sanctions and also the responsibilities for each institution. It is already in force and it will be placed on the website;
- 3) the Policy for the Investigation of Financial Crimes, Money Laundering, Terrorist Financing and Proliferation Financing Offences and Standard Operating Procedure for Terrorism, Terrorist Financing;
- 4) the National Counter-Terrorism, Terrorist Financing and Proliferation Financing Strategic Plan; and
- 5) the Proliferation Financing Intelligence Analysis and Investigations for both the Intelligence and Investigation Divisions.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: SCC (Cr); HON, AG

EX MIN 23/199

EX MEMO 23/159 APPLICATION TO HOST RAFFLE AND EXEMPTION FROM PUBLIC LOTTERIES TAX – ANGUILLA AQUASTARS

Parliamentary Secretary and Financial Specialist remained.

The Anguilla Aquastars are raising funds for a swimming competition to be held in St. Maarten over the period June 17 – 18, 2023 and they wish to hold a raffle as part of their fundraising activities. The applicant has reported that they intend to sell 400 tickets at US\$10 each, the raffle will take place on June 23.

Council:

- 1) noted that in respect of every lottery ticket sold there is a duty charged at the rate of 10% of the price of the ticket. Raffle tickets are defined as lottery tickets;

- 2) noted that the grant of the requested tax exemption may result in tax loss of up to EC\$1,075.28;
- 3) approved the application by Kamarla Fearon-Vanterpool on behalf of the Anguilla Aquastars to host a raffle in aid of raising funds for the swimming competition; and
- 4) instructed the Ministry to prepare a Regulation for consideration by the House of Assembly in accordance with section 16 of the Financial Administration and Audit Act.

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

EX MIN 23/200

EX MEMO 23/160 APPLICATION TO HOST RAFFLE AND EXEMPTION FROM PUBLIC LOTTERIES TAX – EX-POLICE OFFICERS SOCIAL CLUB

Parliamentary Secretary and Financial Specialist remained.

The Ex-Police Officers Social Club is raising funds to support the needs of retired police officers and their intention is to hold a bingo night on July 14, 2023 as part of their fundraising activities. The applicant has reported that they intend to sell 400 tickets at US\$10 each.

Council:

- 1) noted that in respect of every lottery ticket sold there is a duty charged at the rate of 10% of the price of the ticket. Bingo tickets are defined as lottery tickets;
- 2) noted that the grant of the requested tax exemption may result in tax loss of up to EC\$1,075.28;
- 3) approved the application by the Ex-Police Officers Social Club to host a bingo night in aid of raising funds to support the needs of retired police officers; and
- 4) instructed the Ministry to prepare a Regulation for consideration by the House of Assembly in accordance with section 16 of the Financial Administration and Audit Act.

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

EX MIN 23/201

EX MEMO 23/161 WAIVER OF TEMPORARY FOOD PREMISES PERMIT FOR THE ANNUAL SOUTH VALLEY FESTIVAL

Parliamentary Secretary and Financial Specialist remained.

The South Valley Community Street Festival aims to showcase the diversity of food, beverages and arts and crafts. It is organised by the South Valley Community Club and the festival which has become a carnival tradition, will be held on August 5. A request has been made for a waiver of the fees for the Temporary Food Premises Permit to allow them to operate on that day.

Council:

- 1) noted that in respect of the activity proposed a permit is required. To support persons participating in the South Valley Community Street Festival whilst controlling potential revenue loss associated with such support it is proposed to exempt the permit fees for that day in accordance with the Financial Administration and Audit Act;
- 2) noted that the grant of the requested waiver from fees may result in tax loss of up to EC\$1,200.00;
- 3) approved the application by the South Valley Community Club for a waiver from the Temporary Food Premises Permit fees associated with the South Valley Community Street Festival; and
- 4) instructed the Ministry to prepare a Regulation for consideration by the House of Assembly in accordance with section 16 of the Financial Administration and Audit Act.

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