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MINUTES OF THE 67th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 25th NOVEMBER 2021 AT 9.00 AM

- PRESENT: Acting Governor, Mr Perin Bradley
- The Honourable Premier and Minister for Finance and Health,
 Dr Ellis Webster
- The Acting Deputy Governor, Mr M. Foster Rogers
- 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
- The Honourable Minister for Economic Development, Commerce,
 Information Technology, Environment and Natural Resources,
 Mr Kyle Hodge
- The Acting Attorney General, Mr Ivor Greene
- Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: Financial Specialist, Mr Stephen Turnbull
 Hon Parliamentary Secretary for Economic Development,
 Mrs Quincia Gumbs-Marie
 Hon Special Ministerial Assistant to the Hon Minister for Social
 Development/Education, Mr Merrick Richardson
- ABSENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
 The Hon Attorney General, Mr Dwight Horsford

EX MIN 21/372

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council confirmed the Minutes of the 66th Meeting of Executive Council held on Thursday 11th November, 2021 and the Special Meeting held on Wednesday 17th November, 2021.

Council noted H.E. the Governor's apologies for her absence at Council this week and that Mr Perin Bradley is Acting Governor.

MATTERS ARISING FROM THE MINUTES

Noted that engagement with the French authorities in relation to the commencement of day-trips to St Martin is ongoing.

In relation to certain matters raised in Ex Min 21/356, 21/357, 21/359 and 21/360 the guidance of the Attorney General's Chambers is awaited.

In relation to Ex Min 21/369 concerning the execution of the MOU with the Caribbean Medical Education Consulting Group, it is anticipated that the MOU will be signed shortly.

EX MIN 21/373

COVID-19 UPDATE

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. The following persons joined:

Health Planner, Ms Rochelle Rogers

Epidemiology***Global overview***

According to the WHO's most current epidemiological report of November 23, the global number of new cases continued to increase for the fourth week, a 6% increase compared to the previous week, with just over 3.6 million cases reported for the period November 15 – 21. This is largely attributed to a significant increase in new cases

in the European Region, with all other regions reporting declines or stable figures. The number of deaths increased (6%) as compared to the previous week, with just over 51,000 new deaths. There were significant increases in new deaths in the Western Pacific and the Region of the Americas.

The regions with the highest weekly incidence rates of cases and deaths per 100,000 population are the regions of the Americas and Europe. The US is the country with the highest number of reported cases in the last week, there were 558,538 new cases, which is a 3% decrease. As of November 21, there were over 256 million confirmed cases and over 5.1 million deaths have been recorded since the start of the pandemic.

Caribbean Region

The total number of confirmed cases is 2,140,715 in 35 countries/territories (including the 26 CARPHA Member States) and 442,665 in CARICOM Member States. The new total represents a 0.6% increase since the report on November 15. Some Member States continue to experience increasing positive case numbers. Cluster outbreaks through to community transmission of the virus, with increasing hospitalizations and deaths continues.

Anguilla

As of November 24, 2021, the total number of confirmed cases since the beginning of the pandemic in early 2020 is 1364 with 1246 recoveries, 3 deaths and 115 active cases. Among the active cases, two are imported. Eight persons are currently admitted to the Isolation Unit. The age range of the admitted patients is 35 – 85 years, there are six males and two females, five persons are unvaccinated, two persons are fully vaccinated and the status of one person is unknown.

The mode of infection for most cases is unknown, but the virus transmission within households continues to be evident.

Vaccination Deployment Update

Distribution

Since Monday 8th November, 1132 doses have been administered representing:

- 466 first doses
- 3 second doses
- 663 boosters

The breakdown by age for Pfizer first doses is as follows:

- 363 persons age 12-17
- 52 persons age 18 - 34
- 36 persons age 35 -4 9
- 10 persons age 50 - 64
- 5 persons age 65+

On Tuesday 23rd November, distribution began through the Welches Polyclinic, which will operate walk-in services until November 30. COVID-19 vaccination will then transition into regularly scheduled clinics on Thursdays and Fridays at both health centres.

Vaccine Uptake

As of November 24, 10,021 persons had received their first dose representing 80% of the initial target population figure of 12,600 persons (or 84% of the revised eligible estimate). Thus far, 9162 persons (72% of target) have received their second dose and 663 boosters have been administered. In a population estimate of 15,500 total persons, this would represent 65% of the population having received the first dose and 59% of the population having received two doses. The breakdown of first doses by age is as follows

- 363 persons age 12 - 17
- 3006 persons age 18 - 34
- 2874 persons age 35 - 49
- 2467 persons age 50 - 64
- 1309 persons age 65+

Vaccine Booster Eligibility

The Vaccination Deployment Team discussed streamlining booster eligibility criteria to align with the current UK Guidance, including expansion to persons over 40. Further, the team recommended expansion to certain essential services that work in close contact with the public, including uniform bodies (Police, Prison, Customs & Immigration, Fire & Rescue) and teachers.

COVID-19 Response Measures

The Ministry hired several personnel during the past two weeks to assist with telephone calls, reporting of results, issuing quarantine letters and contact tracing.

Council:

- 1) thanked the health team for their continued hard work;
- 2) noted the health teams observation that the outbreak in the prison is presently under control;
- 3) noted that information about where and how persons can obtain test results needs to be disseminated to the public;
- 4) agreed that the Ministry of Health and the Department of Natural Resources shall review the position as it relates to fishing in the waters to the south of Anguilla and present a recommendation to Council for consideration;
- 5) approved the health teams strategy to expand the priority groups for booster vaccinations, to include persons aged over 40, in accordance with UK guidance;
- 6) agreed to expand the priority groups for booster vaccinations to include uniform bodies (RAPF, Prison, Customs & Immigration, Fire & Rescue), teachers and parliamentarians. Persons with underlying health conditions e.g. hypertension,

diabetes, immunocompromised, lung and heart disease etc., healthcare workers and residents of elder care facilities are already within the priority group. Consider expanding the priority group to hospitality workers, noting that resources have to be managed to ensure the availability of vaccines for other persons within the priority group;

- 7) approved the amendment of the regulations to add Sinovac/Sinopharm to the list of approved vaccines for entry into Anguilla, with immediate effect;
- 8) agreed that the fines for the importation of rapid tests should be removed, with immediate effect and that the health team shall work up guidance on the appropriate way in which to use these tests for public dissemination; and
- 9) reviewed the following existing COVID-19 related Regulations which expire on 30 November 2021, and approved amendment of the same to give effect to clauses 7, 8 and 9 above and extension of the following from 1 December 2021 to 15 January 2022:
 - a) Public Health (Quarantine)(COVID-19) Regulations;
 - b) Quarantine (COVID-19)(Arriving Passengers Health Clearance) Rules;
 - c) Public Health (Regulation of Ports) Regulations;
 - d) Public Health (Landing of Passengers)(Special Exemptions) Regulations;
 - e) Public Health (COVID-19 Monitoring of Approved Businesses) Regulations; and
 - f) Emergency (COVID-19 Border Control) Regulations

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

Action: PS, HLTH; PS, FIN; PS, EDCITENR; BD; ACC, GEN;
HON, DG; HON, AG; MINS OF GOV'T

EX MIN 21/374

EX MEM 21/231 APPOINTMENT TO THE BOARD OF THE SELECT ANGUILLA AGENCY

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Select Anguilla Agency Act came into force on 3rd June 2019 and provided for the establishment of the Select Anguilla Agency, which is responsible for the administration of the economic residence programme. Section 5 of the Act provides for the establishment of a board to oversee the affairs of the Agency. In December 2020, the Select Anguilla Agency (Amendment) (No. 2) Act was passed. The Act removed and replaced the Ministry of Finance with the Ministry responsible for Economic Development and Investment. This change enables the Permanent Secretary for Economic Development or another Ministry representative to serve as a member and chairperson.

Council:

- 1) approved the appointment of the Permanent Secretary, Economic Development, Investment, Commerce, Information Technology and Natural Resources as a member and chairperson of the board of the Select Anguilla Agency from November 25, 2021 to July 25, 2022.

Action: PS, EDCITENR; HON, MIN EDCITENR

EX MIN 21/375

EX MEM 21/232 APPOINTMENT OF MEMBERS TO THE ANGUILLA NATIONAL TRUST COUNCIL FOR 2022 – 2024

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Anguilla National Trust Act provides for the appointment of 7 Council members of the ANT, of whom:

- (a) two must be appointed by Executive Council after

- consultation with the Ministries responsible for environment, education and tourism;
- (b) two must be appointed by Executive Council on the recommendation of the Council of the ANT; and
 - (c) three shall be elected by members of the ANT.

Appointments are for a period of three years and the present ANT Council term of office expires at the end of 2021.

Council approved the appointment of the following persons as members of the Council of the Anguilla National Trust, for the 2022-2024 term:

- 1) Mr Elliot Gumbs and Ms Trevreen Queeley-Javois after consultation with the Ministries responsible for environment, tourism and education; and
- 2) Ms Avon Carty and Ms Dawn Hodge, on the recommendation of the ANT Council.

Action: PS, EDCITENR; HON, MIN EDCITENR

EX MIN 21/376

EX MEM 21/233 FINANCIAL STOCKTAKE - AS AT OCTOBER 31, 2021

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The following persons joined the meeting:

PAS Finance, Ms Marisa Harding-Hodge
 Budget Director, Mrs Shona Proctor
 Budget Officer, Ms Jamila Gumbs
 Debt Officer, Ms Rochelle Bryan

Council:

- 1) thanked the team for work well done;
- 2) noted the report on the financial position as at October 31, 2021, from the Budget Officer;

- 3) noted that the CDB loan is pending and documentation is being prepared to take this forward;
- 4) noted that arrears total expenditure is \$39.1 million. Arrears of \$5.4 million and \$1.1 million are owed to two organisations respectively. Reducing arrears is an eligibility requirement by the CDB for the Policy Based Loan;
- 5) noted that utilities expenditures are under estimate and this should be reviewed;
- 6) noted that in terms of quarterly financial reporting to the Ministry of Finance the compliance of the Statutory Bodies is poor;
- 7) noted that the reopening of the hospitality sector has had a positive affect on finances. Revenues need to be further increased so that the position with respect to deferred salaries and funding for social projects can be reviewed; and
- 8) the overall fiscal position remains challenging:
 - Overall financial position including debt amortization shows a surplus of EC\$19.91 million at the end of October;
 - Recurrent revenue was EC\$222.82 million this is EC\$1.30 million less than the original forecast. Overall percentage impact on recurrent revenue for the major revenue heads as a result of the COVID-19 pandemic are:
 - Property Tax - positive 78.02%
 - Interim Stabilisation Levy - positive 1.27%
 - Taxes on Goods and Services - positive 14.18%
 - Excise Taxes - negative 9.85%
 - Taxes on Specific Services - positive 49.23%
 - Taxes on International Trade - negative 7.95%
 - Sale of Goods and Services - positive 26.33%
 - Recurrent expenditure was EC\$171.89 million which is EC\$7.22 million under estimate, although some electricity and

water bills whilst paid have not yet been recharged to expenditure;

- Capital balance shows a deficit of EC\$2.33 million. Capital Revenue remains at \$0 for the period whilst capital expenditure was EC\$2.33 million. Capital revenue from the EDF grant claim is budgeted at EC\$2.87 million the disbursal request has been submitted to the EU and is under review;
- Bank account balances stand at EC\$14.2 million;
- Central Government Debt inclusive of short term credit facilities moved from EC\$452.80 million at the end of 2020 to EC\$416.37 million at the end of October 2021. The reduction in debt is attributable to debt amortization payments of EC\$28.70 million, disbursements on the ACC Loan of EC\$0.84 million and exchange rate fluctuations of EC\$0.04 million;
- The Sinking Fund balance at the end of October 2021 is zero; and
- The next amortization payment of \$4.13 million, due for the fiscal year 2021 is payable in December.

Action: PS, FIN; PS, EDCITENR; BD; ACC GEN;

MINS OF GOV'T

EX MIN 21/377

EX MEM 21/234 CONSIDER AND APPROVE PROPOSED CONCESSIONS FOR SHERITON DEVELOPMENT CORPORATION TO FACILITATE THE DEVELOPMENT OF SHERIVA VILLAS

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Premier briefed Council. This matter was considered in Ex Min 20/470. The Developer now intends to import items sooner than originally intended and is seeking a revision of the provision with respect to IGT, so that the relief may commence earlier.

Following discussion Council:

- 1) noted the Duty Loss List;
- 2) agreed that Sheriton Development Inc. shall pay the Customs Administrative Cost of 5% as usual and there shall be no waiver of duty and tax on sandpaper, candles or pool tablets;
- 3) noted that the granting of the customs duty exemption (ICD) will result in foregoing approximately EC\$4,924,538.60 in revenues. The granting of interim goods tax (IGT) exemption will result in foregoing approximately \$3,948,134.31 in revenues. Noted that the estimated duty and tax loss to the Government is EC\$7,299,442.66;
- 4) agreed to bring forward the commencement date of the IGT and Excise Tax exemptions from January 1, 2022 to October 1, 2021, subject to confirmation that the tax compliance status of Shertion Development Inc. is satisfactory and that the entity is compliant with any arrangements that have been made in this regard;
- 5) approved the execution of an amendment to the MOU to include the agreed concession; and
- 6) approved the preparation of the required resolution by the Ministry for submission to the House of Assembly for consideration.

Action: PS, FIN; HON, MIN FIN; BD; ACC, GEN; COC;
MINS OF GOV'T

EX MIN 21/378

EX MEM 21/235 APPLICATION FOR DUTY AND TAX EXEMPTION FOR LIONS COMMUNITY

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council:

- 1) agreed that duty and tax exemptions should be granted to Mr Derick Richardson (Lions Community) on the importation of items for Christmas including lights and decorations;
- 2) agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply; and
- 3) noted that the estimated duty and tax loss to the Government is EC\$3,412.56.

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

EX MIN 21/379

EX MEM 21/236 APPLICATION FOR EXEMPTION FROM ENTERTAINMENT TAX

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council:

- 1) noted that in respect of every payment made for admission to an entertainment event a tax of 10% of the amount is levied;
- 2) noted that the grant of the requested tax exemption may result in tax loss of up to EC\$201; and
- 3) approved the application by Mr Joseph Pradel for an exemption from entertainment tax for a gospel concert the proceeds of which shall be devoted wholly to charitable purposes and the remission of the Public Entertainment Tax associated with the sale of tickets to a maximum of EC\$1000 in accordance with section 16 of the Financial Administration and Audit Act.

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

EX MIN 21/380

**EX MEM 21/237 GOVERNMENT OF ANGUILLA CARICRIS
CREDIT RATING REPORT 2021**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Premier briefed Council. The Caribbean Information and Credit Rating Services Limited (CariCRIS) is the Caribbean's regional credit rating agency. It is a unique market-driven initiative aimed at fostering and supporting the development of regional debt markets in the Caribbean through, inter alia, the rating of Government and State Enterprises. A CariCRIS credit rating is an objective assessment of an entity's creditworthiness relative to other debt issuing entities and the CariCRIS regional scale rating compares all debt-issuing entities in a defined Caribbean region. As at September, 2021, CariCRIS has reaffirmed the assigned ratings of CariBBB+ (Foreign and Local Currency) on the regional rating scale to the notional debt of USD\$25 million of the Government of Anguilla.

These ratings include a 6-notch uplift for the high likelihood of support from the United Kingdom (UK). The notched-up regional scale ratings indicate that the level of creditworthiness of this obligation, adjudged in relation to other obligations in the Caribbean is adequate.

Council:

- 1) noted the reaffirmed adequate creditworthiness ratings for the Government of Anguilla (CariBBB+) with a stable outlook; and
- 2) noted the draft press release dated October 1, 2021 for publication.

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

EX MIN 21/381

EX MEM 21/238 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION EAST END, BLOCK 99315 B, PARCEL 298 CONTAINING 0.41 ACRES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis, property situate in Registration Section East End, Block 99315 B, described as Parcel 298 being 0.41 of an acre located at Sea Feathers, Anguilla with a dwelling house thereon for residential purposes, subject to the following:

(a) payment of the following Stamp duties:

(i)	under the Stamp Act – 5% of EC\$846,783.00	EC\$42,339.15
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$846,783.00	<u>EC\$42,339.15</u>
TOTAL		<u>EC\$84,678.30</u>

(b) with the express condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources;

(c) the Licensee shall fully comply with the laws of Anguilla from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour (Relations) Act, 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; and

(d) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

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

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

EX MIN 21/382

EX MEM 21/239 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST CENTRAL, BLOCK 28309 B, PARCEL 72 BEING 3.06 ACRES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section West Central, Block 28309 B, described as Parcel 72 being 3.06 acres of land located at Cul-de-Sac, with a villa thereon for Tourism purposes, subject to the following:

a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$7,451,690.40	EC\$372,584.52
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$7,504,916.76	<u>EC\$375,245.84</u>
	TOTAL	<u>EC\$747,830.36</u>

b) with the express condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources;

c) the Licensee shall fully comply with the laws of Anguilla from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour (Relations) Act, 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; and

- d) the license would only be executed once confirmation of the identity and appropriate due diligence is conducted on the beneficial owners of the trust.

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

EX MIN 21/383

EX MEM 21/240 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL B104A AND B104B BEING 993 SQ. FT. AND 648 SQ. FT. RESPECTIVELY

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis two (2) luxury condominium units being 993 sq. ft. and 648 sq. ft. respectively forming part of the Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL B104A and B104B, subject to the following:

- a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$3,390,836.34	EC\$169,541.82
(ii)	under the Aliens Land Holding Regulation Act – 0% of EC\$3,390,836.34	<u>EXEMPT</u>

TOTAL **EC\$169,541.82**

- b) Regulations to be issued for Exemption by the Attorney General Chambers;

- c) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Act in accordance with the Memorandum of Understanding between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- d) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- e) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Section IV (a) (b) (c) (in keeping with use restrictions and accommodation tax for Luxury Real Estate Products);
- f) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- g) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- h) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- i) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;
- j) the Licensee shall fully comply with the laws of Anguilla from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour (Relations) Act, 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; and

- k) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

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

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

EX MIN 21/384

EX MEM 21/241 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL A303 BEING 774 SQ. FT.

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium unit being 774 sq. ft. forming part of the Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL A303, subject to the following:

a) Stamp duties payable are as follows:

- (i) under the Stamp Act – 5%
of EC\$1,250,013.00 EC\$ 62,500.65
- (ii) under the Aliens Land Holding
Regulation Act – 3%
of EC\$1,250,013.00 EC\$ 37,500.39

TOTAL EC\$100,001.04

- b) that pursuant to the Memorandum of Understanding (MOU) dated September 17, 2010 between the Government of Anguilla and SOF-VIII-HOTEL II Anguilla Holdings, LLC under Part IV.4(4) of the MOU, it was agreed that on subsequent re-sale of Back Row Villa Units, Bluff Top Villa Units and Condominiums – an ALHL fee of 3% shall apply, provided the subsequent buyer agrees to place the unit or condominium into the hotel room rental pool for a minimum of the first two (2) years after purchase. The Aliens Land Holding Licence Regulation Act fee shall therefore be reduced from 12.5% to 3% on the transfer of property in Block 17810 B, Parcel 201 Strata Lot SL A303, on the basis that it is in the public interest pursuant to the Financial Administration and Audit Act;
- c) that the Government of Anguilla forgo taxes in the amount of EC\$118,751.24 on the grant of the Aliens Land Holding Licence; and
- d) that the Attorney General's Chambers prepare and issue regulations under Section 16 of the Financial Administration and Audit Act, R.S.A. c. F27 to remit the payment of Stamp duties under the Aliens Land Holding Licence Regulation Act in the amount of EC\$118,751.24 owed to the Government of Anguilla.

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

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

EX MIN 21/385

EX MEM 21/242 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION SOUTH EAST, BLOCK 79214 B, PARCEL 206 CONTAINING 0.50 ACRES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on freehold basis, property situate in Registration Section South East Block 79214 B, described as Parcel 206 containing 0.50 of an acre located at Sea Feathers, Anguilla for residential purposes subject to the following:

(a) payment of the following Stamp duties

(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	EC\$11,760.88
(iii)	Refundable Deposit – 10% of EC\$188,174.00	<u>EC\$18,817.40</u>

TOTAL **EC\$39,986.98**

(b) with the express condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources; and

(c) that the Applicant be granted an exemption from Governments policy restricting aliens to the ownership of no more than half an acre of property, on the grounds that the reasons provided are justifiable.

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