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MINUTES OF THE 158th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 26th OCTOBER 2023 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, Mrs. Kathleen Rogers
The Honourable Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Acting Library Services, and Minister for Sustainability, Innovation and Environment, 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. Erica Edwards
Acting Clerk to Executive Council, Ms Jennyville Smith

IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson

ABSENT: Deputy Governor, Mr Perin Bradley
The Honourable Minister for Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie
The Honourable Attorney General, Mr Dwight Horsford

EX MIN 23/315

CONFIRMATION OF THE MINUTES

Parliamentary Secretary remained.

Council confirmed the Minutes of the 157th Meeting of Executive Council held on Thursday 19th October 2023.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/316

EX MEMO 23/253 Revised Analysis Of Maximum Sale Price On Gasoline For Delta Petroleum (Anguilla) Ltd., Sol St. Lucia (Anguilla) Ltd. And Anguilla Gases Ltd.

Parliamentary Secretary remained.

PS, EDMSIE, Mrs Chanelle Petty-Barrett joined the meeting.

EX MIN 23/299 refers to the last price review. The Minister for Finance, Health and Economic Development and PS EDMSIE briefed Council. A routine analysis of the current fuel import data has been undertaken.

Considering the relevant factors, optimal selling prices for gasoline are currently EC\$17.82, EC\$16.38, EC\$15.95 and EC\$17.13 for Sol St Lucia (Anguilla) Ltd., Delta Petroleum (Anguilla) Ltd., Anguilla Gases Ltd. (regular) and Anguilla Gases Ltd. (premium) respectively. These prices bring about an EC\$0.85, EC\$1.53, EC\$1.09 and EC\$0.53 decrease from the current maximum gasoline price order for Sol St Lucia (Anguilla) Ltd., Delta Petroleum (Anguilla) Ltd., Anguilla Gases Ltd. (regular) and Anguilla Gases Ltd. (premium) respectively.

Council approved:

- i. The imposition of maximum price orders on the sale of gasoline, starting 30th October 2023 to:
 - o EC\$17.82 per imperial gallon for Sol St Lucia (Anguilla) Ltd.;
 - o EC\$16.38 per imperial gallon for Delta Petroleum (Anguilla) Ltd;
 - o EC\$15.95 per imperial gallon for Anguilla Gases Ltd. (regular);
 - o EC \$17.13 per imperial gallon for Anguilla Gases Ltd. (premium).
- ii. Dissemination of the proposed price order to the fuel suppliers and allowing them the opportunity to provide further information before the Order takes effect.

- iii. Continuation of price order revisions as new information from the fuel suppliers and pertinent data on fuel import costs are obtained; and
- iv. Requests that the Attorney General's Chambers prepare the Orders and Notice of extension of Regulations for the signature by the Minister.

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

Action: PS, EDMSIE; HON, PREM; HON, AG

EX MIN 23/317

EX MEMO 23/254 Amendments To The Special Economic Zone (Sez) Act and Virtual City Regulations

Parliamentary Secretary remained.

PS, EDMSIE, Mrs Chanelle Petty-Barrett joined the meeting.

The Minister for Finance, Health and Economic Development, Investment and Commerce and PS EDMSIE briefed Council. The Special Economic Zone Act was passed in March 2020. Since then the Special Economic Zone Authority has been established and is in the process of approving various trade and employment certificate applications. In response to the evolving needs and dynamics of the Special Economic Zones (SEZ), there is a series of proposed amendments aimed at enhancing the operational framework by aligning trade certificates, revising renewal practices, and introducing a more flexible fee structure, that aims to facilitate business operations within the SEZ.

The Virtual City's designation has expired and there is a proposal to extend it for an additional year. As per the definitive agreement (as amended) between the Government of Anguilla and the Chord Group, the Virtual City was initially slated for a limited two-year duration. Additionally, given that the Chord Group has not met their minimum threshold commitment of 25 tenants, the one-year extension of the SEZ (Virtual City) serves as a measure to encourage companies currently operating within the virtual city to pivot their focus towards establishing a physical presence on the island. The establishment of the Virtual City was a "stop-gap" measure that was implemented during the COVID-19 pandemic as a means of operationalising the SEZ. However, since some companies are registered in the Virtual City, the extension is required to ensure that there can be a seamless transition out of the Virtual City arrangement.

Council approves:

That the Attorney General's Chambers prepares amendments to the Special Economic Zone (SEZ) Act and Virtual City Regulations in accordance with the instructions from the Ministry.

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

Action: PS, EDMSIE; HON, PREM; HON, AG

EX MIN 23/318

EX MEMO 23/255 Application for a request to transfer 100% of shares in Alien Company – Chestnut Ltd. – Registration Section: West End, Block: 18011B, Parcel 45 SL 1C – Unit 103 at Carimar Beach Club Condominium being 564sq.ft.

Parliamentary Secretary remained.

The Hon Minister for Home Affairs briefed Council. Further to Executive Council Minute 23/120 granting of an Aliens Land Holding Licence to Jessie Allen Meyer Eisendrath, Director of Chestnut Ltd. and the granting of the request by Chestnut Ltd. to transfer 100% of its shares to Anne Noyes Meyer Teague, Diana Hodge Meyer Parker, Timothy Brewster Meyer and Jessie Allen Meyer Eisendrath as Successor Trustees of the Declaration of Trust to hold property described as Registration Section West End, Block 18011 B, Parcel 45 SL 1C, containing 564 sq. ft. located at Meads Bay, Anguilla for tourism purposes under certain conditions noted as clauses (a) – (f).

Council agreed to amend clauses (a) to read as follows:

(a) Payment of the following Stamp Duties:

- | | |
|--|--------------------|
| (i) under the Stamp Act
of EC\$2,150,560.00 | EC\$107,528.00 |
| (ii) under the Aliens Land Holding
Regulation Act – Section 14(3) | <u>EC\$ 200.00</u> |

TOTAL

EC\$107,728.00

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

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

EX MEMO 23/256 Application for issue of Licence under the Aliens Land Holding Regulation Act – Richard Thomas Morena and Tonni Lynne Morena – Registration Section West End, Block 17910 B, Parcel 277 Strata Lot SL A/1B being 901 Sq. Ft Parliamentary Secretary remained.

Council agreed to approve the granting of an Aliens Land Holding Licence to, Richard Thomas Morena and Tonni Lynne Morena to hold on a freehold basis a luxury condominium unit of approximately 901 sq. ft. forming part of Parkstone Incorporated, a Condominium development at Tranquility Beach Anguilla. The property situated in Registration Section: West End, Block 17910 B, described as Parcel 277 SL A/1B, subject to the following:

a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$2,590,080.70	EC\$129,504.04
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(ii)	under the Aliens Land Holding Regulation Act – 2% of EC\$2,590,080.70	<u>EC\$ 51,801.61</u>
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TOTAL	<u>EC\$181,305.65</u>
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b) Regulations to be issued for Exemption;

c) The Licensee shall rent the unit that forms part of Signature Suites Condominium Association Inc.

d) The Licensee shall fully comply with the Memorandum of Understanding dated 4th December 2015 signed between the Government of Anguilla and PARKSTONE INCORPORATED and in particular Part III, Government Transfer Taxes and Annual Levies.

e) The Licensee shall place its unit in the rental programme/pool of the hotel for the first two (2) years on receiving ownership of the property.

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

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

EX MEMO 23/257 Exemption of Stamp Duty for the transfer of a real estate asset, namely, Registration Section North Central, Block 48814 B, described as Parcel 182. Transfer from National Commercial Data Services (NCDS) to the National Commercial Bank of Anguilla Ltd (NCBA)

Parliamentary Secretary remained.

The Hon. Minister of Home Affairs and Lands briefed Council. Council noted the decision taken by the Government of Anguilla Shareholder Committee on July 6, 2023, to dissolve NCDS, in order to improve regulatory compliance. All assets of NCDS both real estate and non-real estate will be vested in NCBA. This process will require the registration of the real estate in NCBA name with the Department of Lands and Surveys. The effectivity date of the merger is scheduled for 1st November 2023, at which time NCDS will cease operations.

In accordance with the Stamp Act R.S.A. c. S55, specifically Section 60(d) of the Schedule – ‘General Exemptions from all Stamp Duties.

Council approved:

- 1 The decision taken by the Government of Anguilla Shareholder Committee on July 6, 2023 to dissolve NCDS, in order to improve regulatory compliance;
- 2 That in accordance with the Stamp Act R.S.A. c. S55, specifically Section 60(d) of the Schedule – ‘General Exemptions from all stamp duties’ the transfer of real estate assets to the National Commercial Bank of Anguilla Ltd (NCBA), the NCBA being wholly owned by the Government of Anguilla be exempt from the payment of stamp duty on the transfer of land situate in Registration Section North Central, Block 48814 B, described as Parcel 182 being 0.15 of an acre; and
- 3 Exemption of EC\$45,699.40 under Section 60 (d) of the Stamp Act

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

EX MIN 23/321

EX MEMO 23/258 Renewal Of Lease On Crown Land, Property Described As Registration Section South Central, Block 38812 B, Parcel 87/3

Parliamentary Secretary remained.

The Hon. Minister of Home Affairs and Lands briefed Council. Delta Petroleum (Anguilla) Ltd. held a leasehold interest in the property situated in Registration Section South Central, Block 38812 B, Parcel 87/3 for a term of ten (10) years from July 1, 2013, which expired on June 30, 2023. Delta Petroleum (Anguilla) Ltd. is desirous of renewing the lease with the Government of Anguilla with new terms of reference. Council noted the recommendation and financial implications.

Council

1. Approved the renewal of the lease for the next 10 years; and
2. Denied the recommendation for a fixed rental payment of EC\$19,500.00 for the first five (5) years.

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