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MINUTES OF THE 101th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 25th AUGUST 2022 AT 9.00 AM

- PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
- The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr Ellis Webster
- Acting Deputy Governor, Mr Karim Hodge
- 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, and Acting Minister for Sustainability, Innovation and Environment, Mr Haydn Hughes
- The Honourable Attorney General, Mr Dwight Horsford
- Acting Clerk to Executive Council, Ms. Jennyville Smith
- IN ATTENDANCE: Financial Specialist, Mr Stephen Turnbull
- ABSENT: The Honourable Deputy Governor, Mr Perin Bradley
- The Honourable Minister for Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie
- Honourable Parliamentary Secretary, Mr Merrick Richardson

EX MIN 22/278

CONFIRMATION OF THE MINUTES

Financial Specialist remained.

Council confirmed the Minutes of the 100th Meeting of Executive Council held on Thursday 18th August, 2022.

MATTERS ARISING FROM THE MINUTES

EX MIN 22/279

EX MEMO 22/203 PROVISIONS FOR THE MANUFACTURING SECTOR TO SUPPORT IMPLEMENTATION OF THE GST REGULATIONS 2022

The Financial Specialist remained.

In Ex Min 22/221, Executive Council agreed the eligibility requirements for manufacturing businesses to access the zero-rated supply for the purposes of section 16 of the Goods and Services Tax Act, 2021. Businesses in the specified categories are required to:

- Have a valid business licence;
- Present a tax clearance certificate from the Department of Inland Revenue;
- Have a minimum ratio of Anguillian to non-Anguillian employees of 3:1; and
- Comply with the laws of Anguilla including work permit requirements in relation to their non-Anguillian employees.

The requirement that businesses must have a minimum ratio of Anguillian to non-Anguillian employees of 3:1 is posing a challenge for several businesses in accessing the concession. This requirement was included to reinforce the need for businesses accessing the concession to be committed to the employment and development of local talent. It was a recommendation arising out of consultations with the sector. However, the reality on the ground for several businesses appears to be different. The Department of Labour has also confirmed that many manufacturing businesses have difficulty recruiting Anguillians despite their best efforts and have to resort to seeking work permits for non-Anguillian labour to support their operations.

Currently, the requirement is having the unintended consequence of preventing reasonable access to the zero-rated supply for businesses that, through no fault of their own, have not been able to recruit more local labour. As such, it is proposed that the requirement for Anguillian to non-Anguillian employees be reduced to 1:1.

Council approved that:

Amendments be made to the eligibility requirements for manufacturing businesses to access the zero-rated supply for the purposes of the Goods and Services Tax Act 2021. Businesses must have a minimum ratio of Anguillian to non-Anguillian employees of 1:1.

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

Action: PS, EDMSIE; HON, PREM

EX MIN 22/280

EX MEMO 22/204 UNDERSTUDY POLICY

The Financial Specialist remained.

Hon. Minister of Home Affairs briefed Council. The Understudy Policy refers to *“The advent of the 21st century brought changes to the hospitality sector on Anguilla and placed greater demands on the [Labour] Department’s Understudy Programme. The boutique resorts either sold their properties to luxury five star corporate entities or became their affiliates. The industry dynamic rapidly shifted to a more commercialized structure dominated by these new multinationals. While MOUs signed between the Government and these major corporate entities guaranteed employment for Anguillians, one of their requirements was to have their key management positions staffed by persons who had experience obtained from working in resorts that subscribed to Luxury 5 star standards such as Forbes International. This placed many Anguillians already employed at Supervisory and Management levels at a disadvantage. Although hospitality is a main employment driver, other sectors through the last three decades have also sought to obtain foreign national expertise in positions where they have indicated that there is a lack of available qualified, skilled and/or employable talent on the island”*.

Therefore, while the Understudy Programme has remained in existence as a general legal requirement, it is important that its structure be configured in a manner that not only reflects modern day circumstances, but caters to the full gamut of employment sectors on the island. Any employer expressing a genuine need to secure a foreign national to fill a vacancy that is at a management, top supervisory, professional or highly technical level, must subscribe to the Government sanctioned Understudy Programme managed by the Ministry of Home Affairs through the Department of Labour.

The proposed Understudy Policy and Programme has been developed in alignment with the Anguilla Labour (Relations) Act 2018 and ILO recommendations.

Council:

1) approved the draft Understudy Policy

Action: PS, HA; HON, MIN HA

EX MIN 22/281

EX MEMO 22/205 APPLICATION BY CENTRAL BAPTIST CHURCH FOR EXEMPTION OF STAMP DUTY - REGISTRATION SECTION SOUTH EAST, BLOCK 78813 B, PARCEL 72

The Financial Specialist remained.

Hon. Premier briefed Council. The request is being made for an exemption from payment of stamp duty on the transfer of property to the Central Baptist Church. The said lands are to be used to accommodate more parking for the church.

The Stamp Act R.S.A. c. S55, specifically Section 60(d) of the Schedule – ‘General Exemptions from All Stamp Duties’ states:

*“(d) with effect from 1 October, 2004, instruments for the purchase, sale transfer, exchange, conveyance or lease of any freehold or leasehold property vested in or acquired by the Government of Anguilla, a statutory body or body corporate owned or controlled by the Government of Anguilla, **any ecclesiastical** or educational institution or organization approved by the Governor in Council” – emphasis added.*

It is submitted that the Central Baptist Church classifies as an ecclesiastical institution and therefore exempt from the payment of stamp duty on the registration of a transfer of land.

Council approved that:

1. In accordance with the Stamp Act R.S.A. c. S55, specifically Section 60(d) of the Schedule – ‘General Exemptions from All Stamp Duties’, Central Baptist Church of Rey, Hill, Anguilla be exempt from the payment of stamp duty on the transfer of land situate in Registration Section: South East, Block: 78813B described as Parcel 72 being 0.15 of an acre; and
2. Exemption of EC\$1,680.13 under Section 60 (d) of the Stamp Act.

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

EX MIN 22/282

EX MEMO 22/206 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION: WEST END, BLOCK 17809 B, PARCEL 38 BEING 0.50 OF AN ACRE

The Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence, Registration Section: West End, Block 17809 B, Parcel 38 Being 0.50 of an acre subject to:

(a) payment of the following Stamp Duties:

(i)	under the Stamp Act – 5% of EC\$1,344,100.00	EC\$ 67,205.00
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$1,344,100.00	<u>EC\$ 67,205.00</u>
	TOTAL	<u>EC\$134,410.00</u>

(b) The property must be used for tourism purposes;

- (c) The Applicant be granted exemption on Government's Policy restricting Aliens to purchase no more than half an acre of land, on the grounds that the company proposes to add to its offerings as a tourism project for short term rentals;
- (d) That the Department of Lands and Surveys send an official letter to treat with the landowner for the transfer of the Right of Way for its improvement and to have same declared a public Road under the Roads Act, R.S.A. c R65; and
- (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 the Control of Employment Act 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 22/283

EX MEMO 22/207 AMENDMENT TO ANGUILLA'S MARRIAGE ACT AND RELATED POLICY

The Financial Specialist remained.

The Hon. Minister of Infrastructure, Communication, Utilities Housing and Tourism briefed Council. The seven (7) pillars of the Anguilla Experience acknowledge that Romance makes Anguilla a well sort after destination. A destination for weddings. It is now apparent that there is a need for the current Marriage License application process to be streamlined in keeping with the competitive nature of the tourism business across the Caribbean Region and the World. This will assist Anguilla in maintaining its competitive edge as a wedding destination of choice. The following issues need to be addressed:

- Amendment to the current Marriage Act and related policy to enable the solemnization of marriage at venues other than a Church or the Court House.
- Amendment to the current Marriage Act and related policy to enable the submission of online applications for a marriage license. The application will also include provisions for

payment and the uploading of accompanying documentation to include the applicant's Passport Picture Page, Final Divorce decree (where applicable) and Death Certificate (where applicable); and

- An increase of specific elements of the schedule of fees as represented in the current Marriage Act so that they are in keeping with the current cost of doing business. (See Annex)

ANNEX A: Existing and Proposed New fees

(1)	For every entry, certificate and publication in relation to the registration of a building for the publication of banns, on delivery of the application to register EC\$ under section 16	25.00 to 100.00
(2)	For every cancellation or substitution of registration of a building on delivery of the certificate for cancellation, under section 19	25.00 to 50.00
(3)	For every certificate of publication of banns given by the officiating Minister, under section 3060 to 10.00
(4)	Additional fee for licence granted by the Registrar-General, under section 35(2)(e)	650.00 and 200.00 (15 days and under)
(5)	For every entry in the Marriage Notice Book, under section 4050 to 50.00
(6)	For every certificate of Notice, under section 42	1.00 to 25.00
(7)	For every marriage celebrated in the office of the Registrar-General or Magistrate, under section 47	5.00 to 100.00
(8)	For every certificate to be given by a Government Medical Officer for marriage <i>in articulo mortis</i> , under section 54(7)-	
(a)	if a special visit is not required before it can be given.....	.96 to 25.00
(b)	if a special visit is required	1.92 to 100.00

Council approved:

1. The proposed amendments to the Marriage Act to enable the solemnisation of marriage at venues other than a Church or the Court House.

- 2. The proposed amendments to the Marriage Act to enable the conduct of virtual online Marriage Applications, payment and a restructuring of the fee schedule.
- 3. The Tourism Planner within the Ministry of Tourism in consultation with the Senior Magistrate to produce drafting instructions to present to the AGs Chambers for drafting by end of September 2022.
- 4. To inform drafting instructions, and subject to Executive Council approval, in furtherance of policy objectives, consideration by relevant officials of any potential amendments to the policy on who may qualify to officiate weddings.

Action: PS, MICUHT; MIN, MICUHT; HON, AG

EX MIN 22/284

COVID-19 UPDATE

The Financial Specialist remained.

The Hon Premier and Minister of Health briefed Council.

Council:

- 1) Noted that the Ministry of Health will continue to monitor and advise on the developments and engage in technical discussion and updates with regional and international partners. Noted the prevalence of monkeypox in the region; and
- 2) Noted that the Ministry continues its efforts to encourage members of the public to get vaccinated.

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