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MINUTES OF THE 149th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 24th AUGUST 2023 AT 9.00 AM

- PRESENT: Acting Governor, Mr Perin Bradley
- 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 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 Sustainability, Innovation and
 Environment, Mrs Quincia Gumbs-Marie
- The Honourable Attorney General, Mr Dwight Horsford
- Acting Clerk to Executive Council, Ms Jennyville Smith
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson
- Financial Specialist, Mr Stephen Turnbull
- ABSENT: Acting Governor, Mr Paul Candler

EX MIN 23/266

CONFIRMATION OF THE MINUTES

Parliamentary Secretary remained.

Council confirmed the Minutes of the 148th Meeting of Executive Council held on Thursday 17th August, 2023.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/267

EX MEMO 23/215 Approval of the Credit Reporting Act and associated Regulations

Parliamentary Secretary and Financial Specialist remained.

The Minister of Finance briefed Council. The ECCB, in collaboration with the International Finance Corporation (IFC), a member of the World Bank Group, is in the process of developing a credit reporting system for the ECCU. A key part of this initiative is the enactment of credit reporting legislation necessary to promote the growth and development of such a system. A credit reporting system in the ECCU will improve citizens' access to loans from financial institutions and it is envisaged that it will assist in the reduction in the cost of borrowing.

The Credit Reporting Bill and Regulations are significant components of the legislative infrastructure for the development and operationalization of a credit bureau within the Single Financial Space and Economic Space.

The proposed legislation would seek to standardise credit underwriting in the Eastern Caribbean Currency Union (ECCU) and make provision for a credit reporting infrastructure that would furnish financial institutions and other lending institutions with a database to evaluate the creditworthiness of borrowers and monitor their credit condition. The availability of this information should enable credit markets within the ECCU to function more efficiently and at a potentially lower cost.

Council approved the Bill for the Credit Reporting Act and associated Regulations for tabling at the next session of the House of Assembly.

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

EX MIN 23/268

EX MEMO 23/216 Application for Issue of Licence Under The Aliens Land Holding Regulation Act – S.B One Ltd. – Registration Section: East Central, Block 89118 B, Parcel 266 Being 1.00 Acre

Parliamentary Secretary and Financial Specialist remained.

Council agreed to approve the granting of an Aliens Land Holding Licence to S.B One Ltd. through its directors Xavier Henri Maurice Pignet and Jerome Paul Hubert Chretien to hold on a freehold basis, vacant property situated in Registration Section: East Central, Block 89118 B, described as Parcel 266 being 1.00 acre located at Shoal Bay, Anguilla for tourism purposes to construct a condominium development, 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 – 6.25% of EC\$134,410.00	EC\$ 84,006.20
(iii) refundable deposit – 10% of EC\$134,410.00	<u>EC\$134,410.00</u>
TOTAL	<u>EC\$285,621.20</u>

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

(c) The Applicant Company be exempted from the Government's Policy on restricting Aliens from holding no more than half an acre on the grounds that the intent purchaser is developing a tourism product that would yield financial revenue for the Government through rentals.

(d) The express condition in the Licence is that the development shall be completed within forty-eight (48) months, failing which a penalty of US\$3,500.00 shall apply for each calendar month or part thereof that the project remains uncompleted without

reasonable justification for the delay in completion. The said penalty shall continue for a period of 12 months. Thereafter, forfeiture proceedings for the property will be commenced by the Government of Anguilla.

- (e) 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 2018 and 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 there under.

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

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

EX MIN 23/268

EX MEMO 23/217 Proposed Amendments To The Bail Act, The Firearms Act and The Criminal Code Of Anguilla

Parliamentary Secretary and Financial Specialist remained.

Senior Parliamentary Counsel, Ms. Serena Connor joined the meeting. The Attorney General briefed Council.

The Bail Act - Section 20 of this Act's objective was to encourage efficiency in the conduct of police investigation where persons are detained in police custody in a way that offered active safeguards for the constitutional right to liberty. In this connection, it abridged the common law period of 72 hours for which persons may lawfully be detained without charge to a period of 24 hours. If a suspect is to be detained for a further period, he must be brought before a magistrate for judicial sanction of any further detention.

The Firearms Act and the Criminal Code – Recognising the increase in gun-related violence and offending, the National Security Council (“NSC”) met on 2nd May, 2023 and the 22nd May, 2023, respectively to consider security response measures to this scourge. Notwithstanding that the NSC does not yet have statutory incidence, and, after considering the report on sentencing guidelines submitted by Kier Hopley following his review of sentencing practices in Anguilla, the NSC nevertheless authorized the Attorney-General to consider and to draft legislation particularly as it relates to mandatory

minimum sentencing for firearms-related offences, and to submit same for the consideration to the Executive Council.

Amendments have been drafted accordingly. These amendments introduce mandatory minimum sentences for firearms-related offences and distinguishes, for the purposes of punishment, between first-time offenders and repeat offenders and juvenile offenders, in that, the court retains a discretion whether to impose such mandatory minimum custodial sentence on a first-time offender; and, in the case of a juvenile offender (between 14 and 17), no mandatory minimum sentence is imposed.

The mandatory minimum sentences have been calculated having regard to the present maximum sentences provided by the principal Act and the Eastern Caribbean Supreme Court Sentencing Guidelines, including those that relate to gun violence.

Council approved the proposed amendments to the Bail Act, the Firearms Act and the Criminal Code.

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

Action: HON, AG, SPC
