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**MINUTES OF THE 180<sup>th</sup> MEETING OF THE TWELFTH ANGUILLA  
EXECUTIVE COUNCIL HELD ON THURSDAY 18<sup>th</sup> APRIL 2024 AT 9.00 AM**

- PRESENT: Her Excellency the Governor, Ms. Julia Crouch
- The Honourable Deputy Governor, Mr. Perin Bradley
- The Honourable Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning AND Acting Premier and Minister for Finance, Economic Development & Investment and Health AND Acting Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Mr. Kenneth Hodge
- The Honourable Minister for Infrastructure, Communications, Utilities, Housing and Tourism, Mr. Haydn Hughes
- The Honourable Attorney General, Mr. Dwight Horsford
- Clerk to Executive Council, Ms. Dumisa Webster
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr. Merrick Richardson
- Financial Advisor, Mr. Evarist Mwesigye
- Head of Governor's Office, Mr. Orlando Ames-Lewis
- 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

The Honourable Minister for Sustainability, Innovation and Environment, Mrs. Quincia Gumbs-Marie

**EX MIN 24/087**

**CONFIRMATION OF THE MINUTES**

Hon. Parliamentary Secretary, Financial Adviser and Head of Governor's Office remained.

Council confirmed the Minutes of the 179<sup>th</sup> Meeting of Executive Council held on Thursday 4<sup>th</sup> April and Executive Council Decisions approved by Round Robin on Thursday 11<sup>th</sup> April 2024.

**EX MIN 24/088**

**EX MEMO 24/53 Draft Integration of Registry into Financial Services Commission (Miscellaneous Amendments) Act, 2024**

Hon. Parliamentary Secretary, Financial Adviser and Head of Governor's Office remained.

The following persons joined the meeting:

Ms. Marissa Harding-Hodge, PAS, Finance

Ms. Tina Bryan, Director, Financial Services Commission (FSC)

Ms. Serena Connor, Senior Parliamentary Counsel, Attorney General Chambers

PAS, Finance briefed Council. Amendments were made to "Amendments to Schedule 5" of the FSC Act in the draft legislation which allow the officers and employees of the Commercial Registry "the Registry" the following options with their consent:

- Enter into a contract of employment with the Financial Services Commission, on terms and conditions which are more favourable than those which were attached to the appointment held by the officer in the public service; or
- Request to be transferred to another department of the Government.
- The secondment option has been removed to allow a definitive resolution to the matter.

Ex Min 24/080 notes that the Honourable Deputy Governor, the FSC and the Registry staff were to have meetings to discuss the options in the legislation and to provide the FSC with

contracts. These meetings were held and contracts were supplied to Registry Staff with more than favourable remuneration. Registry Staff are to decide on an option by 26<sup>th</sup> April 2024, the deadline of which has been confirmed in a letter issued by the office of the Honourable Deputy Governor. Discussions are to follow immediately after April 26<sup>th</sup> 2024 to set the integration date and to advertise for positions within the Registry, if necessary.

Council approved the draft Integration of Registry into Financial Services Commission (Miscellaneous Amendments) Act, 2024 to be forwarded to the Attorney General Chambers for submission to the House of Assembly for enactment.

Council authorized release of the action sheet before confirmation of the minutes.

ACTION: PS, FIN; PAS, FIN; HON PREM, HON DG; HON AG

**EX MIN 24/089**

**EX MEMO 24/59 Draft Digital Assets Business (Amendments) Act, 2024**

Hon. Parliamentary Secretary, Financial Adviser and Head of Governor's Office remained.

The FSC Director briefed Council. The Digital Business Act was passed in the House of Assembly on 30<sup>th</sup> June 2023. Section 4(2) of the Anguilla Digital Assets Business Act, 2023 pertains to the licensing requirements for entities wanting to conduct digital asset businesses within Anguilla. It mandates that the Commission must grant an official license to the entities before they can conduct digital asset business. This license allows entities to engage in specific activities related to digital assets including those listed in section 4(2)(g) which states, "lending, borrowing, providing financial services, advising or issuing derivatives with respect to, and otherwise dealing with digital assets". However, the activities listed in section 4(2)(g) are not those of the digital asset service provider or mentioned throughout the legislation. Therefore, an amendment to the Act is needed.

It is proposed that section 4(2) of the Digital Assets Business Act be amended by deleting paragraph (g) and substituting it with "Participation in and provision of financial services related to an issuer's offer or sale of newly issued digital assets; or"

Council approved the Digital Assets Business (Amendment) Act, 2024.

Council authorized release of the action sheet before confirmation of the minutes.

ACTION: PS, FIN; PAS, FIN; HON PREM.

**EX MIN 24/090**

**EX MEMO 24/60 Draft Financial Services Enactments (Amendment) Regulations, 2024**

Hon. Parliamentary Secretary, Financial Adviser and Head of Governor's Office remained.

The FSC Director brief Council. The Co-operatives Societies Act and the Digital Assets Business Act were passed in the House of Assembly on 14<sup>th</sup> April 2023 and 30<sup>th</sup> June 2023, respectively. The Co-operatives Societies Act provides a regulatory framework for the effective registration, supervision, governance, operation and management of Co-operatives Societies including Credit Unions in Anguilla. The Commission is the Registrar of Credit Unions. The Digital Assets Business Act allows the Commission to regulate Digital Assets Service Providers for prudential purposes whilst extending the Anti-Money Laundering/Combating The Financing of Terrorism supervisory framework covered by the Proceeds of Crime Act and subsidiary legislation, Anti-Money Laundering and Terrorist Financing Regulations and Code.

An amendment is needed to the Financial Services Enactments Regulations to allow the Co-operatives Societies Act and Digital Assets Business Act to be listed as financial services enactments, thus bringing these entities fully under the framework of the Financial Services Commission Act.

Council approved the Draft Financial Services (Amendment) Regulations, 2024.

Council authorized release of the action sheet before confirmation of the minutes.

ACTION: PS, FIN; PAS, FIN; HON PREM.

**EX MIN 24/091**

**EX MEMO 24/61 Approval of the Draft Insurance (Amendment) Act, 2024 and Draft Insurance (Amendment) Regulations, 2024**

Hon. Parliamentary Secretary, Financial Adviser and Head of Governor's Office remained.

Director of FSC briefed Council. Amendments to the schedule of insurance fees were made in 2014, with effect in 2015. Since then, there has been no increase to the fees applicable to the insurance sector, however, there has been a large inflationary increase in the cost of services on general. In addition, there has also been an increase in supervisory activities and filing requirements since 2015. The Financial Commission's activities are funded solely through fees levied for licensing, registration, approval of post-licensing applications and other implemented fees related to supervision. As a result, the Financial Commission is proposing a general increase in the fees associated with insurance supervision and introduction of new fees that do not exist in the current supervisory regime. The introduction of these new fees will not cover entirely cover the true costs of supervision outline above. As such, amendments to the primary legislation are necessary to implement the fees.

Council requests that further information be provided, specifically a comparison between total revenue earned prior and following the integration of the Commercial Registry into the Financial Services Commission. Secondly, a summary on the domestic market is requested.

Council deferred this matter.

Council authorized release of the action sheets before confirmation of the minutes.

**ACTION: PS, FIN; PAS, FIN; HON PREM**

**EX MIN 24/092**

**EX MEMO 24/62 Refusal to Grant Work Permits**

Hon. Parliamentary Secretary, Financial Adviser and Head of Governor's Office remained.

The Honourable Minister for Home Affairs and Labour briefed Council. In keeping with section 165 (3) of the Labour (Relations) Act 2018, the Minister of Home Affairs & Labour seeks to consult with the Executive Council before refusing to grant work permits. Council noted the reasons for refusal as follows:

In relation to: 4 persons, pursuant to section 171 (1) (a) of the Labour Relations Act, the employer has not demonstrated a genuine need to engage the services of the prospective employee.

In relation to: 1 person, pursuant to section 171 (1) (a) and (b) of the Labor Relations Act, the employer has not demonstrated a genuine need to engage the services of the prospective employee and there are Anguillians or residents capable of filling the position.

Council:

- 1) Noted section 164 of the Labour (Relations) Act 2018 containing the principles governing work permits;
- 2) Noted that in keeping with section 165 (3) of the Labour (Relations) Act 2018, the Hon Minister for Home Affairs & Labour consulted with Executive Council before refusing to grant work permits; and
- 3) Considered and endorsed the proposal by the Hon Minister that 5 persons be **refused** work permits on the basis of the foregoing information.

ACTION: PS, HA; LAB, COMM; CIO; HON MIN, HA.

**EX MIN 24/093**

**EX MEMO 24/63 A Bill for Administration of Justice (Special Provisions) Act 2024**

Hon. Parliamentary Secretary, Financial Adviser and Head of Governor's Office remained.

The Honourable Attorney General briefed Council. The Bill for Administration of Justice introduces an unprecedented kind of legislative reform to Anguilla's criminal justice system. The Bill introduces special measures which will facilitate the protection of vulnerable and intimidated witnesses. This includes complaints in criminal proceedings and particularly sexual offences. The Bill moreover, aims to fundamentally change criminal justice processes and modernize the way these proceedings are conducted, with the purpose of achieving an evenly balanced, victim sensitive, effective and efficient administration of justice. This will be achieved by way of implementing new procedures such as the power for a judge to order a judge alone trial, witness anonymity orders, special measures for the conduct of cross examination by an unrepresented accused, restrictions on questioning a complainant about sexual history or behavior and special rights of appeal and procedure, among other measures.

HE the Governor commended the Attorney General Chambers on their work in drafting the Administration of Justice Bill. HE the Governor noted that the following plans need to be drafted and implemented:

1) Implementation Plan.

This plan will need to address the following:

- Amendment to the Bill to allow staggered commencement as implementation plan ready.
- The training for judges, advocates, police officers and other officers on the new measures before they are commenced.
- Purchase of necessary equipment (e.g. screens.)
- New procedure rules referenced in the legislation to be drafted by AG's Chambers.
- A budget for lawyers for unrepresented persons in court proceedings which will need to be costed and approved by ExCo before the legislation is commenced. The Bill significantly increases the scope of Defendants entitled to legal assistance.

2) Media Handling Plan – AG Chambers to liaise with GoA Public Relations Officer.

3) Consultation Plan – To be led by AG’s Chambers who agreed to begin consultation before the Bill was introduced.

Council:

1) Considered and approved the Bill for Administration of Justice (Special Provisions) Act 2024 proceeding to public consultation, all relevant readings and passage in the House of Assembly.

2) Noted the need to draft and implement the following plans in relation to administration of the bill as set out above:

1. Implementation Plan
2. Media Plan
3. Consultation Plan

ACTION: HON AG; HE GOV, GOA PRO.

**EX MIN 24/094**

**EX MEMO 24/64 Creation of Positions- Department Health Services and Department of Water Services**  
Hon. Parliamentary Secretary, Financial Adviser and Head of Governor’s Office remained.

Council deferred this matter for the next sitting.

ACTION: HON DG.

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