

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No.

MINUTES OF THE 193RD MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 18TH JULY 2024 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, Dr. Aidan Harrigan
- 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
- Acting Attorney General, Ms. Erica Edwards
- Clerk to Executive Council, Ms. Dumisa Webster
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr. Merrick Richardson
- Head of Governor's Office, Mr. Orlando Ames-Lewis
- ABSENT: The Honourable Deputy Governor, Mr. Perin Bradley
- The Honourable Minister for Sustainability, Innovation and the Environment, Mrs. Quincia Gumbs-Marie

EX MIN 24/187

CONFIRMATION OF THE MINUTES

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

Council confirmed the Minutes of the 192nd Meeting of Executive Council held on Thursday, 11th July 2024.

MATTERS ARISING FROM THE MINUTES

EX MIN 24/188

EX MEMO 24/133 Application for Duty Exemptions for Hit the Spot and Hodge's Catering Services

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

The Honourable Premier and Minister for Finance briefed Council. Hit the Spot and Hodge's Catering Services, formerly known as Big and Better Catering Services, has been in operation since 2014 and is owned by Mr. Joseph Hodge. Mr. Hodge is a young entrepreneur who was a recipient of a loan under the Anguilla Youth Business Foundation's (AYBF) Get Set Programme. The AYBF is a business development organization established under the Anguilla Foundation Act, to provide business development and support services to young people residing in Anguilla. Mr. Hodge has now established a restaurant/ bar in the George Hill area and is seeking the assistance of the Government of Anguilla for a duty free concession on equipment and furniture.

The Customs Duty Exemption Policy of 1988 recognizes that:

"Government recognizes the need to actively promote economic development and diversification by stimulating the growth of the private sector. The ultimate aim is to generate improvements in employment, incomes and living standards. A critical responsibility of Government is to encourage local entrepreneurs to invest substantially in the Anguillian private sector. Exemption from the payment of customs duty on items required for capital investment is a major instrument used to accomplish this."

It is noted that the intended investment is not covered under the list of eligible projects/activities in the referenced policy, however, exemption would be in line with the aim to encourage investment by local entrepreneurs. Also, it is not customary to grant customs duty exemptions for the establishment of restaurants, however, in the past, restaurants that formed part of hotel developments have been

granted waiver of customs duties for those projects. Additionally, this business is supported by AYBF as an arm of a department of the Government of Anguilla, which serves to provide business development and support services to young people residing in Anguilla. Therefore, it is requested that the Executive Council consider and advise on the application for duty and tax exemption in the total of EC\$4,312.93 (net of administrative fee of 5%) on the recommended list of items which are furniture and equipment.

Executive Council approved the application with a duty and tax loss of EC\$4,312.93 (net administrative fee of 5%) on the recommended list of items which are furniture and equipment.

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

EX MIN 24/189

EX MEMO 24/134 Amendments to Legislative Framework to Improve Effectiveness of International Cooperation for Tax Purposes- International Tax Compliance (Common Reporting Standard) Regulations, 2016

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

Ms. Nordisia Lake, Director of International Tax Cooperation, Ministry of Finance joined the meeting.

The Director of International Tax Cooperation and the Honourable Premier and Minister for Finance briefed Council. Executive Council Minute 24/135 notes the approval of the Tax information Exchange (Amendment) Act 2024 and International Tax Compliance (Common Reporting Standard) (Amendment) Regulations (2024). The legislative process for the International Tax Compliance (Common Reporting Standard) Amendment Regulations, 2024 was successfully completed; however, the date specified within the legislation for its enactment has since expired before the legislation could be signed into law. The expiration date of 31st May 2024 necessitates that the legislation be considered by the Executive Council again in order to update the date to 30th September 2024 and ensure its timely and effective implementation. It is noted that the substance and purpose of the legislation has not changed and this matter has been brought back to Executive Council solely due to the technicality of an expired date.

Executive Council approved the amendment to the following legislation which was already approved for enactment by Governor in Council:

- a. International Tax Compliance (Common Reporting Standard) (Amendment) Regulations, 2024, which inter alia, provides for a change in the definition of “competent authority”, the obligation to file a nil return, administrative penalties and notification obligations of Non-Reporting Financial Institutions.

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

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

EX MIN 24/190

EX MEMO 24/135 Approval of Amendment to the Special Economic Zone (Virtual City) (Extension of Geographical Designation) Regulations 2024

Hon. Parliamentary Secretary and Head of Governor’s Office remained.

The Honourable Premier and Minister for Finance and Economic Development, Investment and Commerce briefed Council. Executive Council Minute 23/317 notes the approval of the Special Economic Zone (Virtual City) (Extension of Geographical Designation) Regulations, 2024 which gave validity to the virtual Special Economic Zone until 9th July 2024. It is requested that the validity be extended by an additional year, until 9th July 2025, to allow for operators within the zone to concretise efforts to transition to a physical Special Economic Zone. By granting additional time, it will ensure that companies are not prejudiced by an abrupt closure of the virtual zone but can successfully transition their operations.

Executive Council approved the Special Economic Zone (Virtual City) (Extension of Geographical Designation) (Amendment) Regulations, 2024.

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

Action: PS, EDSIE; HON. PREM.

EX MIN 24/191

EX MEMO 24/136 Application for Issue of Licence Under the Aliens Land Holding Regulation Act
Registration Section: East Central, Block 89117 B, Parcel 489 containing 0.50 Acre

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

The Honourable Minister for Home Affairs briefed Council. Executive Council approved the granting of an Aliens Land Holding Licence to the applicant to hold on a freehold basis, vacant property situated in Registration Section: East Central, Block 89117 B, described as Parcel 489, being 0.50 acre located at Shoal Bay, Anguilla for a Retail Outlet and Apartments subject to:

(a)	Payment of the following Stamp Duties	
(i)	under the Stamp Act – 5% of EC\$115,592.60	EC\$ 5,779.63
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$115,592.60	EC\$ 7,224.54
	TOTAL	<u>EC\$13,004.17</u>

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

(c) The express condition in the Licence 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.

(d) 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 Work Permit 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 issue of the action sheet before confirmation of the minutes.

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