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MINUTES OF THE 74th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 27th JANUARY 2022 AT 9.00 AM

- PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
- The Honourable Premier and Minister for Finance and Health,
Dr Ellis Webster
- The Honourable Deputy Governor, Mr Perin Bradley
- 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 Economic Development, Commerce,
Information Technology, Environment and Natural Resources,
Mr Kyle Hodge
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: Hon Parliamentary Secretary for Economic Development,
Mrs Quincia Gumbs-Marie
Financial Specialist, Mr Stephen Turnbull
- ABSENT: Hon Special Ministerial Assistant to the Hon Minister for Social
Development/Education, Mr Merrick Richardson

EX MIN 22/27

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council confirmed the Minutes of the 73rd Meeting of Executive Council held on Thursday 20th January, 2022 and the Minutes of the Special Meeting held on Thursday 20th January 2022.

MATTERS ARISING FROM THE MINUTES

Council noted that in relation to Ex Min 22/20 an opinion will be provided by the Attorney General's Chambers.

EX MIN 22/30

COVID-19 UPDATE

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained. The following persons joined:

PS Health, Mr Foster Rogers
CMO, Dr Aisha Andrewin
Health Planner, Ms Rochelle Rogers

Epidemiology***Global overview***

For the past week (17 - 23 January 2022), globally, the number of new cases has increased by 5%, while the number of new deaths remains similar to the previous week. This past week, across the six WHO regions, over 21 million new cases were reported, this is the highest number of weekly cases recorded since the beginning of the pandemic, nearly 50,000 new deaths were reported. As of January 23, over 346 million confirmed cases and over 5.5 million deaths have been reported.

Update on the Emergence of Variant of Concern Omicron (B.1.1.529)

Omicron continues to dominate, accounting for 89.1% of the samples sequenced in the last 30 days. This was followed by Delta at 10.7%; <0.1% each for Gamma and Alpha and <0.1% for Mu and Lambda combined.

Compared to other variants, Omicron has shown an increased ability to spread within the community, leading to a rapid increase in the numbers of new cases in multiple countries where it has replaced other variants, including Delta. Despite this, there appears to be a lower risk of severe disease and death following Omicron infection as compared to other variants. In summary, with Omicron: there is increased transmissibility, reduced risk of hospitalization and severe disease, increased risk of reinfection and the diagnostic accuracy of routinely used PCR and the WHO emergency use listing (EUL) approved antigen-detection rapid diagnostic test assays does not appear to be significantly impacted by Omicron. However, due to the very high number of cases, many countries have seen a significant increase in the incidence of hospitalization, putting pressure on healthcare systems.

Updates on international guidance

Changes in the UK as of February 11 are as follows:

- Fully vaccinated people travelling to the UK shall verify their “vaccination” status via a passenger locator form, all travel testing requirements have been removed (no more pre-departure testing, post-arrival testing, or self-isolation).
- Children travelling to the UK who are under 18 years old will continue to be treated as eligible fully vaccinated passengers, which means they will not face any tests at the UK border.
- Passengers who do not qualify as fully vaccinated will still need to fill out a passenger locator form to demonstrate proof of a negative COVID test taken 2 days before travel, and they must also take a post-arrival PCR test. They will no longer be required to do a day 8 test after arrival or self-isolate.

- For now, the UK will maintain the current definition of fully vaccinated for the purpose of inbound travel into the UK. That means 2 doses of an approved vaccination, or 1 dose of the Janssen vaccine.

Caribbean Region

Since the previous report on January 17, an additional 171,554 cases of COVID-19 were confirmed in 34 countries within the Caribbean, bringing the region's total confirmed cases to 2,927,371 in 35 countries/territories (including the 26 CARPHA Member States). The new total represents a 6.2% increase in the number of confirmed cases. There were 30,671 deaths recorded in the Caribbean Region.

Anguilla

As of January 26, 2022 the total number of confirmed cases since the beginning of the pandemic in early 2020 is 2305 with 2228 recoveries, 8 deaths (7 unvaccinated and 1 vaccinated, 5 males and 3 females ranging in age from 51 to 91, with 6 out of 8 being over 60 years old) and 69 active cases. Four unvaccinated adults are currently admitted to the Isolation Unit.

Since the reopening of schools, about 22 children (6 recovered) have tested positive and this has involved all six public primary schools and the high school. Community transmission appears to be the main source of infection.

Vaccination Deployment Update

Vaccine Uptake

As of January 26, 2022, 10,197 first doses and 9,340 second doses have been administered. In an estimated population of 15,500 total persons, this would represent 66% of the population having received the first dose and 60% of the population having received two doses.

The breakdown by age of persons having received a first dose is as follows:

- 463 persons age 12 - 17
- 3048 persons age 18 - 34
- 2900 persons age 35 - 49
- 2491 persons age 50 - 64
- 1325 persons age 65+

The occupational breakdown of first doses is as follows:

- 355 Healthcare workers
- 546 Civil and Border Protection
- 1830 Hospitality
- 1105 Retired
- 6411 Others

Distribution (Pfizer)

As of January 26, 2711 doses of Pfizer have been administered, this includes 638 first doses, 105 second doses and 1968 booster doses. This includes 463 first doses for 12 - 17 year olds. This represents roughly 35% of the estimated 12 – 17 year old population.

Second doses for 12 -17 year olds begin next week with children urged to attend the Wednesday clinic sessions at Welches Polyclinic.

Currently, the Ministry is awaiting details on the procurement of pediatric doses for the 5 - 11 year old age group. In the interim, a survey will shortly be distributed to inform the communication campaign for this age group.

Electronic Health Authorization System (Entry Portal)

The one-step approval process is progressing towards a February 1, 2022 start date. Presently, DITES has created a test environment which has eliminated several steps. In addition, DITES has delineated the servers for administrators and users which has significantly enhanced the system responsiveness. To further enhance the system performance, applications should only be accepted within a 10-day timeframe of the travel date.

The significant changes will facilitate approvers working 24/7 in scheduled shifts. Further, persons have been identified to function

as customer service agents to assist persons with editing applications and any issues they may encounter, including travel difficulties. Virtual refresher training with staff is scheduled for Thursday and Monday.

The team is working with DITES to facilitate final feedback to ensure that any issues identified can be fixed during the upcoming weekend, so as to facilitate the launch on February 1.

The Ministry of Health recommends issuing a press release that outlines the one-step approval process.

The Permanent Secretary for Health is in contact with his counterpart in Sint Maarten, the Secretary General/Ministry of Public Health, to make arrangements for a study tour of their Electronic Health Authorization System (EHAS), which is to take place in early February. This system is highly automated and very efficient. The study tour is designed to ascertain the equipment, human resources and technical and financial requirements of an automated system, in addition to identifying the safeguards in place to identify fraudulent applications. The team will comprise individuals from the Ministry of Health, DITES and the Ministry of Tourism.

Council:

- 1) thanked the health team for their continued hard work;
- 2) noted that isolation is working to control the number of COVID-19 cases. The health team has not noted any significant onward transmission in schools;
- 3) noted that work continues to identify ways to improve the portal. Applications should only be accepted within a certain timeframe in advance of the travel date. Noted the health teams indication that forecasting the expected number of arrivals and collecting data on the intended port of entry would assist. Resources and operational flow should be assessed;
- 4) noted the health teams indication that presently given the epidemiology it would not be advisable to remove the COVID-19 arrival testing requirements for persons who have had a booster;

- 5) noted that further clarity is required as it relates to the COVID-19 entry requirements for St. Martin. As it relates to the ferry boat operators it is necessary to reinforce the protocols for entry, highlighting the arrangements which are only applicable to persons making daytrips. The health team have observed some positive cases occurring on day 4 testing after day-trips to St. Martin/Sint Maarten; and
- 6) noted the Ministry's proposal to conduct a study tour of the EHAS system in Sint Maarten.

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

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

EX MIN 22/31

**EX MEM 22/16 ANGUILLA FINANCIAL SERVICE COMMISSION (AFSC)
ANNUAL REPORT AND FINANCIAL STATEMENT FOR THE PERIOD
ENDING 31 DECEMBER 2020**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council:

- 1) noted the Anguilla Financial Service Commission's Annual Report and financial statement for the period ended 31 December 2020; and
- 2) instructed the Attorney General's Chambers, in accordance with legislative requirements, to table the report at the next session of the House of Assembly for the information of legislators and the public.

Action: HON; AG; SCC (Cr)

EX MIN 22/32

EX MEM 22/17 REAPPOINTMENT OF THE MEMBERS OF THE PAROLE BOARD AND APPOINTMENT OF ALTERNATE MEMBERS

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

The Hon Deputy Governor briefed Council. Section 2 of the Parole of Prisoners Act R.S.A.c.P3 establishes the Parole Board. Members are appointed by the Governor in Council to serve for a two-year term and are eligible for reappointment.

Council:

- 1) approved the reappointment of the members of the Parole Board for two (2) years from January 3, 2021, to January 2, 2023 in accordance with section 2 of the Parole of Prisoners Act, as follows:
 - (a) Mr Ronald Scipio (Chairperson) - Lawyer with experience in criminal law
 - (b) Mrs Rhonda Connor - Mental Health Professional
 - (c) Mr Hubert M. Hughes - Law Enforcement Professional
 - (d) Rev Egbert Dunstan Richardson - Religious Leader
 - (e) Mr Seymour Hodge - Member of the Community

- 2) authorised H.E. the Governor to add the following persons to a list of persons who are reserved to act on the Parole Board, being appointed as the need arises:
 - (a) Mrs Hyacinth Bradley
 - (b) Mrs Vanessa Croft; and

- 3) noted that there is a need to widen the reserve list of persons that can be appointed to act, when a member is absent or cannot perform his/her Parole Board duties.

Action: PS, PA; HON, DG

EX MIN 22/33

EX MEM 22/18 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, 201 SL C304A AND C304B BEING 993 SQ. FT. AND 648 SQ. FT. RESPECTIVELY

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis two (2) luxury condominium units of approximately 993 sq. ft. and 648 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL C304A and C304B, subject to the following:

a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$3,911,755.20	EC\$195,587.76
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$3,911,755.20	<u>EXEMPT</u>
	TOTAL	<u>EC\$195,587.76</u>

b) Regulations to be issued for Exemption by the Attorney General Chambers;

c) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Act and in accordance with the Memorandum of Understanding between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;

d) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;

- e) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- f) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- g) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- h) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- i) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;
- j) 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, 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; and
- k) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

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

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

EX MIN 22/34

EX MEM 22/19 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, 201 SL C 403 BEING 991 SQ. FT.

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium unit of approximately 991 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL C403, subject to the following:

a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$2,059,598.31	EC\$102,979.92
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$2,059,598.31	<u>EXEMPT</u>
	TOTAL	<u>EC\$102,979.92</u>

b) Regulations to be issued for Exemption by the Attorney General Chambers;

c) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Act and in accordance with the Memorandum of Understanding between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;

- d) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- e) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- f) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- g) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- h) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- i) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;
- j) 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, 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; and

- k) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

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

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

EX MIN 22/35

EX MEM 22/20 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, 201 SL J201 BEING 1546 SQ. FT.

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium unit of approximately 1546 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201SL J201, subject to the following:

- a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$3,217,196.37	EC\$160,859.82
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$3,217,196.37	<u>EXEMPT</u>
	TOTAL	<u>EC\$160,859.82</u>

- b) Regulations to be issued for Exemption by the Attorney General Chambers;

- c) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Act and in accordance with the Memorandum of Understanding between the Government of

Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;

- d) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- e) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- f) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- g) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- h) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- i) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;
- j) 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, 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; and

- k) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

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

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

EX MIN 22/36

EX MEM 22/21 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL I102 BEING 662 SQ. FT.

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium being 662 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL I102, being Unit No. 145 subject to the following:

- a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$1,480,799.27	EC\$74,039.96
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$1,480,799.27	<u>EXEMPT</u>

TOTAL

EC\$74,039.96

- b) Regulations to be issued for Exemption by the Attorney General Chambers;
- c) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Act and in accordance with the Memorandum of Understanding between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on

17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;

- d) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- e) The Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- f) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- g) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- h) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- i) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;
- j) 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, 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; and

- k) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

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

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

EX MIN 22/37

EX MEM 22/22 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL G202 BEING 2,300 SQ. FT.

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium being 2,300 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL G202, subject to the following:

a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$3,969,635.37	EC\$198,481.77
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$3,969,635.37	<u>EXEMPT</u>
	TOTAL	<u>EC\$198,481.77</u>

b) confirmation that appropriate source of wealth checks have been completed;

c) Regulations to be issued for Exemption by the Attorney General Chambers;

- d) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Act and in accordance with the Memorandum of Understanding between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- e) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- f) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- g) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- h) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- i) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- j) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;

- k) 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, 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; and
- l) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

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

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

EX MIN 22/38

EX MEM 22/23 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 172 BEING 0.21 OF AN ACRE OF LAND

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a Villa #10 being 0.21 of an acre of land forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 172, subject to the following:

a) Stamp duties payable are as follows:

- | | | |
|------|--|----------------|
| (i) | under the Stamp Act – 5%
of EC\$13,287,837.12 | EC\$664,391.86 |
| (ii) | under the Aliens Land Holding
Regulation Act – 5%
of EC\$13,287,837.12 | <u>EXEMPT</u> |

TOTAL

EC\$664,391.86

- b) Regulations to be issued for Exemption by the Attorney General Chambers;
- c) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Act and in accordance with the Memorandum of Understanding between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- d) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- e) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- f) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- g) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- h) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- i) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies

TOTAL**EC\$93,750.98**

- b) Regulations to be issued for Exemption by the Attorney General Chambers;
- c) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Act and in accordance with the Memorandum of Understanding between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- d) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- e) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- f) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- g) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- h) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;

- i) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;
- j) 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, 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; and
- k) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

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

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

EX MIN 22/40

EX MEM 22/25 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL F303 BEING 494 SQ. FT.

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium unit of approximately 494 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL F303, subject to the following:

a) Stamp duties payable are as follows:

- (i) under the Stamp Act – 5%
of EC\$1,336,035.40 EC\$66,801.77

- (ii) under the Aliens Land Holding Regulation Act – 3% of EC\$1,336,035.40 EC\$40,081.06

TOTAL **EC\$106,882.83**

- b) that stamp duty under the Aliens Land Holding Licence Regulation Act be reduced from 12.5% to 3% on the transfer of properties detailed in the Table below, on the basis that it is in the public interest pursuant to the Financial Administration and Audit Act;
- c) that on the grant of the Aliens Land Holding Licence described in the Table below, the Government of Anguilla values the concession at **EC\$126,923.36**:

Registration Section	Block	Parcel	ALHLR Act @ 12.5%	ALHLR Act @ 3%	Value of Concession
West End	17810 B	201 SL F303	EC\$167,044.43	<u>EC\$40,081.06</u>	EC\$126,923.36

- d) the property is to be used for Tourism purposes;
- e) the Licensee is exempted from the payment of Stamp Duty under the Aliens Land Holding Regulation Act and in accordance with the Memorandum of Understanding between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC signed on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- f) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- g) that pursuant to Memorandum of Understanding (MOU) dated September 17, 2010 between the Government of Anguilla and SOF-VIII-HOTEL II ANGUILLA HOLDINGS, LLC under Part IV. 4(4) of the MOU, it was agreed that on subsequent re-sale of Back Row Villa Units, Bluff Top Villa Units and Condominiums – an ALHL fee of 3% shall apply provided the subsequent buyer agrees to place the unit or condominium into the hotel room rental pool for a minimum of the first two (2) years after purchase. The

Aliens Land Holding Licence Regulation Act fee shall therefore be reduced from 12.5% to 3% on the transfer of property on Block 17810 B, Parcel 201 Strata Lot SL F303, on the basis that it is in the public interest pursuant to the Financial Administration and Audit Act;

- h) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- i) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- j) if the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding;
- k) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;
- l) 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, 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; and
- m) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

Council:

- 1) noted that this matter relates to a transfer of the property from personal names to a company of which the applicants are directors. Therefore based on the MOU the applicants will be charged 3% under the ALHL Regulations Act and 5% under the Stamp Act;
- 2) noted that Remission Regulations are required for submission to and approval by the House of Assembly, in accordance with the Financial Administration and Audit Act; and
- 3) from approximately 2010 to 2021 Remission Regulations for ALHL where reduced fees were agreed by Council may not have been submitted for approval by the House of Assembly in accordance with the recent advice of the Attorney General. Regulations have however been prepared, executed and gazetted in the same manner as full exemptions. Council queried whether this reduction to 3% under the ALHL Regulations Act should be reflected as a loss when there was no expectation that the amount would be received as these ALHL fee reductions are set out in historic investment MoU's.

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

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

EX MIN 22/41

EX MEM 22/26 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION NORTH, BLOCK 58916 B, PARCEL 395 BEING 0.37 ACRES

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section North, Block 58916B, described as Parcel 395 located in Tackling for residential purposes, subject to:

(a) payment of the following stamp duties:

(i)	under the Stamp Act – 5% of EC\$80,646.00	EC\$4,032.30
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$80,646.00	N/A
(iii)	Refundable Deposit – 10% of EC\$80,646.00	N/A
	TOTAL	<u>EC\$4,032.30</u>

(b) Regulations to be issued by the Attorney General Chambers;

(c) the applicant be granted an exemption from the Aliens Land Holding Licence Regulation Act fee and refundable deposit, on the grounds that Executive Council Minute 03/224 and the policy on exemption from fees payable by Caribbean Nationals permits the same;

(d) the property is to be used for residential purposes;

(e) the Licensee shall not rent the dwelling house unless a Business Licence is obtained from the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources;

(f) 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, 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;

(g) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown;

(h) that the Government of Anguilla forgo taxes in the amount of EC\$5,040.38; and

- (i) that the Ministry of Finance records the taxes waived in the amount of EC\$5,040.38.

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