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**MINUTES OF THE 38<sup>TH</sup> MEETING OF THE ELEVENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 18<sup>TH</sup> FEBRUARY 2016**

PRESENT: Her Excellency the Governor, Ms Christina Scott

The Honourable Victor Banks, Chief Minister and Minister of Finance,  
Economic Development, Commerce, Tourism, Lands & Physical Planning

The Honourable Deputy Governor, Mr Stanley Reid

The Honourable Evans Rogers, Minister of Health and Social Development

The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,  
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and  
Information and Broadcasting

The Honourable Curtis Richardson, Minister of Infrastructure, Communications,  
Utilities, Housing, Agriculture and Fisheries and Information Technology

The Honourable Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary  
Dr Aidan Harrigan, PS, FIN  
Mr Foster Rogers, PS, EDICTLP  
Mr Leslie Hodge, DLS

EX MIN 16/108 **CONFIRMATION OF THE MINUTES**

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council confirmed the Minutes of the 37<sup>th</sup> Meeting held on Thursday 11<sup>th</sup> February 2016 and the Minutes of a Special Meeting held on Monday 15<sup>th</sup> February 2016.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 16/109 None

EX MIN 16/110 **EX MEM 16/61 APPLICATION FOR ISSUE OF LICENCE UNDER THE**  
**ALIENS LAND HOLDING REGULATION ACT – DAVID ANDREW**

**THOMAS - REGISTRATION SECTION EAST CENTRAL, BLOCK 89218 B, PARCEL 90, CONTAINING 0.87 OF AN ACRE**

Parliamentary Secretary remained in attendance. Messrs Foster Rogers, PS, EDICTLP and Leslie Hodge, DLS joined the Meeting.

Council agreed to issue an Aliens Land Holding Licence to David Andrew Thomas, to hold on a freehold basis, 0.87 acre of land located in Sea Rocks, with an existing dwelling house thereon situate at Registration Section East Central, Block 89218 B, Parcel 90, subject to the payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$846,783.00	EC\$ 42,339.15
(ii)	under the Aliens Land Holding Regulation Act – 12.5% of EC\$846,783.00	EC\$105,847.88
	<b>TOTAL</b>	----- <b>EC\$148,187.03</b> =====

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/111

**EX MEM 16/62 TRANSFER OF LANDS FROM ALBERT LAKE TO GOVERNMENT OF ANGUILLA FOR ROAD IMPROVEMENT UNDER THE MINISTRY OF INFRASTRUCTURE, COMMUNICATIONS, UTILITIES & HOUSING (MICUH)**

Parliamentary Secretary remained in attendance. PS, EDICTLP and DLS remained for discussion. Dr Aidan Harrigan, PS, FIN joined the Meeting.

Council:-

- (i) agreed that MICUH and Lands should inspect all rights of way prior to the transfer to determine rights of way boundary lines and actual rights of way conditions;
- (ii) agreed to Mr Albert Lake's proposal and authorised Her Excellency The Governor to sign the relevant transfer forms to complete the transfer process;
- (iii) agreed that once the rights of way are transferred to the Crown, a declaration should be made under the Roads Act R.S.A. c. R65 to designate rights of way as public roads;
- (iv) agreed that provision should be made in the 2017 Budget allocations going forward for maintenance of said new roads;
- (v) agreed to the reappointment of the Roads Registration Committee to actively pursue the registration of roads, and that the following persons should constitute the Committee:-

- a. Crown Counsel or Representative from Attorney General Chambers
- b. Director Lands and Surveys and/or Senior Valuation Officer
- c. Deputy Chief Engineer and/or Roads Engineer
- d. GIS Officer
- e. Planning Officer
- f. Surveyor

- (vi) agreed to the appointment of an Assessment Committee as established under Section 10 of the Roads Act.

Action: PS, EDICTLP; PS, FIN; DLS; PS, MICUHAFIT; HON AG; PPO

EX MIN 16/112

**EX MEM 16/63 (A) POTENTIAL NEW REVENUE STREAM –  
INTRODUCTION OF DELAYED PAYMENT FEE ON DELAYED  
REGISTRATION OF ALIENS LAND HOLDING LICENCES**

**(B) CANCELLATION OF ALIENS LAND HOLDING LICENCES**

Parliamentary Secretary remained in attendance. PS, EDICTLP, DLS and PS, FIN remained for discussion.

Council agreed that:-

- (i) a new condition should be included in all Aliens Land Holding Licences with MOAs and MOUs to pay an upfront fee in the amount of US\$5,000.00 if a delayed registration option had been recommended. Said payment shall comprise:-

- (i) late fee payment; and
- (ii) part payment of Stamp Duty fees

The upfront fees would be held in trust to be reimbursed by the Government of Anguilla (GOA) in the event that the purchaser pays within a certain time. However, if the sale does not close within three and one half (3½) years, the late payment fee becomes non-refundable, whereas the part payment of Stamp Duty fees shall be refundable in full.

The late fee payment shall comprise a scale of fees, which are as follows:-

- (a) a three (3) month grace period to complete registration from the date of written confirmation of Licence approval;
- (b) US\$1,500.00 for registration following the three (3) months after the date of written confirmation of Licence approval up to the end of the first year;
- (c) an additional US\$500.00 for registration within the second year of the date of written confirmation;
- (d) an additional US\$500.00 for registration within the third year of the

date of written confirmation;

(e) a penalty of US\$250.00 shall apply for 6 months following the third year.

(i) said late fee shall not exceed US\$2,750.00 and must be paid along with Stamp Duties payable under the Aliens Land Holding Licence Regulations Act;

(f) thereafter, Crown forfeiture proceedings shall apply; and

(ii) a Government technical team should be established and consultation be held regarding a holistic review of the Aliens Land Holding Regulation Act, R.S.A. c. A55 to create a more robust Act which could include a delayed application fee.

Action: PS, EDICTLP; PS, FIN; DLS; BD; PAS, FIN; ACC GEN

EX MIN 16/113

**EX MEM 16/64 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – SOL ST. LUCIA LTD – REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38812 B, PARCEL 86, CONTAINING 5.6 ACRES**

Parliamentary Secretary remained in attendance. PS, EDICTLP, DLS and PS, FIN remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Sol St. Lucia Ltd., to hold on a freehold basis, property described as Registration Section South Central, Block 38812 B, Parcel 86, containing 5.6 acres of land, located at Corito, for commercial/industrial use, with existing bulk station thereon, subject to the following:-

(a) Payment of the following Stamp Duties:-

(i)	Stamp Duty on Licence @ 12.5% of EC\$3,360,250.00	EC\$420,031.25
(ii)	Stamp Duty on transfer @ 5% of EC\$3,360,250.00	<u>EC\$168,012.50</u>
	<b>TOTAL</b>	<b><u>EC\$588,043.75</u></b>

(b) Subject to the following terms in the Licence:-

(i) the Applicant/Sol St. Lucia Ltd. hereby grants the Government of Anguilla a right of first refusal on the property or any portion of the property in accordance with the following terms:-

(a) if during the time of its ownership of the property, the Applicant/Sol St. Lucia Ltd. receives either a bona fide written offer from a willing third party to purchase all or part of the property, which Applicant/Sol St. Lucia Ltd. intends to accept, or a purchase

agreement which Applicant/Sol St. Lucia Ltd. intends to enter into ('Offer') Applicant/Sol St. Lucia Ltd. shall give written notice to the Government at the address provided below, accompanied by a copy of such Offer at least fifteen (15) days before the date of the contemplated sale.

Ministry of EDICTLP  
Government of Anguilla  
P.O. Box 60  
The Secretariat  
The Valley, Anguilla  
AI-2640

(b) within fifteen (15) business days after receipt of the written notice, Government shall have the right to notify Applicant/Sol St. Lucia Ltd. that it is exercising its right of first refusal and would purchase the property pursuant to a purchase agreement which incorporates the terms and conditions of the Offer. Notwithstanding the terms of the Offer, however, the purchase price of the property is to be agreed and Government shall only be required to purchase that portion of the property which it identifies to Applicant/Sol St. Lucia Ltd. in its notice of intent to purchase.

(c) Government's written notice of the exercise of its right of first refusal shall be given to the Director of Sol at the addresses provided below.

Mr. Gerard Martin Cox  
Benjamine Company Services Limited  
Hannah Waver House  
P.O. Box 801  
The Valley  
Anguilla  
British West Indies

(d) if Government fails to exercise its right of first refusal within the time stated above, this right of first refusal shall have no more force and effect.

(ii) the property is to be used solely for the purpose of a bulk station.

(iii) compliance with the approved policies and Laws of Anguilla relating to environment and planning including but without prejudice to the generality of the foregoing, the Building Act, R.S.A. c. B65, the Land Development (Control) R.S.A. c. L15, the Litter (Abatement) Act R.S.A. c.L80 or any statutory modification or re-enactment thereof and all rules, regulations, orders, notices or other subsidiary instruments in connection to the purpose of this Lease. Compliance with the Trades, Business, Occupations and Professions Licensing Act R.S.A. c. T40 or any statutory modification or re-enactment thereof. Further, to comply with the Biodiversity Heritage and Conservation Act, R.S.A. c. B43 or any statutory modification or re-

enactment thereof as well as Anguilla's Climate Change Policy, Native Plant And Animal Habitat Conservation (Biodiversity) Policy, Anguilla National Biodiversity Strategy And Action Plan, Anguilla Guiding Principles (otherwise known as the Anguilla Environment Charter), St. George's Declaration of Principles For Environmental Sustainability in the OECS, National Oil Spills Contingency Plan, and the National Environmental Strategy and Action Plan.

- (iv) that an Oil Spill Contingency Plan and an Environmental Management Plan should be prepared and submitted to the Director of the Department of Environment within six (6) months of the issue of the licence.

Action: PS, EDICTLP; PS, FIN; DLS; PS, MICUHAFIT; PPO; DOE

EX MIN 16/114

**EX MEM 16/65 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – INDIRA SAMANTHA SINGH-MINOTT NÉE SINGH – REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38712 B, PARCEL 452, CONTAINING 0.24 ACRE**

Parliamentary Secretary remained in attendance. PS, EDICTLP, DLS and PS, FIN remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Indira Samantha Singh-Minott née Singh, to hold on a freehold basis, 0.24 of an acre of vacant land described as Registration Section South Central, Block 38712 B, Parcel 452, located at Little Harbour to construct a dwelling house thereon, subject to the following:-

- (a) Payment of the following Stamp Duties:-

(i)	under the Stamp Act – 5% of EC\$63,172.70	EC\$ 3,158.64
(ii)	under the Aliens Land Holding Regulation Act – 6¼% of EC\$63,172.70	EC\$ 3,948.29
(iii)	refundable deposit – 10% of EC\$63,172.70	EC\$ 6,317.27
	<b>TOTAL</b>	<b>EC\$13,424.20</b>

- (b) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent her dwelling house unless an application was made and written permission obtained from the Ministry of Finance, Economic Development, Investment, Commerce & Tourism, Lands & Physical Planning (MFEDICTLP).

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/115

**EX MEM 16/66 ESTATE OF CALVIN FLEMING, DECEASED**

Parliamentary Secretary remained in attendance.

Council agreed that:-

- (i) the Crown should waive its interest in the estate; and
- (ii) the Registrar should be given the responsibility to make a determination under Section 3(2) to provide for the dependants should any of them establish a claim through an application.

Action: HON AG; REG, JD

EX MIN 16/116

**EX MEM 16/67 FILLING THE POST OF CHIEF MEDICAL OFFICER DUE TO EXPIRATION OF CONTRACT**

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that the contract of the incumbent Chief Medical Officer would expire in August 2016;
- (ii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the post and a favourable response given;
- (iii) additionally noted that budgetary provisions had already been made for the post; and
- (iv) agreed that the post of Chief Medical Officer should be filled when it becomes vacant in August 2016.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, HSD; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/117

**EX MEM 16/68 DESIGNATION OF SUPERINTENDENT OF PORTS (PORTS, PIERS AND HARBOURS ACT, 2010)**

Parliamentary Secretary remained in attendance.

Council agreed that Mr Rawle Hazell, Director of Housing and Construction should be designated to carry out the duties and exercise the powers of a Superintendent of Ports under the Ports, Harbours and Piers Act, 2010 for an additional year (that is for the period 1 January 2016 to 31 December 2016).

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, MICUHAFIT; PS, PA; PS, FIN; PS, EDICTLP; BD

EX MIN 16/118

**EX MEM 16/69 APPOINTMENT/REAPPOINTMENT OF A MEMBER OF THE BOARD OF THE ANGUILLA AIR AND SEA PORTS AUTHORITY**

Parliamentary Secretary remained in attendance.

Council agreed that:-

- (i) Mrs. Sheila Haskins should be reappointed to the Board of the Anguilla Air and Sea Ports Authority for a term of 2 years (effective 20<sup>th</sup> February 2016) in accordance with section 3(1) of the Anguilla Air and Sea Ports Authority Act, R.S.A c. A57; and
- (ii) the allowances for all Board members should remain unchanged.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, MICUHAFIT; CEO, AASPA

EX MIN 16/119

**EX MEM 16/70 FILLING OF POST OF CROWN COUNSEL (CIVIL AND COMMERCIAL) IN ATTORNEY GENERAL'S CHAMBERS**

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that the post of Crown Counsel (Civil and Commercial) in the Attorney General's Chambers would become vacant on 1<sup>st</sup> May 2016 due to the transfer of the current Officer to the Financial Services Commission;
- (ii) agreed that the post of Crown Counsel (Civil and Commercial) in the Attorney General's Chambers should be filled when it becomes vacant; and
- (iii) agreed that there should be a wider discussion relating to employment terms for legal officers in the Attorney General's Chambers.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: HON AG; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/120

**EX MEM 16/71 ANGUILLA POLICE (AMENDMENT) ACT 2016**

Parliamentary Secretary remained in attendance.

Council:-

- (i) approved in principle the publishing and re-introduction of the 2016 Anguilla Police (Amendment) Bill to the House of Assembly; and
- (ii) agreed that the comments from the Bar Association on the Bill, and the Hon Attorney General's response to the Association's comments should be brought back to Executive Council for further consideration prior to such



publishing and re-introduction.

Action: HON AG

EX MIN 16/122

**EX MEM 16/73 EXEMPTION FROM THE WORK PERMIT REQUIREMENT**

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that ANGLEC would be working closely with Uriel Renewables Inc., a multinational company based out of Madrid, Spain to develop a 1 (one) megawatt solar photovoltaic plant in the vicinity of its diesel based generation plant in Corito, Anguilla;
- (ii) noted that the work would be done over eight weeks and was scheduled to begin at the end of February 2016; and
- (iii) agreed that, in accordance with the Anguilla Electricity Ordinance (1991), Anguilla Electricity Company Ltd – Public Suppliers Licence Section (9) Clause 9.1, the following persons should be exempted from the work permit requirement:-

- 1. Jose Manuel Quinteiro Dopazo
- 2. Jose Balboa Gomez
- 3. David Fernandez Fernandez
- 4. Alejandro Mijael Ibarra Valdebenito
- 5. Cristian-Stefan Michis
- 6. Patricio Rene Torres Ramos
- 7. Marcos Vicente Ozores
- 8. Dumitru-Virgil Oros

Action: PS, IMM; LAB COM; CIO; PS, MICUHAFIT; HON MIN, MICUHAFIT

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