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MINUTES OF THE 195TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 11TH JULY 2019
AT 9:00 AM

- PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE
- The Honourable Premier and Minister of Finance, Economic Development, Commerce, Tourism and Information Technology, Mr Victor Banks
- The Honourable Deputy Governor, Mr Perin Bradley
- The Honourable Minister of Home Affairs and Education, Mrs Cora Richardson-Hodge
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Jewelle Fleming, MBE
- IN ATTENDANCE: Hon Parliamentary Secretary, Mr Cardigan Connor
Financial Specialist, Mr Stephen Turnbull
PS, EDICTIT, Mr Larry Franklin
PS, Finance, Dr Aidan Harrigan
Comptroller, Inland Revenue, Mr Kiel Connor
Customs Adviser, Mr Grenville John
- ABSENT: The Honourable Minister of Health and Social Development, Lands and Physical Planning, Mr Evans Rogers
- The Honourable Minister of Infrastructure, Communications, Utilities, Housing, Agriculture, Fisheries and Environment, Mr Curtis Richardson

EX MIN 19/323 **CONFIRMATION OF THE MINUTES**

Hon Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 194th Meeting held on Friday 5 July 2019 and the Minutes of a Special Meeting held on Monday 8 July 2019.

MATTERS ARISING FROM THE MINUTES

EX MIN 19/324 **PHYSICAL PLANNING ACT AND REGULATIONS AND THE ENVIRONMENTAL MANAGEMENT ACT**

Hon Parliamentary Secretary and Financial Specialist remained.

Following on from EX MIN 19/300 of 5 July, the Hon Premier informed Council that a meeting was scheduled for 12 July with officials from the Ministry of Lands, Departments of Environment and Planning and himself to discuss this matter so that it could move forward quickly.

Action: PS, HLPP; HON AG; PS, MICUHAFE; DIR, ENV; DLS; PPO

EX MIN 19/328

PAYMENT SYSTEM (EASTERN CARIBBEAN AUTOMATED CLEARING HOUSE) (AMENDMENT) RULES 2019

Hon Parliamentary Secretary and Financial Specialist remained.

Further to EX MIN 19/305 of 5 July, Council agreed that the matter should be posted on the website.

Action: PS, FIN; HON AG; PS, EDICTIT; PAS, FIN; DEP; BD; ACC GEN;
MINS OF GOV'T

EX MIN 19/329

EX MEM 19/142 AMENDMENT OF SECTION 82 OF THE ELECTIONS BILL 2019 TO BE FAFT COMPLIANT

Hon Parliamentary Secretary and Financial Specialist remained.

Further to EX MIN 19/292 of 21 June, Council agreed that:

- (i) the Bill for Elections Act, 2019 should be passed as drafted;
- (ii) public consultations on this aspect should be conducted subsequently; and
- (iii) following consultations, any amendments will then be made to the Act.

Action: PS, MHA/ED; HON AG; SOE; CL, HOA; MINS OF GOV'T

EX MIN 19/330

EX MEM 19/159 REQUEST TO DRAFT REGULATIONS WHERE IRD WILL CHARGE INTEREST ON PROPERTY TAX

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

PS, Finance, Dr Aidan Harrigan
Comptroller, Inland Revenue, Mr Kiel Connor

Council:

- (i) agreed to the drafting of regulations for the Minister with responsibility for Finance under Division 4 Section 67 subsection (2) of the Property Tax Act, 2015 where interest would be imposed at the rate of 1% per month; and
- (ii) directed the Attorney General's Chambers to draft the regulations.

Action: PS, FIN; HON AG; PS, EDICTIT; PAS, FIN; CIR; DEP; BD; ACC GEN;
MINS OF GOV'T

Hon Parliamentary Secretary, Financial Specialist, PS, Finance and Comptroller, Inland Revenue remained. Customs Adviser, Mr Grenville John joined.

Council:

- (i) considered the comments arising from public consultations regarding changes to the Excise Tax legislation. Agreed the appropriate changes as outlined:

Areas of the Excise Bill to be considered for amendment following the consultations

SECTIONS/ SUB- SECTIONS	QUERIES	COMMENTS
Section 8. (2)	Should the periods of 0 month and 2 months respectively be maintained?	Should be consistent with section 29 (1). May be all can be increased to 3 months. Agreed 3 months.
Section 8. (3)	Should the period of 1 month be increased?	Agreed 3 months
Section 8. (7)	Should the period of 14 days be increased?	Agreed 14 days remain
Section 9. (5)	Should the period of t3 days be increased?	The subsection should require a manufacturer who “intends” to sell to notify the comptroller 3 months before. Agreed 3 months
Section 12. (3)	Should “general bond” be changed to “security bond”?	General bond also appears at paragraph 12(4) (b). Agreed general bond remains
Section 14. (3)	Should the period of time referenced 6 months not be reduced to provide equity with the other side of the equation?	6 months is a consistent time frame through the bill- See Section 16. (2); section 17(c); Section 18(2). It may be more consistent to allow a 6 month period in Section 14. (1) before the liability to pay interest. Agreed 6 months
Section 14. (5)	Need to move to Regulations and adopt standard language in Anguilla context for approval of regulations.	The subsection can be redrafted viz- “The rates of interest under this section or any other section in this Act may be altered from time to time by regulations made by the (Minister/ Governor in Council)”. Agreed Governor in Council
Section 21. (a) and (b)	How do these penalties compare with other Acts for example ISL and Accommodation Tax?	Consistency
Section 28. (2)	Is the period of 7 days referenced reasonable?	Agreed 7 days remain
Section 28. (2)		The paragraphs need to be renumbered (a-d).

		Agreed for accuracy
Section 29. (1)	Is the period 2 calendar months sufficient?	May be increased to 3 months Agreed 3 months – transitional provisions for penalties to be considered
Section 30. (1) and (3)	Who is responsible for making regulations in Anguilla?	The minister or Governor in Council? Agreed Governor in Council

- (ii) approved the proposed regime to apply to blocks, cement, brandy, whiskey and rum as shown:

PROPOSED IGT/EXCISE SPECIFIC RATES JUNE 2019

DESCRIPTION	HS CODE	TAX HEAD	RATE
Cement	2523.20	ID	0
		CSF	1 %
		Excise	\$ 0.05 per kg
		IGT	2%
Concrete Block 8’’	6810	ID	0
Special Designed		CSF	1 %
other		Excise	\$ 0.40 per Block
		IGT	5 %
Concrete Block 6’’	6810	ID	0
		CSF	1 %
		Excise	\$ 0.35 per Block
		IGT 9 %	5 %
Concrete Block 4’’	6810	ID	0
		CSF	1 %
		Excise	\$ 0.30 per Block
		IGT	5 %
Brandy Whiskies	2208	ID	\$ 5.00 per litre
Rum and other		CSF	1 %
Spirits		Excise	\$ 4.00 per litre
Gin Vodka other		IGT	9%
Diesel Oil,	2710.19.30	ID	\$ 0.05 per litre
Gas Oil	2710.19 40	CSF	1 %
Bunker ‘C’Fuel Oil	2710.19.50	Excise	\$ 0.04 per litre
		IGT	5 %

- (iii) authorised the Attorney General's Chambers to work with the Ministry of Finance, the Customs Department and the consultant to finalise the draft Goods Component Legislation in order to facilitate submission to the House of Assembly for consideration during the week of 21 July 2019.

Council thanked the Customs Adviser for his outstanding services towards this project.

Action: PS, FIN; HON AG; PS, EDICTIT; PAS, FIN; COC; CIR; CL, HOA;
ACC GEN; MINS OF GOV'T

EX MIN 19/332

EX MEM 19/161 INTRODUCTION OF POLYMER NOTES IN THE ECCU

Hon Parliamentary Secretary, Financial Specialist and PS, Finance remained.

Council:

- (i) agreed that notification of the ECCB introduction of polymer notes in the ECCU as outlined in ECCB correspondence dated May 2019 should be published in the Gazette; and
- (ii) authorised the Attorney General's Chambers to vet the notification, after which it be published in the Gazette.

Action: PS, FIN; HON AG; PS, EDICTIT; PAS, FIN; BD; MINS OF GOV'T

EX MIN 19/333

EX MEM 19/162 REVOCATION OF VESTING ORDER TO THE ANGUILLA NATIONAL TRUST IN RELATION TO THE OLD EAST END SCHOOL

Hon Parliamentary Secretary and Financial Specialist remained.

Council:

- (i) agreed that the vesting order made on 1 December 2005 vesting control of Registration Section East End, Block 99416 B, part of Parcel 357 consisting of 0.60 acre (comprising the Old East End School and surrounds) to the Anguilla National Trust be revoked;
- (ii) noted that the Department of Lands and Surveys has confirmed that while the land was vested to the Anguilla National Trust, the Crown is still the registered proprietor; and
- (iii) authorised the Attorney General's Chambers to prepare the instrument of revocation.

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

Action: PS, MHA/ED; HON AG; DLS; EX DIR, ANT; MINS OF GOV'T

EX MIN 19/334

EX MEM 19/163 REFUSAL TO GRANT WORK PERMITS

Hon Parliamentary Secretary and Financial Specialist remained.

Council:

- (i) in accordance with Section 165(2) and (3) of the Labour (Relations) Act 2018, which provides that the Minister has discretion to refuse to grant a work permit or to revoke a work permit after consultation with Executive Council, noted that twenty-two (22) persons were refused work permits:
- (ii) noted that the refusal to grant work permits for the above persons was made on the grounds that:
 - (a) there are suitably qualified Anguillians who can do the work;
 - (b) on investigation it was observed that some requests were either not genuine or there were ulterior motives for submitting applications;
 - (c) the wages proposed to be paid for many of the positions are such that is likely that these persons would be unable to sustain themselves in Anguilla or would have to seek additional work (which is prohibited for persons already in possession of a work permit); and
 - (d) based on the cost to sustain a livelihood in Anguilla, most of these persons would fall below the poverty line (approximately EC\$16,348 per annum) or the vulnerability line (i.e. at risk of being poor if there is any external shock), which is approximately EC\$20,484 per annum and which would put an additional strain on social services.

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

Action: PS, MHA/IMM; LAB COM; CIO; HON MIN, MHA/IMM

EX MIN 19/335

EX MEM 19/164 APPLICATIONS FOR PERMANENT RESIDENCE

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed that seventeen (17) persons be granted the Permit of Permanent Residence in accordance with Section 24 of the Immigration and Passport Act:

Council did not approve the Permit of Permanent Residence on the basis that he does not meet the requirements for permanent residence.

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

Action: PS, MHA/IMM; LAB COM; CIO; HON MIN, MHA/IMM

ORAL MENTION

EX MIN 19/336

MEETING OF EXECUTIVE COUNCIL

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed that the regular meeting of Executive Council would be held on Friday 19 July at 9:00 am.

Action: EXCO MEMBERS
