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**MINUTES OF THE 75<sup>th</sup> MEETING OF THE TWELFTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 3<sup>rd</sup> FEBRUARY 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
- Acting Deputy Governor, Mr Karim Hodge
- 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 22/42

**CONFIRMATION OF THE MINUTES**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council confirmed the Minutes of the 74<sup>th</sup> Meeting of Executive Council held on Thursday 27<sup>th</sup> January, 2022.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 22/43

**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

Mr Paul Candler, Director Overseas Territories Directorate

Mr Gareth Holvey, Head of Caribbean and Bermuda Unit, Overseas Territories Department

**Epidemiology*****Global overview***

For the past week (24 - 30 January 2022), globally, the number of new cases has remained similar, while the number of new deaths increased by 9% compared to the previous week. This past week, across the six WHO regions, over 22 million new cases were reported and over 59,000 new deaths were reported. As of January 30, over 370 million confirmed cases and over 5.6 million deaths have been reported.

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

Omicron continues to dominate, accounting for 93.3% of the samples sequenced in the last 30 days. This was followed by Delta at 6.7%; <0.1% each for Gamma and Alpha and <0.1% for Mu and Lambda

combined. Since the designation of B.1.1.529 as a VOC on November 26, 2021, several Omicron lineages have been identified. These include Pango lineages BA.1, BA.1.1, BA.2 and BA.3, which are all being monitored by WHO under the umbrella of 'Omicron'. Compared to other variants, Omicron has shown an increased ability to spread within the community, leading to a rapid increase in the number of new cases in multiple countries where it has replaced other variants, including Delta.

### **Updates on international guidance**

Further to the upcoming changes in the UK as of February 11, several countries are starting to discuss the possibility of easing "domestic" public health restrictions e.g. masking, restrictions on mass gatherings and social activities.

### ***Caribbean Region***

Since the previous report on January 24, an additional 111,286 cases of COVID-19 were confirmed in 33 countries within the Caribbean, bringing the region's total confirmed cases to 3,038,657 in 35 countries/territories (including the 26 CARPHA Member States). The new total represents a 3.8% increase in the number of confirmed cases. There were 31,221 deaths recorded in the Caribbean Region as of January 31.

### ***Anguilla***

As of February 2, 2022 the total number of confirmed cases since the beginning of the pandemic in early 2020 is 2384 with 2341 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 35 active cases. Three adult males (1 vaccinated 86 year old elderly male, on a ventilator and 2 unvaccinated males) are currently admitted to the Isolation Unit.

Since the confirmation of the Omicron variant from samples sent in late December, 22 out of 29 samples (75%) were identified as

Omicron, with 12 out of 22 (55%) being local cases. The sequencing results for the 6<sup>th</sup> and 7<sup>th</sup> deaths identified the Delta variant.

## **Vaccination Deployment Update**

### Vaccine Uptake

As of February 2, 2022, 10,213 first doses and 9,387 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 61% of the population having received two doses.

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

- 472 persons age 12 - 17
- 3048 persons age 18 - 34
- 2905 persons age 35 - 49
- 2488 persons age 50 - 64
- 1324 persons age 65+

The occupational breakdown of first doses is as follows:

- 355 Healthcare workers
- 546 Civil and Border Protection
- 1830 Hospitality
- 1105 Retired
- 6425 Others

### Distribution (Pfizer)

As of January 28, 2817 doses of Pfizer have been administered, this includes 650 first doses, 117 second doses and 2050 booster doses. This includes 471 first doses for 12 - 17 year olds. This represents roughly 35% of the estimated 12 – 17 year old population.

Vaccination will commence at the Central Polyclinic next week and also continue at the other polyclinics.

### **Electronic Health Authorization System (Entry Portal)**

The transition to a one-step approval process has continued over the course of the week. Training has been conducted with new approvers. The one-step system will be made live tonight.

Council:

- 1) thanked the health team for their continued hard work;
- 2) noted that in Anguilla diabetes has been observed as a risk factor for serious illness. A reduction in hospitalizations and case numbers has been observed. Noted that there have been approximately 32 school cases since schools opened. Anguilla is now categorized as a level 4 by the CDC based on the number of cases, but if the present reduction in cases continues it may be possible to be re-categorized to a lower level;
- 3) noted that the international trend towards reducing measures is positive. Agreed that the Ministry of Health shall review the protocols for Anguilla and revisit the exit plan;
- 4) noted that as it relates to vaccination for 5 - 11 year olds the Ministry of Health shall work up a vaccination distribution plan including methods to optimize vaccine uptake; and
- 5) noted that the Ministry will inquire as to the feasibility of a COVID-19 antibody study with the UKHSA counterparts.

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 22/44

**GST IMPLEMENTATION [ORAL UPDATE]**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained. The following persons joined the meeting;

Comptroller of Inland Revenue, Mr Lonnie Hobson  
PS, Finance, Mrs Kathleen Rogers  
PAS, Finance, Ms Marisa Harding-Hodge

The Comptroller of Inland Revenue briefed Council on the progress to date as it relates to the implementation of GST, focusing on the sectoral breakdown including the identification of sectors which need support to prepare for GST, areas of vulnerability and overall business preparedness. Council noted the salient points as follows:-

- The majority of staff have received training and training in the key areas is ongoing. Deliverables are on target.
- The transitional activities will require Customs to manage a temporary bonded warehouse. It is anticipated that there will be three temporary bonded warehouses, however, the operational details are being finalized and information will be provided in due course.
- The Multi-Tax Solution (MTS) system is due to be launched on April 4. Most modules have been delivered and the online portal will be used for GST. Business licences, Universal Social Levy, property tax, non-tax revenue and receipts and vouchers are all programmed in the MTS.
- A gap analysis of the GST module will be carried out on February 22, to assess if any changes to the module are needed.
- An additional consultant has been engaged to provide dedicated technical assistance and guidance on tax payer engagement. The consultants are scheduled to remain in Anguilla until March, but it is anticipated that ongoing technical support will be needed after this date.
- The IRD organizational arrangements have been reviewed for readiness to deliver GST. There are presently 35 staff and 42 staff are needed, this will be achieved via re-organisation and recruitment within Government.
- Public education is ongoing with businesses and the general public on all aspects of GST. Full-scale outreach shall commence on February 14. There is a marketing contract

with a local vendor. The IRD website will be customer focused.

- Registration commences in March/April, 400 potential registrants have been identified and 100 more are expected.
- The legislation was passed in July 2021 and the first draft of the Regulations shall be submitted to Council for consideration shortly.
- Highlighted issues of concern include legislation, capacity and avoiding double taxation.

Council:

- 1) noted that the bonded warehouse process which is proposed for Anguilla was used to manage the transitional processes in other Caribbean islands when they implemented value added tax;
- 2) noted that the proposed taxation on fuel should be reviewed; and
- 3) further noted that public engagement should continue from now until the end of the year. The Regulations are key as they set out the exemptions and enable informed public engagement.

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

EX MIN 22/45

**EX MEM 22/27 APPROVAL OF THE PUBLIC UTILITIES COMMISSION (PUC) 2022 BUDGET AND WORK PLAN**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

The Hon Minister for MICUHT briefed Council. The 2022 work programme with the estimates of income and expenditure are presented to the Governor-in-Council for consideration, pursuant to section 17(1)(b) of the Public Utilities Commission Act.

Council:

- 1) noted that the revenue from all sources has not been disclosed as the PUC Act does not expressly provide for the information to be shared. Accordingly, legislative amendments are required to address the lacuna;
- 2) instructed the Attorney General's Chambers to draft amendments to Section 17 of the PUC Act to ensure that all revenue is required to be reported as required under Section 64 of the Financial Administration and Audit Act;
- 3) noted the PUC 2022 Operating Budget, the 2022 Work Programme and the 2020 Budget with operating costs and actuals for the period 2011 to 2021; and
- 4) approved the Public Utilities Commission (PUC) Operating Budget and Work Programme for 2022 pursuant to the Public Utilities Commission Act, R.S.A. c. P175 Section 17(1)(b).

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

Action: PS, MICUHT; PS, FIN; HON, MIN MICUHT; HON, PREM

EX MIN 22/46

**EX MEM 22/28 2022 STATUTORY BODY BUDGETS – ANGUILLA COMMUNITY COLLEGE**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

The PAS Finance briefed Council. Section 64 of the Financial Administration and Audit Act requires Government Agencies to submit estimates of expenditure and revenue to the Minister with oversight and also the Minister of Finance for approval. In accordance with Section 64(4), the estimates of recurrent and capital expenditure must not be altered without the approval of the Minister of Finance. The budgets of the statutory bodies, will be submitted to Council for approval with onward submission for tabling at the House of Assembly.



## Council:

- 1) noted that the ACC's anticipated revenue for 2022 is XCD\$4.7 million, which represents a 1.9% decrease compared to the unaudited actual revenue for 2021. This decline is linked to a projected decrease in tuition revenue by 12% over the 2021 actual revenue;
- 2) noted that the ACC has indicated that at a minimum they seek to ensure that tuition revenue covers associated faculty expenses (cost of lecturers for courses). However, with the 2022 budget the ratio of tuition revenue to faculty expenditure has declined; this is attributed to the ACC increasing their course offerings and continuing to offer courses with insufficient student uptake to cover faculty costs for those courses. The ACC has been unable to supply forward estimates for 2023 and onward, to demonstrate that such courses will in future at least cover the direct costs of the lecturers. Forecasted tuition revenue for 2022 has declined by approximately EC\$100K compared to 2021 actual revenue. EC\$88K was collected for January 2022 and this is below estimate;
- 3) noted that the ACC's expenditure budget for 2022 is EC\$3.8 million, which represents a 12% increase in expenditure over the unaudited actual for 2021;
- 4) noted that the ACC subvention remains the primary source of revenue for the ACC at 85% of budgeted revenues;
- 5) noted that a EC\$1 million subvention was provided to the ACC last year, specifically for debt servicing, owing to a lower debt servicing amount there was a balance remaining. The balance was incorrectly used for capital expenditure;
- 6) noted that the ACC has projected that for the 2022 fiscal year, at an interest rate of 3.30%, the debt service will total EC\$998,824.79 (interest EC\$230,618.76 & principal EC\$768,206.03). As the interest rate is variable, the ACC together with the MOF Debt Unit has estimated debt service to be EC\$1,026,680.69, if the interest rate should increase to 3.80%;

- 7) noted the total subvention of EC\$4,039,178 and agreed that EC\$1,000,000 of the subvention is to be strictly applied to debt payments for 2022 and any surplus is to remain within the remit of the Ministry of Finance; and
- 8) further noted that the strategic plan is awaited, proper financial management and intervention is needed in order to make the ACC sustainable. Noted the 2022 Budget for the Anguilla Community College and the deficit which the ACC indicates is offset by cash reserves. The Budget requires further work before it can be approved and the course offerings shall need to be reviewed.

Action: PS, FIN; PAS, FIN; PS, SD; HON, MIN SD; HON, PREM

EX MIN 22/47

**EX MEM 22/29 ISLAND SCHOLARSHIP AWARD 2021**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council:

- 1) noted that in accordance with the Education Act - Part 9, financial provision for the Island Scholarship is made annually. The amount of EC\$100,000.00 for the Island Scholar was budgeted for 2021, and the associated costs in the 2022 reduced allocation. Upon approval and in accordance with the Education Act, the Government is expected to fund the studies of the Island Scholar recipient, Ms Ciara Banks, for up to 6 years (Part 9 (S168,1(b)) and up to a maximum amount of EC\$600,000.00. The Island Scholarship has implications for the development of the country. Noted that the requirements of section 169 and 170 of the Act have been met;
- 2) approved the selection of Miss Ciara Banks as the recipient for the Anguilla Island Scholarship for 2021;
- 3) approved the scholarship for the duration of six (6) years beginning September 2021;

- 4) agreed that the scholarship shall be tenable at McGill University pending confirmation by the university and Miss Banks; and
- 5) agreed that the cost of the scholarship should not exceed EC\$600,000.00.

Council:

- 1) noted that consideration should be given to refining the manner in which the scholarship is organised and exploring the possibility of establishing a recognized relationship with a specific institutions; and
- 2) agreed that the scope and structure of the Island Scholarship should be reviewed, especially taking into consideration the limited resources available to support opportunities of this nature.

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

Action: PS, PA; DHRM; HON, DG

EX MIN 22/49

**EX MEM 22/31 DRAFT LEGISLATION FOR AN EVIDENCE ACT**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

The current Evidence Act has not been comprehensively updated, modernised or reviewed since its enactment. The Evidence Bill provides a statutory framework for the determination of what items may constitute evidence and how they are to be proved in Court for the purposes of proceeding in the due administration of justice.

Many reforms of the law of evidence in the UK and elsewhere in the English Commonwealth Caribbean region have taken place without correspondent modernisation of the law of evidence in Anguilla. The Evidence Bill seeks to completely overhaul the law of evidence in

Anguilla, bringing it in line with reforms made in the UK in particular, and other OECS territories and states in general.

The Evidence Bill will remove recourse to Executive Council regarding judicial use of video link or live link technologies for the due administration of justice in court proceedings and leave this matter for judicial management and it will remove anachronistic rules.

Council:

- 1) noted that key stakeholders have been consulted and that public consultation will be required;
- 2) approved the draft legislation for an Evidence Act; and
- 3) instructed the Attorney General's Chambers to prepare the draft legislation for tabling at the next session of the House of Assembly.

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

Action: HON, AG; SCC (Cr)

EX MIN 22/50

**EX MEM 22/32 DRAFT LEGISLATION FOR AN ELECTRONIC EVIDENCE ACT**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

The Hon Attorney General briefed Council. The Electronic Evidence Bill is a reformatory measure in the law of evidence, it will modernize the evidence law in the territory and takes account of modern methods of communication, document creation, authentication and proof. The Electronic Evidence Bill is a legislative initiative that is associated with the new Evidence Bill, which is being proposed to repeal the current Evidence Act.

The main objectives of the Bill are to establish the general admissibility of electronic evidence, detail the criteria for the presumption of computer integrity and electronic records, address the relevant burden of proof, regulate admissibility of electronic signatures and contemplate the recognition of electronic records originated or located in other countries. Furthermore, the Bill seeks to amend authentication and best evidence legal rules.

Council:

- 1) noted that key stakeholders have been consulted and that public consultation will be required;
- 2) approved the draft legislation for an Electronic Evidence Act; and
- 3) instructed the Attorney General's Chambers to prepare the draft legislation for tabling at the next session of the House of Assembly.

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

Action: HON, AG; SCC (Cr)

EX MIN 22/51

**EX MEM 22/12 RE-INSTATEMENT OF THE MONTHLY STIPEND PAYABLE TO THE LABOUR TRIBUNAL MEMBERS**

Hon Parliamentary Secretary for Economic Development and Financial Specialist remained.

Council considered this matter in Ex Min 21/406 & Ex Min 22/20.

Council:

- 1) noted that the independence of the Labour Tribunal is maintained because of the limited nature of the matters that the Tribunal offers guidance on; and

- 2) approved the re-instatement of the monthly stipend, for permanent members. Members are to be paid a monthly stipend of EC\$800 and the Chair is to be paid a monthly stipend of EC\$1,000.

Action: PS, HA; LAB, COMM; HON, MIN HA

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