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MINUTES OF THE 116th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 8th DECEMBER 2022 AT 9.00 AM

PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
The Honourable Premier and Minister for Finance, Economic Development & Investment 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 Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie
The Honourable Attorney General, Mr Dwight Horsford
Clerk to Executive Council, Mrs Angela Hughes

IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson
Financial Specialist, Mr Stephen Turnbull

EX MIN 22/387

CONFIRMATION OF THE MINUTES

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 115th Meeting of Executive Council held on Thursday 1st December, 2022.

MATTERS ARISING FROM THE MINUTES

EX MIN 22/388

EX MEMO 2022/280 CAPITAL DEVELOPMENT FUND REGULATIONS 2022

Parliamentary Secretary and Financial Specialist remained.

Section 45 of the Financial Administration and Audit Act empowers the Minister of Finance to establish special funds by regulation, which must be subsequently laid before the House of Assembly. The Minister of Finance is desirous of establishing a capital development fund mainly to fund development projects. The two main funding streams for the fund will be:

- Monies received from persons seeking permanent residence by investment. The Anguilla Economic Residence Act provides that persons investing US\$150,000 in the capital development fund, are eligible to apply for permanent residence by investment. However, this option was not available to interested persons because the fund was not established.
- Donations received from donors. Developers negotiating Memoranda of Agreement with Government in relation to investment projects as well as other persons who wish to contribute to Anguilla's development, often pledge monetary contributions to various projects. There is currently no established Government-wide policy on the receipt of donor funds and donors are often reluctant to have funds deposited in the consolidated fund.

The draft Capital Development Fund Regulations 2022 will provide an avenue for the receipt of these funds and funds from other sources, as well as a process for appropriation, disbursement and

administration that is compliant with the Financial Administration and Audit Act.

Council:

- 1) noted that without the legislation the provisions of the Anguilla Economic Residence Act that allow investment in the capital development fund will remain inoperable; and
- 2) approved the draft Capital Development Fund Regulations 2022 and for these to be laid before the House of Assembly in accordance with Section 45 of the Financial Administration and Audit Act.

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

Action: PS, EDMSIE; HON, AG; HON PREM

EX MIN 22/389

EX MEMO 2022/281 APPLICATION FOR PERMANENT RESIDENCE PURSUANT TO SECTION 3 OF THE ANGUILLA ECONOMIC RESIDENCE ACT - PRINCIPAL APPLICANT

Parliamentary Secretary and Financial Specialist remained.

The Anguilla Economic Residence Act 2019, as amended by the Anguilla Economic Residence (Amendment) (No. 2) Act 2020, provides in section 3(2) and 3(2)(a) that persons:

- a) investing in approved real estate and having a binding sales or purchase agreement, or;
- b) persons who invested in property prior to May 31, 2019 (i.e. the retroactive track), are eligible to apply for Residence by Investment, provided their investment is of the prescribed amount.

The principal applicant submitted his application on the basis of the legal ownership of property in East End acquired as of August 31, 2018, making him eligible for the retroactive track. The application complies with the categories provided under statute and the valuation of the primary property exceeds the required USD\$750K threshold.

Council:

- 1) noted the information provided including the outcome of the due diligence exercise;
- 2) approved the application pursuant to section 10(2) of the Anguilla Economic Residence Act;
- 3) noted that the Review Committee - RBI and the Select Anguilla Agency should be informed of Executive Council's decision; and
- 4) instructed the Ministry of Economic Development to notify the Applicant of the decision taken and request that they fulfil any requirements within 60 days.

Action: PS EDMISE; HON, PREM

EX MIN 22/391

EX MEMO 2022/283 REFUSAL TO GRANT WORK PERMIT

Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for Home Affairs briefed Council. Section 165(3) of the Labour (Relations) Act 2018, requires the Minister for Home Affairs & Labour to consult with Executive Council before refusing to grant work permits. Council noted the reasons for the Minister's proposed work permit refusals as follows:

In relation to: 5 persons, pursuant to section 171(a) of the Labour (Relations) Act, the employer has not demonstrated a genuine need to engage the services of the prospective workers.

In relation to: 1 person, pursuant to sections 171(a) and (b) of the Labour (Relations) Act, the employer has not demonstrated a genuine need to engage the services of the prospective workers and there are Anguillians, their spouses, or persons resident on island who are qualified to fill the positions.

Council:

- 1) noted the amendments to the paper to remove the refusals numbered 5 and 6 and that the total lost revenue for the proposed refusal of the work permits is now EC\$8,800.50;

- 2) noted section 164 of the Labour (Relations) Act 2018 containing the principles governing work permits;
- 3) noted that in keeping with section 165(3) of the Labour (Relations) Act 2018, the Hon Minister for Home Affairs & Labour consulted with Executive Council before refusing to grant work permits; and
- 4) considered and endorsed the proposal by the Hon Minister that 6 persons be **refused** work permits on the basis of the foregoing information.

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