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**MINUTES OF THE 133<sup>rd</sup> MEETING OF THE TWELFTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 20<sup>th</sup> APRIL 2023 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 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
- ABSENT: The Honourable Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Ms Dee-Ann Kentish-Rogers

EX MIN 23/105

**CONFIRMATION OF THE MINUTES**

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 132<sup>nd</sup> Meeting of Executive Council held on Thursday 13<sup>th</sup> April 2023.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 23/106

**EX MEMO 23/80 UPDATE ON THE 70+ HEALTHCARE SUBSIDY PROGRAMME FOR OLDER ANGUILLIANS**

Parliamentary Secretary and Financial Specialist remained. PS Finance, Mrs Kathleen Rogers and PS Health (Ag), Ms Rochelle Rogers joined the meeting.

The PS Health (Ag) briefed Council. In December 2022, Executive Council in Ex Min 22/395 approved the implementation of subsidised healthcare services at public sector health facilities for belongers of Anguilla aged 70 years and older.

A review of the Department of Social Development (DSD) medical exemption programme was carried out to check for gaps and overlap between the programmes. Presently, 110 persons 70 years and older currently receive 100% medical exemption coverage. This includes some residents of the Miriam Gumbs Senior Citizens home. A comparison of the coverage levels of the 70+ and DSD programmes indicates that residents of Anguilla (minimum eligibility includes proof of 10 months of residence in Anguilla in a calendar year) are eligible for the DSD programme; where as for the 70+ healthcare subsidy programme only belongers of Anguilla are eligible. Further, the DSD programme can extend to the provision of private health services on island.

An update on the current implementation process is provided to Council with key dates identified for registration, enrollment and other key activities.

Council:

- 1) noted the update on the implementation of the 70+ healthcare subsidy programme. Noted also the concerns about how the behaviour of the persons accessing healthcare might change once the programme is implemented and how that may in turn affect sustainability. Noted the planned pre-enrollment activities and that registration will commence in the week beginning April 24, for a May 1, 2023 commencement of the programme;
- 2) noted the related concerns and adverse consequences outlined in the paper;
- 3) noted that EC\$6 million has been allocated in the 2023 Budget and the projected costs for 2024 are EC\$8.1 million. The actuarially projected 2024 and future costs for a full implementation year will be included in the updated MTEFP. Noted that the intention is to pay the HAA on a 30 day billing cycle, this should be sustainable operationally, as currently these same accounts may remain uncollected. Noted however that demand for services in this area may increase;
- 4) noted that there did not appear to be any legal implications in relation to offering the programme only to belongers;
- 5) noted that the fees for services and prescribed pharmaceuticals shall be charged on the same scale that is used for the DSD programme;
- 6) noted the rationale for the proposed user co-payment for prescription pharmaceuticals, in order to deter the sharing of medication with non-eligible persons, but did not approve the recommendation. Agreed that the Ministry of Health shall consider alternative methods and or IT solutions to discourage medication sharing and over usage; and
- 7) instructed the Attorney General's Chambers to assist in the drafting of a formal agreement between the HAA and MOH for the 70+ healthcare subsidy programme.

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

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

EX MIN 23/107

**EX MEMO 23/81 CONSUMER PROTECTION POLICY**

Parliamentary Secretary and Financial Specialist remained. PS EDMSIE, Mrs Chanelle Petty-Barrett attended the meeting.

The PS EDMSIE briefed Council. While various pieces of legislation contain provisions relevant to consumer protection, there is currently no comprehensive policy or legal framework that addresses consumer rights and protections in a cohesive manner. As such, consumers have little available recourse for addressing concerns when they believe that they are being disadvantaged, in transactions involving the provision of goods and services. Few consumers seek redress from the courts when they have the financial means to do so. It is intended that the rights and protections set out in this policy will be enshrined in legislation.

The policy outlines the:

- administrative framework for consumer protection;
- the rights and protections of consumers;
- duties of suppliers; and
- available remedies for consumers when rights are infringed or suppliers responsibilities are not fulfilled.

Council:

- 1) noted that the Consumer Protection Policy was developed based on research undertaken on British Virgin Islands and Turks and Caicos Islands models;
- 2) noted that the Consumer Protection Policy provides the basis for the development of comprehensive consumer protection legislation. This is a necessary step in the establishment of the Consumer Protection Unit, as it will ensure that the legal framework is in place for the operation of the unit. The Director of Consumer Affairs will need to have the necessary specialist skills to manage the unit and will be empowered to investigate matters as he sees fit or arising from consumer complaints;
- 3) noted that existing legislation will need to be reviewed, amended or repealed as the consumer protection legislation is developed to ensure that there is a cohesive legislative framework. The aim is to establish a Consumer Protection

Unit by June 2023 and the posts of Director of Consumer Affairs and Inspector have been approved in the Ministry's 2023 Budget;

- 4) noted the consumer rights and suppliers responsibilities outlined in the Consumer Protection Policy.;
- 5) agreed that the following amendments to the policy should be considered. Hazardous goods, which are potentially injurious to health and safety, should not be supplied and this needs to be stated in the policy. Age restrictions, with respect to certain goods should be included. To ensure the cost effectiveness of appeals the right of appeal or Tribunal should be contingent on a price threshold being met;
- 6) noted the proposal for the Magistrate's Court as the appellate body. However, agreed that a specialist Tribunal may be more efficient and proportionate. Noted that under legislation the decision of a specialist Tribunal can be made final and binding;
- 7) agreed that further consideration had to be given to the proposed appeals process, especially taking into consideration the technical complexities of the complaints that might be referred and the resources of the court. Due consideration shall be given to using a specialist Tribunal rather than the Magistrate's Court. The options for redress (remedies) shall be developed and clearly stated in the policy;
- 8) approved the Consumer Protection Policy in principle, subject to amendments as per 5 above and further consideration of the appeals process as per 7 above; and
- 9) agreed that the Consumer Protection Policy shall form the basis of drafting instructions for the Attorney General's Chambers for the preparation of consumer protection legislation.

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

EX MIN 23/108

**EX MEMO 23/82 UPDATE ON THE PROGRESS TO DATE OF CFATF'S  
MUTUAL EVALUATION OF ANGUILLA**

Parliamentary Secretary remained. Senior Crown Counsel, Ms Erica Edwards joined the meeting.

Senior Crown Counsel briefed Council. In July 2009, Anguilla underwent the Third Round of Mutual Evaluations process led by the CFATF, using the previous FATF methodology of '40+9' Recommendations. During that process, Anguilla was required to address the deficiencies as identified by the examiners in the Mutual Evaluation Report published in 2010. Anguilla focused on enacting, amending and implementing legislation that strengthened its AML/CFT framework and addressed deficiencies noted by the examiners. Anguilla successfully exited the Third Round Mutual Evaluation follow-up process in November 2015 with compliant or largely compliant ratings on all deficient areas.

Anguilla has commenced its Fourth round evaluation with the technical annex being submitted in December 2022 and the effectiveness portion being submitted in February 2023. Anguilla has received preliminary ratings (albeit not overall) from the assessors relative to the technical compliance questionnaire submitted.

Council:

- 1) noted that the onsite visit is scheduled for June 26, 2023 to July 7, 2023. Anguilla will be responsible for covering some of the costs associated with the six (6) person team being on-island. A breakdown of the costs will be provided in a subsequent paper. The consultants have agreed to conduct a virtual training session in preparation for the on-site visit. The virtual training will take place during the week of May 15, 2023;
- 2) noted from the paper and the following documents the areas of concern highlighted by assessors and consultants:
  - a. Initial ratings provided by CFATF assessors following the submission of the Technical Compliance Questionnaire;
  - b. Scoping Notes Risks;
  - c. Follow up actions for Immediate Outcomes 10 and 11 for Anguilla;

d. Comments from the Consultants following submission of the effectiveness questionnaire; and

- 3) noted that some of the technical compliance issues are within the purview of the FSC and target dates for achieving the standards should be included in the report. Noted that the requisite departments should ensure that they have documentation (procedures and statistics) in place before the onsite visit of the assessors and encouraged them to prepare;
- 4) agreed that if actions to be undertaken in response to the issues highlighted under point 2 above are identified specifically, then Council can give directions for work to be undertaken as appropriate;
- 5) agreed that a master list of all activities required to be undertaken should be prepared, indicating which activities may be quickly completed and those that may require more time;
- 6) agreed that the Customs Department declaration procedure for declaring cash must not utilise a paper form;
- 7) agreed that the FIU budgetary position should be clarified in order to address any misconceptions which could be affecting its operations;
- 8) noted that the Non-Profit Organisation Regulations must be submitted to Council for consideration, but all other legislation required at this time had been progressed; and
- 9) noted that the FCDO remain available to offer support with the process.

Action: SCC (Cr); HON, AG

EX MIN 23/109

**EX MEMO 23/83 BRIBERY ACT, 2023**

Parliamentary Secretary and Senior Crown Counsel remained.

Senior Crown Counsel briefed Council. Recommendation 3 of the FATF Recommendations deals with money laundering offences. In 2009 under the third round of evaluations, Anguilla was rated Largely Compliant (LC).

FATF Recommendations provide a list of designated categories of offences that must be covered. Corruption and bribery are listed as designated categories. CFATF provided a scoping note to Anguilla on 11<sup>th</sup> April 2023. The scoping note provides details as to the assessed risk and vulnerabilities identified in the National Risk Assessment and sets out the pertinent areas that the assessors will focus on during the onsite review.

The draft Bribery Act seeks to remedy the issues outlined in the scoping note as well as Recommendation 3 and Immediate Outcomes 1 through 8. The legislation creates provisions concerning offences relating to bribery, establishes the National Anti-Corruption and Bribery Committee and makes connected provision.

The current legislation that covers bribery and corruption applies only to public officers and elected officials. As such, the Bribery Act 2023 seeks to expand the coverage to persons, including elected officials, bodies corporate, and partnerships deficiencies.

Council:

- 1) noted that through this legislation Anguilla is able to demonstrate full compliance with Recommendation 3;
- 2) noted that through this legislation Anguilla is able to implement procedures which are in place to ensure effectiveness for Immediate Outcomes 1 to 8;
- 3) approved the Bill for the Bribery Act, 2023; and
- 4) instructed the Attorney General's Chambers to conduct a final review and formatting of the legislation for submission to the House of Assembly for consideration at its next sitting.

Action: SCC (Cr): HON, AG

EX MIN 23/110

**EX MEMO 23/84 PROLIFERATION FINANCING (PROHIBITION) ACT, 2023**

Parliamentary Secretary and Senior Crown Counsel remained.

Senior Crown Counsel briefed Council. FATF Recommendations require countries, financial institutions, designated non-financial businesses and professions (DNFBPs) and virtual asset service providers (VASPs) to identify, assess, understand and mitigate their proliferation financing risks under Recommendation 1. Recommendation 6 of the FATF Recommendations deals with targeted financial sanctions related to terrorism and terrorist financing. Additionally, Recommendation 7 of the FATF Recommendations deals with targeted financial sanctions related to proliferation financing.

Furthermore, Immediate Outcomes 10 and 11 focus on the effective prevention and mitigation of terrorists, terrorist organisations and terrorist financiers and persons and entities involved in the proliferation of weapons of mass destruction through the use of targeted financial sanctions.

The draft Proliferation Financing (Prohibition) Act makes provision for the prevention of the proliferation of weapons of mass destruction and ensures the implementation of targeted financial measures relating to terrorist financing and proliferation financing through Resolutions of the United Nations and designations from the United Kingdom, as well as to provide for other matters connected therewith.

The draft technical compliance ratings received from CFATF indicate that there are severe deficiencies in relation to Recommendations 6 and 7, where the assessors indicated that Anguilla has not demonstrated that it *“implements targeted financial sanctions without delay to comply with the UNSCRs.”* Furthermore, there were issues with respect to H.E. the Governor designating a person or entity under the UNSCRs. As such, section 8 of the draft legislation allows this. Furthermore, the issues in relation to delegation are remedied in this legislation.

Council:

- 1) noted that through this legislation Anguilla is able to demonstrate full compliance with Recommendations 6 and 7;
- 2) noted that through this legislation Anguilla is able to implement procedures which are in place to ensure effectiveness for Immediate Outcomes 10 and 11;
- 3) approved the Bill for Proliferation Financing (Prohibition) Act, 2023; and
- 4) instructed the Attorney General's Chambers to conduct a final review and formatting of the legislation for submission to the House of Assembly for consideration at its next sitting.

Action: SCC (Cr): HON, AG

EX MIN 23/111

**EX MEMO 23/85 COUNTER TERRORISM ACT, 2023**

Parliamentary Secretary and Senior Crown Counsel remained.

Senior Crown Counsel briefed Council. Recommendation 5 of the FATF Recommendations deals with countering the offence of terrorist financing. Furthermore, terrorist financing is captured under Immediate Outcome 9.

The draft Counter Terrorism Act makes provisions for offences related to terrorism, including fundraising for and the financing and support of terrorist activities, running terrorist training activities and encouraging terrorism and makes connected provision.

The draft technical compliance ratings received from CFATF indicate that there are deficiencies in relation to Recommendation 5. The draft legislation seeks to remedy the defects noted by the assessors to ensure compliance with Recommendation 5. The legislation provides for offences relative to counter terrorism as well as those captured under the International Convention for the Suppression of the Financing of Terrorism. The financing of terrorism is captured under the legislation and offences are created. The legislation gives law enforcement agencies powers relative to investigation of offences and those orders (restraint, confiscation, search, seizure) allowed under the Proceeds of Crime Act, applicable to terrorist property. Information sharing, extradition and mutual assistance in

criminal matters is allowed under the legislation as well as the duty to disclose locally by businesses (and boat operators).

Council:

- 1) noted that through this legislation Anguilla is able to demonstrate full compliance with Recommendation 5;
- 2) noted that through this legislation Anguilla is able to implement procedures which are in place to ensure effectiveness for Immediate Outcome 9;
- 3) approved the Bill for Counter Terrorism Act, 2023; and
- 4) instructed the Attorney General's Chambers to conduct a final review and formatting of the legislation for submission to the House of Assembly for consideration at its next sitting.

Action: SCC (Cr): HON, AG

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