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MINUTES OF THE 137th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 24th MAY 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, and acting Minister for Home Affairs, 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 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 Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning, Mr Kenneth Hodge

EX MIN 23/153

CONFIRMATION OF THE MINUTES

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 136th Meeting of Executive Council held on Thursday 18th May 2023.

MATTERS ARISING FROM THE MINUTES

Ex Min 23/129 is to be finalised and confirmed.

EX MIN 23/156

EX MEMO 23/110 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL B202 BEING 991 SQ. FT. UNIT 204

Parliamentary Secretary and Financial Specialist remained.

This matter was first considered in Ex Min 23/140.

Council noted the confirmation that the transaction is proceeding as a resale on the basis of the standard MOU provisions, Part 4.4, at the prevailing rate of 3% for the ALHL fee the standard MOU is reverted to.

Action: PS, HA; DLS; HON MIN HA

EX MIN 23/157

EX MEMO 23/111 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION ROAD, BLOCK 08513 B, PARCEL 212 BEING 1.20 ACRES OF LAND

Parliamentary Secretary and Financial Specialist remained.

This matter was first considered in Ex Min 23/141. Council agreed on review of the maps that the 0.70 acres is unusable for building.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis, property situated in Registration Section Road, Block 08513 B, described as Parcel 212 being 1.20 acres of land located in North Hill, Anguilla for residential purposes with a dwelling house thereon, subject to the following:

- (a) Payment of the following Stamp Duties:

(i) under the Stamp Act – 5% of EC\$608,716.00	EC\$30,435.80
(ii) under the Aliens Land Holding Regulation Act – 6.25% of EC\$608,716.00	EC\$38,044.75
(iii) Refundable Deposit – 10% of EC\$608,716.00	<u>EC\$60,871.60</u>
TOTAL	<u>EC\$129,352.15</u>

- (b) the property must be used for residential purposes;
- (c) the dwelling house must be constructed as per setbacks in the outline planning permission letter Ref No. 23/0006 dated 23rd February 2023;
- (d) the Licencee is exempted from Government's Policy restricting Aliens to the purchase of no more than half an acre of land on the grounds that only 0.50 acres of the total acreage (1.20 acres) is feasible for development;
- (e) the construction of the dwelling house is to be completed within thirty (30) months. If said dwelling house is not completed at the end of thirty (30) months, 50% of the refundable deposit will be forfeited to the Government of Anguilla. The remaining balance of 50% will be forfeited if the construction is not completed within a further six (6) months. Thereafter, forfeiture proceedings for the property will be commenced by the Government of Anguilla for a period of twenty-four (24) months;
- (f) the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development; and
- (g) the Licensee shall fully comply with the laws of Anguilla from time to time, including the Land Development Control Act, the Property Tax Act, the Building Regulations the Labour

Relations Act 2018 and Control of Employment Act Regulations, the Social Security Act, the Immigration and Passport Regulations and any statutory modification or re-enactment thereof and any rules or regulations made there under.

Action: PS, HA; DLS; HON MIN HA

EX MIN 23/158

EX MEMO 23/122 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 171 BEING 0.22 OF AN ACRE OF LAND

Parliamentary Secretary and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis Villa #9 being 0.22 of an acre of land forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., at Four Seasons Anguilla Ltd., situated in Registration Section West End, Block 17810 B, described as Parcel 171, subject to the following:

a) Stamp Duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$16,935,660.00	EC\$ 846,783.00
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$16,935,660.00	<u>EC\$ 846,783.00</u>
	TOTAL	<u>EC\$1,693,566.00</u>

b) that on grant of the Aliens Land Holding Licence to Villa 9 Ltd., the Government of Anguilla values the concession in the amount of EC\$1,270,174.50 as described in the table below:

Registration Section	Block	Parcel	Assessed Value (EC\$)	ALHLR Act @ 12.5%	ALHLR Act @ 5%	Value of the concession
West End	17810 B	171	16,935,660.00	\$2,116,957.50	\$846,783.00	\$1,270,174.50

- c) that the Attorney General's Chambers prepare and issue regulations under Section 16 of the Financial Administration and Audit Act RSA c F27 to remit Villa 9 Ltd., from the payment of Stamp Duties under the Aliens Land Holding Licence Regulations Act in the amount of EC\$1,270,174.50 owed to the Government of Anguilla;
- d) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- e) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- f) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- g) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- h) subsequent re-sale (by the party that purchased its unit from the Developer or its Developer Affiliate, and all subsequent re-sales thereafter) of Ocean Front Villa Units, – ALHL fee 5%, provided the subsequent buyer agrees to place the villa into the hotel room rental pool for a minimum of the first two (2) years after the subsequent buyer purchases the unit; and in the event that the subsequent buyer elects not to place the villa into the hotel room rental pool for a minimum of the first two (2) years after the subsequent buyer purchases the unit, the ALHL fee shall be 9%;
- i) the Licensee shall fully comply with the laws of Anguilla in force from time to time, including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour Relations Act 2018 and Work Permit Regulations, the Social

Security Act, the Immigration and Passport Regulations and any statutory modification or re-enactment thereof and any rules or regulations made there under; and

- j) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown.

Action: PS, HA; DLS; HON MIN HA

EX MIN 23/159

EX MEMO 23/123 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION SOUTH EAST, BLOCK 79214 B, PARCEL 202 SL B7 BEING 899 SQ. FT. AND G5 BEING 336 SQ. FT. FOR A TOTAL OF 1235 SQ. FT.

Parliamentary Secretary and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold, on a freehold basis, land situated in Registration Section South East, Block 79214 B, described as Parcel 202 Strata Lot SL B7, being 899 sq. ft. and G5 being 336 sq. ft. for a total of 1235 sq. ft. with condominium thereon located in Sandy Hill for tourism purposes, subject to:

(a) Payment of the following Stamp Duties:

(i) under the Stamp Act – 5% of EC\$491,402.96	EC\$24,570.15
(ii) under the Aliens Land Holding Regulation Act – 5% of EC\$491,402.96	<u>EC\$24,570.15</u>
TOTAL	<u>EC\$49,140.30</u>

(b) Sandy Hill Beach Resort Club Development should be the exclusive renting agent for the villa;

(c) the Licensees should be required to enter into an agreement with Sandy Hill Beach Resort Club Development for the management

and use of the villa for at least forty-four (44) weeks in each calendar year;

- (d) the licensees shall have the right to reside in the villa for a maximum of eight (8) weeks in each calendar year without being liable for the payment of Goods and Services Tax. However, if the applicants wish to live in their villa for a period longer than eight (8) weeks, then they should be required to pay the Goods and Services Tax; and
- (e) the Licensee shall fully comply with the laws of Anguilla from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour Relations Act 2018 and Control of Employment Act Regulations, the Social Security Act, the Immigration and Passport Regulations and any statutory modification or re-enactment thereof and any rules or regulations made there under.

Action: PS, HA; DLS; HON MIN HA

EX MIN 23/160

EX MEMO 23/124 2023 STATUTORY BODY BUDGETS – ANGUILLA NATIONAL TRUST

Parliamentary Secretary and Financial Specialist remained. Director of Finance, Mrs Solange Lloyd-Browne, Director of the ANT, Ms Farah Mukhida and two ANT representatives joined the meeting.

Council noted that Budgets should be submitted to Council for consideration for onward presentation to the House of Assembly thereafter.

Obligations under the Financial Administration and Audit Act:

- Section 64 of the Financial Administration and Audit Act requires Government Agencies to submit estimates of expenditure and revenue for approval by the respective Minister and the respective Minister of Finance.
- In accordance with subsection 4 of Section 64, these estimates of recurrent and capital expenditure must not be altered without the approval of the Minister of Finance.
- The Minister of Finance must lay the approved estimates before the House of Assembly.

Council:

- 1) noted that the ANT is mostly grant funded but also receives a Government subvention. Noted that when the ANT acquires land specific grant funding for the purpose may be used in some instances;
- 2) noted that anticipated revenue for 2023 is EC\$1.99 million, which is a 37% decrease from the actual revenue for 2022;
- 3) noted that the ANT's total expenditure budget for 2023 is EC\$2.37 million which represents a 64% increase over 2022 actual of EC\$1.45 million;
- 4) noted that there is a deficit of EC\$1.64 million, a decline from the 2022 position, but cash of EC\$1.74 million is held at the bank and this covers the deficit;
- 5) noted that capital expenditure is EC\$1.26 million. This is due to provisions for the major work at the Fountain National Park, a purchase of a vessel through the EU RESEMBID fund project and the purchase of land in Shoal Bay; and
- 6) noted and approved the planned 2023 Budget of the Anguilla National Trust.

Action: PS, FIN; PS EDMSIE; HON, PREM; HON, MIN SIE

EX MIN 23/161

EX MEMO 23/125 GLOBAL FORUM ON TRANSPARENCY AND EXCHANGE OF INFORMATION FOR TAX PURPOSES (GLOBAL FORUM) EXCHANGE OF INFORMATION ON REQUEST STANDARD (EOIR) SUPPLEMENTARY REVIEW

Parliamentary Secretary and Financial Specialist remained. PAS Finance, Ms Marisa Harding-Hodge joined the meeting.

The PAS Finance briefed Council. The paper summarises the deficiencies and makes recommendations for improvements to Anguilla's framework to address the findings of the draft Supplementary Review on Exchange of Information on Request

(EOIR) Report, specifically related to the key issues to improve findings.

Anguilla's draft EOIR report, noted that there were further issues related to the legal framework that need to be addressed to ensure that Anguilla is compliant with the standard.

The deficiencies, inter alia, are as follows:

- (i) The lack of a legal framework to provide powers for supervision and enforcement action of beneficial ownership information, accounting information and information filed on the commercial register by the Registrar. Anguilla's reviews since 2014 have consistently identified an issue with the lack of monitoring of Anguillian entities by the Commercial Registry. Adjustments (reinterpretations) of the standard have resulted in Anguilla being rated as **non-compliant** with the practical implementation of the legal requirement to have accounting records available; as without active monitoring of the maintenance of these records, the availability of same cannot be ensured.
- (ii) The absence of a legal requirement for Limited Liability Companies to file an annual return with the Registrar. Whilst Limited Liability Companies all file an annual return in practice via CRES, the legislation does not establish a requirement for an annual return, it only establishes an annual fee.
- (iii) The absence of a legal provision for the competent authority for tax purposes to have powers to access the Beneficial Ownership and Commercial Register to carry out its duties as the competent authority for tax purposes. Whilst in practice the competent authority has been provided direct access to the system this is not enshrined in legislation.

Council:

- 1) noted that Anguilla's draft supplementary report suggests a rating of partially compliant against EOIR, and recommends improvements to improve inter alia the supervision of Anguilla registered entities and arrangements with their statutory obligations. Where a practice exists but there is no legal provision, the proposed legislation shall create the legal provision;
- 2) noted that the paper concerns the population of data and the expansion of access privileges to the system. Competent authorities are to have direct access. The

changes are intended to address the issues which have occurred in past, which leave Anguilla vulnerable when registered agents exit the jurisdiction and beneficial ownership information is not transferred. There is no intention to share information with persons seeking information without merit;

- 3) instructed the Commercial Registry to prepare drafting instructions to provide for supervisory powers under the Commercial Registry and Beneficial Ownership Registration System Act, 2022 (CRBORS Act) to allow for monitoring of entities as it relates to the compliance of entities with the Registry Acts;
- 4) instructed the Attorney General's Chambers to commence drafting of amendments to the CRBORS Act to allow for monitoring of the compliance of entities with the Registry Acts;
- 5) approved the release of the draft Limited Liability Companies (Amendment) Act, which, inter alia, formalises the requirement for LLCs to submit an annual return, for consultation for a one-week period;
- 6) approved the release of the draft amendment to the Commercial Registry and Beneficial Ownership Registration System (Amendment) Act, which provides access powers to the Ministry of Finance to the Beneficial Ownership and Registration System, for consultation for a one-week period; and
- 7) instructed the Ministry of Finance to liaise with the industry in relation to the proposed draft legislative amendments.

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

EX MIN 23/162

EX MEMO 23/126 LEGISLATIVE AMENDMENTS IN RELATION THE FINANCIAL SERVICES COMMISSION ACT, TRUSTS ACT AND PROCEEDS OF CRIME ACT

Parliamentary Secretary and Financial Specialist remained. Senior Crown Counsel, Ms Erica Edwards, Director of the FSC, Ms Tina Bryan and FSC – Head of AML/CFT, Ms Ojeda Vanterpool joined the meeting.

The Director of the FSC briefed Council. The amendments proposed to the Financial Services Commission Act, Trusts Act and Proceeds of Crime Act allow compliance with Financial Action Task Force (FATF) Recommendations particularly Recommendation 9 - Financial Institution Secrecy Law and Recommendation 25 - Transparency and beneficial ownership of legal arrangements.

Anguilla is scheduled to undergo its on-site for the 4th Round Mutual Evaluation Process in June 2023. The on-site review will encompass an overview of Anguilla's technical compliance with the 40 FATF Recommendations as well as assessing the level of effectiveness of Anguilla's AML/CFT framework in relation to the 11 immediate outcomes as outlined by the new FATF Methodology.

Amendments to the Legislation

The rationale for the amendments are set out below:

POCA

- The term "foreign AML/CFT supervisory authority" has been added to POCA and will also be inserted in the FSC Act. The FSC Act currently refers to a foreign regulatory authority. This insertion distinguishes AML/CFT supervision from financial services supervision.
- Section 154 is being clarified in relation to cooperation with foreign supervisory authorities.
- The first amendment to Schedule 4 (section 15) clarifies the power of a supervisory authority to disclose information to a foreign AML/CFT supervisory authority.
- The new section 16 covers the lack of a clear power to refuse to disclose, as raised in the technical compliance assessment.

FSC Act

- The gateways for disclosure of information in the FSC Act do not mirror the gateways in POCA. The amendments are intended to rectify this.
- Section 26 with respect to refusal to provide assistance, currently limits responses to requests made by a foreign regulatory authority. The second amendment extends the provision to any disclosure to a foreign AML/CFT supervisory authority.

Trusts Act

- Amendments to the Trusts Act to allow for the maintenance of adequate, accurate and up to date beneficial ownership information. Amendments to include a definition of beneficial owner.

Council:

- 1) noted in relation to the Trusts Act that up to date beneficial ownership information must be maintained. Noted that information is not publicly available but must be held by the trustees. Public consultation took place and the amendment is non-contentious;
- 2) approved the amendments to the Financial Services Commission Act, Trusts Act and Proceeds of Crime Act; and
- 3) 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 23/163

EX MEMO 23/127 FINANCIAL INTELLIGENCE (AMENDMENT) ACT, 2023

Parliamentary Secretary and Financial Specialist remained.

Senior Crown Counsel briefed Council. Recommendation 29 of the FATF Recommendations deals with financial intelligence units. The recommendation advises that financial intelligence units should be operationally independent.

Anguilla has received a first draft of the technical compliance from the assessors. At criterion 29.7 (a) and (b) the assessors noted that the wording in the legislation where the financial intelligence unit is required to enter into agreements interferes with the operational independence of the financial intelligence unit. As such, an amendment to the legislation is required.

Council:

- 1) noted that there will be an MOU between the FIU and the Attorney General's Chambers;
- 2) approved the amendments to the Financial Intelligence Unit (Amendment) Act; and
- 3) 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 23/164

EX MEMO 23/128 LEGISLATIVE AMENDMENTS IN RELATION TO THE NON-PROFIT ORGANISATIONS REGULATIONS

Parliamentary Secretary and Financial Specialist remained.

The Director of the FSC briefed Council. The amendments proposed to the Non-Profit Organisations Regulations are to allow compliance with Financial Action Task Force (FATF) Recommendation 8. Anguilla has a range of Non-Profit Organisations (NPOs) differing in asset size, objectives, purpose and the number of beneficiaries and donors. FATF and Financial Services Commission (Commission) objectives include deterring Terrorist Financing (TF) activity, whilst promoting the growth of legitimate NPOs.

In order to comply with Recommendation 8 and Immediate Outcome 11, the Commission is proposing a series of changes in the way NPOs are supervised. Currently, the Commission's supervisory remit has been limited to the registration of NPOs. The current NPO Regulations do not grant the Commission powers to effectively monitor NPOs. Overall, it is the intention of the Commission to be able to effectively monitor NPOs beyond the initial registration process and to engage more by public outreach and guidance. This is an increase in the supervisory power of the FSC where TF activity is suspected. This is to prevent the abuse of NPOs for terrorist financing purposes. It is the intention of the Commission to keep the risk of terrorist financing low within the jurisdiction through its safe guards in relation to NPOs.

Legislative amendments are the first step in this process. The Commission has reviewed legislation from other British Overseas Territories, specifically the ones that have already undergone the 4th Round Mutual Evaluation process.

Council:

- 1) noted that a risk based approach is being taken to ensure that sufficient information is gathered in the event that a request for information is made. There is a focus on understanding the activities undertaken by an NPO so that the NPO's with the most high risk activities can be monitored. There are some NPO's which operate outside of Anguilla or raise funds outside of Anguilla. Noted that in order to avoid bias both exempt and regulated NPO's are required to provide the same information. Noted the indication that simple NPO's would not be affected;
- 2) agreed that broad public consultation must take place. The public needs to be aware that NPO's shall be subject to greater scrutiny and the implications of this;
- 3) noted and approved the proposed amendments to the Non-Profit Organisations Regulations; and
- 4) instructed the Attorney General's Chambers to prepare the Regulations for execution.

Action: SCC (Cr) HON, AG

EX MIN 23/165

EX MEMO 23/129 AMENDMENT OF THE NATIONAL RISK ASSESSMENT (NRA) TO INCLUDE OVERALL RISK RATINGS FOR EACH CATEGORY

Parliamentary Secretary and Financial Specialist remained.

Senior Crown Counsel briefed Council. Immediate Outcome 1 and Recommendation 1 of the Financial Action Task Force Methodology indicates that countries should identify and understand their risks. As such, Anguilla conducted its first risk assessment covering the period 2014 - 2020 using a tool designed by the consultants

McDonnell Nadeau. The full and summarised versions of the NRA were sent to CFATF to comply with the immediate outcome and recommendation 1. Following on from feedback given, amendments have been made to the NRA to ensure that there are conclusions relative to risk.

Council:

- 1) noted that not amending the NRA may mean that the assessors are unclear as to the risk rating assignment for each chapter and this could possibly cause a low rating for the jurisdiction in the overall report, as this recommendation has cascading effects on other immediate outcomes and recommendations;
- 2) noted that the word risk needs to be used, each chapter will be amended to identify risk. Agreed that risk shall be defined in the foreword; and
- 3) approved the amendments to the National Risk Assessment.

Action: SCC (Cr) HON, AG

EX MIN 23/166

EX MEMO 23/130 AMENDMENT TO THE PUBLIC LOTTERIES TAX ACT

Parliamentary Secretary and Financial Specialist remained.

The PAS Finance briefed Council. The Public Lotteries Tax Act requires Executive Council to approve the holding of a lottery, which includes raffles. As raffles are a popular form of fundraising by non-profits and community organisations, there are a large volume of requests from these organisations to raise funds through the issuance of raffle tickets. This results in an excess of applications for approval to host raffles and to exempt the tax, being channelled by the Ministry of Finance to Executive Council. It is recommended that bingo be treated similarly to raffles and also be removed from the definition of lottery ticket.

Council:

- 1) noted the financial implications. The estimated revenue loss associated with raffles of vehicles is EC\$60,000 per annum. In total, the estimated revenue loss for raffles is EC\$114,000. Notwithstanding, historically this tax has either not been collected or has been exempted, and thus the impact on the budget is zero;
- 2) approved the amendment to the Public Lotteries Tax Act to remove raffle and bingo cards from the scope; and
- 3) instructed the Attorney General's Chambers to prepare the amendment to the Public Lotteries Tax Act and advise on any legal implications to the proposal in 2 above.

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

EX MIN 23/167

EX MEMO 23/131 APPROVAL OF THE VEHICLES AND ROAD TRAFFIC (AMENDMENT) REGULATIONS, 2023 TO BE BROUGHT INTO FORCE BY NOTICE

Parliamentary Secretary and Financial Specialist remained.

Section 23 of the Vehicle and Road Traffic (Amendment) Act 2012 (the "Act") provides that section 2(a) and sections 3 and 6 of the Act shall come into force by Notice. Accordingly, the sections are not yet in force. The sections introduce the concept of a Personalised Identification Mark (PIM), make Regulations in respect of the same and indicate licensing dates.

Council:

- 1) agreed that the fee in section 7, for the application to replace a plate forming a PIM should be amended from EC\$275 to EC\$500;
- 2) approved the Vehicles and Road Traffic (Amendment) Regulations, 2023, and the enactment of same, by notice to be placed in the Gazette, to be effective January 2, 2024; and
- 3) instructed the Attorney General's Chamber to review and finalise the Vehicles and Road Traffic (Amendment) Regulations, 2023 for execution.

Action: PS, MICUHT; HON, AG; HON, MICUHT

EX MIN 23/169

EX MEMO 23/133 RESTRICTED USE OF PERSONAL WATERCRAFT (JET SKIS) IN ANGUILLA'S TERRITORIAL WATERS

Parliamentary Secretary and Financial Specialist remained.

The Government of Anguilla continues to identify and recognise the socio-economic benefits of tourism and has diversified the product over the years to remain current with the changing times and demographics.

The Government of Anguilla collectively and endorsed by the Minister of Tourism agreed that encouraging local entrepreneurs to invest in new water sporting activities is a goal that will improve the socio-economic development of Anguilla by creating jobs and business opportunities. In particular, it would be beneficial to increase the number of motorised water sports on island. Currently, a number of water sporting activities are offered including water skiing, water safaris (using a propeller-driven dingy), sport fishing and non-motorised sporting activities.

Council:

- 1) approved the Government of Anguilla Personal Water Craft (Jet Ski) Policy 2022;
- 2) agreed to repeal the Jet Ski Prohibition Act and replace it with legislation reflective of the approved Jet Ski Policy. To draft accompanying legislation for the operation of jet skis by, luxury yachts that berth in Anguilla's waters and have jet skis as part of their water sports equipment;
- 3) approved the establishment of two (2) Authorized Areas (AAs) in Anguilla where jet skis can be used. This will also apply to luxury yachts that utilise jet skis as part of their entertainment and recreation when in Anguilla's Waters. The proposed AAs are Junks Hole/Savannah Bay and Forest Bay;
- 4) approved the introduction of the use of Jet Skis (Personal Water Craft) in two AA's of Anguilla's territorial waters as a well-regulated sporting and leisure activity. Noted that the Ministry can determine the extent of usage in any AA;

- 5) ensure that the Jet Ski Policy is underpinned by an approach that seeks to achieve the right balance of safety, respect for others using Anguilla's territorial waters and the enhancement of water sports on Anguilla; and
- 6) instructed the Attorney General's Chambers to commence drafting the Private Water Craft (Jet Ski) Act and supporting Regulations, as a priority with a view to completion by the end of November 2023. Instructed the Attorney General's Chambers to use the approved policy to draft the appropriate Jet Ski Act, Regulations and amendments where appropriate.

Action: PS MICUHT; HON, AG; HON, MIN MICUHT

EX MIN 23/170

EX MEMO 23/134 ESTABLISHMENT OF THE ANGUILLA RENEWABLE ENERGY ADVISORY SERVICE

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

In 2022, the Department of Natural Resources (DNaR) was tasked with renewable energy as another area of responsibility. The DNaR now has three broad areas of focus:

- Sustainable food production and development;
- Regulation, policy and enforcement; and
- Renewable Energy.

Consistent with the Appropriation (2023) Act the administration of Government programmes based on renewable energy will be conducted by the Anguilla Renewable Energy Advisory Service (AREAS) as a Unit within the Department of Natural Resources. However, the proposed focus and functions of the Unit and administrative framework require Executive Council's approval for advancement.

Council:

- 1) noted that affordable energy is a Government priority, noted the aims and organisational structure. Noted the new positions and duties and that the Budget already provides for same. Prior to recruitment, approval of the administrative

framework and strategic direction is required. Noted the approximate timeline for implementation and that the next step is to advertise the positions;

- 2) approved the AREAS proposal and Administrative Framework; and
- 3) advised the Department of Public Administration to facilitate the necessary activities (including job grading) to commence the staff recruitment.

Action: PS, EDMSIE; PS; PA; HON, MIN SIE
