



CABINET OF THE VIRGIN ISLANDS - POST MEETING STATEMENT

CABINET DECISIONS **29th November, 2019**

His Excellency the Acting Governor David Archer, Jr. chaired the Meeting held on 29th November, 2019, in the absence of Governor Augustus Jaspert, who was overseas on personal leave. The Meeting was held at the Premier's Conference Room, Central Administration Building.

All Members were present with the exception of the Attorney General Hon. Baba Aziz, who was overseas on official business. The Solicitor General Mrs. Jo-Ann Williams-Roberts attended as the acting Attorney General.

Cabinet Meeting – 29th November, 2019

The Cabinet:

1. Approved the Electronic Transactions Act, 2019 and decided that the Act be introduced at the next convenient Sitting of the House of Assembly.
2. Approved the Data Protection Act 2019 and decided that the Act be introduced at the next convenient Sitting of the House of Assembly.
3. Approved the Electronic Funds Transfer Act 2019 and decided that the Act be introduced at the next convenient Sitting of the House of Assembly.
4. Approved the Electronic Filing Act 2019 and decided that the Act be introduced at the next convenient Sitting of the House of Assembly.
5. Considered and decided that the Merchant Shipping (Port State Control Inspection) Regulation 2019 be ratified into Virgin Islands law and decided that, upon approval, the said Regulations be published in the Virgin Islands Official Gazette and thereafter laid on the table in the House of Assembly at the next convenient Sitting.

6. Decided:
 - (a) that the Government of the Virgin Islands enter into an (Investment/Economic) Development Agreement with Biras Creek Resorts Limited for the re-development of certain leasehold and freehold property located on Virgin Gorda;
 - (b) that Cabinet's decision and the terms included in the Agreement as drafted be the basis for the negotiations with the developer;
 - (c) that Biras Creek Resorts Limited be granted Pioneer Status on the Marina section of the development for a period of five (5) years on the exceptional consideration of the need to revitalise and establish the marine industry in the North Sound basin following the recent catastrophic events of 2017; and
 - (d) that Biras Creek Resorts Limited be granted a Hotel Aid Licence for a period of ten years commencing based on the requisite application submissions under the Hotel Aid Ordinance.
7. Decided that the Hotel Aid Licence for Bitter End Yacht Club Limited be amended to include a second additional list of items for duty free importation in accordance with the Hotel Aid Ordinance (Cap 290).
8. Considered and approved the terms of reference for the FinTech Steering Group and the appointment of the following revised list of members for a period of two (2) years: Messrs. Ehab Tarabay (Chairman), Chad Lettsome, Phillip Graham, Claude Skelton Cline, Mrs. Jennifer Potter-Questelles, Mrs. Rosita Scatliffe-Thompson, Public Service Representative (Premier's Office), Public Service Representative (Attorney General Chambers) and Public Service Representative (Ministry of Finance).
9. Reviewed the BVI Shipping and Maritime Administration Implementation of International Maritime Organization Instruments (III CODE) and noted that the Government of the Virgin Islands would be supporting the implementation of the necessary action plans from the Risk Analysis as agreed by the UK, Maritime Coastguard Agency accepted by maritime stakeholders in the BVI to meet the necessary standards for compliance with the Implementation of the IMO instruments (III code).
10. Approved the Government of the Virgin Islands' contribution of one hundred thousand dollars (\$100,000.00) to the Bahamas Hurricane Dorian Relief Fund.

11. Considered and approved the BVI Business Companies (Amendment) Regulations, 2019 and the BVI Business Companies (Amendment) Act, 2019 and decided that the Bills be given all three readings in the House of Assembly at its next convenient Sitting.
12. Reviewed and accepted the Evaluation Report submitted by the Central Tenders Board Technical Sub-committee, which was approved by the Central Tenders Board on 30th July, 2019 and accepted, in principle, the recommendation of the Central Tenders Board to award D.E. Construction aka Property Development the contract for Retrofitting, Repair and Maintenance Services for the Ebenezer Thomas Primary School in the British Virgin Islands in the amount of one hundred twenty-eight thousand, one hundred forty-five dollars (\$128,145.00).
13. Considered and approved Regulations entitled "Beneficial Ownership Secure Search System Act, 2017 (Time Limit for Filing Prescribed Information) Regulations, 2019" and decided that once finalised and signed by the Minister, the Regulations be gazetted and thereafter laid on the table in the House of Assembly at the next convenient Sitting.
14. Agreed that Section 1 of the First Schedule of the H. Lavity Stoutt Community College Act, 1990 be amended to include specific provision for a Faculty Representative and a Student Representative to be among the members of the Board of Governors of the H. Lavity Stoutt Community College.
15. Decided:
 - (a) that the Minister of Finance may vary the import and export restrictions on 125 cc engine size limit on motor cycles and their parts pursuant to the Customs Management and Duties Act, 2010, section 85(3)(a);
 - (b) decided that pursuant to decision (a), the Minister for Finance shall allow increased engine sizes on the following conditions:
 - i. The Department of Motor Vehicles (DMV) licensing mechanism for motor cycles be revamped to impose a three-prong licensing regime;
 - ii. Basic Training (make existing programme compulsory for every motor cycle rider);
 - iii. Theoretical Testing;
 - iv. Full Rider Testing;
 - v. Minimum age limit for larger cc engine sizes;

vi. Minimum riding experience for larger cc engine sizes;
and

vii. Importation as collectables for static displays

(c) decided that the importation and sale of all motorcycles is only permitted to dealers authorised by the Government of the Virgin Islands;

(e) decided that any persons desirous of importing a motorcycle to the Territory must obtain a certificate from the Department of Motor Vehicles;
and

(f) noted that revamping the existing licensing mechanism for motor cycles will ensure that all riders would have the following:

i. demonstrated their competence and safe level of riding on public roadways by age and experience; and

ii. he/she has received instructions in operations, maintenance, emergencies, defensive riding, judgement, and use of safety equipment from a DMV approved programme.

16. Decided that the appointment of the members of the National Parks Trust Board be revoked in accordance with Section 5 (5) of the National Parks Trust Act, 2006 and approved the appointment of Mr. Nelson Samuel as Chairman of the National Parks Trust Board for a period of three (3) years and that the appointment of the other Members of the Board are to be approved by Cabinet in the coming weeks.

17. Reviewed and approved the grant of Certificates of Belonger Status and Certificates of Residence and Belonger Status for a number of applicants, who have met the legal requirements of Section 2 (4) and Section 3 of the Immigration and Passport Amendment Act, 2019.

18. Approved the adoption of the CARICOM Advance Passenger Information Act 2015 to facilitate advance passenger screening and enhance border security; decided that the Territory sign the Instrument of Accession to the Memorandum of Understanding for the Sharing of Intelligence Among Member States of the Caribbean Community and decided that the Territory sign the Addendum to the Memorandum of Intent Between the United States of America and Member States of the Caribbean Community on Co-operation Regarding the Development of an Advance Passenger Information System.

19. Decided that legislation be created to govern sexual offences in the Virgin Islands, using the Policy for the Virgin Islands Sexual Offences Act as a guide.

20. Approved a number of Non-Belongers land holding licence applications.

Further information on these matters will be provided by the Premier and Ministers in due course.

Published by the Cabinet Office on 17th December, 2019.

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Guidelines:

1. Cabinet decisions will be published by the Cabinet Office following confirmation of the Minutes.
2. Only a summary of the decisions will be published.
3. Cabinet discussions will not be disclosed.
4. Cabinet decisions of a sensitive nature, matters of national security, those where publication breaches regional or international conventions and those relating to personal privacy will not be disclosed.
5. Cabinet decisions will be published in the weekly issues of the Virgin Islands Official Gazette at www.eservices.gov.vg/gazette.
6. Cabinet decisions will be also available on bvi.gov.vg and on Twitter.