

THE CABINET OF THE VIRGIN ISLANDS - POST MEETING STATEMENT

CABINET DECISIONS

15th, 21st and 28th August, 2024

Cabinet Meeting – 15th August, 2024

His Excellency, the Governor Mr. Daniel Pruce, chaired the special meeting held on 15th August, 2024, at the Premier's Conference Room.

All Members were present, with the exception of Minister for Communications and Works who was on official business.

Cabinet reviewed and approved the Bill entitled, Public Service Management Bill, 2024, which seeks to formally establish and continue the Public Service and its organisational frameworks; and decided that the Bill be introduced for its first reading at the next convenient sitting of the House of Assembly.

Cabinet Meeting – 21st August, 2024

His Excellency, the Governor Mr. Daniel Pruce, chaired the special meeting held on 21st August, 2024, at the Premier's Office Conference Room.

All Members were present.

Cabinet:

1. Noted the content of the Governor's Office Commission of Inquiry Report.
2. Noted the outcome of negotiations with CIBC FirstCaribbean International Bank (Cayman) Limited pursuant to Memo No. 193/2024, and the final negotiated term sheet; approved
 - a. that the one hundred million dollars (\$100,000,000) credit facility be awarded to CIBC FirstCaribbean International Bank (Cayman) Limited under the terms provided in the final negotiated term sheet; and decided

- b. that the Ministry of Finance instruct the Attorney General's Chambers to prepare the Resolution for the borrowing of one hundred million dollars (\$100,000,000) for a new loan facility from CIBC FirstCaribbean International Bank (Cayman) Limited, for consideration at the next available sitting of the House of Assembly.

3. Decided:

- a. that the Commercial Recreational Vessels Licensing Act, 1992 (No. 8 of 1992) be amended;
- b. that the Ministry of Finance instruct the Attorney General's Chambers to draft the requisite Order and the affirmative resolution;
- c. that the Cruising and Home Port Permit Act, 2021 (No. 29 of 2021) be amended;
- d. that the Ministry of Finance instruct the Attorney General's Chambers to draft the requisite Order and negative resolution;
- e. that the Customs Management and Duties Ordinance 2010 (No. 6 of 2010) Schedule 5 be amended to exempt BVI vessels, as defined, from import duties; however, if the company intends to dispose of the vessel, duty has to be paid at the prevailing rate; and
- f. that the Ministry of Finance instruct the Attorney General's Chambers to draft the necessary amendments.

4. Decided:

- a. that in accordance with the provisions of section 5 of the Financial Services Commission Act, the following individuals be appointed to the Financial Services Commission's Board of Commissioners as follows:
 - i. Mr. Gerard St. Clair Farara KC - Commissioner and Chairman for three (3) years, with effect from 1st August 2024 to 31st July 2027; and
 - ii. Ms. Patlian Johnson - Commissioner for one (1) year, with effect from 1st August 2024 to 31st July 2025.

5. Reviewed the Smiths Gore's Wickham's Cay Crown Lease Rent Review rates; noted the Wickham's Cay Development Authority's current Rent for Wickham's Cay I and II, and a sample lease agreement; decided
 - a. that a committee be formed for no longer than 12 months comprising five (5) representatives of the Government of the Virgin Islands to review the governance policy, as recommended in the Governance Reform Action Plan to develop a comprehensive strategy and determine a fair and equitable rate that is mutually beneficial for all stakeholders as follows:
 - i. Ministry of Communications and Works;
 - ii. Ministry of Finance;
 - iii. Ministry of Environment, Natural Resources and Climate Change;
 - iv. Town and Country Planning; and
 - v. Wickham's Cay Development Authority; and noted
 - b. that the Minister for Financial Services, Labour and Trade declared an interest in the matter and thereafter recused herself from the meeting for discussion of the paper.
6. Approved:
 - a. the appointment of the following persons as members of the Recreation Trust in accordance with paragraph 1(7) of the schedule to the Recreation Trust Act (Cap. 278) for a period of three (3) years, effective from 15th July, 2024 until 14th July, 2027:
 - i. Mr. Neville Smith (Chairman and Minister's selection);
 - ii. Mr. Neil Hayes (Member- sporting organisation);
 - iii. Ms. Rockel Woods (Member- sporting organisation);
 - iv. Mr. Paul Hewlett (Member - Leader of the Opposition's nominee);
and
 - v. Mrs. Annabelle Skelton-Malone (Member and Minister's selection);
 - b. the re-appointment of the following persons as members of the Recreation Trust in accordance with paragraph 1(7) of the schedule to the Recreation Trust Act (Cap. 278) for a period of two (2) years, effective from 15th July, 2024 until 14th July, 2026:
 - i. Mrs. Stephanie Russ-Penn (Deputy Chairman and Member- sporting organisation);
 - ii. Mr. Byron Hodge (Member and Minister's selection);
 - iii. Mr. Mark Noel (Member- Sister Island representative); and
 - iv. Mr. Deondre Rymer (Member- Sister Island representative); decided

- c. that the Permanent Secretary of the Ministry of Education, Youth Affairs and Sports or her designate be appointed as an *ex officio* member of the Trust; noted
- d. that the Chairman will receive a stipend of five hundred dollars (\$500) per month and members three hundred dollars (\$300) per month, except where members are public officers or those serving as ex-officio of the Trust; and decided
- e. that the Ministry of Education, Youth Affairs and Sports instruct the Attorney General's Chambers to prepare the necessary instruments of appointment.

7. Approved:

- a. the appointment of Dr. Shakima Stoutt-Ottley to serve as a member of the Medical and Dental Council for a period of three (3) years with effect from 1st May, 2024 to 30th April, 2027 in accordance with section 1(a) of the Medical Act, 2000, as amended; and
- b. the re-appointment of Mr. Nelson R. Samuel, to serve as a member of the Medical and Dental Council for a period of three (3) years with effect from 1st May, 2024 to 30th April, 2027 in accordance with section 1(c) of the Medical Act, 2000, as amended.

- 8. Approved six (6) Non-Belongers Land Holding Licence applications, and an application for permission for transfer of Crown Land.

Cabinet Meeting – 28th August, 2024

His Excellency, the Governor Mr. Daniel Pruce, chaired the meeting held on 28th August, 2024, at the Premier's Office Conference Room.

All Members were present.

Cabinet:

- 1. Noted the receipt, by the Governor, of the Auditor General's report on Major Public Contracts; and that the report be laid on the table at the next convenient sitting of the House of Assembly in accordance with Section 20 of the Audit Act, 2023.

2. Received the Auditor General's Report on COVID-19 Micro, Small, and Medium Enterprise (MSME) Assistance Grants that was launched as a part of the COVID-19 Economic Stimulus Package; and noted that it be laid before the House of Assembly in accordance with Section 20(2) of the Audit Act, 2003.
3. Noted the content of the Governor's Office Commission of Inquiry Report (Week 15 of 15).
4. Endorsed:
 - a. the proposal for negotiating a Memorandum of Understanding (MoU) between the Governments of the Virgin Islands and the Cooperative Republic of Guyana, establishing a structured framework for cooperation in areas of mutual interest between the two governments in the areas of trade, financial services, tourism and technical assistance; requested
 - b. that the Premier's Office seek concurrence from the UK Secretary of State, through the Governor's Office, to commence negotiations on the following areas of interest: business collaboration; investments; arbitration; immigration; and decided
 - c. that the Ministry of Financial Services, Labour and Trade instruct the Attorney General's Chambers to draft the MoU; and noted
 - d. that the draft MoU would be re-submitted for Cabinet's consideration and approval.
5. Reviewed the recommendations of the Board of Immigration in respect of applicants for Certificates of Residence; granted Certificates of Residence to fifty (50) persons, in accordance with Section 18(1) of the Immigration and Passport Act (as amended); and directed that the Ministry of Tourism, Culture and Sustainable Development instruct the Department of Immigration to communicate Cabinet's decision to the respective applicants in a timely manner.
6. Reviewed the recommendations of the Board of Immigration in respect of applicants for Certificates of Residence; accepted the recommendations of the Board of Immigration to grant Certificates of Residence fifty (50) persons, in accordance with Section 18(1) of the Immigration and Passport Act (as amended); and directed that the Ministry of Tourism, Culture and Sustainable Development instruct the Department of Immigration to communicate Cabinet's decision to the respective applicants in a timely manner.

7. Reviewed and accepted the recommendations of the Board of Immigration to grant Certificates of Residence to one hundred and forty-one (141) persons, in accordance with Section 18(1) of the Immigration and Passport Act (as amended); accepted the recommendation of the Board of Immigration for endorsement of one (1) minor in accordance with Section 18 (2) of the Immigration and Passport Ordinance; and directed that the Ministry of Tourism, Culture and Sustainable Development instruct the Department of Immigration to communicate Cabinet's decision to the respective applicants in a timely manner.
8. Reviewed and accepted the recommendations of the Board of Immigration to grant Certificates of Belonger Status to twelve (12) persons who, in accordance with section 16(6) of the Immigration and Passport Act (revised) are the spouses of belongers, and who have been living together with their spouses within the Territory for a period not less than five (5) years; accepted the recommendations of the Board of Immigration to grant Certificates of Belonger Status to thirty-nine (39) applicants, who, in the opinion of the Board, have met the legal requirements of Section 16(3) of the Immigration and Passport Act (revised); and directed that the Ministry of Tourism, Culture and Sustainable Development instruct the Immigration Department to communicate Cabinet's decision to the respective applicants in a timely manner.
9. Decided that Mr Scott Maynard, a registered farmer, be exempt from import duty on greenhouse materials for his farm valued at two hundred thousand dollars (\$200,000.00), in accordance with Sections 54(3), 65(1) and Schedule 5(13)(1)(2)(4)(h) of the Customs Management and Duties Act, 2010; and noted the endorsement of Mr. Maynard's status as a registered farmer by the Director of Agriculture and Fisheries.
10. Considered and approved:
 - a. the Whistleblower Policy and Procedure guide that complements the Whistleblower Act of 2021, which outlines the process for reporting unlawful activities, provides protections against victimization, and establishes a reward fund for those who come forward with disclosures;
 - b. the Whistleblower Implementation Plan developed to create a transparent, secure, and effective system for reporting misconduct;
 - c. the Whistleblower Communication/Education Awareness Plan that aims to educate the public on the importance of reporting improper conduct and the protections provided by the Whistleblower Act, 2021;
 - d. the proposed amendments to the Whistleblower Act, 2021 designed to enhance clarity, expand protections, and streamline processes related to whistleblowing, and the drafting of Whistleblower Regulations;

- e. the Whistleblower Disclosure Form designed for individuals to report any improper conduct, misconduct, abuse, or wrongdoing they have experienced or witnessed;
 - f. the proposed amendments needed to legislation in support of the Whistleblower Regime; decided
 - g. that the Ministry of Finance instruct the Attorney General's Chambers to draft the agreed amendments and regulations regarding the Whistleblower Act, 2021; and noted
 - h. that a Whistleblower Reward, once renamed as per the proposed amendment to "Whistleblower Fund," has been established in accordance with Part V, Section 22 of the Act to facilitate the payment of rewards and cover legal fees for whistleblowers and the statutorily required Financial Instructions regarding the administration and management thereof will be issued by the Financial Secretary.
11. Considered and approved the Bill entitled, Proliferation Financing (Prohibition) (Amendment) Act, 2024, which seeks to enhance compliance with recommendation 7, relating to targeted financing sanction on proliferation; and decided that the Bill be introduced for its first reading in the House of Assembly at its next convenient sitting.
12. Considered and approved the Bill entitled, Trustee (Amendment) Act, 2024, which seeks to enhance the Territory's AML/CFT regime and strengthen trust regulation; and decided that the Bill be introduced for its first reading in the House of Assembly at the next convenient sitting.
13. Considered and approved the Anti-money Laundering (Amendment) Regulations, 2024, which seeks to enhance the Virgin Islands' AML/CFT regime by strengthening the regulatory framework for the appointment of money laundering reporting officers; and decided that the Anti-money Laundering (Amendment) Regulations, 2024 be published in the Virgin Islands Official Gazette and thereafter laid on the table in the House of Assembly.
14. Considered and approved the Bill entitled, BVI Business Companies (Amendment) Act, 2024, which seeks to address many of these deficiencies and implement the Mutual Evaluation Report recommendations, and tackle practical issues in administering the BVI Business Companies regime, streamlines certain existing provisions of the BVI Business Companies Act (the "Act"), and includes necessary amendments resulting from the introduction of new provisions; and decided that the Bill be introduced in the House of Assembly for its first reading at its next convenient sitting.

15. Considered and approved the Bill entitled, Insurance (Amendment) Act, 2024, which seeks to enhance the Virgin Islands' AML/CFT regime by strengthening the regulatory framework for foreign insurers; and decided that the Bill be introduced for its first reading in the House of Assembly at the next convenient sitting.
16. Considered and approved the Bill entitled, Insolvency (Amendment) Act, 2024, which seeks to enhance the Virgin Islands' AML/CFT regime by strengthening the regulatory framework to take action against BVI Business Companies that have been proven to be misused for money laundering or terrorist financing purposes and/or perpetrate other offences; and decided that the Bill be introduced in the House of Assembly for its first reading at its next convenient sitting.
17. Considered and approved the Bill entitled, Banks and Trust Companies (Amendment) Act, 2024, which aligns with the Financial Action Task Force's (FATF) anti-money laundering and counter-terrorism financing (AML/CFT) recommendations and streamlines existing provisions to reflect other recently enacted legislation; and decided that the Bill be introduced for its first reading in the House of Assembly at the next convenient sitting.
18. Approved four (4) Non-Belongers Land Holding Licence applications, and a variation of Crown Lease for the British Virgin Islands Electricity Corporation.

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