

THE CABINET OF THE VIRGIN ISLANDS - POST MEETING STATEMENT

CABINET DECISIONS

6th, 13th, 20th, 27th and 29th July, 2022

Cabinet Meeting – 6th July, 2022

His Excellency, the Governor John J. Rankin, CMG, chaired the Meeting held at the Premier's Office Conference Room on 6th July, 2022.

All Members were present, with the exception of the Premier and Minister of Finance, and Minister for Education, Culture, Youth Affairs and Sports, who were overseas on official travel.

Cabinet:

1. Considered and approved:
 - a. amending the Audit Act, 2003 to make it a criminal offence for a person, without lawful excuse, to fail to cooperate with or otherwise impede (obstruct, hinder or resist) the Auditor General;
 - b. an amendment to the Service Commission Regulations, 2014 to provide that notwithstanding the availability of any potential criminal sanctions for obstructing the Director of the Internal Audit or the Department and the Auditor General, where a public officer, without reasonable excuse, fails to cooperate with the Director of the Internal Audit or Department or the Auditor General or otherwise impede their work, that officer shall be guilty of conduct which constitutes gross misconduct;
 - c. that the Office of the Deputy Governor instruct the Attorney General's Chambers to finalise the necessary amendments to the Audit Act, 2003 and thereafter resubmit to Cabinet for approval before being introduced in the House of Assembly; and
 - d. that the Office of the Deputy Governor instruct the Attorney General's Chambers to finalise the necessary amendments to the Service Commission Regulations, 2014 to be published in the Official Gazette of the Virgin Islands.

2. Decided to grant a renewal of pioneer status to Island Optique Ltd., in accordance with Section 3 of the Pioneer Services and Enterprises Ordinance (Cap. 297), for a further period of five (5) years, effective 1st January, 2022 to 31st December, 2026; reviewed and approved the amended list of items; and decided that the Premier's Office instruct the Attorney General's Chamber to draft the Order.
3. Received and endorsed the Ministerial Transformation Plan for the Ministry of Communications and Works in line with the Public Service Transformation Programme priorities; decided that the funding required for implementation of the plan and to facilitate the installation of additional SMART meters be considered via the reprioritisation of the Ministry's budget (current and future) or if necessary, through a Schedule of Additional Provisions based on the availability of funds.
4. Granted permission for a variation of an existing Crown lease, for commercial purposes, and the use of the seabed for the installation of one (1) private mooring buoy at Sea Cows Bay, Tortola.
5. Approved three Non-Belongers Land Holding Licence applications.

Cabinet Meeting – 13th July, 2022

His Excellency, the Acting Governor Mr. David Archer, Jr. chaired the Meeting held on 13th July 2022, in the absence of Governor John J. Rankin, CMG, who was overseas on annual leave. The Meeting was held at the Financial Services Commission's Conference Room.

All Members were present, with the exception of the Minister for Health and Social Development, who was on private leave.

Cabinet:

1. Decided:
 - a. to amend the Elections Act, Revised Edition 2013, to include provisions that:
 - i. stipulate the process of continuous registration;
 - ii. define terminology of "resident" and "domiciled/ordinarily resident";
 - iii. require new registrants to furnish proof of residence within the electoral district and/or polling division which they are seeking to register, and penalty for providing false documents;

- iv. strengthen the process relating to transferring registration by:
 - 1. stipulating the mechanism of transferring registration from one polling division to another within the same electoral district;
 - 2. delineating the criteria and the requisite supporting documentation required for voters who moved their place of residence from one local electoral district or polling division to another, and wish to transfer to the local electoral district or polling division to which they have moved as provided for under section 17 of the Act, and a penalty provision for providing false documents;
 - 3. expanding the persons stipulated in section 17(2) who can verify transfer of registration applications to coincide with those persons named in section 2(1);
- v. aid in the maintenance and accuracy of the voters' list by:
 - 1. allowing the Supervisor of Elections to give notice to a voter that reasonable grounds exists to prove that the voter is no longer ordinarily resident in the electoral district/polling division in which he/she is registered, and the pending change, and the mechanism whereby the change by the Supervisor to the registered electoral district/polling division can be challenged;
 - 2. requires certain public officers (e.g. Registrar General, Mental Health Authority, Registrar of the High Court, Court Manager, Chief Immigration Officer, Commissioner of Police, Her Majesty's Prison) are to supply information to assist in the maintenance of the voters' list;
- vi. allow for the preliminary list and the revised list of voters to be made available electronically;
- vii. allow for the following categories of persons to be included under section 47(1)(b) to vote on Advance Polling Day:
 - 1. the friend accompanying the voter under section 45(4) of the Act to vote on Advance Polling Day;
 - 2. candidates, doctors, nurses and emergency medical technicians and prison officers.

- viii. extend the application of section 47(2) to the following categories of persons who qualify to vote on Advance Polling Day:
 - 1. those referred to under section 45(4)(a)-physical cause; and
 - 2. candidates, doctors, nurses, emergency medical technicians and prison officers;
 - ix. restrict campaigning at polling stations on Advance Polling Day;
 - x. provide for arrangements for elections to include alternate voting methods;
 - xi. stipulate the agency/agencies with the authority to investigate and enforce the Code of Conduct for Political Parties and Candidates, and the appeals mechanism as it relates to its enforcement;
 - xii. provide for the Registration of Political Parties and Symbols and all matters connected therewith;
 - xiii. establish rules on contribution and expenditure limits;
 - xiv. establish reporting and disclosure obligations of electoral candidates and parties to provide information about the origins of received contributions;
 - xv. establish the nature of incurred expenditures; and
 - xvi. establish the reporting/monitoring and enforcement/sanctions as it relates to campaign finance rules by an oversight body to be called the Elections Advisory Committee;
- b. to amend Elections Act Statutory Instruments Revised 2013 - Schedule of the Elections (Remuneration of Election Officers) Regulations modifying the title of the Election Officer post of Computer Tabulator listed at number 11 to that of Computer Tabulator/Voting System Technician, and to include the post of Lead Voting System Technician;
- c. to drafting new legislation that provides for the establishment of an Electoral Advisory Committee, that will have the statutory role to provide advice to the Supervisor of Elections on the performance of his/her functions as stated in the Elections Act and Referendum Act, and Office of the Supervisor of Elections transitioning to become a Department, until provision is made in the Virgin Islands Constitution Order, 2007 for the establishment of a constitutionally enshrined Electoral Commission;

- d. that the Elections Act be consolidated to include all amendments and regulations; and
 - e. that the Office of the Deputy Governor instruct the Attorney General to make the amendments referenced in items (a. to d.), as above.
2. Accepted the 2021 annual report of the Department of Disaster Management and decided that it be laid on the table at the next convenient Sitting of the House of Assembly in accordance with the Disaster Management Act, 2003.
3. Considered and approved amendments to the BVI Business Companies Act, 2004; decided that the Ministry of Finance prepare drafting instructions for the Attorney General's Chambers for the necessary legislation to be drafted to reflect the proposed amendments to be re-submitted to the Cabinet for consideration and approval before forwarding to the House of Assembly.
4. Approved that amendments be made to the BVI Business Companies Regulations; decided that the Ministry of Finance prepare drafting instructions for the Attorney General for the relevant Regulations to be drafted to reflect the proposed amendments and thereafter be re-submitted to the Cabinet for consideration and approval,
5. Decided:
 - a. to amend Schedule 3 of the Financing and Money Services Act, Revised Edition 2020;
 - b. agreed to amend Section 45A of the Financing and Money Services Act, Revised Edition 2020 (as amended by Act No. 6 of 2020, whereby the transaction levy on money services be reduced to three point five percent (3.5%);
 - c. that on the enactment of this amendment that the monies in the funds, at the date the amendment comes into force, will be re-distributed according to the percentage allocations and category allocations;
 - d. that the Ministry of Finance instruct the Attorney General's Chambers to draft the necessary Order to amend Schedule 3 under section 45A(6)(b) of the Financing and Money Services Act, Revised Edition 2020 (as amended by Act. No. 6 of 2020) to give effect to the decision at (a);
 - e. that the Ministry of Finance instruct the Attorney General's Chambers to draft the necessary Order to amend Section 45A of the Financing and Money Services Act, Revised Edition 2020 (as mended by Act No. 6 of 2020) to give effect to the decision at (b);

- f. that the Order be published in the Official Gazette and thereafter laid on the table of the House of Assembly at its next convenient Sitting; and noted
 - g. the draft Transaction Levy - Rate Revision Proposal; and
 - h. the draft financial instruction to be issued by the Financial Secretary.
6. Decided:
- a. that effective 15th July, 2022, all entry COVID-19 testing requirements be revoked and persons be allowed to enter the Territory of the Virgin Islands;
 - b. to revoke the stipulations outlined in the COVID-19 Control and Suppression (Entry of Persons) Regulations, 2022;
 - c. that the Ministry of Health and Social Development instruct the Attorney General to draft the necessary Order revoking the provisions outlined in the COVID-19 Control and Suppression (Entry of Persons) Regulations, 2022; and
 - d. that the Order be published in the Official Gazette.
7. Decided:
- a. that the following members be re-appointed as members of the H. Lavity Stoutt Community College (HLSCC) Board, in accordance with Section 3 (1) of the First Schedule of the British Virgin Islands Community College Act, 1990, with effect from 1st July, 2022 to 30th June, 2025:
 - i. Professor Emeritus Arthur Richardson - Chairman - Higher Education and Teacher Education Administration
 - ii. Dr. Sauda Underwood-Smith - Deputy Chair -Educator and Director of a major Philanthropic Foundation
 - iii. Dr. Anthony Layne - Higher Education and Teacher Education
 - iv. Mr. Kenneth Baker – Finance
 - v. Ms. Shanica Maduro-Christopher - Financial Services (Alumna 2000)
 - vi. Mr. Derek Dunlop - Business Development
 - vii. Mr. John Williams - Business Development
 - b. that the following persons be appointed as new members of the HLSCC Board, in accordance with Section 1 (1) of the First Schedule of the British Virgin Islands Community College Act, 1990, with effect from 1st July, 2022 to 30th June, 2025:

- i. Ms. Deann Parsons - representing Secondary Schools
 - ii. Ms. Lynette Harrigan - Tourism Management
 - iii. Mr. Colin O'Neal – Business
 - iv. Mr. Hakim Creque - Legal
 - v. Mrs. Adenike Sicard-Flax - Legal / Finance
 - vi. Dr. Paula Trottman-Hastings - Medical;
- c. that Professor Arthur Richardson be appointed as Chairman with effect from 1st July, 2022 to 30th June, 2025;
 - d. that Dr. Sauda Smith be re-appointed as Deputy Chairman with effect from 1st July, 2022 to 30th June, 2025; and
 - e. that all members continue to be paid a stipend by the College from their subvention, with the exception of members who are public officers.
8. Approved three Non-Belongers Land Holding Licence Applications.

Cabinet Meeting – 20th July, 2022

His Excellency, the Governor John J. Rankin, CMG, chaired the Meeting held on 20th July 2022 at the Financial Services Commission’s Conference Room.

All Members were present.

- 1. Rescinded Cabinet Decision No. 44 of 2022; reviewed and approved the new Bill entitled, “Register of Interests (Amendment) Act, 2022”, which seeks to amend the Register of Interests Act (No. 6 of 2006) to provide for complying with the agreed framework for the implementation of the recommendations of the Commission of Inquiry Report, particularly Recommendation B2; decided that the Bill be introduced for its first reading at the next convenient Sitting of the House of Assembly.
- 2. Noted that the Governor, in exercise of his powers conferred by Section 41 of the Services Commissions Act, has amended the Service Commission Regulations 2014 to provide that failure to cooperate with the Office of the Auditor General or the Internal Audit Department, by any public officer, is an act of gross misconduct as outlined; and

- a. reviewed and approved the Bill entitled, Audit (Amendment) Act, 2022, which seeks to make it a criminal offence for a person, without lawful excuse, to fail to cooperate with or otherwise impede (obstruct, hinder or resist) the Auditor General; decided that the Bill be introduced for its first reading at the next convenient Sitting of the House of Assembly; and noted the change to the Service Commission Regulations.

3. Approved:

- a. the Terms of Reference for the Constitutional Review Commission as follows:
 - i. to re-evaluate the vision of the people of the Virgin Islands, as expressed in the preamble to the Virgin Islands Constitution Order, 2007, and to amend accordingly, if necessary;
 - ii. to evaluate the current Virgin Islands Constitution Order, 2007, and determine whether it is in strategic fit to facilitate the people of the Virgin Islands in achieving the revised vision in (i) above;
 - iii. to identify any gaps in relation to (ii) above;
 - iv. to make recommendations for Constitutional Reform, if necessary, including but not limited to considering the following:
 1. How the executive ministerial government can be held to account in the House of Assembly, and how checks and balances and mechanisms for accountability may be employed to militate against abuse of power;
 2. Whether the independent institutions enshrined in the Constitution are sufficient and effective to ensure good governance;
 3. The powers that need to be reserved to the Governor, and how issues as to the exercise of devolved and reserved powers, respectively, when they arise, are to be resolved;
 4. A mechanism for the transfer of reserved powers to the devolved BVI Government in the future, without a further change to the Constitution being required;
 5. Whether there should be a regime in relation to election expenses;

6. Whether statutory boards should be embedded in the Constitution and, if so, whether there should be a Statutory Boards Commission and, if yes, its functions and responsibilities;
 7. Whether the Speaker should continue to be a political appointment, or whether he or she, even if elected, should be independent of the political parties;
 8. Whether sections 66 and 67 of the Constitution needs to be amended to make clearer the circumstances in which a person seeking election to the House of Assembly or a Member of the House who (either personally or through a dba, a partnership or company with which he or she is associated) contracts with the BVI Government needs to declare such an interest, how such a declaration should be made and the consequences of him or her not doing so;
 9. Whether sections 66 and 67 of the Constitution needs to be amended to also apply to statutory and other Public bodies;
 10. What should be the proper relationship between Ministers and their Departments and whether any amendment to section 56 of the Constitution should be made.
- v. to review the next step towards self-determination for the Territory of the Virgin Islands; and
 - vi. to consider how best, the law enforcement and justice agencies can sit within the constitutional framework.
- b. decided that the Premier's Office instruct the Attorney General to draft a Resolution for the House of Assembly for the purpose of approving the Terms of Reference;
 - c. decided that the Resolution be laid on the table for debate at the next convenient Sitting of the House of Assembly;
 - d. noted that the selected Chairman of the Constitutional Review is currently a contracted employee of Central Government and shall be contracted as the Chair of the CRC upon completion of the Government contract with the Ministry of Finance; and

- e. decided that the Deputy Chair and members of the CRC be paid a stipend of twelve thousand dollars (\$12,000) and ten thousand dollars (\$10,000), respectively, upon the submission of the CRC's final report, provided that the amount may be prorated based on the submission of the Chairman's report and on the members' level of participation on the CRC.
4. Reviewed and considered the Public Procurement Regulations, 2022 and decided:
 - a. that Section 9(2)(b) of the Public Procurement Regulations, 2022 be amended as follows:
 - i. shall be conducted by the Procurement Unit of the Ministry when the estimated value of the contract exceeds \$100,000 and approved by the Cabinet; and
 - ii. that 9(2)(b)(i) and (ii) be deleted;
 - b. that Section 9(3) of the Public Procurement Regulations, 2022 be deleted; and
 - c. that Regulations be published in the Gazette after the commencement of the Public Procurement Act, 2021, and then laid on the table in the House of Assembly at its next convenient Sitting.
5. Considered and approved the Bill entitled, BVI Business Companies (Amendment) Act, 2022 (the "Bill"); and decided that the Bill be introduced for its first reading in the House of Assembly for enactment purposes at its next convenient Sitting.
6. Considered and approved the BVI Business Companies (Amendment) Regulations, 2022 (the "Regulations"); decided that the Regulations be made and gazetted at the same time as the BVI Business Companies (Amendment) Act, 2022 ("the Bill") after the Bill has been enacted.
7. Agreed to the extension of the rates previously approved by Customs Management and Duties (Amendment of Schedule 4) Order for the period 15th July, 2022 to 14th October, 2022; and:
 - a. decided that the Ministry of Finance instruct the Attorney General's Chambers to draft the necessary Order to provide the necessary Customs Management and Duties (Amendment of Schedule 4) Order to provide for the extension;
 - b. decided that the Order be published in the Official Gazette and thereafter a Resolution for same be laid on the table of the House of Assembly at its next convenient Sitting;

- c. decided to implement a monitoring mechanism to be led by the Central Statistics Office and Her Majesty's Customs with support of the Ministry of Finance and all other relevant government agencies; and
- d. noted and reviewed the Impact of Reduced Import Duty Rates Report; the Review of Policy to Reduce Import Duties Report and correspondence from the BVI Chamber of Commerce and Hotel Association - "Extension of the Concessions on Import Duty and Measures to Reduce Cost of Doing Business".

8. Decided:

- a. that the following persons be re-appointed as members of the Nurses and Midwives Council in accordance with section 4 (1) of the Nurses and Midwives Act, 2020, for a period of three (3) years with effect from 22nd July, 2022:
 - i. Mrs. Emerald Pemberton (Minister's nominee);
 - ii. Ms. Ruperttha Ephraim (BVI Nurses Association's Nominee);
 - iii. Mrs. Cherry-Ann George-Smith (BVI Nurses Association's Nominee); and
 - iv. Ms. Shaunice Leonard (Minister's Nominee).
- b. that the following persons be appointed as members of the Nurses and Midwives Council in accordance with section 3 (2) of the Nurses and Midwives Act, 2020, for a period of two (2) years with effect from 27th July, 2022:
 - i. Mrs. Gretchen Hodge-Penn (Minister's Nominee); and
 - ii. Mrs. Beth Hanley-Scatliffe (Leader of the Opposition's Nominee).

9. Approved six Non-Belongers Land Holding Licence Applications.

Cabinet Meeting – 27th July, 2022

His Excellency, the Governor John J. Rankin, CMG, chaired the Meeting held on 27th July 2022 at the Financial Services Commission's Conference Room.

All Members were present, with the exception of the Premier and Minister of Finance, who was overseas on official travel.

Cabinet:

1. Decided that the Government of the Virgin Islands enter into a lease agreement with CADCO Holdings Limited, for three (3) years in the first instance, for accommodation for the Magistrate's Court; decided that the Office of the Deputy Governor instruct the Attorney General's Chambers to vet the lease prepared by the landlord.
2. Received and endorsed the Ministerial Transformation Plan for the Ministry of Education, Culture, Youth Affairs and Sports in line with the Public Service Transformation Programme priorities; endorsed the Ministry's top five (5) initiatives and decided that the funding required for implementation of the plan as outlined, be considered via the reprioritisation of the Ministry's budget (current and future) or if necessary, through a Schedule of Additional Provisions based on the availability of funds.
3. Approved the recommendations of the BVI Scholarship Committee for the award of Government Scholarships to twenty-one (21) applicants to pursue studies for the period commencing Fall 2022 – Spring 2023; provisionally approved the recommendations of the BVI Scholarship Committee for the award of Government Scholarships to four (4) applicants, to pursue studies for the period commencing Fall 2022 – Spring 2023, contingent on the successful completion of the IB programme for which examination results are currently pending.
4. Approved four Non-Belongers Land Holding Licence Applications.

Cabinet Meeting – 29th July, 2022

His Excellency, the Governor John J. Rankin, CMG, chaired the Special Meeting held on 29th July 2022 at the BVI Financial Investigation Agency's Conference Room.

All Members were present, with the exception of the Premier and Minister of Finance, who was overseas on official travel.

Cabinet:

1. Repealed the Jury Act (Cap 36); reviewed and approved the new Bill entitled, Virgin Islands Jury Act, 2022, which seeks to reform the law relating to the jury system in the Virgin Islands and decided that the Bill be introduced for its first reading at the next convenient Sitting of the House of Assembly.

2. Approved the renewal of the consultancy contract for Dr. Ricardo Wheatley, as the Director of BVI Hong Kong Office Limited for the period of one (1) year commencing on 1st January, 2022 to 31st December, 2022 based on the terms and conditions as outlined; decided that the Permanent Secretary of the Premier's Office immediately advertise the post of Director of BVI Hong Kong Office Limited to take effect from 1st January, 2023; and decided that the Premier's Office instruct the Attorney General's Chambers to vet the draft contract before execution.
3. Noted that the sections of the Public Finance Management Regulations, 2005 relative to public procurement will be replaced by the Public Procurement Act, 2021, once the Act has come into force at a date to be gazetted by the Minister of Finance; decided that the Audit Opinion identify if there should be any audit on a project that the Director of Internal Audit considers fit; and decided that the Audit Opinion will form a part of the Cabinet Paper in line with Recommendation B19 of the Framework for the Implementation of the Commission of Inquiry Report and Other Reforms.
4. Decided:
 - a. that the decisions that Cabinet previously made on the Social Assistance Grants Transition be rescinded and replaced with the following:
 - i. that the House of Assembly Members' Assistance Grants and the Government Ministries' Assistance Grants that provide financial assistance to individuals and households in need be transferred to the Social Development Department with effect from 30th June, 2022;
 - ii. that the Social Development Department be authorised to implement a temporary Transition Grant Programme from 1st July to 30th September, 2022 for recipients of monthly grants that are being transferred from the House of Assembly;
 - iii. that the Social Development Department conducts an assessment of each beneficiary of the Transition Grant Programme to determine eligibility under the provisions of the Public Assistance Act, 2013, for integration into the Public Assistance Programme with effect from 1st October, 2022;

- iv. that the remaining funds at the House of Assembly be transferred to the relevant Heads and Subheads in the Ministry of Health and Social Development, and the Social Development Department and additional funds will be sourced via the 2022 revised budget estimates or be considered via a SAP once funding is available, to cover expenses related to the transfer of Assistance Grants programmes to year end, in accordance with the provisional budget developed by the Ministry of Health and Social Development;
 - v. that the Ministry of Health and Social Development be instructed to develop a multi-agency coordination mechanism to ensure the smooth implementation on the transitional arrangements, and a contingency plan, inclusive of emergency funding arrangements, to strengthen the shock-responsiveness of the Territory's social protection system, in consultation with other relevant ministries; and
- b. that the remaining funds in the amount of four hundred and thirty-seven thousand, two hundred dollars (\$437,200) will be retained by the House of Assembly for the payment for rent, staffing and other office expenses related to maintenance of constituency offices.

Published by the Cabinet Office on 25th August, 2022.

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.

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