Governor's Office
British Virgin Islands

Final Review

Implementation of the Commission of Inquiry Recommendations

9 May 2025

Governor Daniel Pruce
OFFICE OF THE GOVERNOR
British Virgin Islands

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Contents

Introduction

1.1. The Commission of Inquiry (COI) published its report three years ago. This final review is my assessment of how the reforms have been delivered. I am submitting it to the Minister for the Overseas Territories for his consideration. During his visit to the Virgin Islands in November 2024, Stephen Doughty MP, called for a final review by the Governor, a self-assessment by the Government of the Virgin Islands, assessments by Foreign, Commonwealth & Development Office officials, and public feedback on the reforms.[1]

1.2. Of the forty-eight recommendations which were accepted as part of the Framework Agreement, five have pending actions: the Public Assistance (Amendment) Act 2024 has been assented to but has not been brought into force. Further amendment to the Immigration & Passport Act has recently been assented to. The 2024 and 2025 amendments will be brought into force simultaneously. The legislative framework is in place to allow for the vetting of law enforcement officers, and the vetting process for the Royal Virgin Islands Police Force has been launched. Further work is required to appoint the agency to vet Immigration, Customs and Prison officers.

1.3. Criminal Procedure Rules, and judge-only criminal trials are yet to be completed but are not considered late by virtue of their dependency on external factors. Work continues on other elements of Framework Agreement, such as the Elections Act, however these are not considered as part of the forty-eight recommendations.

1.4. While every effort needs to be made to complete these remaining reforms, significant progress has been made. At the time of my last Quarterly Review, one week before the May 2024 deadline, nineteen of the forty-eight recommendations remained. Fourteen additional recommendations were completed over the following months.

[1] https://www.facebook.com/ukinbvi/videos/a-message-from-the-minister-for-uk-overseas-territories-stephen-doughty-mp/1119750712994958/ (accessed on 29th April)

Recent Developments

1.5. The Premier and I jointly agreed an action plan for completing the COI reforms on 15th May 2024. Many deadlines contained within this plan were missed; the House of Assembly took more time to fully debate legislation than had been reflected in the plan for example. Nevertheless, the plan proved a useful tool for providing oversight and managing the workload. Since the COI report was published, eighteen pieces of legislation relating to the delivery of the reforms passed in the House of Assembly. Thirteen of these laws were passed between May 2024 and September 2024.

1.6. It has taken some time between laws being passed and being brought into force; the Attorney General's Chambers require time to make the drafting amendments following House of Assembly Committee debates for example. Similarly, I am unable to assent to legislation which appears to be inconsistent with the Constitution.[2] The process for seeking advice and receiving assurance would occasionally take some months. In other instances, I was able to assent to legislation within a matter of days of receipt.

1.7. Laws have started to be brought into force. Since my last Quarterly Review, the Inquiries Act 2024, the Register of Interests (Amendment) Act 2024, amendments for five priority Statutory Boards, the Crown Lands Management Act 2024, and the Public Service Management Act 2024 have been brought into force. The Parliamentary Commission for Standards Act 2024 was passed in August 2024 and came into force on 31st March 2025. I assented to the Integrity in Public Life (Amendment) Act 2024 on the same day to ensure the transition to the new integrity framework was seamless.

1.8. The Ministry of Health & Social Development are working on regulations to underpin legislation, and the intention was for the Public Assistance (Amendment) Act 2024 to be brought into force by the end of March. This did not happen, and the Act is yet to enter into force. Further amendment to the Immigration & Passport Act 2013 was recently passed in the House of Assembly, and I have now assented to it. The Premier intends to bring the 2025 amendment and the Immigration & Passport (Amendment) Act 2024 into force at the same time.

[2] s79(2)(c) Virgin Islands Constitution Order 2007

1.9. The COI noted the critical importance of a robust vetting regime for law enforcement officers, for the purpose of building trust in the agencies and between officers. On 17th April, I was able to enter into an agreement with the UK Home Office to conduct the vetting of police officers. The process of vetting the Royal Virgin Islands Police Force was launched on 8th May.

1.10. The Services Commission (Amendment) Act 2024 and Services Commission (Amendment) Regulations 2024 are in force, and create the framework for vetting Prison Officers, Customs Officers and Immigration Officers. Under this legislation, the Public Service Commission hold responsibility for causing these law enforcement officers to be vetted. A draft agreement to appoint the independent agency to conduct vetting was passed to the Public Service Commission in January 2025 for them to consider for their signature. The remaining reforms relating to judge-only criminal trials and revised Criminal Procedure Rules are dependent on external factors: amendment to the Constitution and the Eastern Caribbean Supreme Court respectively.

Current Status

1.11. The key priority now in most areas, once laws are brought into force, is the development of comprehensive policies and procedures which align with the legislation. These policies must be accessible to the public and must be consistently applied. Resources and training are needed to support this endeavour. I welcome the Government's recently-launched public communication campaign to raise public awareness of the changes resulting from the COI.[3] That said, more needs to be done to ensure that policies are easily accessible and understood.

1.12. Some of the laws which have been passed do not fully align with Framework Agreement commitments, for example in relation to the laws governing the integrity of elected public officials and Statutory Boards. Additionally, while amendments for an agreed set of five priority Statutory Boards were passed last summer, no additional amendments have been passed since then.

1.13. The effectiveness of the integrity model remains to be seen. The Integrity in Public Life Act 2021 is now in force and covers Ministers, Junior Ministers and members of Statutory Boards. We've now appointed an Integrity Commission, and an induction took place on 27th March 2025.

[3] Press Release, 'Government Launches Governance Reform Communication Campaign', 11th Dec 2024, https://bvi.gov.vg/media-centre/government-launches-governance-reform-communication-campaign

1.14. Success can be observed in other areas. The Crown Lands Management Act 2024 provides clear criteria and structures for ensuring Crown Land benefits the people it is intended to. The Immigration Board is now functional and is processing applications. The Public Service Management (Amendment) Act 2024 sets out the roles and responsibilities for Public Officers and incorporates integrity and accountability measures.

Conclusion

1.15. The Framework Agreement clearly envisions a "two-year reform process".[4] The reality is, Government reform should never stop. We are yet to deliver the objectives of the Commission of Inquiry reforms, which were ultimately intended to improve the lives of people living in the Virgin Islands.[5] This is because the laws which establish the institutions and ways of working are in their infancy. Cabinet had recently agreed a plan for implementing the reforms so that they result in meaningful benefits. This will need to be closely monitored and owned by the Government of the Virgin Islands. On the evidence, it is too soon to assess the impact of the reforms and whether they will result in the consistent improvements that we expect.

1.16. The decision on whether to lift the Order in Council ultimately sits with the Minister for the Overseas Territories and UK Foreign Secretary. It is not for me to prejudge what that decision might be. This report is my attempt to present an accurate assessment of efforts to deliver the COI recommendations. Now that laws have been updated, it is very clear that the critical next phase is practical implementation.

1.17. The COI will have negative connotations for some: from those who did not want it in the first place, to those who do not believe it achieved what it should have. While the separate public feedback exercise indicates improvements in some areas, many people observe no difference as a result of the reforms and some are critical of what has happened.

1.18. At this time, I do not judge that additional powers for the Governor are necessary. There will be a transition to implementation, and this is reflected in the cross-government plans that are now in place. The subject of good governance should be considered as part of the regular and usual dialogue between the Government of the Virgin Islands, UK Government, and myself.

[4] 'Framework Agreement', p1
[5] 'Framework Agreement', p1

1.19. Collaborative working over the past year has been the greatest success story. It is evident that the closer we work together, the more we achieve. I am of the view that a genuine partnership, based on trust and mutual understanding, is the most effective way of ensuring that the aspirations of the COI reforms are achieved.

Governor Daniel Pruce

Background

2.1. The Commission of Inquiry (COI) Report was published three years ago on 29th April 2022. Called by then Governor Augustus Jaspert, who served between August 2017 and January 2021, the COI considered whether "serious dishonesty in relation to public officials may have taken place in the BVI".[6]

2.2. The recommendation, which the Commissioner made at the end of the COI report "with a particularly heavy heart", was the **temporary partial suspension of the Constitution (A1)**.[7] In June 2022, the Government of National Unity produced the 'Framework for the Implementation of the Recommendations of the Commission of Inquiry Report and other reforms' (Framework Agreement) which can be accessed online. The UK Government considered that it would not invoke recommendation A1 in light of this cross-party commitment to the other reforms.

2.3. The Framework Agreement envisioned "that the reform process [would] be completed over the course of two years".[8] The agreement was confirmed by an exchange of letters between the Premier and the then UK Minister for the Overseas Territories. Alongside this, an Order in Council was passed which allows the Governor to be provided with the powers needed for corrective action (including the possibility of the temporary partial suspension of the Constitution) if commitments were not delivered.

2.4. With many of the initial Framework Agreement deadlines missed, at the beginning of April 2023 the then UK Minister for the Overseas Territories, Lord Goldsmith, set the expectation that reforms must have 'taken root' no later than May 2024 for the Order in Council to be lifted.[9]

2.5. In the Fifth Quarterly Review, published in January 2024, the previous Governor reported that he did not have confidence that the reforms would have been delivered or 'taken root' by the end of May. Governor Rankin said the "implementation of the COI recommendations [did] not appear to have been a

[6] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p7 https://assets.publishing.service.gov.uk/media/6297797c8fa8f503978288f9/British-Virgin-Isles-Commission-of-Inquiry-Report.pdf
[7] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p689
[8] 'Framework Agreement', p1
[9] Lord Goldsmith letter to Governor, 4th Apr 2023

sufficient priority for the Government as a whole".[10] It was his assessment that "providing more time alone [would] not be sufficient to deliver the reforms and that there may be a need for the Governor to step in further".[11]

2.6. Partly in response to Lord Goldsmith's April 2023 letter, which asked the Governor to consider "whether there is anything [needed] to support and/or accelerate the new government's reform programme for instance resources, a grant of additional powers or technical expertise".[12] Governor Rankin wrote to the UK Minister requesting additional powers as well as an extension. He considered that an extension to November 2024 should allow "recommendations to be fully considered and for legislation to be brought into force".[13]

2.7. In early February 2024, then UK Minister for the Overseas Territories, David Rutley MP, visited the Virgin Islands and met with the Government, Permanent Secretaries, and the Opposition. The purpose of the visit was to discuss the issues raised in the Fifth Quarterly Review, enable him to make his own assessment of progress and press the importance of swift completion. The Minister identified weak planning and limited collaboration as the biggest risks to the reform process.

2.8. The Premier promised the UK Minister a robust action plan focussed on finishing the remaining reforms, a dedicated Delivery Manager, and a shared workspace whereby Permanent Secretaries, the COI Implementation Unit and the Governor's Office could work collaboratively. Ultimately, no additional powers nor an extension were granted.

2.9. My last Quarterly Review was published on 24th May 2024. Given the impending deadline, and with nineteen recommendations outstanding, I recommended the following:

- To extend the deadline for implementing the COI recommendations from 31st May 2024 to 31st August 2024.
- A final assessment of progress should take place after August, with a clear overall conclusion on whether the COI recommendations have taken root.
- To keep open the options of additional powers for the Governor and recourse to the Order in Council.

[10] Fifth Quarterly Review: Implementation of the Commission of Inquiry Recommendations, p23 https://bvi.gov.vg/sites/default/files/fifth_quarterly_review_of_coi_implementation_1.pdf
[11] Fifth Quarterly Review: Implementation of the Commission of Inquiry Recommendations, p3
[12] Lord Goldsmith letter to Governor, 4th Apr 2023
[13] Fifth Quarterly Review: Implementation of the Commission of Inquiry Recommendations, p2

2.10. The Premier and I continued to work collaboratively to deliver the jointly agreed action plan. On 30th August 2024, the Premier and I held a joint press conference. The Premier reported that the Government had completed forty-five of forty-eight recommendations, with the remaining recommendations due for imminent completion or subject to external dependency. The Premier acknowledged the additional steps required for the Bills passed in the House of Assembly to become law.[14] The Premier and a Government delegation visited the United Kingdom in early September 2024, and the Premier pressed for the removal of the Order in Council.[15] Minister for the Overseas Territories, Stephen Doughty MP, signalled his intention to visit the Virgin Islands to make his own assessment.

2.11. Between 4th and 6th November 2024, Minister Doughty MP visited the Virgin Islands to start the assessment process. The Minister met with the Premier, members of the Government of the Virgin Islands, the Leader of the Opposition, senior public officials, and a range of community representatives to discuss the reforms and progress made. For the COI assessment, he called for this final review, self-assessment by the Government of the Virgin Islands, public feedback coordinated by the Governor's Office and assessments by Foreign, Commonwealth & Development Office officials on specific areas.

[14] Press Release, 'Premier Wheatley on the Update of the COI Recommendations', 30 Aug 2024, https://bvi.gov.vg/media-centre/statement-premier-wheatley-update-coi-recommendations
[15] Press Release, 'Statement on official trip to the United Kingdom', 16 Sept 2024, https://bvi.gov.vg/media-centre/press-conference-statement-official-trip-united-kingdom

Overview

3.1. As at 9th May 2025, five of forty-eight recommendations have pending actions. Namely:

- B7: The Public Assistance (Amendment) Act 2024 has not been brought into force. The Ministry of Health & Social Development continues to work on regulations which will underpin the new law.
- B33: Immigration & Passport (Amendment) Act 2024 has not been brought into force. Further amendments to address issues with the legislation have passed in the House of Assembly and have been assent to. The Premier intends to bring the 2024 and 2025 amendments into force at the simultaneously.
- B39: Vetting of law enforcement officers: the legislation introducing the vetting requirement is now in force, and the vetting process for police officers has been launched. Further work is required to appoint the agency to conduct vetting for Customs, Immigration and Prison Officers.
- B42: Criminal Procedure Rules: this has been subject to an external dependency on the Eastern Caribbean Supreme Court's regional review, though local Criminal Procedure Rules have been drafted and are being progressed with the Criminal Justice Advisory Group. New Criminal Procedure Rules for the Virgin Islands are expected later in May.
- B43: Judge-only criminal trials: amendment to the Constitution is required before this can be delivered.

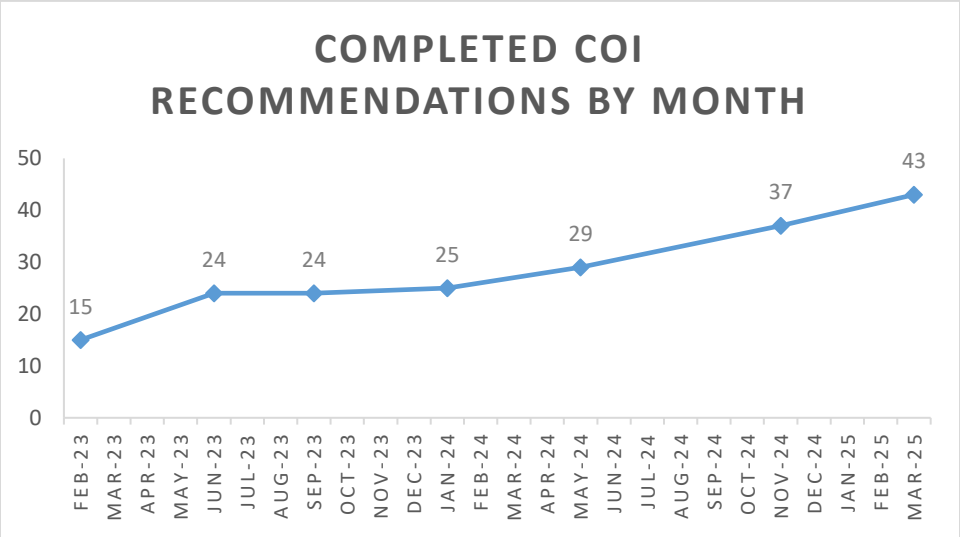
3.2. Since my last Quarterly Review in May 2024, there have been unprecedented efforts to complete the Commission of Inquiry recommendations by the Public Officers, the Government, and the House of Assembly. In all, eighteen pieces of legislation relating to the COI were passed in the House of Assembly by September 2024. Since then, there has been a process of due diligence involving the Attorney General Chambers, House of Assembly, Cabinet Office and the Governor's Office. I have been reviewing legislation to ensure that I can properly assent in line with my responsibilities set out in s79 of the Constitution. Assent is not an assessment of quality; assent is primarily on the basis that the law presented is not inconsistent with the Constitution.[16]

3.3. Laws have started to be brought into force: for example, the Inquiries Act 2024 came into force on 9th December 2024 (B1), amendments for five priority

[16] s79(2)(c) Virgin Islands Constitution Order 2007

Statutory Boards came into force in January and February 2025 (B26), the Crown Lands Management Act 2024 came into force on 30th January 2025, and the Public Service Management Act 2024 came into force on 1st January 2025 (B36).

3.4. The reform process slowed in 2023, as the below graph indicates, and this resulted in lost time. The efforts in 2024 however represent a significant shift in commitment.



3.5. As set out in the Framework Agreement, the ultimate objectives of the reform process are "to deliver justice where wrongdoing is found, engender a new culture in Government in the handling of the public's business, and ensure the effective functioning of the Government institutions and systems that support good governance." This in turn is intended to result in other meaningful benefits, such as "improved infrastructure, improved delivery of public services and justice for all".[17]

3.6. New laws in themselves do not result in meaningful benefits. What we need to see now is policies and procedures which align with those laws and are consistently applied. Resource will need to be ascribed to delivery. The public will need to be informed of how the changes affect them, and how they can benefit.

[17] 'Framework Agreement', p1

3.7. In December 2024, the Government of the Virgin Islands launched its Governance Transformation Education campaign to raise public awareness and understanding of the changes resulting from the COI. During the first part of 2025, the Government has committed to integrating the reform process with the Public Sector Transformation Programme.[18]

3.8. A transition plan, which sets out the approach to managing the ongoing reform programme, has been developed. Adherence to those structures, the apparatus that served the Government well in the first part of 2024, has not been prioritised. Regular steering groups no longer take place, and project groups were disbanded last summer. Though, as set out above, the first step of bringing legislation into force is happening. An action plan, which sets out the practical next steps for taking the reforms forward, was recently agreed by Cabinet. These practical next steps towards making many of the reforms set out below a reality, will be vital to ensuring that the people of the Virgin Islands benefit. Additionally, proper delivery of this next phase will ensure the Virgin Islands is on the strongest possible footing as it looks to enter negotiations on a new Constitution. Work will be required to get the plan back on track as many of the early deadlines have already been missed.

Primary Recommendations

3.9. Originally intended to provide the basis for a new Constitution following partial suspension, the **Constitutional Review (A2)** continued in earnest. The Constitutional Review Commission ran forty-five public education and consultation engagements and received one-hundred-and-seventy written submissions.[19] The report of the Commission was received at the end of 2023 and has now been laid in the House of Assembly and published.[20] Further debates in the House of Assembly are expected in the first part of 2025. As set out in the Speech from the Throne, the Government intends to present a new Virgin Islands Constitution Order to the House of Assembly this year, following negotiations with the Government of the United Kingdom.[21]

[18] Press Release, 'Government Launches Governance Reform Communication Campaign', 11th Dec 2024
[19] 2022-2023 Constitutional Review Commission Report', pp4-5, https://bvi.gov.vg/sites/default/files/constitutional_review_commission_2022_-_2023_report.pdf
[20] Press Release, 'Constitutional Review Commission Report Now Available', 5 Feb 2024, https://www.bvi.gov.vg/media-centre/constitutional-review-commission-report-now-available
[21] Speech By Daniel Pruce on The Occasion Of His Swearing In As Governor Of The British Virgin Islands, 29th Jan 2024, https://www.bvi.gov.vg/media-centre/speech-daniel-pruce-occasion-his-swearing-governor-british-virgin-islands-29-january

3.10. A theme across the COI findings was concern about how Ministers exercised discretion, and the COI report recommends **curtailment of open-ended discretion (A3)**. The review of discretionary powers was laid in the House of Assembly and published on 17th April 2023. In the Framework Agreement, the Government committed to removing discretionary powers where they are unnecessary. Where they are considered necessary, the Government committed to ensuring they are "exercised in accordance with clearly expressed and published guidelines".[22]

3.11. The review of discretionary powers identified three specific amendments to legislation: the Social Security (Employment Injury Benefits) (Amendment) Regulations 2024 came into force on 15th July 2024, and the Public Finance (Amendment) Regulations 2024 came into force on 22nd July 2024. No amendment has been made to the Virgin Islands Investment Act 2020 yet as the provisions are not in force.

3.12. Crucially, to guide instances where Ministers need to exercise discretion, former Attorney General Baba Aziz drafted a Discretionary Powers Policy which was agreed by Cabinet on 22nd May 2024.[23] The policy sets guidelines for the effective management of discretionary powers. The policy is intended to support senior Public Officers and elected representatives. It is important that the policy is consistently applied, otherwise failure to follow the procedures could give rise to judicial challenge. The Premier described the policy as a "critical step forward in further ensuring that the government of the Virgin Islands operates with the utmost integrity, accountability, and transparency".[24] The policy includes a template which sets out the information Public Officers need to provide when advising ministers on discretionary decisions. Although I am yet to see this process in practice, training was recently held.

3.13. Under s109(2) of the Constitution, the Auditor General has a responsibility for auditing and reporting on the accounts of the House of Assembly and all Government departments and offices.[25] One of the four primary

[22] 'Framework Agreement', p6
[23] 'Guide to the Proper and Lawful Exercise of Discretionary Powers in the Virgin Islands', Baba Aziz, March 2024, https://bvi.gov.vg/sites/default/files/policy_-_a_report_to_guide_the_proper_and_lawful_exercise_of_discretionary_powers_in_the_virgin_islands_1.pdf
[24] Press Release, 'VI Government Launches Discretionary Powers Policy Guide', 7th Mar 2025, https://bvi.gov.vg/media-centre/vi-government-launches-discretionary-powers-policy-guide
[25] s109 Virgin Islands Constitution Order 2007

recommendations related to **audits and investigations (A4)**, particularly the establishment of an independent unit to conduct investigations and hold responsibility for criminal and/or civil recovery. The first part of the Framework Agreement commitment was for the Governor to oversee a review of all areas of Government, in line with a timetable prepared by the Auditor General. This work is ongoing.

3.14. The Framework Agreement commits to the establishment of an independent unit to conduct investigations, and a COI Investigations Unit was established within the Royal Virgin Islands Police Force. Each audit has been forwarded to the Director of Public Prosecutions and the Commissioner of Police to assess if any offences were committed, and to the Attorney General to assess whether the Government should pursue the recovery of funds. The Attorney General has instructed external counsel for advice on the feasibility of financial recovery in some instances, and these are now matters for the Attorney General's Chambers as part of their usual operations.

Commission of Inquiry Act

3.15. The COI found that the Governor's power to establish an inquiry in matters of public interest is of "real value to the people of the BVI".[26] The Commissioner found the flexibility that the legislation gave allowed for a process which was open, transparent and procedurally fair. Although the Commissioner did not find himself "wanting in powers", he recommended a **review of the Commissions of Inquiry Act 1880 (B1)**.[27]

3.16. The review conducted in response to recommendation B1 was received on 7th September 2023. The review recommended modernised language and provision to reduce the risk of duplication with other offices established under the Constitution. The review added that "subsidiary legislation should be promulgated as [the] bulk of the work of a commission is procedural".[28] Though subsidiary legislation has not been progressed, work did commence on an updated Act.

3.17. Since my Quarterly Review in May 2024, Cabinet agreed a draft Bill and it reached the House of Assembly in July. While the Framework Agreement indicated that the legislation would be "subject to agreement by the Governor and

[26] British Virgin Islands Commission of Inquiry, 4th Apr 2022, p120
[27] ibid
[28] 'The Review of the Commissions Of Inquiry Act 1880', Valera Fikile Dlamini, Dec 2022, p5, https://bvi.gov.vg/sites/default/files/resources/final_report_-_commission_of_inquiry_act_188033527.pdf

Premier",[29] the Premier had not wished to discuss or negotiate the content. The Opposition was critical of the Bill, describing it as "as close as you can get to dictatorship".[30] The House sought to perform "surgery" in closed Committee sessions.[31] On 21st July, the House of Assembly passed the new legislation.

3.18. I was presented with the Virgin Islands Inquiries Bill 2024 for assent on 27th August. Under the Constitution, the Governor either assents to a Bill or reserves assent.[32] The Governor must reserve assent, unless authorised by the Secretary of State, any Bill which appears to be inconsistent with any UK Government or international obligations, is likely to prejudice the Royal prerogative or is in any way "repugnant to or inconsistent with" the Constitution.[33]

3.19. I wrote to the Premier and Attorney General with several points for clarification. Principally, I raised concern with the removal of flexibility on the number of commissioners. Under the new law, all inquiries, however small, must have three commissioners. There is a vague requirement for "balance in the composition" of commissioners, and there is a risk that this could be used to politicise inquiries.[34]

3.20. The wide remit for restricting the publication of information afforded to the Governor and Premier is open to abuse.[35] It could be argued that the publication of any negative inquiry could cause risk of damage to the economic interests of the Virgin Islands, and the new law allows the Premier or Governor - dependent on who called the inquiry - to restrict publication on this ground.[36] The decision to withhold information should not be a political one.

3.21. Ultimately the above points are policy which is determined by Cabinet. I did not view the Bill passed to me as inconsistent with or repugnant to the Constitution, and the Attorney General advised that I could properly assent. The Virgin Islands Inquiries Act 2024 was Gazetted on 14th November 2024 and brought into force on 9th December 2024. Despite the concerns set out above, the new law provides

[29] 'Framework Agreement', p11
[30] Allison Vaughn, 'Guv's inquiry bill sparks cries of 'dictatorship'', *BVI Beacon,* 18th Jul 2024 https://www.bvibeacon.com/guvs-inquiry-bill-sparks-cries-of-dictatorship/
[31] ibid
[32] s79(2) Virgin Islands Constitution Order 2007
[33] s79(2)(c) Virgin Islands Constitution Order 2007
[34] s5(1)(b) Virgin Islands Inquiries Act 2024
[35] s22(3) Virgin Islands Inquiries Act 2024
[36] s22(3)(c) Virgin Islands Inquiries Act 2024

a "modern and robust basis for conducting inquiries into matters of public interest".[37] If the law is applied in good faith, it should be effective.

Governance & Integrity in a Public Office

3.22. Good governance is at the heart of the COI reforms, and most recommendations are designed to strengthen the institutions of government.

3.23. The Constitution of the Virgin Islands 2007 sets out the requirements for a Register of Interests, maintained by a Registrar appointed by the Governor.[38] The Commission of Inquiry described it as vital to good governance that "public officials do not take into account private interests when making decisions in the public interest".[39] The COI found breaches of their constitutional duties from all Members of the House of Assembly. In the Commissioner's view "elected public officials have deliberately and persistently overridden constitutional controls on their behaviour".[40]

3.24. The COI recommended, in line with the Constitution, the **establishment of a system of registration of interests (B2)** which "gives clear guidance as to what must be disclosed and when and has effective provisions (involving sanctions where appropriate) to require compliance." The Register should be "subject only to any restrictions that are truly necessary [and] be open to public access".[41] The Framework Agreement accepted the recommendation and furthered the commitment to "a new system of registration of interests based on international best practices".[42]

3.25. The Register of Interests Act 2006 has been amended on three occasions because of the COI. Firstly in 2021 to allow the Registrar to report to the Inquiry. Secondly in 2022, an amendment was passed in the House of Assembly as part of recommendation B2. Then Governor John Rankin assented to the Register of Interests (Amendment) Act 2022 in December of that year. He welcomed the penalties for any Member who fails to declare their interests on time. However, he raised serious concerns which he felt ran "counter to the principle of

[37] Press Release, 'Inquires Act, 2024 Now In Force', 17th Dec 2024, https://bvi.gov.vg/media-centre/inquires-act-2024-now-force
[38] s112 Virgin Islands Constitution Order 2007
[39] British Virgin Islands Commission of Inquiry, p125
[40] British Virgin Islands Commission of Inquiry, p167
[41] British Virgin Islands Commission of Inquiry, p15
[42] 'Framework Agreement', p11

transparency".[43] Anyone wishing to view the Register must make a written application, pay a fee for each record inspected, inspections must take place in the presence of the Registrar and, most restrictively, no copies or notes on the content of the Register can be made. Governor Rankin expected the Government to return to the legislation to meet the Framework Agreement commitment to best practice.

3.26. In 2024, the House of Assembly returned to the Register of Interest Act. The Register of Interests (Amendment) Act 2024 made some changes to definitions of family members, affirmed the role of the Registrar in ensuring compliance, and reduced the fee for inspecting each record from $15 to $10. The Registrar will play a key role in monitoring and enforcement. Ultimately, Members could be suspended for two sittings and have their salary withheld for not complying with the provisions of the Act. The Register is however still subject to restrictions, and it was reported to me that only one person visited the Register in 2024.

3.27. The subsequent recommendations relate to the **planning and committing to fund the Register of Interests system (B3)** and **extension of the Register of Interests to other public officials (B4)**. The commitment to fund the system has been clear: $30k was spent on the Register in 2022, and this increased to an estimated $155k in 2024 with an estimated budget of $182k for 2025.[44] Ultimately, it is a matter for the House of Assembly to agree budgets. Given the demands on the Register in 2024, consideration should be given to whether the system as it is currently designed is "efficient and effective" as envisioned by recommendation B3.[45]

3.28. The increased budget for 2025 reflects the extension of the Register to senior Public Officers, and the increased workload likely required to maintain this. Provision for this extension was made in the Public Service Management Act 2024, passed in the House of Assembly last August. It was presented to me for assent at the end of September. I assented to the Act in November, and it was

[43] Press Release, 'Press Statement by His Excellency Governor John Rankin CMG on His Assent of the Register of Interests (Amendment) Act', 12th Dec 2022, https://www.bvi.gov.vg/media-centre/statement-governor-rankin-his-assent-register-interests-act
[44] Government of the Virgin Islands, '2025-2027 Recurrent Budget Estimates of Revenue and Expenditure', 11th Nov 2024, p48, https://bvi.gov.vg/sites/default/files/2025_Budget_Estimates_-_Final_V4.pdf and Government of the Virgin Islands, '2024 Budget Estimates, p48, https://bvi.gov.vg/sites/default/files/2024_budget_estimates_final_5924_compressed.pdf
[45] British Virgin Islands Commission of Inquiry, 4th Apr 2022, p15

brought into force on 1st January 2025. I cover the substance of this legislation in the Public Service section of this report.

3.29. The most senior Public Officers (Senior Deputy Secretaries and Deputy Financial Secretaries, Heads of Department and their Deputies and Public Officers in Grades 17 to 21) are now required to register their interests.[46] The register is private, but can be viewed by the Governor and Deputy Governor, and requests for access can be made by the police. I am advised that the process of registration is underway. Under the new law, any public officer who fails to submit their declaration on time shall have their salary withheld. The Registrar has a duty to make sure declarations are full and accurate and can compel officers to supply information to that end. Penalties for non-compliance, as well as for making fraudulent entries, are contained within the Act.

3.30. Recommendations B3 and B4 also envision that members of Statutory Boards should have duties to declare interests. I will cover the reforms related to Statutory Boards in detail in that section of this report. Provision was added to legislation for five priority Statutory Boards last year, and these measures are now in force. Members are required to submit their interests to the secretary of the Board, and provisions on conflicts of interest and disclosure are included. Although Ministers have powers to revoke appointments where they believe a member has "a significant conflict of interest",[47] it appears that they would not have access to the Board's register, as this is private (and can only be viewed on request by the police or a professional disciplinary body). It is unclear how this system can interact with mechanisms such as the Integrity in Public Life Act 2021, and its effectiveness remains to be seen.

3.31. The remaining recommendations in the Elected Public Officials' Interests section of the COI report propose amendments to the Constitution: to **clarify s66 and s67 of the Constitution in relation to how interests must be declared (B5)** and to **clarify whether s66 and s67 of the Constitution are intended to cover Members or candidates contracting with Statutory Boards (B6)**. Both recommendations will form part of negotiations on the Constitution.

3.32. The Framework Agreement committed to a review of the practice of HOA Members contracting with the Government and passing legislation in accordance

[46] Sch. 2 Public Service Management Act 2024
[47] E.g. Sch. 1 s4(2)(e) National Parks Trust Act 2006, as amended by s10(c) National Parks Trust (Amendment) Act 2024

with the recommendations.[48] The review was conducted by former Director of the BVI Airports Authority, Mr Denniston Fraser. The review recommended wider powers for the Integrity Commission, including allowing them to make inquiries and carry out investigations, examine practices and procedures of public bodies and allow the Chair to levy fines. The review also highlighted the need for interworking between the Register of Interests and the Integrity Commission; specific recommendation was made that a Member of the House of Assembly should inform the Integrity Commission "where his/her interest in any Government contract goes beyond a mere investigative nature".[49]

3.33. The Integrity in Public Life Act 2021 was passed at the end of 2021 but not brought into force until 7th February 2024. Commenting on the legislation, Commissioner for the COI heard opinion that the new Integrity in Public Life Act 2021 was part of "a new beginning for governance".[50] However, he raised serious concerns about the effectiveness of the scheme, for example: "the oath required of a Registrar (which is in the same terms as found in the 2006 Act) would present him or her with practical and legal difficulties in obtaining advice from an Integrity Commission (assuming one were in place and functioning)."[51] The oath has not been amended.

3.34. The Integrity in Public Life (Amendment) Act 2024 was passed in the House of Assembly in summer 2024, and I assented to it on 31st March 2025 to align with the commencement of new legislation for parliamentary standards. The main change is to remove House of Assembly Members, Public Officers and "other officers" who support Statutory Boards from the scope of the legislation.[52] Members of Cabinet and Junior Ministers will remain within scope, as the Integrity Commission will focus solely on the executive branch of Government. I will separately cover the new Parliamentary Commission for Standards Act 2024, which will oversee integrity matters for the House of Assembly.

[48] 'Framework Agreement', pp11-12
[49] 'Independent Review Pursuant to Recommendation B5', Denniston Fraser, 31st Mar 2023, p33, https://bvi.gov.vg/sites/default/files/resources/report_on_house_of_assembly_members_contracting_with_the_government_including_statutory_boards.pdf
[50] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p168
[51] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p168
[52] The Integrity in Public Life (Amendment) Bill 2024 is not publicly available. Laws presented to the Governor for assent, following amendment in Committee by the House of Assembly, are not made public until after assent.

3.35. The Governor is responsible for the terms and conditions of Public Officers.[53] Hence the provisions of the Integrity in Public Life Act 2021, which will no longer apply to Public Officers, have been incorporated into the new Public Service Management Act 2024 which is now in force. The Integrity Commission will no longer play an oversight role for Public Officers, and the intention is for the Public Service Commission to play a role in disciplinary matters and the Complaints Commission to be responsible for receiving and investigating complaints.

3.36. The Integrity in Public Life (Amendment) Act 2024 does not comprehensively address the recommendations of the Denniston Fraser review. It is still unclear how the Integrity Commission and Register of Interests will be able to interact, in spite of new powers to "make inquiries and carry out investigations as is necessary in order to verify and determine the accuracy of any declaration or statement of registrable interest".[54] Equally, the House of Assembly decided to reject some of the proposed investigative powers which would have allowed the Integrity Commission to "examine the practices and procedures of public bodies in order to facilitate the discovery of corrupt practices."[55] This function was specifically recommended in the review.

3.37. The definition of persons in public life is set out in Schedule 1 of the Integrity in Public Life Act 2021. Under the principal act, members of Statutory Boards "and other officers (by whatever name called)" are considered persons in public life, the Integrity in Public Life (Amendment) Act 2024 removes "other officers" from the scope. The impact of this appears to be that senior officers working for Statutory Boards, who are not Public Officers, are no longer subject to any integrity mechanisms. I did, on the advice of the Attorney General, determine that I could properly assent to the legislation in line with my responsibilities under the Constitution.

3.38. Since my last Quarterly Review in May 2024, the Integrity Commission has been appointed and an induction was coordinated by the Premier's Office. This is a significant step towards providing proper accountability for persons in public life.

[53] s60(1)(d) Virgin Islands Constitution Order 2007
[54] To be inserted at s5(1)(e) of the Integrity in Public Life Act 2021 by the Integrity in Public Life (Amendment) Bill 2024
[55] The version of the Integrity in Public Life (Amendment) Bill 2024, as presented to the House of Assembly, can be accessed here: https://laws.gov.vg/Laws/integrity-public-life-amendment-bill-2024. The proposed amendment to insert s5(1)(f) was removed in Committee.

3.39. The reason for the delay in my assent to the Integrity in Public Life (Amendment) Act 2024 was to ensure no gap was left between House of Assembly members being removed from the Integrity in Public Life Act 2021 and the new Parliamentary Commission for Standards Act 2024 coming into force.

3.40. The Parliamentary Commission for Standards Act 2024 was passed in the House of Assembly in August, and came into force on 31st March 2025. It establishes a separate Standards Commission for the purpose of "promoting, encouraging and safeguarding high standards of conduct in the public office by members of the House of Assembly".[56] Steps to appoint the Commission are overdue based on the plan recently agreed by Cabinet. When constituted the Commission will be able to receive and investigate complaints, and advise members on integrity matters. The House of Assembly removed provision which would allow the Commission to investigate on its own initiative. It also does not have the power to investigate withdrawn complaints, which could place complainants at risk of pressure to withdraw their complaints.

3.41. The exception to disclosing the name of a complainant when inappropriate to do was removed by the House of Assembly in Committee. The compulsory disclosure of the details of complainants in all circumstances could discourage individuals from making complaints, present safeguarding issues, and could jeopardise potential criminal investigations.

3.42. The Premier has advised that Members of the House of Assembly are committed to upholding Commonwealth Parliamentary Association Standards.[57] There are some areas where the new law falls short:

- The Parliamentary Commission for Standards should be separate from and independent from an anticorruption agency. If the Integrity Commission is intended to function as the anticorruption agency, the removal of Opposition members from the Integrity in Public Life Act 2021 means that some Members will no longer be subject to this necessary accountability mechanism.
- The legislation establishing the Parliamentary Commission of Standards should prescribe the burden of proof to be applied in substantiating a complaint.

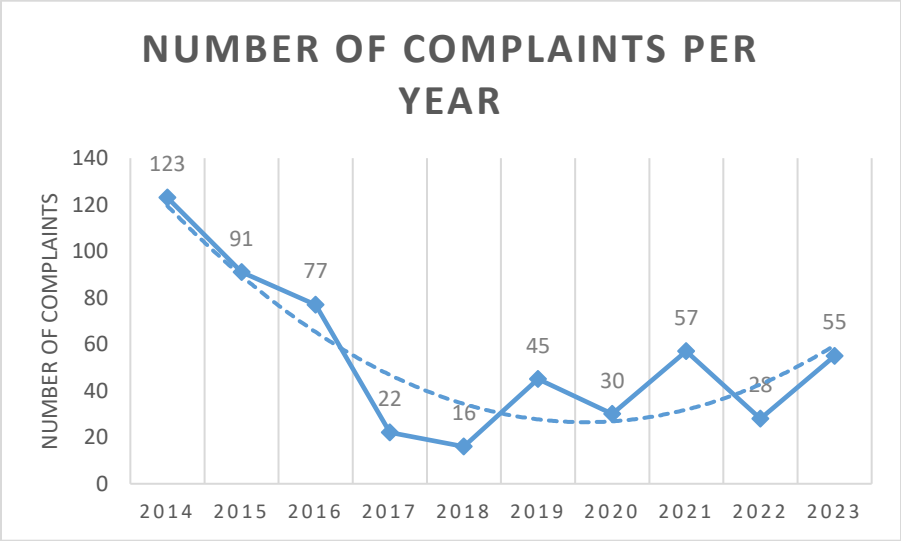
[56] s15 Parliamentary Commission for Standards Act 2024
[57] Commonwealth Parliamentary Association, 'Standards for Codes of Conduct for Members of Parliament and the Parliametary Workplace', 2024, https://www.cpahq.org/media/k4bhbzvd/codes-of-conduct-2024_final.pdf

- Members should be able to seek advice from a suitably qualified person or entity in relation to rules and practices governing matters of integrity in public office, and this person should be separate from those investigating complaints.

3.43. Despite the above areas, the existence of an Integrity Commission, Parliamentary Commission for Standards and a Register of Interests should be regarded as a significant step forward since 2021. Once the Commissions are fully functional, the effectiveness of the legislative mechanisms will be tested.

3.44. The requirement for the **Complaints Commissioner to report annually to the Governor and the House of Assembly (B45)** is defined in s24 of the Complaints Commissioners Act 2003. The COI noted that the "decline in number of contacts with and complaints to the Complaints Commissioner reflect[ed] the falling regard in which the post is held by other elements of the BVI Government" and reported that this results in a "loss of public confidence in the position".[58]

3.45. Since my last Quarterly Review, the outstanding 2021 and 2022 reports were laid in the House of Assembly. The 2023 report was received in February 2025 and will be laid in the House of Assembly in due course. The below graph shows the number of complaints received each year over the last ten years. While there is an overall decline, some encouragement can be taken from the increase in those using the Complaints Commission between 2022 and 2023:



[58] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p67

Assistance Grants

3.46. The **wholesale review of the BVI welfare benefits and grants system (B7)** was completed in 2022, however work took some time to progress. A discussion paper was published by the Ministry of Health and Social Development in June 2023.[59] B7 is clear that there should be a "move towards an open, transparent and single (or, at least, coherent) system of benefits, based on clearly expressed and published criteria without unnecessary discretionary powers".[60]

3.47. On 15th May 2024, Cabinet agreed the programme design for a social assistance system which prioritises the most vulnerable populations in the Virgin Islands. The Framework Agreement commitment was to introduce "legislation in accordance with the recommendations of the wholesale review of the Virgin Islands welfare benefits and grants system to remove unnecessary discretionary powers of Ministers".[61]

3.48. The Public Assistance (Amendment) Act 2024 was passed in the House of Assembly on 9th July 2024, and I assented to it on 22nd August 2024. This is a big step towards better supporting the most vulnerable. It also represents a vast improvement to the previous grants systems and goes toward addressing the COI recommendation for a fairer and more equitable system. The legislation clarifies definitions, eligibility and categories of support. While the work to date is admirable, the law is yet to be brought into force by the Minister. The reason for the delay is because the Ministry is working on the regulations which will underpin the Act. Without the new system in force and working in practice, we don't yet have reform.

3.49. As an interim measure, Cabinet agreed increases to the grant structure on 5th February 2025. These grants are tied to the Minimum Expenditure Basket, so are designed to be tied to the actual cost of essential needs. This signals the Government's intention to design a robust system for supporting the most vulnerable in society. Coupled with the cessation of **House of Assembly Members' Assistance Grants and the Government Ministries' Assistance Grants (B8)** and the **transfer of funds that have been allocated to such grants in the past to the Social Development Department (B9)**, these reforms

[59] 'Social Assistance Discussion Paper', Ministry of Health and Social Development, Jun 2023, https://bvi.gov.vg/sites/default/files/social_assistance_in_the_virgin_islands_discussion_document.pdf
[60] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p16
[61] 'Framework Agreement', p12

have the potential to have the greatest positive impact for the people of the Virgin Islands.

3.50. The review of the welfare benefits and grants system did not cover district projects, and this area should have been reviewed for the purpose of determining the public benefit of such grants. Developing **express criteria, transparent processes and monitoring of grants for district projects (B10)** was led by the Ministry of Communication and Works. Cabinet have agreed a Civil Mitigation Policy, and this was published (as required by the Framework Agreement),[62] on 11th March 2025.[63] Eligible projects include road clearing, drainage improvements, and construction of retaining walls. The Policy introduces a Technical Assessment Committee to "impartially evaluate and prioritise requests", and creates "a standardised process for procurement, monitoring, and evaluation".[64] Its effectiveness is yet to be tested.

3.51. The COI recommended developing **express criteria, transparent processes and monitoring of grants for education scholarships (B10)**. As part of the Framework Agreement, there was commitment to establish "a panel comprised of persons from civic society to review the scholarship/educational grants programme with a view to recommending clearly expressed and published criteria."[65]

3.52. I am advised that the panel completed their assignment on 19th March 2023, and this culminated in two policies which were consulted on: a policy on assistance grants and a policy on scholarships. The consultation only received three responses from the public during the month-long consultation window. Questions will need to be asked about whether this engagement was adequate, and indeed if the views of the young people this is most likely to affect have been properly considered.

3.53. The Ministry of Education, Youth Affairs and Sport have consistently sought to maintain separate schemes and separate committees. The Scholarships Committee is responsible for determining whether individuals are ready for tertiary education and eligible to receive a partial government scholarship. The Assistance Grants Committee considers applications from individuals who are

[62] Framework Agreement p12
[63] Press Release, 'Government Of The Virgin Islands Launches Civil Mitigation Policy', 11th Mar 2025, https://bvi.gov.vg/media-centre/government-virgin-islands-launches-civil-mitigation-policy
[64] Press Release, 'Government Of The Virgin Islands Launches Civil Mitigation Policy', 11th Mar 2025
[65] 'Framework Agreement', p13

seeking financial assistance for education, sports and creative development. The Committees hold significant discretion to determine how grants should be allocated. The assistance grants policy sets out the aim to provide financial support, however it does not define financial hardship as one of the qualifications for eligibility.

3.54. Some information is provided on assistance grants on the Government website.[66] There is an online platform for the scholarship programme,[67] but it is unclear if the policy has been published. Without clear and transparent expectations on recipients, the system is open to abuse.

3.55. The previous Governor referred the **audit on Assistance Grants (including Covid Assistance) issued by Members of the House of Assembly (B12)** to the Commissioner of Police and Director of Public Prosecutions. These investigations remain open. The Audit found that the "funds were largely not governed by any financial rules or eligibility criteria" and were hence not consistently distributed based on need.[68] All of the programmes were absent of documented objectives and the audit highlighted that individuals "within the orbit of the political arena may have received preferential treatment in the awarding of assistance".[69]

3.56. Since my last Quarterly Review in May 2024, the remaining **audits on Covid-19 Assistance Programmes (B13)** were received, laid in the House of Assembly and published on www.auditbvi.com. While some of the programmes "operated as intended" and "served to alleviate some of the costs associated with the COVID-19 fallout", the audits also identified several concerns including on transparency, eligibility and overspends.[70] Audits play a vital role in ensuring value for money and accountability in the use of public money. They are only effective in doing so if the public are aware of the findings and the relevant agencies respond constructively.

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[66] https://bvi.gov.vg/content/assistance-grants, accessed 29th April 2025
[67] https://bvigov.smapply.io/, accessed 29th April 2025
[68] Press Release, 'Governor's Press Statement on Assistance Grants Audit', 10th Mar 2023, https://bvi.gov.vg/media-centre/governors-press-statement-assistance-grants-audit
[69] Audit Report, 'Assistance Grants January 2019 to May 2022', 30th Dec 2022, p12, https://www.auditbvi.com/_files/ugd/6a2542_e0775701cb714dd8afefeda2040911c8.pdf
[70] Audit Report with Addendum, 'Covid–19 Stimulus Grants to Religious Institutions, Civic Groups, Private Schools & Daycares', 10th May 2024, p7 https://www.auditbvi.com/_files/ugd/6a2542_a8f72e6b77884cb4b91f64c08e31ec06.pdf

3.57. No criminal charges were brought in relation to the **investigation of possible obstruction of the Director of Internal Audit and Auditor General (B14 and B15 respectively)**. These are summary offences for which charges must be brought within six months of the offence. The possibility of criminal action now exists should obstruction occur in the future.

3.58. An **amendment to the Audit Act 2003 (B16)** made failure to cooperate with, or otherwise impede, the Auditor General a criminal offence. Former Governor John Rankin assented to the Audit (Amendment) Act 2022 on 10th August 2022; now, anyone committing this offence is liable on summary conviction to a fine not exceeding five thousand dollars.[71] Provision already existed for failure to cooperate with the Director of Internal Audit.[72], though this offence could be punishable with a custodial sentence. It remains to be seen whether the $5k fine introduced for obstructing the Auditor General would be sufficient deterrent for someone wishing to frustrate the audit process, potentially to prevent disclosure of other offences.

3.59. The Service Commissions (Amendment) Regulations 2022 makes **failure to cooperate with the Auditor General or Director of Internal Audit gross misconduct (B17)** for Public Officers. For a first offence, a public officer could be suspended for up to thirty days or demoted. For a second offence, a public officer could be dismissed. The effectiveness of these provisions will need to be tested over time. Throughout the course of the COI audits, the Auditor General reports that although multiple requests had to be made on occasion, no department or ministry refused to make submissions.

Contracts

3.60. Since the last Quarterly Review, the **audit of major contracts 2019 – 2022 (B18)** was received, laid in the House of Assembly and published on www.auditbvi.com. The audit of major contracts found that the previous procurement framework was "inherently flawed" as it "allowed for circumvention". The audit identified the "need for balance and equity in the award of public contracts". [73] The report states that the "new procurement legislation and regulations address many of the previous issues" but stresses the importance of "adequate oversight and strict compliance".[74]

[71] s21B Audit Act 2003, as amended by s2 Audit (Amendment) Act 2022
[72] s23 Internal Audit Act 2011
[73] Audit Report, 'Audit Report on Major Public Contracts', 26th Aug 2024, pp17-18, https://www.auditbvi.com/_files/ugd/6a2542_8fee0794cd1d42f290e9648e398d02e6.pdf
[74] ibid

3.61. There have been improvements to the procurement regime. The COI recommended provision to **stop contract splitting and to provide checks on tender waivers (B19)**. During the period covered by this audit of major contracts, Cabinet waived 105 contracts with an aggregate value of $65.7m.[75] The reason for waivers was cited as urgency in 41% of cases. The audit found that "at times the urgency…was not realized".[76] The category of 'tender waiver' was stopped by the Virgin Islands Public Procurement Act 2021, brought into force on 6th September 2022.

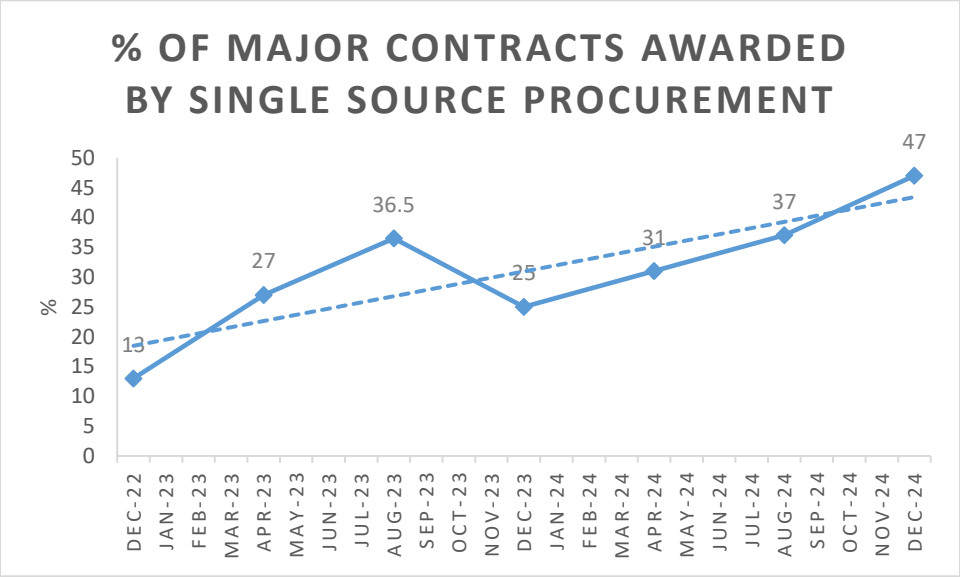
3.62. The audit identified several split projects without authorisation, most prevalent in the Ministry of Communication and Works.[77] The total amount of contracts awarded this way throughout the audit period was $3.3m. Under the Framework Agreement, the Government committed to amendment "to the Public Finance Management Act to require all government contracts other than major contracts, to contain a provision that there are no associated contracts which together would trigger the open tender process".[78] Provision intended to prevent the practice of contract splitting is contained in the Procurement Act 2021: "a procuring entity shall neither divide its procurement nor use a particular valuation method for estimating the value of procurement so as to limit competition among tenderers or otherwise avoid its obligations under this Act".[79]

3.63. The below table sets out the category of major contracts agreed by Cabinet since the COI was published.

	May – Dec 22	**Jan – Apr 23**	**May – Aug 23**	**Sep – Dec 23**	**Jan – Apr 24**	**May-Aug 24**	**Sept – Dec 24**
Tender waiver	9 (39%)	1 (3%)	0	0	0	0	0
Public tendering	8 (35%)	19 (58%)	3 (27%)	3 (75%)	7 (54%)	8 (50%)	8 (42%)
Single source procurement	3 (13%)	9 (27%)	4 (36.5%)	1 (25%)	4 (31%)	6 (37%)	9 (47%)
Contracts for specialist work (or public procurement exemptions)	3 (13%)	4 (12%)	4 (36.5%)	0	2 (15%)	2 (13%)	2 (11%)
Total	23	33	11	4	13	16	19

[75] ibid, p9
[76] Ibid, p10
[77] Ibid, p13
[78] 'Framework Agreement', pp13-14
[79] s41(1) Public Procurement Act 2021

3.64. The below graph shows the trend of major contracts being agreed by single source procurement. It is vital that this type of procurement is exercised only in "exceptional circumstances" in line with the legislation.[80]



3.65. On 30th January 2025, the Government enacted the Public Procurement (Amendment) Regulations 2025, which raised the procurement thresholds. Requests for quotations will be used for contracts valued at $25,000 or less (as opposed to $10,000), with approval granted by the Accountable Officer. For contracts exceeding $25,000, open tendering and restricted tendering procedures will be required. Additionally, the new regulations mean that Cabinet will only approve contracts over $250,000 (as opposed to $100,000). The aim of the legislation is to "streamline the process for awarding government contracts and improve procurement procedures within the public sector".[81]

3.66. Several COI recommendations relate to continuing investigations or referring matters for investigation, and considering financial recovery. The **Sea Cows Bay Harbour Development Project and Virgin Islands Neighbourhood Partnership Project investigations (B20)** have been closed. The **Elmore Stoutt High School Perimeter Wall Project and BVI Airways Project investigations (B21)** are ongoing.

[80] s8(3) Public Procurement Act 2021
[81] Press Release, 'Government Enacts Public Procurement (Amendment) Regulations, 2025', 4th Feb 2025, https://bvi.gov.vg/media-centre/government-enacts-public-procurement-amendment-regulations-2025

3.67. An **audit in respect of government contracts with Claude Skelton Cline (B22)** and an **audit in respect of government contracts with EZ Shipping (B23)** were conducted. The Director of Public Prosecutions and the Commissioner of Police were asked to assess if any offences were committed. These investigations remain open. These audits were forwarded to the Attorney General to assess whether the Government should pursue recovery of funds spent on the contracts.

Statutory Boards

3.68. Statutory Boards account for a significant proportion of recurrent government expenditure.[82] The COI report found a "lack of openness, transparency or rigour" in the process of recruitment to Statutory Boards.[83] It found that appointments were not made based on aptitude, expertise or experience as measured against identified objective criteria. Additionally, the independence of the Statutory Boards had been "severely – and, at times, cynically and with apparent disdain – eroded".[84] In the Framework Agreement, the Government committed to an overriding "Statutory Boards statute" which drew from the findings of various reviews.[85]

3.69. In the Framework Agreement, the Government committed to the enhanced monitoring of Statutory Boards as well as three reviews: **a review of Statutory Board compliance (B24)**, a **review of the provisions under which Statutory Boards are established and maintained (B25)**, and **a review leading to consideration of Statutory Board membership revocations (B29)**. These reviews were conducted and published between late 2022 and early 2023.

3.70. The B24 review of Statutory Board compliance, conducted by Ms Antoinette Skelton, surveyed each Board and made a series of recommendations. Some of these recommendations have been taken account of, and others have not. For example, legislation for one Board was amended to mandate the development of

[82] It was reported in the COI Report that one quarter of such expenditure is made through Boards, 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p485, and '2016 Report of the Auditor General on the Accounts of the Virgin Islands', 21st Mar 2019, p24, https://www.auditbvi.com/_files/ugd/6a2542_3cdb8869dde04896a89d3990d1c1ec8e.pdf
[83] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p45
[84] ibid, p488
[85] 'Framework Agreement', p15

procurement rules, but the amendment neglected to include specific deadlines for annual reports and audited financial statements.[86]

3.71. In May 2024, I reported that a year after publication of the review of **Statutory Board provisions (B25)**, conducted by Mr Jamal Smith, a new Statutory Boards policy was yet to reach Cabinet. Cabinet approved a new policy in June 2024, though it has not been made public. Consultation with the Statutory Boards took place between the 1st and 14th May 2024.

3.72. The COI recommended that there should be an **overriding statute that sets out the framework for all Statutory Boards (B26)**. However, the Attorney General recommended a systematic review of every piece of legislation relating to respective Statutory Boards, with revised governance principles included throughout, as opposed to a statute for all Boards. It was agreed that legislation in relation to five Statutory Boards would be progressed first, though no amendments beyond the priority Boards have been passed since last summer.

3.73. Some of the recommendations have been taken forward. The House of Assembly decided against adopting some elements of the Bill as laid, for example the Good Governance Policy Framework and requirement for Boards to adopt various policies (for example on conflicts of interest, procurement and succession planning). The House rejected the requirement for the specific provisions of the Procurement Act 2021 to apply to the Boards.

3.74. Many other recommendations have not been included in the Statutory Board amendments, namely requirements to publish information (for example about Board membership and minutes of meetings). Most concerningly, the requirement to make the budget accessible to the public within set timeframes, in line with OECD standards, has not been included in all of the legislation.[87] The review also makes a clear recommendation that Boards should have "the power to appoint its staff without interference from Central Government", while recognising there may be a need to consult.[88] The legislation brought into force so far does not address this recommendation. The legislation also fails to

[86] The National Parks Trust (Amendment) Act 2024 does not include a timeframe for submitting financial statements as recommended by the B24 review.
[87] OECD, 'OECD Guidelines on Corporate Governance of State-Owned Enterprises 2024', 28th Oct 2024, https://www.oecd.org/en/publications/oecd-guidelines-on-corporate-governance-of-state-owned-enterprises-2024_18a24f43-en/full-report.html
[88] '2022 Statutory Boards Review', Jamal Smith, 31st Dec 2022, p66, https://bvi.gov.vg/sites/default/files/resources/b25_statutory_boards_provisions_review.pdf

exclude close family members to Ministers and Senior Public Officers from sitting on Boards.[89]

3.75. The legislation introduces a system of Members registering their interests and managing conflicts. Declarations are only submitted to the Secretary of the Board and can only be viewed by a law enforcement agency or professional disciplinary body. There is no interaction with the Register of Interests, and it is unclear how effective this system of registration will be. Indeed, the review of Statutory Boards envisioned a single register, and found the system of disclosures for elected officials "unduly complex".[90]

3.76. The inclusion of good governance measures in the legislation for each Board is encouraging, including the requirement to develop financial and operational controls and take steps to ensure efficient and effective oversight. The discretion placed on how Boards do this means implementation will need close monitoring. Some Boards will need more support than others. No Statutory Boards Desk Officer has been recruited to play a supervisory role, two years after this recommendation was made.[91] That said, I am advised that work is ongoing within the Premier's Office to provide administrative oversight of Statutory Boards, led by the Strategy and Policy Development Lead.

3.77. Members of the five priority Statutory Boards must now commit to "observe, abide and conduct" themselves in accordance with the Code of Conduct set out in Schedule 3 of the Integrity in Public Life Act 2021.[92] Though the recent Integrity in Public Life (Amendment) Act 2024 removes officers who support Statutory Boards from the scope of the Act, including Managing Directors for example.

3.78. The COI recommended that consideration is given to **establishing a Statutory Boards Commission (B27)**, which would be responsible for the process of selection and revocation of Statutory Board membership and monitoring the internal policies and procedures put in place by Statutory Boards. This was considered as part of the Constitutional Review. The Constitutional Review Commission noted that this proposal did not attract much comment from the public, but those who commented shared frustrations about a lack of transparency. The Public Officers and Boards themselves spoke firmly against

[89] ibid, p69
[90] '2022 Statutory Boards Review', Jamal Smith, 31st Dec 2022, p67
[91] ibid, p22
[92] E.g. Sch 1 s1(5) Ports Authority Act 1990, as amended by s10 Ports Authority (Amendment) Act 2024

embedding this in the Constitution, and shared the view that Boards should be answerable to legislature through the Minister.[93]

3.79. The Constitutional Review Commission described the creation of a Statutory Boards Commission as a "retrograde step that undermines the functions and responsibilities of the boards of directors".[94] It also identified several Boards which are subject to international requirements for operational independence. It also reaffirmed the position that "no effective over-arching law nor commission can adequately address the various governance structures".[95] The delivery of this recommendation, and proposals for the future, do not address the proposed coordinated oversight.

3.80. The development of the **Statutory Boards Protocol (B28)** can be considered one of the early successes of the COI implementation process. Although it was developed in 2022, it is yet to be published as required by the recommendation and as explicitly committed to in the Framework Agreement.[96] The application of the protocol has led to an increase in advertisements for appointments, attracting good candidates who may not otherwise have been considered. That said, the Commissioners on the Constitutional Review did not agree with all aspects of the protocol and advocated for headhunting in some circumstances.[97]

3.81. The **review of Statutory Board appointments (B29)**, conducted by Ms Sheila Braithwaite, considered the suitability of all Board members. Though no specific dismissals resulted from this review, over time members have been replaced and this has generally improved the quality of Boards.

Crown Land Disposals

3.82. Land in the Virgin Islands is a "particularly precious commodity".[98] The significance of land ownership, due to historical and social reasons, was recognised by the Commission of Inquiry. The COI found "the disposal of Crown Land is another area where decisions are taken by Ministers without any published criteria in relation to the assessment of applications" and that these decisions are made in the unfettered discretion of Ministers and Cabinet.[99]

[93] '2022-2023 Constitutional Review Commission Report', p83
[94] ibid
[95] '2022-2023 Constitutional Review Commission Report', p84
[96] 'Framework Agreement', p15
[97] ibid, p83
[98] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p495
[99] ibid p524

3.83. Although the COI did not generally investigate individual disposals, there were instances of "information that serious dishonesty in relation to public officials may have taken place",[100] and gave examples of "grossly undervalued disposals" with decisions which "may well have been exercised other than in the public interests".[101]

3.84. The COI recommended a **wholesale review of processes for the disposal of Crown Land (B30)**, with the purpose of ensuring that disposals are the subject "of an open and transparent process".[102] The Government of the Virgin Islands committed to legislating "in accordance with the recommendations of the review".[103]

3.85. The review was laid before the House of Assembly on 17th April 2023, and proposed the establishment of an independent Crown Land Authority with enforcement powers. Additionally, a Crown Land Advisory Committee and Crown Land Register were proposed. The review concludes that "disposal and management should be carried out in a manner that is free from political influence and implements long term sustainable policies that benefit the people of the Virgin Islands".[104]

3.86. Since my May 2024 Quarterly Review, the Crown Lands Management Act 2024 was passed in the House of Assembly, and I was able to assent to it on 27th August 2024. The Act establishes the Crown Lands Advisory Board, and sets out clear criteria and processes for the allocation of Crown Land. The Act introduces a first right of refusal for the Government for the sale of unimproved lands granted or disposed for residential purposes.[105] While the final sale and lease price "shall be determined by the Minister with the approval of Cabinet", it is done so informed by a valuation report based on market value and subject to the advice from the Ministry.[106]

3.87. The Crown Lands Management Act 2024 was brought into force on 30th January 2025, five months after I assented to it. A Crown Lands Policy was published one

[100] ibid p525
[101] ibid p524
[102] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p525
[103] 'Framework Agreement', p16
[104] 'Virgin Islands Crown Lands Distribution Policy Review Report', David Abednego, 16th Jan 2023, p32, https://bvi.gov.vg/sites/default/files/resources/b30_crown_lands_distribution_policy_review.pdf
[105] s36(1) Crown Lands Management Act 2024
[106] s26(3) Crown Lands Management Act 2024

year previously, though no updated policy has been published as yet since the legislation came into force.[107] It is vital that the policies and processes which underpin the new law are applied consistently and fairly, and that the Ministry ensures it delivers its policy vision "to be the regional leader in sustainable Crown Land management for the social, economic and environmental benefit of present and future generations."[108]

3.88. The **audit of Crown Land Disposals (B31)** was laid in the House of Assembly in December 2023. It found that "the Government of the Virgin Islands lacks a robust framework for the disposal of Crown Lands" and that without clearly defined evaluation criteria, there was a "vulnerability to undue political influence and bias, regardless of intention".[109] It is evident that the Ministry has sought to address this issue in response to the findings of the audit and comprehensive review.

3.89. The **Parcel 310 of Block 2938B disposal investigation (B32)** is ongoing.

Residency and Belonger Status

3.90. The COI described Residence and Belonger Status, and its associated privileges, as "highly prized".[110] The COI found "very little guidance in support of the statutory provisions" in respect of the grant of status.[111] The COI found evidence that the Immigration Department did not consider applications in line with the law and appeared to "shelve" applications, despite a duty to determine applications within a reasonable timeframe.[112] Instead, the department applied a 'twenty-year threshold'.[113] It described the practice, and the fact the policy was not published, as "unlawful".[114] Evidence was also presented to the COI that showed that "Cabinet has been and is prepared to exercise its discretion in a legally arbitrary way".[115]

[107] 'Virgin Islands Crown Land Policy', 5th Mar 2024, https://bvi.gov.vg/sites/default/files/resources/last_revision_sent_to_cabinet_-_virgin_islands_crown_land_policy_march_2024.pdf
[108] ibid, p4
[109] Audit Report, 'Crown Land Distribution', 3rd Aug 2023, p18, https://bvi.gov.vg/sites/default/files/resources/crown_land_distribution_audit_report_coi_b-31_hoa.pdf
[110] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p551
[111] ibid
[112] ibid, p553
[113] ibid, p554
[114] ibid, p553
[115] ibid, p572

3.91. The COI recommended a **review of processes for the grant of residency and belongership status (B33)**, and the Government of the Virgin Islands committed to "approve and enact" the recommendations of the review. Additionally, the Government committed to following "existing legislation on [the] residency threshold".[116] The review was laid in the House of Assembly on 7th September 2023, and the Premier stated that the review would "function as the basis for proposals and recommendations that will inform the necessary amendments to our legislation, and the formulation of relevant policies".[117] The key proposals include stopping the automatic progression from work permit to Belonger Status, establishing immigration and labour policies, and ensuring law and policy are aligned and clearly communicated to the public.[118]

3.92. The Immigration & Passport (Amendment) Act 2024 was passed in the House of Assembly on 28th May 2024. As part of my role under s79(2) of the Constitution, I am required to ensure that the Bill presented for assent does not appear in anyway inconsistent with the Constitution. I sought assurance from the Attorney General on several matters, particularly, whether the law inadvertently cuts off routes to acquired Belonger Status envisioned by s2(2)(f) of the Constitution and if the law infringes on a Governor's powers under s60.

3.93. The amendment to the criteria for Residence Status in s18 Immigration & Passport Act requires an applicant to have been "ordinarily resident in the Territory for 10 consecutive years". 'Ordinarily resident' is defined in s16, and includes the requirement for an applicant to not be subject "to any restriction on the period for which he or she might remain in the Territory".[119] If this definition were also applicable to s18, it would make it impossible for anyone to acquire residence status. The Attorney General has provided advice to confirm that the definition does not apply to s18, and instead an ordinary meaning of ordinarily resident is intended. While it may be unclear, it is not unconstitutional.

3.94. I was satisfied with the Attorney General's response that I could properly assent to the legislation, despite the removal of the Governor's power to appoint to the Immigration Board. What is somewhat more concerning, is that the Immigration &

[116] 'Framework Agreement', p17
[117] Press Release, 'Public Consultations On Residence And Belonger Status', 6th Oct 2023, https://bvi.gov.vg/media-centre/public-consultations-residence-and-belonger-status
[118] 'Review Of Policy And Process For Granting Residency And Belongership', Kedrick Malone, 24th Jul 2023, https://bvi.gov.vg/sites/default/files/resources/report_-_review_of_policy_and_process_for_granting_residency_and_belongership_-final.pdf
[119] s16(9)(c) Immigration and Passport Act 2013

Passport (Amendment) Act 2024 appears to inadvertently restrict members of the Immigration Board to "persons who are deemed to belong to the Territory under section 2(2) of the Virgin Islands (Constitution) Order, who each hold a certificate of belonger status under section 16 for 20 years or more."[120] This means that Virgin Islanders, who would not hold a certificate under s16, will no longer be eligible to serve on the Board after the law is brought into force.

3.95. The above issues are ultimately matters for the House of Assembly, and I determined that there were no grounds for me to reserve assent. I assented to the Immigration & Passport (Amendment) Act 2024 on 1st November 2024 and was advised that the Premier intended to bring a further amendment to address the issue of Immigration Board membership. A further amendment has now been passed in the House of Assembly, and I have assented to it. The Premier intends to bring the legislation passed in the House of Assembly last May into force at the same time as the new amendment. Once the legislation is brought into force, it is vital that clear policies and procedures are developed, published and consistently applied.

3.96. In my May 2024 Quarterly Review, I reported that the Immigration Board was making progress to process over 1,300 current applications under the existing legislation. The Immigration Department reports that there are now 1,214 applications for Residence Status and 153 for Belonger Status currently with the Department. The Immigration Department has now reported that there are no pending applications received prior to 1st June 2022, and there are no applications from before this point awaiting recommendation from the Immigration Board or pending Cabinet's Decision.

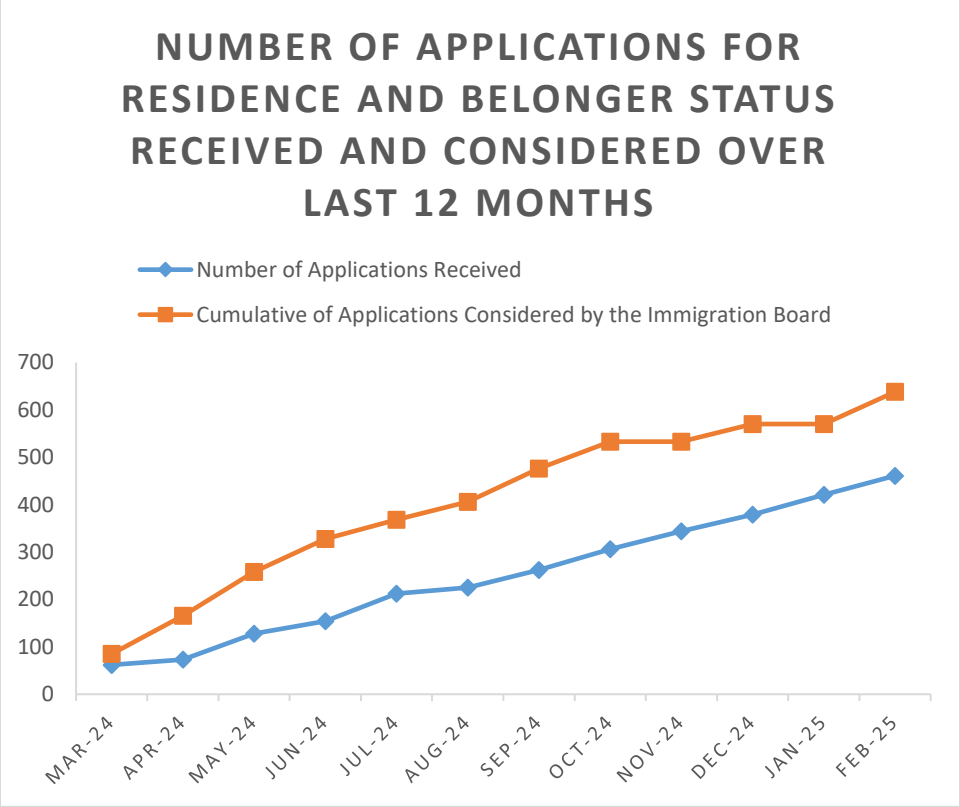
3.97. The below table shows the number of applications received and considered by the Immigration Board over the past year:

Applications Received for the Period	Number of Applications Received	Number of Applications Referred to the Board (Interviewed)				Number of Applications Considered by the Board			
		Residency	Tenure	Marriage	Total	Residency	Tenure	Marriage	Total
Mar 2024	62	66	31	15	112	63	15	7	85
Apr 2024	11	77	18	10	105	41	30	10	81
May 2024	55	54	20	14	88	48	39	5	92
Jun 2024	26	40	7	4	51	51	15	4	70
Jul 2024	58	54	13	7	74	17	9	14	40

[120] s5(b) Immigration and Passport (Amendment) Act 2024, though this is not in force at the time of writing.

Aug 2024	13	32	3	8	43	25	9	4	38
Sep 2024	37	24	0	4	28	59	3	8	70
Oct 2024	44	20	3	1	24	50	3	4	57
Nov 2024	38	18	2	3	23	0	0	0	0
Dec 2024	35	9	2	2	13	28	4	5	37
Jan 2025	42	24	8	2	34	0	0	0	0
Feb 2025	40	23	5	4	32	47	13	8	68
Total	**461**	**441**	**112**	**74**	**627**	**429**	**140**	**69**	**638**

3.98. The below graph shows the cumulative number of applications (for both Residence and Belonger Status combined) received and considered over the past twelve months. The rate applications are received is relatively consistent. While the Immigration Board made progress in processing applications in March through to June 2024, the rate in the latter part of 2024 and into 2025 is reduced. The Board now process applications at a similar rate to which they are received.



3.99. The Immigration Board is now constituted and functioning, and there is a flow of applications progressing to decision. The Board are now considering applications, and Cabinet are taking decisions, but this is currently at a similar rate to which applications are received. Although the new Immigration & Passport (Amendment) Act 2024 and 2025 are not in force, when they come into force transitional provisions will apply. The Act will "not apply in relation to any application…which was submitted to the Department prior to the commencement date of this Act and the former law continues to apply in relation to any such application".[121] The Immigration Department will need to develop plans for processing the significant number of applications currently in the system.

3.100. The COI considered the 2019 Fast Track scheme, the temporary scheme introduced to alleviate a backlog of applications. In the COI report, it was stated that "whilst the intention to clear the backlog of applications was understandable — even, commendable – the method in which it was done was curious".[122] An **audit of all applications for and grants of residency and belongership status under the Fast Track scheme (B34)** was conducted, and published on 17th April 2023.[123]

3.101. The audit of the Fast Track scheme found that it "lacked essential governance principles of transparency, participation, accountability and equity".[124] The audit found that the programme "failed to identify and address the root cause for the backlog".[125] Getting to the root of delays will be an important next step before progressing to the new legislative framework. It is vital that the public are kept informed of how the new rules will affect them and when.

The Public Service

3.102. "An independent and functional Public Service, able to give impartial advice to elected officials without fear of sanction, is essential to good governance."[126] It is the public service that serves residents and is at the front line of these reforms. The COI considered the constitutional position of the Public Service and confirmed that while the Governor has responsibility for the terms and conditions

[121] s17 Immigration & Passport (Amendment) Act 2024, though this is not in force at the time of writing.
[122] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p572
[123] Audit Report, 'The Clear Path to Regularisation: Residency And Belonger Status Programme (Fast Track Programme)', 9th Mar 2023, https://www.auditbvi.com/_files/ugd/6a2542_2eefa0fab3bc4fca944124e979835991.pdf
[124] ibid, p21
[125] ibid, p22
[126] ibid, p577

of Public Officers,[127] those officers "answer to the Cabinet (and, in practice, to the Minister of the Ministry to which they are assigned) in respect of policy formulation and implementation."[128]

3.103. Several Public Service development initiatives were recognised during the COI.[129] The COI rejected the submission that the state of the Public Service was attributable to the failing of successive Governors, given the limitations of the Governor's responsibilities under the Constitution.[130] The COI found that "the Governors and the Deputy Governors have attempted to drive reform forward".[131] The COI recommended that the **Public Service Transformation Plan (B35)** should be driven forward "energetically and without delay".[132] I reported on progress in delivering this in the May 2024 Quarterly Review and gave examples of the move towards online appointment booking and an expanded Customer Care Centre.[133] In September 2024, the Government sought proposals to develop a new Digital Transformation Strategy.[134]

3.104. The COI also recommended that the Public Service Management Code should be finalised and incorporated into a **Public Service Management Act (B36)**. The Code was finalised on 14th March 2023, and work on comprehensive new legislation for a modern public service began. The rules which previously governed the Public Service were the General Orders issued in 1971 and last revised in 1982.

3.105. The House of Assembly passed the Public Service Management Act 2024 on 29th August 2024. I was able to assent to the Act on 18th November 2024, and it was brought into force on 1st January 2025 after further consultation with Public Officers. The Act is intended to set out the roles and responsibilities across the Public Service and introduces a range of integrity provisions (including a code of conduct and register of interests for Public Officers).

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[127] s60(1)(d) Virgin Islands Constitution Order 2007
[128] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p579
[129] ibid, p588
[130] ibid, p608
[131] ibid, p609
[132] ibid, p24
[133] Press Release, 'Public Can Book Appointments with Government Offices Online', 12th Apr 2024 https://bvi.gov.vg/media-centre/public-can-book-appointments-government-offices-online
[134] Press Release, 'Consultancy Services for the Digital Transformation Strategy, Government of the Virgin Islands', 12th Sept 2024, https://www.bvi.gov.vg/media-centre/news-release-no-29-consultancy-services-digital-transformation-strategy-government

3.106. In line with the COI recommendation, **the Department of Human Resources coordinates the expenditure on the training of Public Officers (B37)**. The Public Service Management Act 2024 establishes the Virgin Islands Public Service Learning Institute on a legislative footing, and mandates that Public Officers participate in regular training.

Law Enforcement and Justice

3.107. As well as the terms and conditions of Public Officers, the Governor is responsible for "internal security, including the Police Force".[135] The COI reviewed the key agencies: the Royal Virgin Islands Police Force, His Majesty's Prison, His Majesty's Customs and the Immigration Department. While it recognised that most officers are "reliable, honest and dedicated", there were a "significant minority who are not".[136] The COI recommended **a review of the law enforcement and justice systems (B38)**, which considers all agencies in areas such as structure, resources and funding, conduct and standards, and terms and conditions.

3.108. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) were appointed to deliver a report which addressed both the review and the facilities and powers question posed by recommendation B41. Reviewers visited the Virgin Islands in November and December 2023. Part 1 of the review was published in June 2024 and made 138 recommendations.[137] Good progress has been made in implementing those recommendations. Part 2 was published in April 2025, with 375 recommendations and a 10-year roadmap to restructure, modernise and improve effectiveness of the law enforcement agencies and criminal justice system.[138] Work is underway on these additional recommendations, but some have significant cost implications. The UK Government has agreed to deploy officers to provide advice on addressing immediate priorities and challenges, particularly while the Police Force is under the leadership of an Acting Commissioner.

[135] s60(1)(c) Virgin Islands Constitution Order 2007
[136] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p621
[137] 'A review of law enforcement and criminal justice bodies in the British Virgin Islands', His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, 27th Jun 2024, https://hmicfrs.justiceinspectorates.gov.uk/publications/british-virgin-islands-volume-one-review-of-law-enforcement-and-criminal-justice-bodies/
[138] 'A review of law enforcement and criminal justice bodies in the British Virgin Islands: Volume 2 – a road map for 2025 to 2035', His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, 8th Apr 2025, https://hmicfrs.justiceinspectorates.gov.uk/publications/british-virgin-islands-law-enforcement-and-criminal-justice-road-map-2025-2035/

3.109. Building effective law enforcement agencies is based on trust: trust from the public, trust across agencies, and trust between colleagues. The COI heard that there was a "reluctance to share intelligence for fear of it being divulged",[139] and recommended that **all serving HM Customs and Immigration Department Officers at all levels of seniority be subject to full vetting by an independent agency (B39)**. Additionally, it was determined necessary to conduct vetting across the Royal Virgin Islands Police Force and HM Prison Service, in part to maintain consistent standards across agencies, in line with the full COI recommendation.

3.110. Since my last Quarterly Review, the Police (Amendment) Regulations 2024 were brought into force on 15th July 2024. These regulations introduce the vetting requirement for police officers and crucially permit the outsourcing of the vetting to an independent agency in line with the COI recommendation. The Service Commission (Amendment) Act 2024 was passed in the House of Assembly in August 2024, and was assented to in December. This introduced the vetting requirement for Prison Officers, Customs Officers and Immigration Officers.

3.111. The initial tranche of vetting is to be conducted in partnership with the International Policing Assistance Service, and will be funded by the UK Government. Based on the advice received, the responsibility for vetting was placed initially with the Police Service Commission and Public Service Commission. An outsourcing agreement which would allow for the independent agency to deliver the vetting of the police was drafted by the Attorney General's Chambers last summer, however the Police Service Commission were unable to sign the agreement citing concerns relating to their liability. The Police Regulations have been amended further to resolve this issue, and I was able to sign an agreement with the UK Home Office on 17th April. Vetting for the Royal Virgin Islands Police Force has now been launched. The Constitutional role of the Police Service Commission in areas such as recruitment, promotion, or discipline is unaffected.[140]

3.112. The Outsourcing Agreement for the Public Service Commission was provided in January 2025, and the Commission and the independent agency are in the process of reviewing this. The aim at this point, is for all law enforcement officers to be vetted by early 2026.

[139] 'British Virgin Islands Commission of Inquiry', 4th Apr 2022, p607
[140] s97 Virgin Islands Constitution Order 2007

3.113. The COI recommended that officers appointed by the Commissioner of Police **investigate possible corruption within HM Customs (B40)**. The matter was referred to the Royal Virgin Islands Police Force.

3.114. The law enforcement review has also covered the recommendation **to ensure that the Royal Virgin Islands Police Force and (as necessary) other enforcement agencies have the facilities and powers to prevent, monitor and detect crime, and prepare matters for prosecution (B41)**. The recent package of support is intended to compliment this endeavour. Safety and security in the Virgin Islands remain my top priority. Part 2 of the law enforcement review will inform the budget setting process for next year. Naturally, this sort of transformation will take time, and I am committed to delivering the "roadmap for 2025 to 2035" which the report provides. An experienced officer has been appointed to oversee the programme of work. I echo the Premier's sentiment that this is a "serious undertaking".[141]

3.115. To achieve one of the "ultimate objectives of the reform process", to "deliver justice where wrongdoing is found",[142] it is crucial to **revise the Criminal Procedure Rules (B42)** to give the criminal courts modern case management powers. This recommendation was put on hold so the Virgin Islands could align this work with wider developments led by the Eastern Caribbean Supreme Court (ECSC). Draft rules have been developed locally, and a subgroup to the Criminal Justice Advisory Group was recently established to oversee local implementation. New Rules are expected in May 2025.

3.116. It is undeniable that an effective and robust criminal justice system is underpinned by the constitutional right to a fair hearing.[143] **Amendments to the Jury Act (B43)** were made to expand the pool of jurors and the Jury Act 2022 came into force on 1st December 2023. Consideration has been given to granting the court wider powers to hear judge-only criminal trials in line with the full COI recommendation, though this would require amendment to the Constitution.

3.117. The Constitutional Review Commission reported at length on the potential for judge-only trials, and highlighted challenges for the Director of Public Prosecutions, including "the familial relationship between potential jurors, the

[141] Press Release, 'Statement By Governor Pruce On The Publication Of The Review Of Law Enforcement And Criminal Justice Bodies In The BVI', 25th Jun 2024, https://bvi.gov.vg/media-centre/statement-governor-pruce-publication-review-law-enforcement-and-criminal-justice-bodies
[142] 'Framework Agreement', p1
[143] s16(1) Virgin Islands Constitution Order 2007

accused and witnesses…the impact of social media, and the potential for juror tampering".[144] The Commission recognised the benefits of quicker access to justice, and heard opinion that the right to fair trial would not be impacted negatively by such measures. Then Chief Justice, Her Ladyship the Honourable Dame Janice Pereira made a plea for ECSC member jurisdictions to introduce judge-only criminal trials in her 2022 opening address. These findings will be considered as part of negotiations on a new Constitution.

3.118. In line with the principles of fair access to justice, and to address some of the cross-cutting challenges which the COI identified, recommendation was given to build upon the current initiatives for **revising, consolidating and publishing in readily accessible form the laws of the Virgin Islands (B44)**. The www.laws.gov.vg website is a useful tool, and there is a dedicated resource within the Attorney General's Chambers responsible for this task. This recommendation is partially complete, and ongoing efforts will be required by the Chambers. The Attorney General recently released a statement committing to completing the project, which will encompass the revision of all laws, by the end of 2025.[145]

Electoral Reform

3.119. Although not one of the COI recommendations, the Government committed to amending existing legislation in consideration of the recommendations of the Supervisor of Elections' General Elections Report 2019 and the recommendations made by the Observer Mission, including those on campaign finance reform.[146] Subsequent reports following the 2023 election have been considered as part of the work led by the Office of the Deputy Governor.

3.120. In the Speech from the Throne in January, I announced the Government's intention to introduce the Elections (Amendment) Act 2025, which will enhance and strengthen the electoral administration process. The legislation is expected in Cabinet in the first half of 2025.

[144] '2022-2023 Constitutional Review Commission Report', p104
[145] Press Release, 'Improving Access to Laws of The Virgin Islands', 24th Feb 2025, https://bvi.gov.vg/sites/default/files/statement_by_attorney_general_honourable_dawn_j._smith_-_improving_access_to_laws_of_the_virgin_islands.pdf
[146] 'Framework Agreement', p20

Conclusion

4.1. Five of the forty-eight recommendations have pending actions, but progress is being made in all these areas. There were nineteen recommendations outstanding at the time of my May 2024 review, and efforts to accelerate progress last summer should be commended. The overwhelming majority of legislation passed as result of the Commission of Inquiry, was passed between May and September 2024.

4.2. The purpose of the COI was to improve people's lives, and we are only now beginning to see that happen.[147] We now need to see policies and procedures which align with the legislation. These policies and procedures need to be consistently applied and be easily accessible to the public. The Public Officers responsible for administration must be suitably trained, resourced, and understand the importance of their role.

4.3. Some of the laws which have been passed have some deficiencies in relation to the Framework Agreement commitments. The findings of reviewers have not consistently been taken account of, and on other occasions, recommendations have been rejected by the legislature. In some areas, key issues identified by the COI have either been omitted. For example, the proposed investigative powers of the Integrity Commission have been curtailed.

4.4. What has been achieved is significant. The effectiveness of the integrity model remains to be seen, but before last year, the Integrity in Public Life Act 2021 had not been brought into force. The Crown Lands Management Act 2024 now provides clear criteria and structures for ensuring Crown Land benefits the people it is intended to. The Immigration Board is now functional. The Public Service Management (Amendment) Act 2024 incorporates robust accountability measures for ensuring all Public Officers operate with the integrity expected of them. Interim measures to improve assistance for vulnerable people paves the way for the new Public Assistance (Amendment) Act 2024 expected later this year.

4.5. As Governor, I am responsible for internal security including the Police Force.[148] It is disappointing to report that I have been unable to oversee the completion of the recommendation to vet all law enforcement officers. However, it is encouraging

[147] For example, the Minister for Health and Social Development recently announced transitional measures to increase social assistance grants rates to align with the cost of living. https://bvinews.com/public-assistance-grants-to-be-increased/

[148] s60(1)(c) Virgin Islands Constitution Order 2007

that the legislative framework now exists. Vetting for the Royal Virgin Islands Police Force has been launched, and work continues to establish vetting for Customs, Immigration and Prison Officers. The intention is for all law enforcement officers to be vetted by early 2026.

4.6. Consideration was previously given to providing the Governor with additional powers which would assist in progressing the reforms.[149] At this time, I do not judge that additional powers are necessary. The decision on whether now is the appropriate time to lift the Order in Council sits with the Minister for the Overseas Territories. He will review the component parts of this assessment and the Government's proposals for ongoing implementation. Ultimately, the Government needs to be responsible for self-improvement. Concurrently, I need to be able to deliver my responsibilities under the Constitution.

4.7. The greatest improvement observed over the past year is the increased collaborative working. It is evident that the closer we work together, the more we achieve. I am of the view that a genuine partnership, based on trust and mutual understanding, is the most effective way of ensuring that the aspirations of the COI reforms are realised for the benefit of the people of the Virgin Islands.

[149] Fifth Quarterly Review: Implementation of the Commission of Inquiry Recommendations, p24

Annex A: Reviews

Rec.	Description	Reviewer	Status
A3	Review of discretionary powers	Ms Anthea Smith	Published with Appendix
B1	Review of the Commissions of Inquiry Act	Ms Fikile Dlamini	Published
B5	Review of the practice of House of Assembly members contracting with government, including Statutory Boards	Mr Denniston Fraser	Published
B7 and B10	Wholesale review of the benefits and grants system	UNICEF /SPRI	Published
B24	Review of all Statutory Boards and their compliance with policy and good practice	Ms Antoinette Skelton	Published
B25	Review of provisions under which Statutory Boards are maintained	Mr Jamal Smith	Published
B29	Investigation into whether any appointments to Statutory Boards made since 2019 should be revoked	Mrs Sheila Brathwaite	Published
B30	Wholesale review of the process for the disposal of Crown Land	Mr David Abednego	Published
B33	Review of Residency and Belonger Status policy	Mr Kedrick Malone	Published
B38 and B41	Review of law enforcement and justice systems Panel to ensure that Royal Virgin Islands Police Force and, as necessary, other enforcement agencies have the necessary facilities and powers to prevent, monitor and detect crime	His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)	Published

Annex B: Audits

Rec.	Description	Status
B12	Full audit of all grants made by members of the House of Assembly and/or Government Ministries for the last three years, including applications which have not been granted Audit of Covid-19 Assistance Grants issued by Members of the House of Assembly	Published Published
B13	Full audit of Covid-19 Assistance Programmes	Published
B18	Full audit of all contracts valued over $100,000 considered by Cabinet or approved by a minister over the last three years	Published
B22	Full audit of government contracts with Claude Skelton Cline since 2019	Published
B23	Full audit of government contracts with EZ Shipping concerning the provision of radar barges since 2019	Published
B31	Full audit of all disposals of Crown Land over the last three years	Published
B34	Full audit of all applications for and grants of Residency and Belonger Status under the Fast Track scheme	Published with Addendum

Annex C: Investigations

Key investigations identified in COI report are set out in the table below.

Rec.	Description
B14	Conduct of the Premier's Office (under the previous Premier) in obstructing the Director of the Internal Audit Department in respect of her audit of the COVID-19 Assistance Programmes
B20	Sea Cow Bay Harbour Development project and the Virgin Islands Neighbourhood Partnership project
B21	The Elmore Stoutt High School Perimeter Wall Project and the BVI Airways Project
B32	Disposal of Parcel 310 of Block 2938B, Road Town Registration Section
B40	Investigation into possible corruption within HM Customs

Audits referred to the Police and DPP to assess if any offences were committed

Rec.	Description
B12	Full audit of all grants made by members of the House of Assembly and /or Government Ministries for the last three years, including applications which have not been granted Audit of Covid-19 Assistance Grants issued by Members of the House of Assembly
B13	Full audit of Covid-19 Assistance Programmes
B18	Full audit of all contracts valued over $100,000 considered by Cabinet or approved by a minister over the last three years
B22	Full audit of government contracts with Claude Skelton Cline since 2019
B23	Full audit of government contracts with EZ Shipping concerning the provision of radar barges since 2019
B31	Full audit of all disposals of Crown Land over the last three years
B34	Full audit of all applications for and grants of residency and Belonger status under the Fast Track scheme