

# CABINET OFFICE



## **Cabinet Papers Preparer's Guide**

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**Cabinet Papers Preparer’s Guide**  
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## **1. Introduction and Purpose**

The Cabinet Papers Preparer's Guide is intended to be an authoritative comprehensive source of information about the processes by which Cabinet papers are prepared.

It is expected that this publication will be employed alongside the relevant sections of the Virgin Islands Constitution Order, 2007, the Cabinet Handbook 2009, the country's National Development Policy and other relevant policy statements.

The aim of the Cabinet Papers Preparer's Guide is to make information on the preparation and handling of Cabinet papers easy to locate and use.

We have designed this publication to assist ministries, departments and other such groupings in meeting the goal of developing papers that will facilitate good decision making by members of Cabinet. In this publication we also provide guidance on dealing with key constitutional administrative principles.

The requirements set out in this guide have been approved by Cabinet; therefore, Ministers and those involved in the preparation of papers should follow this guide closely.

The Cabinet Office is committed to improving this publication as the Cabinet evolves. In this connection we encourage an online, interactive, user-friendly electronic version of this publication in a few years. This in our view will enhance access and usability while improving on the efficiency and quality of service provided for the Cabinet of the Virgin Islands.

## **2. Cabinet Documents**

2.1 As per the Cabinet Handbook (Section 7.2), in the Virgin Islands, Cabinet documents are normally constituted of the following:

- a) Business  
agendas of Cabinet, the National Security Council, and the Cabinet Steering Group;
- b) Notices of Cabinet meetings;
- c) Cabinet papers and memoranda, including copies of those documents held with the sponsoring ministry;
- d) Correction of papers and memoranda;
- e) Reports and attachments to papers and memoranda (attached or not) that have been developed for Cabinet to consider;
- f) Schedules circulated for information to Cabinet Ministers and members, including appointments and matters discussed without submissions;
- g) Any papers circulated by Ministers or members in the Cabinet Room for discussion;
- h) Legislation documents that are used in getting a draft bill cleared by Cabinet, including Parliamentary Counsel and Attorney General memoranda; legislation profiles produced for Cabinet, draft bills and other documents used for explanation purposes;
- i) Ministers' correspondence to the Chairman or the Premier regarding appointments, or other matters to be raised with Cabinet;
- j) Cabinet draft minutes and minutes prepared for consideration and approval under the "two-week rule";
- k) Cabinet notebooks including those of the Cabinet Secretary and the Recording Secretary; and
- l) Copies of all Cabinet minutes extracts.

2.2. Cabinet documents do not include documents used in connection with the preparation of papers and memoranda submitted. However Ministries must give special care to the handling of memoranda, briefing papers and notes relating to Cabinet deliberation outcomes, as well as other related materials.

2.3 Cabinet documents are not circulated electronically to members; instead, all circulation is by hard copy. Cabinet members must nominate no more than three ministry officials who are cleared to receive and dispatch Cabinet documents. Nominations are to be sent to the Cabinet Secretary well in advance of any planned changes. (7.8)

### **3. Preliminaries**

#### **3.1 Introduction**

A Cabinet paper represents your ministry seeking approval, on a collective basis, of a policy decision; or your minister informing his or her colleagues of an action, or an event. A Cabinet paper represents your minister's proposal or recommendation to colleagues and therefore he or she is fully responsible for its contents. Under the Virgin Islands Law, the Minister has the authority (through the Premier).

In other words, the Cabinet paper is that of the Minister's and it is more than wise to have his or her full involvement from the start, throughout the process and his or her approval at the end.

#### **3.2 Basic Advice on Writing Cabinet Papers**

Before attempting to draft a Cabinet paper, it is advised that you familiarize yourself with the rules and requirements related to the conducting of Cabinet business, as described in the Cabinet Handbook, 2009.

Cabinet has established some basic requirements for Cabinet papers to ensure that the submissions prepared by ministries and departments are of a consistently high standard and that they contain all the information needed for Cabinet to make sound decisions.

The main or most comprehensive source of information pertaining to the requirements for the preparation and handling of Cabinet papers is the Cabinet Handbook. This publication covers the contents of Cabinet papers, consultation (Chapter 5) and presentation of papers as well. Additionally there is information on how appointments are handled. Throughout this publication references being made to the Handbook will appear in square brackets.

A well prepared Cabinet paper is more likely to be accepted by the Cabinet Steering Group (CSG) and passed smoothly through the Cabinet in a timely manner.

The Cabinet Handbook and the Preparer's Guide are dynamic documents and will be amended by circulars and other methods from time to time. Officers preparing or handling Cabinet documents are asked to therefore take note.

#### **3.3 General Editorial Principles**

In addition to the requirements contained in the Cabinet Handbook there are some basic ingredients that are normally present in good Cabinet papers.

1. Your Cabinet paper should be one that is necessary in that it deals with matter/issues that are to be sent to Cabinet.

2. Your Cabinet paper should be relevant in that the proposals contained are addressing government's policy or it is consistent with already established policy.
3. Your draft Cabinet paper should be clear, comprehensive and easy to read, written in plain English and focused on the decision you are seeking.
4. Your draft Cabinet paper should be logical and well-formatted in that you should highlight the key issues and identify options, and follow the format presented in this guide given the type of paper you are presenting.
5. Your draft Cabinet paper should be timely so as to ensure that your objectives could still be met even if disappointments or delays occur. Please also be aware that Cabinet works on its own schedule and that there are processes such as consultation that are very important in decision-making at Cabinet level.
6. Your draft Cabinet paper should reflect good consultation as described in the next chapter.

### **3.4 Timing**

Cabinet is about collective responsibility and agreement in decision making; therefore, its processes take time. The drafter of a Cabinet paper should consider carefully the extra time that could be needed for deliberation on a Cabinet paper by ministers with a full range of responsibilities and interests.

1. The first process in developing the draft Cabinet paper is consultation and you should therefore allow for the time that is needed for your minister to consult with his or her colleagues and where additional financial appropriation is required, this includes the Minister of Finance.
2. The second process is the established timeframes for the submission of papers to the Cabinet Office. The weekly deadline for submitting paper to the Cabinet Office is 10:00 am on Thursday morning for Cabinet (Wednesday).
3. The final timing consideration is whether Cabinet will be meeting during the next week.

### **3.5 Planning your paper**

A good Cabinet paper is one that is planned, represents the full interests of other ministries (portfolios), benefits from consultation, is timely and has the full support and knowledge of your Minister.

The Cabinet paper plan, no matter how short or simple must take into account the facts that must be contained in the paper, the decision to be sought and the length of time for the full Cabinet process. The plan for your paper must include adequate time for consultation, time for the other

necessary ministry officials to review the paper and most importantly time for your minister to review and approve the paper.

A good Cabinet paper should realistically address implementation of the decision that is being recommended or proposed.

### **3.6 Researching Your Paper**

The research process is very important in the preparation of a Cabinet paper as the objective is to gather and present the facts. Your research methods should be scientifically sound and acceptable for the field in which you are working or the subject that is being covered.

The level of research undertaken should be appropriate for the aims and objectives of your Cabinet paper. Preparers should be careful not to do unnecessary and costly research. Research should be sufficient to make the case, whether business or otherwise; and to allow the Minister to convince his or her colleagues.

### **3.7 Clearing Your Concept**

Before you invest a lot of valuable time in conceptualization, researching and drafting a Cabinet paper, you should engage your Minister in a meaningful discussion about what you intend to do in relation to a Cabinet paper. Your Minister should be a key participant in planning the Cabinet paper.

It is a good approach to prepare some kind of SMART (Specific, Measurable, Attainable, Reasonable and Timely) action plan on your paper so that your minister is fully aware of what you propose to do why, when, where and how.

## **4. Consultation**

Cabinet makes policy on the basis of facts and knowledge. This suggests that there must be agreement on the facts (Section 5.2). Consultation is the best way to determine that there is agreement on facts and that knowledge is shared. Consultation is one of the fundamental processes in policy making (Section 5.1).

Cabinet papers preparers must ensure that all ministries having an interest in a paper must be identified and consulted to ensure that they are given an opportunity to represent their interest (Section 5.5).

In preparing your Cabinet paper it is important that you keep a record of consultation (Section 5.8). It is good practice to include a section on consultation in your draft Cabinet paper.

### **4.1 What is Consultation?**

4.1.1 A Cabinet government operates on the principle of collective responsibility and confidentiality. Consultation therefore is one of the most fundamental processes in any Cabinet government that is a democracy. Indeed consultation is the cornerstone of policy making that is based on facts and knowledge.

4.1.2 The consultation process is therefore one of the key processes that must be undertaken before your draft Cabinet Paper is presented to your Ministry for consideration. Consultation is a means to ensuring that all viewpoints, stakeholders and interested parties are heard in the decision-making process and that any differences that may arise are resolved or at least noted.

### **4.2 Who should be consulted and when?**

4.2.1 A Minister brings Cabinet papers on any project, initiative or measure to receive the endorsement, support and acceptance of collective responsibility of his challenges. To this end, it is therefore of extreme importance that Ministries must be fully aware of the details of papers being brought to Cabinet. The ministry must be able to fully advise its minister on the contents as well as the impact the Cabinet decision would have, especially on his or her portfolio.

4.2.2 The consultation process should begin immediately after your idea for a decision is approved and the research for the Cabinet paper commences. Officials at the Ministry level should discuss their ideas or upcoming programmes to ascertain which ministries have an interest in their initiatives. It is for the Ministry that is sponsoring or leading the presentation of a particular proposal in Cabinet to ensure that there is agreement on the facts by other Ministers and Members. If there is disagreement, it is the responsibility of the Cabinet Secretary to facilitate further consultation on the matter until agreement is reached (Section 5.2). It is therefore incumbent upon the sponsoring/leading Ministry to involve the Cabinet Secretary in a timely fashion.

## **Amongst Officials**

4.2.3 It is very important that there are exchanges of information and meaningful discussions on ideas and particulars at least at the level of cross-coordination. There should be agreement on the facts and the potential outcome at the levels of officials in the Ministries. Cabinet proposals should not be considered as proposals exclusive to any particular Ministry as there is collective responsibility among Cabinet Members and Ministers for decisions.

4.2.4 Besides discussion at the officials level in Ministries, there should be meaningful discussion at the Permanent Secretaries level in order that the Minister may benefit from full and frank advice. It is therefore suggested that Permanent Secretaries meetings will be an appropriate forum to discuss Cabinet proposals once they have been well-shaped with discussions and input from the technical, professional and leadership levels.

## **With the Community and External Bodies**

4.2.5 Consultation outside of the government framework is very involved and one has to ensure that there is ample time for this process. Planning your consultation process therefore becomes more important. There should be sufficient time to cover all the steps in the process. Officials should bear in mind that community groups and external bodies have different structures, operate on different schedules and are guided by different rules. It is therefore wise to involve your Minister in consultation with external bodies and community group consultations.

## **Amongst Ministers**

4.2.6 Like officials, Ministers could benefit tremendously from discussion of Cabinet proposals among themselves in whichever forum they choose, whether with Cabinet members or other individuals, including Parliamentarians, interest groups, community groups and the general public.

4.2.7 There are instances where the Chairman and Premier may request that proposals be sent to Cabinet before the coordination arrangements are finalized. This can occur in cases where a proposal details a position on an international issue, an urgent domestic matter, or urgent legislation, or legislation that is close to expiring.

4.2.8 Secondly, there are cases where more than one ministry holds an interest in a proposal. In such cases, the interested ministries should be allowed to provide a coordinating comment on matters that affect them within two (2) days after the papers have been circulated by the Cabinet Secretary. Comments should detail any risks and consequences for the ministry and departments. It is important that ministries with an interest in a policy matter be provided with the opportunity to participate in the development of the proposal prior to it being submitted to Cabinet.

## **4.3 Consultation and Ministry Comments**

The comments of other ministries on your paper should form part of your summarized paper to Cabinet. Of course the comments must be relevant to the subject and focused on the role that ministry might play in implementation, the impact the initiative might have on the Ministry's programmes and the overall view of the outcome of the project on the society.

4.3.1 The purpose of the interested ministries' comment is twofold: to present a fuller picture and to present the sponsoring ministry with the views of the other ministries. These together would represent the best knowledge and advice one could present to your Minister in order that he or she might make the best decision for the people of the Territory.

4.3.2 Coordinating comments are presented to the Cabinet as the viewpoint of the ministry presenting them. The comments serve to highlight issues for Cabinet's attention and deliberation. However, Ministers are not bound to uphold these views during discussions. In most cases, it is sufficient to obtain consultation rather than agreement. But ministries are not expected to delay proposals unduly by waiting for comments.

### **First Drafts**

4.3.3 One of the key milestones in consultation is the circulation of the first draft or the issues of whatever format is chosen (ex. Memorandum) of your Cabinet paper. This is the point at which cross-ministry consultation must have taken place. This would ensure that ministries with an interest or stake in the decision being sought have an ample opportunity to make their contribution or shape the proposal to be submitted to Cabinet.

4.3.4 Your first draft or your substantial request for consultation should contain the major sections in your paper including legal implications, financial implications and your record of cross-ministry co-ordination.

## **4.4 The Record of Consultation**

4.4.1 A record of consultation is to be kept by the sponsoring ministry; however other interested ministries must be allowed to suggest changes to the final record. The sponsoring ministry is responsible for the circulation of the draft consultation documents once changes have been made. In cases where the document has already been circulated, enough time must be allowed so that interested ministries can review or comment on the revised drafts. If a ministry declines to comment, this must be reflected on the record. If there is still disagreement after consultation or the consultation is deemed inadequate or consultation is not adequately reflected in the record, the disagreeing Minister or ministry is to take up the matter with the sponsoring Minister and Cabinet Secretary.

## **4.5 New Issues Arising out of Consultations**

4.5.1 If as a result of a coordinating comment, a new issue is uncovered and is not addressed in the Cabinet Memorandum, the sponsoring ministry must consider revising the submission to include the comment or its effects. The Minister may then make his point and position known during Cabinet discussions. If a submission is requested by Cabinet on a particular consultation

and the Cabinet Secretary believes there are strong unaddressed criticisms by the sponsoring ministry, the submission can be returned (by the Cabinet Secretary) for further consultation.

4.5.2 If a ministry comes to understand that a submission has been made to Cabinet without its knowledge, the interested ministry or Minister must draw this to the attention of the sponsoring ministry and Cabinet Secretary prior to Cabinet deliberations. The sponsoring ministry is responsible for sending memoranda on which there is disagreement to ministries that have an identified interest.

## 5. Drafting the Cabinet Paper

### 5.1 Basic Guidelines

The final form of your Cabinet paper will be shaped by the Cabinet Secretariat once the Cabinet Secretary has reviewed it for consistency with Cabinet rules and guidelines.

The Cabinet Office will insert the correct header, reference number and paper number. However, the Cabinet Office expects that the drafter of the paper to follow a few basic rules:

- Stick to the basic structure and formatting guidance set out below;
- Keep papers as short and as focused as possible – draft Cabinet papers should not exceed three (3) pages, so if necessary put background detail in an Annex. The Secretariat may refuse to accept a paper if it is too long;
- Do not use unexplained acronyms or jargon;
- Number your paragraphs in the approved format;
- Make sure it is clear to Ministers at the beginning of the paper and throughout the paper what the paper is about and what it is asking them to do;
- Ensure that any issues which you know are of particular interest to Ministers are reflected in the paper;
- Agree on any proposals involving public expenditure commitments with HM Treasury before submitting the paper for discussion; and
- Highlight any outstanding differences in opinion and consult other departments with an interest in the subject of the paper early on. No paper should come as a surprise to a department.

### 5.2 Formatting Guidelines

**The formatting to be followed is immediately below:**

- **All margins should be 2.54cm.** (in Word go to File, then Page setup, then Margins, then type 2.54 into all four boxes);
- **The font should be Arial.** (press Ctrl and A to highlight the whole documents, then right click on the mouse and go to Font);
- **The font size should be 12pts.** (press Ctrl and A to highlight the whole document, then right click on the mouse and go to Font);
- **The line spacing should be 1.5 lines.** (press Ctrl and A to highlight the whole document, then right click on the mouse and go to Paragraph, then Indents and Spacing, then adjust the drop down line spacing box to 1.5 lines); and
- All draft Cabinet papers should as a minimum be classified as **RESTRICTED**

### 5.3 Vetting the Cabinet Paper

While the Cabinet Secretariat will vet your paper for final presentation, it is important that officials in your ministry ensure that your Cabinet paper is:

- In plain and clear English;
- Cleared of misspelt words;
- Bears allegiance to your Minister's intention and thoughts; and
- Adheres to the standards of the Cabinet.

Additionally, the sections on Financial Implications, Legal Implications and Cross-Ministry Co-ordination must be given special attention as these are key sections in your paper. It is likely that the draft of these sections will follow once the paper has been researched and undergoes a first draft.

The three sections of your paper described above should represent summaries of the comments by the Financial Secretary, the Attorney General, and the discussion on co-ordination arrangements.

## **6. Procedures For Submitting Cabinet Papers**

### **6.1 Cabinet Steering Group**

Cabinet papers are to be prepared within the Ministry in consultation with the Minister responsible for the subject, and are submitted to the Cabinet Steering Group via the Cabinet Secretary. The same procedure applies to the Attorney General, the Governor and their relevant offices.

Cabinet paper preparers should note that there is a “three-day rule” for papers being submitted to the Cabinet Steering Group. Normally, the Steering Group meets on Thursdays, therefore papers should arrive in the Cabinet Office no later than the Monday preceding the meeting. The Steering Group which consists of the Governor, Premier and the Cabinet Secretary determine which memoranda will be placed on the Cabinet’s agenda. Please note that papers can be returned by Cabinet Steering Group and/or the Cabinet Secretary to the sponsoring Ministry if they are incorrect in their format or if they do not contain sufficient information, or for any other reason.

### **6.2 Electronic Submission of Papers**

Papers to be sent to the Cabinet Office (for the attention of the Cabinet Secretary), are to be submitted electronically to [cabinetpapers@gov.vg](mailto:cabinetpapers@gov.vg) by Ministry staff who have been properly authorized to do so. Authorization is obtained beforehand by the Minister, Governor and Attorney General via office memorandum to the Cabinet Secretary informing him which staff members are allowed to submit Cabinet papers. The list is maintained by the Cabinet Records Officer and should be updated periodically.

### **6.3 Subject Files and Attachments**

In addition to the electronic submission, the corresponding file from the Ministry or office pertaining to the subject matter should be physically sent to the Cabinet Office. The file is to be minuted and signed by the relevant Minister, Governor, or Attorney General to the Cabinet Secretary. A hard copy of the Cabinet paper containing the correct folio number should also appear on the file. Additionally if there are attachments to be circulated with the paper, ten (10) physical copies must be made and submitted to the Cabinet Office as well. A movement sheet must be attached to the document that is being submitted to Cabinet and must be signed by the Member of Cabinet submitting the document.

The subject file is important mainly because it serves as background information when Cabinet deliberations are occurring and can be requested at any time. Additionally, when decisions are reached, the Cabinet extract is placed on the file, signed by the Cabinet Secretary and returned to the relevant Ministry of Office for immediate action.

## **7. Handling Cabinet Papers and Documents**

### **7.0 Receiving Papers, Files and Decisions from Cabinet**

7.0.1 Officials receiving Cabinet documents in ministries are required to sign and certify that they will be handled in accordance with the Cabinet Handbook [Chapter 7]. Officers receiving Cabinet documents are responsible to the Cabinet Secretary for their safe handling and safe custody. [Section 7.9]

7.0.2 Cabinet documents addressed to a member of Cabinet or the Cabinet Secretary and marked “**To be opened by the addressee only**” may not be opened by a Cabinet Liaison officer or a Cabinet Room attendant. Cabinet documents not marked “To be opened by the addressee only” may be opened by other ministry or Cabinet Office officials and brought to the Member or Cabinet Secretary immediately. [Section 7.10]

7.0.3 Cabinet Members are to decide which of their officers can see Cabinet documents. However, once the Cabinet member passes a Cabinet document to his permanent secretary that official assumes responsibility for the safe handling and safe custody of those documents. [Section 7.11]

7.0.4 When a permanent secretary receives a Cabinet document from a Cabinet member for advice or action, it is for that nominated ministry official to ensure the safe handling and safe custody of that document and record should be kept of its handling. The file record of the handling of this file may be deemed a sufficient record. [Section 7.12]

7.0.5 Cabinet Business Lists are to be circulated to Members only. Cabinet Business Lists are not to be circulated publicly or discussed outside of the Members. [Section 7.13]

### **7.1 Sending Cabinet Papers and Documents**

7.1.1 It is for the sponsoring ministry to convey the issue of a Cabinet minute to departments, agencies and enterprises under its control. Cabinet liaison officers or Permanent Secretaries may summarize a Cabinet minute but it is unacceptable to copy and distribute the minute in its totality, unless the concerned recipient needs to know. [Section 7.20]

7.1.2 Highly sensitive national security documents are to be returned to the National Security Council following use of these in a Cabinet Meeting. Cabinet documents no longer needed for day-to-day use must be returned to the Cabinet Secretariat. Cabinet documents are to be held by the Cabinet Secretariat if a Minister vacates his office or is deemed to have vacated his office. Documents returned to the Cabinet Office are to be destroyed by the Cabinet Secretary. [Section 7.26]

7.1.3 In cases of joint submissions, all involved Ministers or members must agree on the text of the memoranda. However, there might not be full agreement on the recommendations, in these instances, this must be clearly identified and stated in the submission to Cabinet. [Section 4.22]

7.1.4 Although joint submissions are shared efforts by definition, there must be a lead ministry that takes on the task of leading the consultation, circulating and sending the submissions to Cabinet. [4.23]

7.1.5 When one Minister prepares a submission to Cabinet in consultation with other ministries, it is the responsibility of the lead Minister to fully inform and provide for the participation of the other Minister/ministries. Although agreement might not be achieved in some instances, it is the responsibility of the lead ministry to allow the other ministries the full opportunity to have their view taken into consideration in the drafting of the memoranda. [4.17]

7.1.6 In the absence of a formal paper to Cabinet, Ministers are expected to seek the permission of the Premier. These matters are limited to:

- a) urgent matters pertaining to procedures but never pertaining to policy;
- b) urgent policy matters on which Ministers/members might have been unable to reach agreement otherwise; and
- c) urgent appointments, typically where replacement will be necessary so as not to hamper business. [4.18]

7.1.7 Above all, Ministers/members must carefully consider whether there is a disadvantage to other Ministers/members in not pursuing their submission in the normal way, i.e. a regular submission allowing colleagues to fully study the proposal. [4.19]

7.1.8 Before handling an informal submission to the Cabinet Steering Group, requests by Ministers for permission to make an informal submission should typically:

- (a) provide enough information and background that one would expect in Cabinet deliberations; and
- (b) state whether the proposal is an (i) urgent procedural matter, (ii) an urgent policy matter, or (iii) an appointment. [4.20]

7.1.9 Cabinet documents do not include documents used in connection with the preparation of papers and memoranda submitted. However, ministries must give special care to the handling of memoranda, briefing papers and notes relating to Cabinet deliberation outcomes, as well as other related materials. [7.3]

## **7.2 Storing Cabinet papers, Files and Documents**

7.2.1 Cabinet documents are to be stored in secure containers or file cabinets accessible only to persons with the appropriate security clearances. Cabinet documents are not to be placed on ordinary departmental files. Draft Cabinet submissions are to be kept in separate filing and recording systems from the regular departmental/ministry files. [7.14]

7.2.2 A record of persons having access to Cabinet documents must be kept. This includes ministry/departmental staff having access to documents being developed. A movement sheet must be attached to the document that is sent to Cabinet and signed off by the member of Cabinet submitting the document. [7.15]

7.2.3 Access to Cabinet documents is limited to persons nominated by the Cabinet member to handle Cabinet documents. [7.16]

7.2.4 Cabinet documents are not to be copied except as outlined in the following two (2) paragraphs. Cabinet documents, particularly minutes are not to be transcribed or made part of any other documents or part of ministry/department files. Electronic transmission to the Cabinet Secretary is the only accepted exception. [7.17]

7.2.5 The Cabinet Secretariat and the ministry originating Cabinet documents are the only government units allowed to make copies of Cabinet documents. Other Units requiring copies of Cabinet documents may request copies from the originating ministry. In case the originating ministry is unable to furnish copies, the Cabinet Secretariat may be asked to provide the needed copies. [7.18]

7.2.6 The production and circulation of Cabinet minutes are for the Cabinet Secretariat only and, if extra copies are required, the Cabinet Secretariat must be requested to do so. [7.19]

7.2.7 Ministries needing to have access to memoranda submitted by a previous government must request same in writing from the Cabinet Office and not from the ministry that originated the document. All requests for copies of documents are to be forwarded to the Cabinet Office.

7.2.8 Cabinet documents are not to be sent to the National Archives or the Records Centre, instead they are to be destroyed in accordance with paragraph 6.1.2 [7.31]

## **8. Legislation Proposals to Cabinet**

### **8.1 The Legislation Process**

The development and/or amendment of legislation is a key function of the Cabinet business processes. Ultimately, it is the House of Assembly that approves the final version of the bill into law. However, the Cabinet has the overall responsibility of ensuring that the policy and ensuing legislation is specific in its reach, comprehensive in its development, that all implications are properly considered.

#### **8.1.1. The Situation Analysis**

The Situation Analysis is the first step in the development of policy and legislation. At this stage the subject or problem to be addressed is investigated. Situational analyses are important because they basically chart the direction of the policy intervention to be made. The situation analysis should cover the following:

- A description of current legislation, if any exists;
- A description of current practices and/or trends as it relates to the subject matter;
- A description of the current issues, problems or conflicts that the policy is expected to address;
- A description of how the policy will resolve those issues or conflicts identified;

The situational analysis becomes the background information to the Cabinet paper that seeks to have the policy approved.

#### **8.1.2 The Policy**

In general, the purpose of public policy is to achieve a desired outcome in a particular area, issue or subject that is beneficial to the members of society. Good policy is crucial to effective decision-making, and forms the basis on which legislation is drafted. The situational analysis is one of the key components of the policy document. Other key areas include: (i) the principles or conventions to be applied, (ii) a description of the individuals or organisations to whom the policy will apply; and (iii) the authority and administration details. Any issue(s) that will affect the enforcement of the policy should also be included. A template for the creation of draft policy is attached as **Appendix 1**.

#### **8.1.3 Consultation**

Coordination and consultation on a proposed policy and legislation may take place either within the Ministry and departments with an interest or across Ministries and departments with an

interest and may include the Attorney General's Chambers. Consultation may also take place externally with the public, or local organizations with a vested interest in the policy being proposed. Consultation may also take place with external experts such as regional or international institutions with an interest. All coordination for the purpose of consultation must be organized by the sponsoring ministry. The sponsoring ministry is responsible for the circulation of the draft policy documents including those to which amendments have been made. The sponsoring ministry is also responsible for fully documenting the consultation process and preparing a record of consultation. The record of consultation must identify participation and all participants and ministries with an interest must be allowed to suggest amendments to the final record. At the end of the consultation process, the sponsoring ministry is responsible for preparing the draft document to be considered by the Cabinet.

#### **8.1.3.1 Internal Consultation**

Consultation for policy proposals basically mirrors that laid out in chapter 4 of this document. The sponsoring ministry must allow ministries with an interest enough time to review and comment on the drafts, and to suggest changes if necessary. In cases where interested ministries decline to comment on draft policy documents, the consultation record must properly reflect this.

Ministries with an interest in the policy should provide a coordinating comment after reviewing the policy documents. The purpose of the comment is to make the ministries aware of the proposal and to initiate the process of resolving any problems or issues (if any) that may arise as a result of the implementation and enforcement of the policy. The comments should focus on the risks and the consequences of the policy for the individual ministries and their departments.

#### **8.1.3.2 External Consultation**

In cases where input from the public is needed, the consultation should take place via the most appropriate forum so that the broadest spectrum of views can be facilitated. In all cases including instances where expertise from a local organization or from outside the BVI is being solicited, it is the sponsoring ministry that is responsible for coordination. Again, the sponsoring ministry is responsible for providing the draft policy document and for ensuring that suggestions and amendments are reflected in the policy document once they are deemed acceptable by the ministry. At this stage, if the ministry so determines, a second round of internal consultation may take place. Again coordination comments can be made by ministries with an interest and will be forwarded to the Cabinet for consideration via the sponsoring minister. In instances where there is a difference of views between what is being proposed by the sponsoring ministry and the public or local or external bodies, the sponsoring Minister decides the way forward.

#### **8.1.4 The First Draft – Policy Approval and Agreement to Drafting**

Once consultation is complete, the first draft of the policy is prepared by the ministry officials and submitted to the Cabinet by the sponsoring Minister. The policy is deliberated over clause by clause. Once Cabinet has completed its deliberations, if there are amendments to be made the document is returned to the sponsoring Ministry to incorporate amendments. The revised document is then submitted to the Cabinet via the sponsoring Minister. Once the Cabinet is

satisfied and it officially endorses the policy, an extract is issued (by the Cabinet) to the Attorney General's Chambers and the sponsoring Ministry, giving approval to commence the drafting of legislation. The Attorney General's Chambers and the sponsoring ministry are to liaise with each other regarding the working out the contents of the draft legislation or Bill.

### **8.1.5 Drafting**

As per guidelines developed by the Attorney General's Chambers, drafting instructions are to be sent by the sponsoring ministry to Attorney General's Chambers (for the Parliamentary Counsel) immediately after the Cabinet gives its approval. Instructions are to be comprised of the following:

#### **I. A General Statement which should set out the following:**

- a) The relevant background material that relates to the proposals to be included in the Bill. This should include the policy package: situational analysis and approved policy document; and should also include any legal implications, if any so that the drafter can gain perspective on the facts and problems that are to be addressed by the Bill.
- b) The circumstances surrounding the proposals to be included in the Bill and the nature of the problems to be dealt with.
- c) The principal objectives intended to be achieved by the Bill;
- d) How the objectives are to be achieved and how the legislation will operate in practice when enacted.

#### **II. Detailed Instructions**

Detailed instructions to the Attorney General's Chambers must also be provided on all matters to be addressed in the legislation. The detailed instructions should speak to each legislative proposal to be included in the Bill, and should:

- a) Deal with every aspect of the proposal and indicate requirements that the Ministry feels are necessary.
- b) Indicate the administrative provisions necessary;
- c) Indicate or propose sanctions needed in cases where an activity or activities are being prohibited or regulated;
- d) Suggest penalties to be imposed for offences;
- e) Indicate existing legislation that will require amendment;

- f) Indicate any known consequential amendments that would be necessary as a result of the legislative provision;
- g) Indicate any transitional or saving provision required to be included in the Bill;
- h) Indicate whether any provisions of the Bill will have a retroactive or retrospective effect;
- i) Indicate the principal legislation that should be amended, in cases where instructions are for the amendment of legislation;
- j) Provide particulars, if the sponsoring Ministry has a decided view on either the form or position of the legislative provision;
- k) Provide references to any known decided cases or copies of legal opinions available to the Ministry;
- l) Provide model legislation the sponsoring Ministry wants to adopt and indicate how it should be adopted;
- m) Indicate any specific regulation making powers that may be required;
- n) Provide copies of reports or references to reports that deal with the proposal;
- o) Be consistent throughout the remainder of the legislative proposal; and
- p) Be expressed in simple, non-technical language.

For more information on the preparation of drafting instructions please see document entitled *Guide to Proposing Legislation and Finding Statutes in the British Virgin Islands* as **Appendix 2**.

Ministries are asked to note that the Parliamentary Counsel is not responsible for creating the main principles of the legislation but rather to draft a Bill that embodies principles that have already been decided on by the sponsoring Ministry and that are expressed in the drafting instructions. Instructions that are not prepared properly can result in the failure of the legislation to implement the approved policy decisions in the manner envisaged by the Government. It could also lead to significant delays in the preparation of the legislation. A copy of the Cabinet's extract approving the drafting of the legislation should also accompany the drafting instructions.

Once the draft bill has been completed it is returned to the sponsoring Ministry for review. At this stage, if deemed necessary by the Ministry, more consultation may be conducted, whether internally or externally. Once the Ministry is satisfied with the suggested changes, they are incorporated into draft Bill document by the Parliamentary Counsel and it is forwarded to the Cabinet Steering Group by the sponsoring Minister for consideration for the Cabinet agenda.

### **8.1.6 Cabinet Final Approval**

Once the Cabinet Steering Group agrees to include the Bill on the agenda, the Cabinet again reviews it clause by clause calling on Ministry officials to give clarification where necessary. Once the Cabinet is satisfied with the draft Bill, it approves it for consideration by the House of Assembly.

## **8.2 The House of Assembly**

One of the main functions of the House of Assembly is to pass legislation and once a bill is received by the House of Assembly, it means that the policy and draft legislation has been scrutinized and approved at the Cabinet level. The Bill is presented for its first reading and consideration by the Members of the House of Assembly.

### **8.2.1 Exposure Draft, Gazette and First Reading**

Prior to its first reading, some Bills are published electronically in the Virgin Islands Official Gazette and copies or exposure drafts are circulated to Members of the House of Assembly. The Official Gazette makes the Bill a public document, and in essence public feedback is welcomed. Once circulation is complete, any suggestions or amendments are taken into consideration by the sponsoring Minister and the Attorney General, who is also an ex-officio member of the House of Assembly.

### **8.2.2 Second and Third Readings**

The next stage of the approval process is the debate by Members of the House over the particulars of the Bill. By this time Members would have had an opportunity to review and analyze the Bill and at the sitting of the House, would put forward their views or any misgivings publicly. If the Premier, in consultation with the sponsoring Minister, allows the Bill, it then moves to its second reading in the House of Assembly. After this, the Bill then moves into the committee stage where Members vote on it. If the vote is in the affirmative, the Bill receives its third reading which essentially signals its approval and passage into law by the House and it is forwarded to the Governor to be signed.

## **9. Types of Cabinet Papers**

The following are the types of memoranda to be submitted for Cabinet consideration by the Ministries on behalf of the sponsoring Minister under whose portfolio the subject matter lies.

### **9.1 Information Papers**

This type of memo or paper does not request a Cabinet decision and may be prepared by the Ministry or office officials on behalf of a Minister, Governor or the Attorney General. They are solely for the purpose of informing or educating the Members of Cabinet on a subject matter or for reporting purposes only.

### **9.2 Non-Belonger Land Holding Licenses**

This type of memo specifically seeks a decision to approve or disapprove applicants for non-belonger land holding licenses as per the Non-Belonger Land Holding Act. The paper details the parties involved, the background surrounding the transaction and the details of the property involved. These papers are only prepared by officials of the Ministry of Natural Resources and Labour on behalf of the Minister of Labour.

### **9.3 Policy**

This type of memo seeks a decision on a draft policy document being presented for consideration by Cabinet members. The paper basically introduces and details the background and circumstances leading up to the policy development. It is prepared by Ministry officials on behalf of the Minister presenting the draft policy for Cabinet consideration. The Attorney General and the Governor can also submit policy papers.

### **9.4 Legislation**

This type of memo is utilized when a draft Bill is being submitted to Cabinet for its consideration and approval. The paper basically gives background information to the Bill and may highlight any additional issues that may need to be considered. Legislation papers are prepared by Ministry officials on behalf of the Minister submitting the Bill or by the Attorney General.

### **9.5 Budget and Finance**

This type of memoranda normally seeks a decision on current and capital works as part of the whole current and capital budgets, whether the Budget Estimates or a Schedule of Additional Provision (SAP), for a fiscal year in whole or in part. These papers are only prepared by officials of the Ministry of Finance on behalf of the Minister of Finance.

### **9.6 Appointments (to Boards or Committees)**

These memoranda seek the approval of individuals to be appointed to a Board or Committee. The memo gives the details and qualifications of the individuals and also spells out the terms of reference of the board or committee including the duration and other relevant details. This memo is submitted by the Ministry that will have the oversight for the board or committee. **Appendix 3** shows the ‘Terms of Reference outline for the creation of boards, committees and the appointments of members’.

## **9.7 Cabinet Business**

This type of paper only seeks decisions on matters that relate to the rules or procedures or any matter specifically concerning the Cabinet and its functions. It is only submitted by the Cabinet Secretary. Other policy papers specifically identified and requested by Cabinet are also submitted by the Cabinet Secretary.

Templates for all paper types can be found in **Appendix 4**.

## **10. Standard Recommendations**

The ‘Decision Sought’ section of a Cabinet Memo forms the basis of Cabinet’s decision conveyed in the Minutes of a Cabinet meeting.

**NB:** ‘Cabinet is invited to decide’ (*not approve or advise, etc.*)

Some tips to observe in preparing a Cabinet Memo include:

- a. Information in the Cabinet Memo should be as full and as complete as possible, i.e. if there is simple factual information that would assist Cabinet in making a decision, include it in the body of the paper. For example, write the names of directors of a company that is being recommended for a project or a bid;
- b. When referring to a Minute No., quote the year after the Number. For example, Minute No. 3209/2009 or 3209 of 2009;
- c. In the ‘Decision Sought’ section of a Cabinet Memo, as far as possible, insert the necessary information that may be found in an Appendix, instead of only referring to Appendix A, etc.;
- d. Indicate in the ‘Decision Sought’, the Ministry’s preferred option, when there is more than one option, instead of providing several options for Cabinet to choose. Your ministry, being the sponsor would have done the research and hence, should be able to give an informed opinion on the subject.

## **11. Key Contacts in the Cabinet Office**

The Cabinet Office is located on the first floor of the Rita Frett Georges Building near the Road Town roundabout. The Office can be contacted via telephone at (284) 468-4387. The email address to submit all cabinet papers is [cabinetpapers@gov.vg](mailto:cabinetpapers@gov.vg). All other correspondence should be sent to the Cabinet Secretary at [oneal@gov.vg](mailto:oneal@gov.vg).

The key contacts in the Cabinet Office are:

**Mr. Otto O’Neal**  
**Cabinet Secretary**

**Ms. Merlene Harrigan**  
**Deputy Cabinet Secretary**

**Ms. Faye Reese**  
**Cabinet Recording Secretary**

**Ms. Bethsaida Smith**  
**Assistant Secretary/Records Manager**

# APPENDICES

## GOVERNMENT OF THE VIRGIN ISLANDS DRAFT POLICY TEMPLATE

- 1) **Statement:** State what the policy will cover and what it is expected to achieve.
- 2) **Situation Analysis:**
  - i. Describe current legislation (if any)
  - ii. Describe current practices
  - iii. Describe the current issues, problems or conflicts that the policy is expected to address.
  - iv. Describe how the policy will resolve those issues or conflicts identified in (iii).
- 3) **Principles:** Define the conventions or standards that are to be applied.
- 4) **Application:**
  - i. State who the policy applies to (e.g. public, civil servants etc.)
  - ii. Describe any special conditions, restrictions or exemptions to (i).
- 5) **Authority and Administration:**
  - i. State who is involved in the policy development (e.g. departments, agencies, public etc.).
  - ii. Describe the consultation process for (i).
  - iii. State who will be responsible for authorizing, approving and revising the policy (when necessary).
- 6) **Other relevant information:** Include and describe any issue that will directly affect the enforcement of the policy.



**Cabinet Office**  
**Proposed Terms of Reference Outline**  
**For the Creation of Boards, Committees and the Appointment of Members**

**I. Mandate of the Board, Committee, Working Group, etc.**

Describe the legal/political purpose of the body being formed or to which the membership or member is being added. Please ensure to quote the relevant law or regulation. This section should give the reader the legal background to why the body exists or will exist.

**II. Role of the Body**

This section should spell out in detail the goals, mission and objectives of this body.

**III. The Functions of the Body**

The detailed or day-to-day functions of the body should be given.

**IV. Membership**

The particulars and role of each member of this body, including name, mandatory qualification or knowledge, their role on the body, and the tenure of each member term should be included in this section.

**V. Term**

The tenure or duration of the body should be given, along with the commencement or termination date, whichever is more convenient or necessary. How the continuation of membership will be determined and by whom, should also be included.

**VI. Meetings**

The frequency of meetings should be spelled out, including any maximums or minimums that would help to determine remuneration or compensation. The conducting of meetings should be indicated, if different from the ordinary.

**VII. Quorum**

The number of members that will make the meeting a legal one should be detailed and also the mandatory presence of any particular member or members must be indicated.

**VIII. Reporting**

The protocol, conditions and contents of reports should be detailed, as well as the channeling reports.

**IX. Compensation**

Compensation rate per period or meeting should be stated. Public Officers vs. Private Sector Employees should be clearly identified, as they have some eventual bearing on compensation.

**X. Voting Rights**

The voting rights of members in meeting **must** be spelled out.

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**DATE:** 7<sup>th</sup> January, 2010

**M.P.:** FOR.F3/15

**CABINET PAPER**

**No. /2010**

**APPOINTMENTS TO (ABC) BOARD**

**Memorandum by the Minister for Natural Resources and Labour**

**DECISION SOUGHT**

Cabinet is invited to decide to appoint the following membership to the (ABC) Board in accordance with Section (2) and Schedule (V) of the (Proprietor's) Act, 2006:

a) Mr. Samuel Smith	Chairman	3 years
b) Mrs. Shirley Baker	Member	3 years
c) Ms. Tamica Small	Member	3 years
d) Mr. John Thomas	Member	3 years

**BACKGROUND INFORMATION**

The (ABC) Board was established under Section (2) and Schedule (V) of the (Proprietor's) Act, 2006.

2. The role of the ABC Board is to:
  - describe the role of Board.
3. Under Schedule (2) of the (Proprietor's) Act, the Board Membership shall consist of, in addition to the Director, not more than (6) members appointed from members of the public, any one of whom may represent a non-governmental organization as follows:
  - a) list the criteria of appointments according to the relevant legislation
4. The list of current membership is:
 

a) Mr. Peter Parker	-	Chairman
b) Ms. Sandra Penn	-	Member
c) Mrs. Rose Lettsome	-	Member

d) Miss Natasha Hodge

- Member

5. Describe any other relevant information relating to the appointment and include information on remuneration for members, if any.

6. State whether there are conflicts of interest with the proposed membership and whether all nominees have consented to serve.

7. State whether a press statement will be issued once all nominees have been notified.

#### **CROSS MINISTRY CO-ORDINATION**

8. This section should include a description of the consultation with ministries with an interest (cross portfolio); the outcome of the consultation, as well as whether the other interested parties were positive or negative.

#### **BUDGET**

9. A definitive statement on whether the expenditure proposed is included in the Budget and how much resources are uncommitted, let's say, under the particular expenditure sub-head. The Cabinet Secretary's email dated 30<sup>th</sup> April, 2010 gives directions on this matter.

#### **FINANCIAL IMPLICATIONS**

10. This section should contain a summary of the Financial Secretary's view or position. To support your statement here the Financial Secretary's written submission should be attached as an appendix.

#### **LEGAL IMPLICATIONS**

11. This section should summarize the position of the Attorney General and a copy of that opinion should be attached as an appendix.

**Omar W. Hodge**  
**Minister for Natural Resources and Labour**

Attachments (4)

**Appendix A** – Terms of Reference of the (ABC) Board

**Appendix B** - Curriculum Vitae for proposed members

**Appendix C** – Financial Secretary's comments

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DATE: 11<sup>th</sup> June, 2008

M.P.: CW/PW.13/114 Vol.4

**CABINET INFORMATION PAPER**

**I.P. No. /2010**

**Update of Pockwood Pond Drainage**

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**Memorandum by the Minister for Communications and Works**

Cabinet is asked to note that:

- a) XXXXXXXXXXXXXXXXXXXX
- b) XXXXXXXXXXXXXXXXXXXXXXX; and
- c) XXXXXXXXXXXXXXXXXXXXXXX

**BACKGROUND INFORMATION**

This section should include a brief analysis of the situation, previous Cabinet or Executive Council decisions and reference Government’s overall policy and development strategy.

**Julian Fraser, R.A**  
**Minister for Communications and Works**

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DATE: 11<sup>th</sup> June, 2008

M.P.: CW/PW.13/114 Vol.4

## CABINET PAPER

No. /2010

ABC Legislation

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### Memorandum by the Attorney General

#### DECISION SOUGHT

Cabinet is asked to:

- a) XXXXXXXXXXXXXXXX
- b) XXXXXXXXXXXXXXXXXXXXXXXX; and
- c) XXXXXXXXXXXXXXXXXXXXXXXX

#### BACKGROUND INFORMATION

This section should include background information to the bill and may make reference to previous Cabinet or Executive Council decisions.

#### CROSS MINISTRY CO-ORINDATION

2. This section should include a description of the consultation with ministries with an interest (cross portfolio). The outcome of the consultation as well as whether the other interested parties were positive or negative.

#### FINANCIAL IMPLICATIONS

3. This section should contain the Financial Secretary's view or position. To support your statements, the Financial Secretary's written submission should be attached as an appendix.

#### CONCLUSION

4. This section should succinctly summarize the need for the decision, how the decision will be implemented, the outputs of the decision and the results/outcome.

Kathleen Quartey

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DATE: 11<sup>th</sup> June, 2008

M.P.: CW/PW.13/114 Vol.4

## **CABINET PAPER**

No. /2010

### **Pockwood Pond Drainage**

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#### **Memorandum by the Minister for Communications and Works**

#### **DECISION SOUGHT**

Cabinet is invited to:

- a) decide that a comprehensive drainage system should be designed and implemented to manage the water runoff in Pockwood Pond from the three ghuts (list names of ghuts);
- b) decide that there should be a restricted tender for the design and construction;
- c) decide that funding should come from Head XYZ, Subhead 123; and
- d) decide that the detailed design and preliminary costing should be approved by Cabinet in advance of the restricted tender process.

#### **BACKGROUND INFORMATION**

This section should include a brief analysis of the situation, previous Cabinet or Executive Council decisions and should reference Government's overall policy and development strategy. This section should also include a description of the alternative solutions as well as the chosen solution.

#### **CROSS MINISTRY CO-ORINDATION**

2. This section should include a description of the consultation with ministries with an interest (cross portfolio). The outcome of the consultation, as well as whether the other interested parties were positive or negative should also be included in this section.

#### **BUDGET**

3. A definitive statement on whether the expenditure proposed is included in the Budget and how much resources are uncommitted, let's say, under the particular expenditure sub-head. The Cabinet Secretary's email dated 30<sup>th</sup> April, 2010 gives directions on this matter.

#### **IMPLEMENTATION**

4. This section should summarize how the policy or project is to be implemented including a very brief implementation plan.

**FINANCIAL IMPLICATIONS**

5. This section should contain the Financial Secretary's view or position (a summary of...). To support your statement, the Financial Secretary's written submission should be attached as an appendix.

**LEGAL IMPLICATIONS**

6. This section should summarize the position of the Attorney General and a copy of that opinion should be attached as an appendix.

**CONCLUSION**

7. This section should succinctly summarize the need for the decision, how the decision will be implemented, the outputs of the decision and the results/outcome of the policy or project.

**Julian Fraser, R.A**  
**Minister for Communications and Works**

**Non-Belonger Land Holding Licence Application  
for John Doe**

**Cabinet Memorandum  
No. 161/2010**

File Ref: LAN/10/2/1057A	Complete Appl. Rec'd: 28 April 2010 Date Sent to Cab. Sec: 13 May 2010 Date Approved for Agenda: 17 May 2010	Purpose of Paper: Transfer of Property	Type of Transaction: Belonger to Non-Belonger
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**1. Decision Sought:**

Cabinet is asked to:

- (a) agree that a Non-Belonger Land Holding Licence be granted xxxxxx to hold as owner the property outlined in the First Schedule, subject to the conditions outlined in the Second Schedule; and
- (b) note that the property outlined in the First Schedule is valued at \$480,000 and is being transferred for the consideration of natural love and affection.

## 2. Parties, Citizenship, Profiles, References:

- (a) Transferor:
- (b) Transferee:
- (c) Character references for the transferee have been examined and found satisfactory.

## 3. Background Information:

1. An application was received from the law firm, Hunte & Co. for a Non-Belonger Land Holding Licence on behalf of XXXXXX to enable her to hold as owner the property at Fat Hog's Bay identified in the First Schedule.

2. The transferor is XXXXXXX, a believer. A copy of the Naturalization Certificate issued to XXXXXX, as proof of his citizenship, is attached as **Appendix A**.

3. The applicant is XXXX. She was born on 4<sup>th</sup> June 1955 in Guyana. During the past ten years XXXXX has lived exclusively in the British Virgin Islands and has been living in the BVI for a period of 16 years. Her present address is West End, Tortola, BVI. XXX is employed with Lime as a cashier. She is a non-belonger who is the holder of a work permit. During the period March 2009 to December 2009 the applicant maintained a mid five figure balance on her account. The development to be undertaken will be sourced through local bank funding. This is the applicant's first application to purchase property in the British Virgin Islands.

4. Cabinet is asked to note that the transfer is for the consideration of natural love and affection. The transferor (XXXXXX) is the stepfather of the transferee (XXXXXX). A copy of the Birth Certificate for XXXXXX as evidence that she is the daughter of XXXX is attached as **Appendix B**. An affidavit from XXXXXX attesting to her relationship to XXXXXX as well as the difference in the names is attached as **Appendix C**. A copy of the Marriage Certificate for XXXXX and XXXX is attached as **Appendix D**.

5. By notarized letter dated 29 March 2010 (**Appendix E**), XXXXX stated his intent to gift the property to XXXXX.

6. A copy of the excerpt Cadastral Survey Map showing Parcel 13 is attached as **Appendix F**.

7. The valuation report for the property was prepared by Smiths Gore (BVI) Ltd. on September 22, 2009 (*on file at Folio 5*).

8. Cabinet is asked to agree with the decision sought.

## 4. First Schedule: Property Details

- (a) Location: Parcel 12 of Block 3438B, Long Look Registration Section (Fat Hog's Bay)
- (b) Existing Buildings: N/A
- (c) Size: 0.1 of an acre
- (d) Valuation: \$480,000

- 
- (e) Advertisement waived
  - (f) Selling Price: for the consideration of natural love and affection

## **5. Second Schedule: Licence Conditions**

- (a) Development Plans: to construct a two storey building comprising a three bedroom, two bathroom dwelling unit on the lower level and a three bedroom, two bathroom dwelling unit on the upper level comprising reinforced concrete, blocks, steel, wood and other usual building materials;
- (b) Development Deadline: within three years from the date of the licence;
- (c) Minimum Development Cost: not less than \$480,000;
- (d) Function of Property: private dwelling;
- (e) Rent: the land, dwelling units on the property shall not be rented without the prior written approval from the Minister for Natural Resources and Labour;
- (f) The licence is operative only to Lurena Odetta Peters to whom the licence is granted and is not transferable;
- (g) The land and dwelling units described in the licence shall not be subdivided, altered, sold or otherwise disposed of without the prior written approval of the Cabinet of the Virgin Islands; and
- (h) Landscaping Requirements: a plan reflecting the landscaping of the property and showing the position of the building must be submitted to the Ministry of Natural Resources and Labour for approval. Thereafter, the approved landscaping must be carried out in accordance with the approved plan.
- (i) Change of company shareholders/directors: N/A

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**Omar W. Hodge**  
**Minister for Natural Resources and Labour**

**Attachments: (6)**

- Appendix A – copy of the Naturalization Certificate issued to XXXXX
- Appendix B – copy of the Birth Certificate for XXXXX
- Appendix C – copy of the affidavit from XXXXX
- Appendix D – copy of Marriage Certificate for XXXXX and XXXXX
- Appendix E – copy of notarized letter dated 29 March 2010
- Appendix F – copy of the excerpt Cadastral Survey Map showing Parcel 12