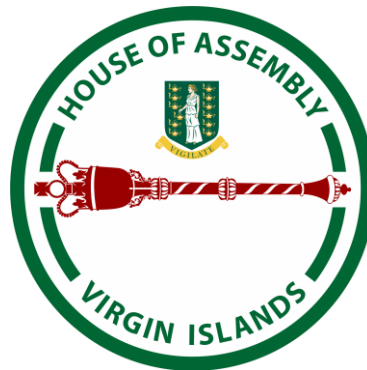


**FOURTEENTH SITTING OF THE SECOND SESSION  
OF THE FOURTH HOUSE OF ASSEMBLY  
OF THE VIRGIN ISLANDS**



**TO BE HELD ON  
TUESDAY, 22ND SEPTEMBER, 2020  
AT THE SAVE THE SEED ENERGY CENTRE  
DUFFS BOTTOM, TORTOLA  
AT 10:00 A.M.**

**AMENDED #2**

**ORDER OF THE DAY**

# **ORDER OF THE DAY**

**1) Prayers**

**2) Confirmation of Minutes**

- Confirmation of Minutes for the Meeting of Friday 10th July, 2020;and
- Confirmation of Minutes for the Meeting of Tuesday 21<sup>st</sup> July, 2020.

**3) Announcements by the Speaker**

**4) Statements by Ministers**

**5) Presentation of Papers**

**a) The Premier and Minister of Finance to lay on the table the following documents:**

- i) Statutory Instrument 2020 No. 102 - A proclamation by His Excellency the Governor under Section 83 (1) of the Virgin Islands Constitution Order, 2007 (U.K.S.I. 2007 No. 1678) appointing the time and place at which the Fourteenth Sitting of the Second Session of the Fourth House of Assembly of the Virgin Islands shall be held;
- ii) Office of the Deputy Governor - Annual Report 2018;
- iii) Department of Disaster Management - Annual Report 2019;
- iv) Statutory Instrument 2020 No. 89 - Statutory Rates, Fees and Charges (Amendment of Schedule) (No.2) Order 2020;
- v) Statutory Instrument 2020 No. 86 - Imposition of a Curfew (No. 25) Order, 2020;
- vi) Statutory Instrument 2020 No. 90 - Imposition of a Curfew (No. 26) Order, 2020;
- vii) Statutory Instrument 2020 No. 92 - Imposition of a Curfew (No. 27) Order, 2020;

- viii) Statutory Instrument 2020 No. 93 - Imposition of a Curfew (No. 28) Order, 2020;
- ix) Statutory Instrument 2020 No. 95 - Imposition of a Curfew (No. 29) Order, 2020;
- x) Statutory Instrument 2020 No. 101 - Imposition of a Curfew (No. 30) Order, 2020;
- xi) Statutory Instrument 2020 No. 104- Imposition of a Curfew (No. 31) Order, 2020; and
- xii) Statutory Instrument 2020 No. 105- Imposition of a Curfew (No. 32) Order, 2020.

**b) The Minister for Health and Social Development to lay on the table the following document:**

- i) Statutory Instrument 2020 No. 84 – Public Health (Covid-19 Control and Suppression Measures – Jost Van Dyke) Order, 2020;
- ii) Statutory Instrument 2020 No. 88 – Public Health (Covid-19 Control and Suppression Measures) (No. 4) Order, 2020;
- iii) Statutory Instrument 2020 No. 96 – Public Health (Covid-19 Control and Suppression Measures) (No. 5) Order, 2020; and
- iv) Statutory Instrument 2020 No. 100 – Public Health (Covid-19 Control and Suppression Measures) (No. 6) Order, 2020.

**c) The Minister for Natural Resources, Labour and Immigration to lay on the table the following document:**

- Statutory Instrument 2020 No. 91 - Immigration and Passport (Prohibition of Entry) (No.10) Order, 2020

**6) Notices of Motions Given Orally**

- a) The Minister for Health and Social Development to give notice that, at a later stage in the proceedings, he would seek leave to move the Motion standing in his name under Item 7(1) (i) on the Order of the Day.
- b) The Premier and Minister of Finance to give notice that, at a later stage in the proceedings, he would seek leave to move the Motion standing in his name

under Item 7(1)(ii) to (iv) on the Order of the Day.

- c) The Deputy Premier and Minister for Education, Culture, Youth Affairs, Fisheries and Agriculture to give notice that, at a later stage in the proceedings, he would seek leave to move the Motion standing in his name under Item 7(1)(v) and (vi) on the Order of the Day.

## 7) **Public Business**

### 1) **Government Business**

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

- (i) The Minister for Health and Social Development to move a motion for the Second and Third Readings of the Bill entitled, “**Nurses and Midwives Act, 2020**”.

- (ii) **The Premier and Minister of Finance to move the following motion:**

**WHEREAS** section 3(1) of the Statutory Rates, Fees and Charges Act, 2005 (No. 28 of 2005) (hereinafter referred to as the “Act”) provides that the Cabinet may, by means of an Order amending the Schedule, exercise a power given to the House of Assembly, the Governor, Cabinet, a Minister or any other person or statutory body

(a) to impose or vary rates, fees, or other charges,

(b) to grant exemptions with respect to rates, fees or other charges,

(c) to approve the imposition or variation of rates, fees or other charges or the granting of exemptions with respect to rates, fees and other charges,

whether by resolution, regulations, Order or other statutory instrument and whether on the advice or recommendation of, or after consultation with, any person, body or authority;

**WHEREAS** section 3(2) of the Act provides that where such an Order is made it shall be subject to an affirmative resolution of the House of Assembly;

**WHEREAS** the Cabinet in exercise of the powers conferred on it by section 3(1) of the Act, made the Statutory Rates, Fees and Charges (Amendment of Schedule) (No. 2) Order, 2020 (the “Order”) on the 13<sup>th</sup> day of August, 2020 to amend Part 42 of the Schedule by waiving the stamp duty payable on the sale or transfer of property to a Belonger;

**WHEREAS** the Order was published in the Gazette on the 13<sup>th</sup>

day of August, 2020 by way of advanced notice;

**AND WHEREAS** the Order is laid on the Table of the House of Assembly on the      day of                      2020;

**NOW THEREFORE, BE IT RESOLVED** that the House of Assembly of the Virgin Islands approves the Order laid on the Table of the House of Assembly on the      day of                      and the said Order shall come into force on the      day of                      , 2020.

(iii) **The Premier and Minister of Finance to move the following motion:**

**WHEREAS** section 67(3)(e) of the Virgin Islands Constitution Order, 2007 (U.K.S.I. 2007 No. 1678) provides that subject to subsection (7), an elected member of the House of Assembly shall vacate his or her seat if the member becomes a party to a contract with the Government of the Virgin Islands for or on account of the public service, or if any firm in which the member is or becomes a partner, or a company of which the member is or becomes a director or manager becomes a party to a contract with the Government of the Virgin Islands;

**WHEREAS** section 67(7) provides that if in the circumstances it appears just to do so, the House of Assembly may exempt an elected member from vacating his or her seat under subsection (3)(e) if the member, before or as soon as practicable after becoming interested in a contract with the Government of the Virgin Islands by virtue of being a director or manager in a company which has a contract with the Government, discloses to the House of Assembly the nature of the contract and his or her interest in the company involved in the contract;

**WHEREAS** the Honourable Mark Vanterpool, MHA, is an elected member of the House of Assembly;

**WHEREAS** the Honourable Mark Vanterpool is a Director of K-Mark's Foods (1996) Limited trading as Onemart, whose registered office is situated in Road Town Registration Section Block 3038B Parcel 84/1 & 83/1 and, which company provides the sale of general food, furniture, appliances and household items services in the Territory;

**WHEREAS** the company has been providing services for the sale of general food, furniture, appliances and household items to all government ministries and departments and the residence and Office of the Governor;

**WHEREAS** the Government of the Virgin Islands, through the Ministry of Health & Social Development, made an offer to the Company by letter dated 22nd April 2020 and subsequently entered into a contract with the

Company on 21th day of July, 2020 to provide food packages and sanitary supplies in the amount of \$869,773.34 dollars to assist the Virgin Islands population during the COVID-19 pandemic;

**WHEREAS** from the month of March 2020 to May 2020, the company provided the said food packages and sanitary supplies to the Government of the Virgin Islands;

**WHEREAS** by virtue of being a Director of K-Mark's Foods (1996) Limited trading as Onemart the Honourable Member has an interest in the offer made and the subsequent contract with the Company as aforesaid;

**WHEREAS** this Resolution discloses to the House of Assembly the offer made and the contract signed with the Government of the Virgin Islands and the interest of the Honourable member in the offer and contract by virtue of being a Director of the Company and his company's desire to continue to provide these services;

**WHEREAS** this Resolution is a request by the Honourable member to the House of Assembly to exempt the Honourable member from vacating the House of Assembly;

**AND WHEREAS** the Honourable **ANDREW A. FAHIE**, the Premier and Minister of Finance has by motion moved the House of Assembly to exempt the Honourable Mark Vanterpool, MHA from vacating his seat as an elected member of the House of Assembly;

**NOW THEREFORE, BE IT RESOLVED** that the House of Assembly of the Virgin Islands exempts the Honourable Mark Vanterpool, MHA from vacating his seat as an elected member of the House of Assembly.

(iv) **The Premier and Minister of Finance to move the following motion:**

**WHEREAS** section 67(3)(e) of the Virgin Islands Constitution Order, 2007 (U.K.S.I. 2007 No. 1678) provides that subject to subsection (7), an elected member of the House of Assembly shall vacate his or her seat if the member becomes a party to a contract with the Government of the Virgin Islands for or on account of the public service, or if any firm in which the member is or becomes a partner, or a company of which the member is or becomes a director or manager becomes a party to a contract with the Government of the Virgin Islands;

**WHEREAS** section 67(7) provides that if in the circumstances it appears just to do so, the House of Assembly may exempt an elected member from vacating his or her seat under subsection (3)(e) if the member, before or as soon as practicable after becoming interested in a contract with the Government of the Virgin Islands by virtue of being a director or manager in

a company which has a contract with the Government, discloses to the House of Assembly the nature of the contract and his or her interest in the company involved in the contract;

**WHEREAS** the Honourable Mark Vanterpool, MHA, is an elected member of the House of Assembly;

**WHEREAS** the Honourable Mark Vanterpool is a Director in the company known as Shoreside Development (BVI) Ltd, whose registered office is situated in Mount Sage Registration Section, Block 2534BB Parcel 218/1, Pockwood Pond;

**WHEREAS** the company has received a transfer of government lease number 152/2017 for 0.125 acres from Patricia M Romney, Personal Representative of the Estate of Lillian A Romney deceased for 46 years representing the balance of a 50 year lease previously granted to the Estate of Lillian A Romney;

**WHEREAS** this Resolution discloses to the House of Assembly the transfer of the said property and the interest of the Honourable member in the transfer by virtue of being a Director of the Company;

**WHEREAS** this Resolution is a request by the Honourable member to the House of Assembly to exempt the Honourable member from vacating the House of Assembly;

**AND WHEREAS** the Honourable **ANDREW A. FAHIE**, the Premier and Minister of Finance has by motion moved the House of Assembly to exempt the Honourable Mark Vanterpool, MHA from vacating his seat as an elected member of the House of Assembly.

**NOW THEREFORE, BE IT RESOLVED** that the House of Assembly of the Virgin Islands exempts the Honourable Mark Vanterpool, MHA from vacating his seat as an elected member of the House of Assembly.

(v) **The Minister for Education, Culture, Youth Affairs, Fisheries and Agriculture to move the following motion:**

**WHEREAS** the Cabinet at its meeting of 18<sup>th</sup> September, 2019 decided that the Territorial Song “Oh Beautiful Virgin Islands”, which was composed and written by Ayana Hull and Kareem Nelson Hull, be played in place of the National Anthem “God Save the Queen”, at Regional and International Sports events where participants representing the Virgin Islands receive medals;

**WHEREAS** the International Olympic Committee is requesting the right to use the Territorial Song of the Virgin Islands for future editions of the Olympic Games, the Youth Olympic Games and other institutional events and/or official events of the International Olympic Committee and its affiliated entities, as well as the Paralympic Games;

**WHEREAS** the British Virgin Islands Olympic Committee owns the rights to or has been duly authorised and/or licensed to use and to authorise and/or sublicense the use (without any restriction of term, territory, media, format or technology) of the Territorial Song in the context of the Institutional Uses, in particular for its public performance, broadcast, communication or making available to the public, and its recording or reproduction;

**WHEREAS** the British Virgin Islands Olympic Committee authorises and/or sublicenses the International Olympic Committee and its affiliated entities the Rights for its own use and its further authorisation to third parties to use the Territorial Song in the context of the Institutional Uses;

**WHEREAS** on the 12<sup>th</sup> day of March, 2020, the International Olympic Committee confirmed the change of the National Olympic Committee Anthem by registering and updating the International Olympic Committee database;

**NOW THEREFORE, BE IT RESOLVED** by the House of Assembly of the Virgin Islands that the Territorial Song “Oh Beautiful Virgin Islands”, be played in place of the National Anthem “God Save the Queen”, at Regional and International Sports events where participants representing the Virgin Islands receive medals.

(vi) **The Minister for Education, Culture, Youth Affairs, Fisheries and Agriculture to move the following motion:**

**WHEREAS** section 3(1) and (2) of the Higher Education Licensing Act, 2016 (No. 5 of 2016) provides for the establishment of a Higher Education Licensing Board ("the Board"), comprised of a total of seven members, inclusive of a Chairman and Deputy Chairman;

**WHEREAS** section 3(3) and (4) of the said Act provides that the Minister responsible for Education shall, with the approval of the Cabinet, appoint one of the members as the Chairman of the Board and that such appointment shall be subject to the approval of the House of Assembly;

**AND WHEREAS** the Minister of Education, Culture, Youth Affairs, Fisheries and Agriculture has recommended to the Cabinet that Dr. Arthur G. Richardson be appointed as the Chairman of the Board;



**NOW THEREFORE, BE IT RESOLVED** that the House of Assembly of the Virgin Islands approves the appointment of Dr. Arthur G. Richardson as the Chairman of the Board for a period of one year with effect from the 1<sup>st</sup> day of August, 2020.

- 2) **Private Members Business**
  
- 8) **Other Business**
  
- 9) **Adjournment**