

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



**TO BE HELD ON  
THURSDAY, 10TH MARCH, 2022  
AT THE SAVE THE SEED ENERGY CENTRE  
DUFFS BOTTOM, TORTOLA  
AT 10:00 A.M.**

**AMENDED**

**ORDER OF THE DAY**

# **ORDER OF THE DAY**

**1) Prayers**

**2) Confirmation of Minutes**

- Confirmation of Minutes for the Meeting of Tuesday, 18th January, 2022.

**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 2022 No. 12 - A proclamation by 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 Second Sitting of the Fourth Session of the Fourth House of Assembly of the Virgin Islands shall be held;
- ii) British Virgin Islands Electricity Corporation Annual Report 2018;
- iii) British Virgin Islands Electricity Corporation Financial Statements 2018.

**b) The Deputy Premier and Minister for Education, Culture, Youth Affairs, Fisheries and Agriculture to lay on the table the following documents:**

- i) Department of Youth Affairs and Sports Annual Report 2019;
- ii) Public Library Service of the Virgin Islands Annual Report 2019;
- iii) Department of Culture Annual Report 2019;
- iv) Ministry of Education, Culture, Youth Affairs, Fisheries and Agriculture Annual Report 2019;
- v) Department of Youth Affairs and Sports Annual Report 2020.

**6) Notices of Motions Given Orally**

- a) The Premier and Minister of Finance to give notice that, at a later stage in the proceedings, he would seek leave to move the Motions standing in his name under Item 8(1)(i) through (v), (vii), (viii) and (xi) on the Order of the Day.
- b) 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 8(1)(ix) on the Order of the Day.
- c) The Minister for Transportation, Works and Utilities 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 8(1)(x) on the Order of the Day.
- d) 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 Motions standing in his name under Item 8(1)(vi) and (xii) on the Order of the Day.
- e) The Member for the Third District to give notice that, at a later stage in the proceedings, he would seek leave to ask the Questions standing in his name under Item 7(i) through (iii) on the Order of the Day.

**7) Questions and Answers to Questions**

- i) **The Member for the Third District to ask the Honourable Premier and Minister of Finance the following questions:**

**Question 1**

Mr. Speaker, at the 10<sup>th</sup> Sitting of the 3<sup>rd</sup> Session of the 4<sup>th</sup> HoA, I asked the Honourable Premier and Minister of Finance to please tell this Honourable House “whether there were Bills passed in the House of Assembly or the Legislative Council that are awaiting Assent from the Governor”, and he went on to list 3 Bills that fit that category. However, they were only Bills passed during his Administration. Mr. Speaker, if my memory serves me right, there might be others. Could the Premier and Minister of Finance please advise this Honourable House whether his list was exhaustive, and if it wasn’t, provide us with the other Bills?

**Question 2**

Mr. Speaker, over the course of the past 4 years I have been vociferously complaining and reporting about water issues in the 3<sup>rd</sup> District to the Premier, the Minister and everyone who would listen. At the first Sitting of the 4<sup>th</sup> and last Session of the 3<sup>rd</sup> HOA on September 13<sup>th</sup>, the Premier announced an August Cabinet approval of a

\$3.5 million funding to address water issues. Mr. Speaker this Premier was asked about this \$3.5 million as well, but to no avail. Mr. Speaker, could the Honourable Premier and Minister of Finance please tell this Hon. House:

- a) Exactly which sub-head was that money placed in, and who has access to it?
- b) How much of it has been spent to date, where and how?

### **Question 3**

Mr. Speaker, at the 10<sup>th</sup> Sitting of the 3<sup>rd</sup> Session of the 4<sup>th</sup> HoA in a question to the Premier and Minister of Finance regarding the Duty-Free facility at Cyril B. Romney Tortola Pier Park, mention was made of a “duty-free warehouses (stores) at the Pier Park”. Mr. Speaker, could the Premier and Minister of Finance please tell this Honourable House:

- a) How the goods get to the warehouse from their ports of entry?
- b) Whether there is someone designated by Customs to inspect goods sold locally to ensure that the conceded duty on those products is recouped?

### **Question 4**

Mr. Speaker, at that same Sitting mentioned in Question 3 above, regarding Duty Free at the Pier Park, the Premier stated that *“All duty-free operators are required to submit a spreadsheet provided by Customs to record information on all local and foreign sales”*. Mr. Speaker, could the Premier and Minister of Finance please provide this Honourable House with a representative sample of one of these spreadsheets?

### **Question 5**

Mr. Speaker, the Premier and Minister of Finance also provided this House with a table indicating the duties collected from duty-free operators at the Pier Park from 2016 to 2020 as follows:

1. 2016 - \$49,855.36
2. 2017 - \$76,280.94
3. 2018 - \$89,221.44
4. 2019- \$113,195.85
5. 2020 - \$16,791.60

Which totals almost 346 thousand dollars. Mr. Speaker, could the Premier and Minister of Finance please provide this Honourable House with:

- a) A similar table indicating the amounts of duties conceded on duty-free grounds for the same period?
- b) The FOB value of all goods traded at the Pier Park for the period?
- c) The ratio of goods and services rendered locally vs. those exported duty free for this period and
- d) The gross sales for the period.

**Question 6**

Mr. Speaker, the Premier and Minister of Finance who has responsibility for the BVI Ports Authority, thus the Cyril B. Romney Tortola Pier Park and its policies, is most certainly in a position to address economic concerns at the Park especially those involving the tenants. Mr. Speaker, with the adverse effects brought on by COVID-19 especially to our Tourism Product, we are all aware that merchants, particularly those at the Pier Park were stripped almost bare of revenue for practically all of 2020 and 2021 and are reaching-out. Mr. Speaker, could the Premier and Minister of Finance please tell this Honourable House:

- a) Whether he intends to meet with the representatives of the 31 concerned tenants of the Park as they have requested in their letter to him in March 2021?

**Question 7**

Mr. Speaker, given the circumstances outlined in Question 6, could the Premier and Minister of Finance whom it has been established to have responsibility for the Cyril B. Romney Tortola Pier Park and its policies, please tell this Honourable House:

- a) Whether he thinks it is fair to Merchants at the Pier Park to be issued with eviction notices?
- b) If he is aware of the notices issued, and how many were issued? and
- c) Given that the meeting requested a year ago with him was to reinforce the request for the **Abatement of Rent During COVID-19 Pandemic to Date** as was explained in the letter, doesn't he think if the meeting had taken place the evictions would have been averted?

### **Question 8**

Mr. Speaker, at the 1<sup>st</sup> Sitting of the 4<sup>th</sup> Session of the 4<sup>th</sup> HoA I expressed my advocacy for a government initiative to bring relief to the borrowers of the National Bank of the Virgin Islands impacted by COVID-19. In that regard Specifically Mr. Speaker, could the Premier and Minister of Finance please tell this Honourable House whether he is considering any form of **Forgiveness Program** for the interest accrued on loans at the National Bank of the Virgin Islands during the crucial months of the COVID-19 period?

### **Question 9**

Mr. Speaker, can the Premier and Minister of Finance please tell this Honourable House

- a) What is the cost of the COI's original 6-month appointment broken down in terms of:
  - i. BVI taxpayer's expenditure? and
  - ii. UK taxpayer's expenditure? and
- b) What is the cost of the CoI's extension beyond the original 6-month appointment broken down in terms of:
  - iii. BVI taxpayer's expenditure? and
  - iv. UK taxpayer's expenditure? and

### **Question 10**

Mr. Speaker, the Commission of Inquiry which had an initial mandate of 6 months has been stretched to double that, to which I presume at a cost that is proportionate. Mr. Speaker, could the Premier and Minister of Finance please tell this Honourable House:

- a) What is the cost for that operation to date, and the projected cost to completion? And
- b) Who is paying for it?

### **Question 11**

Mr. Speaker, during the CoI Hearings I couldn't help but notice that the Governor, both past and present were called as witnesses. To this day I am struck by the logic of it, and it leaves me with a few questions. Mr. Speaker, could the Premier and Minister of Finance please tell this Honourable House how was he able to discern:

- a) Whose interest was the Governor serving, given that he represents the UK while in the Territory?
- b) Who paid for his legal fees? and
- c) How were they paid?

ii) **The Member for the Third District to ask the Honourable Minister for Transportation, Works and Utilities the following questions:**

**Question 1**

Mr. Speaker, the BiWater Sewage Treatment Plant at Burt Point which is responsible for the treatment of sewage throughout Road Town, including Baughers Bay, Purcell, Huntums Gut, and all other areas within metropolitan Road Town, has been out of commission since receiving damages by Hurricane Irma, and to my knowledge still is. If this is so Mr. Speaker, it means that all that raw sewage is being dumped in the ocean off Slaney. Mr. Speaker, could the Minister for Transportation, Works and Utilities please tell this Honourable House whether:

- a) The BiWater Sewage Treatment Plant at Burt Point is in operation?
- b) If the answer to a) is no, why not? and
- c) When did it last operate?
- d) If the answer to a) is yes, when did it come back into operation, what was the cost to fix it, and by whom?

**Question 2**

Mr. Speaker, with regards to water production on Tortola, could the Minister for Transportation, Works and Utilities please tell this Honourable House whether:

- a) Production is at pace with demand?
- b) If his answer is yes, is he still rationing water?
- c) What was the daily production of water by the BiWater Plant at Paraquita Bay for April 2021, and what is the daily contracted minimum?
- d) What was the daily production of water by the Ocean Conversion Plant at Bar Bay for April 2021, and what is the daily contracted minimum?

### **Question 3**

Mr. Speaker, the people of Havers has long expressed a desire to have a government supply of potable water, but unfortunately, due to some covenant constraints extending the waterline to the estate was prohibited. It is my understanding that those restrictions no longer exist, thus making it possible to provide the service. Mr. Speaker, could the Minister for Transportation, Works and Utilities please tell this Honourable House whether:

- a) His Ministry is in possession of any formal requests for the service.
- b) If yes, is it sufficient to worth his while in terms of feasibility. and
- c) If no, what does he need to convince him that the service is necessary?

iii) **The Member for the Third District to ask the Honourable Minister for Health and Social Development the following questions:**

### **Question 1**

Mr. Speaker, I am aware there are difficulties being experienced in Pockwood Pond with the incinerator to the point where it became inoperable. Mr. Speaker, could the Minister for Health and Social Development please tell this Honorable House:

- a) Whether the Incinerator is currently being used to dispose of garbage brought to Pockwood Pond?
- b) What are the long-term plans for garbage disposal at Pockwood Pond?

## **8) Public Business**

### **1) Government Business**

(i) **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 becoming a party to a contract, or before or as soon as practicable after becoming interested in a contract with the Government of the Virgin Islands by virtue of being a partner in a firm or 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 firm or company involved in the contract;

**WHEREAS** the Honourable Neville Smith, is an elected member of the House of Assembly;

**WHEREAS** the Honourable Neville Smith is a Director of Caribbean Security Limited whose registered office address is located at Craigmuir Chambers, Road Town, Tortola, British Virgin Islands and which company provides security services and related systems installation;

**WHEREAS** the Company is desirous of entering into a contract with the Government of the Virgin Islands for upgrades to the Attorney General's Chambers, security system including the Access Control System and installation of a PA System for a total sum of thirty-three thousand, one hundred and forty-nine dollars and twelve cents (\$33,149.12), the formal contract is in the process of being drafted;

**WHEREAS** by virtue of being a Director of Caribbean Security Limited, the Honourable member has an interest in the contract with the Company as aforesaid and this Resolution discloses to the House of Assembly the interest of the Honourable member in the said contract 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 Neville Smith 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 Neville Smith from vacating his seat as an elected member of the House of Assembly.

(ii) **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 East Development Limited, whose registered office is situated in Belmont Chambers, PO Box 3443 Road Town, Tortola;

**WHEREAS** on 3<sup>rd</sup> November 2021, the company purchased a building located at Block 2838C, Parcel 100 Lower Estate, Road Town Registration Section from Maddog Limited, and a part of the said building, namely the third floor, was being leased by the Government of the Virgin Islands for a period of two (2) years commencing 11 May 2020 from Maddog Limited;

**WHEREAS** the remainder of the said lease is intended to be transferred to the company;

**WHEREAS** the company is in the process of negotiating with the Government of the Virgin Islands to lease additional space in the said building;

**WHEREAS** this Resolution discloses to the House of Assembly the transfer of the said property, the existing lease 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.

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

**WHEREAS** by Resolution 2 of 2020, made pursuant to Standing Order 78 and 79, it was resolved by the House of Assembly of the Virgin Islands that the following shall be members of a Special Select Committee appointed to manage the Virgin Islands Youth Parliament:

Hon. Julian Willock; (Chairman)  
Hon. Neville A. Smith;  
Hon. Kye M. Rymer;  
Hon. Sharie B. de Castro;  
Hon. Julian Fraser;  
Hon. Melvin M. Turnbull;  
Hon. Marlon A. Penn; and  
Hon. Shereen D. Flax-Charles;

**WHEREAS** it is expedient to replace Honourable Hon. Julian Willock as Chairman, with the Honourable Sharie B. de Castro as the Chairman of the said Special Select Committee appointed to manage the Virgin Islands Youth Parliament;

**AND WHEREAS** it is expedient to replace Honourable Shereen D. Flax-Charles, with the Honourable Alvera Maduro-Caines as a member of the said Special Select Committee appointed to manage the Virgin Islands Youth Parliament;

**NOW THEREFORE BE IT RESOLVED** by the House of Assembly of the Virgin Islands that the Honourable Sharie B. de Castro be appointed as Chairman, and the Honourable Alvera Maduro-Caines be appointed as a member, of the said Special Select Committee appointed to manage the Virgin Islands Youth Parliament.

### **Introduction and First Reading**

- (iv) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Mutual Legal Assistance (Tax Matters) (Amendment) Act, 2022**”;
- (v) The Premier and Minister of Finance to move a motion for the Introduction and First Reading of the Bill entitled, “**Stamps (Amendment) Act, 2022**”;
- (vi) The Minister for Health and Social Development to move a motion for the Introduction and First Reading of the Bill entitled, “**Non-Profit Organisation (Amendment) Act, 2022**”;

### **Suspension of Standing Orders 52(2)**

- (vii) The Premier and Minister of Finance to move a motion for the Suspension of Standing Order 52(2) to allow for the Second and Third Readings of the Bill entitled, “**Stamps (Amendment) Act, 2022**”;

### **Second and Third Readings**

- (viii) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled, “**Stamps (Amendment) Act, 2022**”;
- (ix) The Deputy Premier and Minister for Education, Culture, Youth Affairs, Fisheries and Agriculture to move a motion for the Second and Third Readings of the Bill entitled, “**Virgin Islands Food Security and Sustainability Act, 2022**”;
- (x) The Minister for Transportation, Works and Utilities to move a motion for the Second and Third Readings of the Bill entitled, “**Water and Sewerage Authority Act, 2021**”;
- (xi) The Premier and Minister of Finance to move a motion for the Second and Third Readings of the Bill entitled “**Business Licensing Act, 2020**”;
- (xii) The Minister for Health and Social Development to move a motion for the Second and Third Readings of the Bill entitled, “**Child Maintenance and Access (Amendment) Act, 2021**”.

## **2) Private Members Business**

**9) Other Business**

**10) Adjournment**