



THE ANGUILLA HOUSE OF ASSEMBLY

MOTION PAPER

TWENTY-SEVENTH MEETING OF THE FIRST SESSION OF
THE ELEVENTH ANGUILLA HOUSE OF ASSEMBLY
06th September, 2016

MOTION

No: **466**
Proposed by: Hon Member for Valley South, the Chief Minister and Minister of Finance
Meeting: Twenty-Seventh Meeting of the First Session of the Eleventh Anguilla House of Assembly
Date: 06th September, 2016

CUSTOMS DUTY EXEMPTION (MOTION 466) REGULATIONS, 2016

Statutory Instruments of Anguilla No.: 25/2016

RESOLUTION

Resolution made by the House of Assembly under section 77 (1) of the Customs Act, R.S.A. c.C169.3 was proposed and seconded in the House of Assembly on the 06th day of September 2016;

BE IT RESOLVED that, under the powers contained in section 77(1) of the Customs Act, R.S.A. c. 169, the House of Assembly exempts from duty the goods imported into Anguilla specified in the Schedule.

1. The following conditions apply in respect of all goods exempted from duty by virtue of this Resolution –
 - (a) The goods shall not, within 5 years of the date of importation, be sold, exchanged, given away or applied to any use other than the use specified in the Schedule;
 - (b) On the expiry of 6 months from the date of importation and each successive 6 month period within the 5 year period after the date of importation, the importer shall certify to the Comptroller of Customs, in a form acceptable to

the Comptroller of Customs, that he has complied with the conditions set out in paragraph (a);

(c) Upon demand made by a customs officer, the goods exempted from duty under this Resolution shall be produced or otherwise accounted for to the customs officer;

(d) In accordance with the Customs Administrative Costs Recovery Act, R.S.A. c. 170, at the time of import, the importer shall pay the Customs Administrative Charge at the rate specified in the Schedule.

2. In accordance with section 71 of the Customs Act, R.S.A. c 169, the following apply in the event that a condition referred to in section 1 of this Resolution is contravened or not complied with –

(a) If any of the goods exempted from duty under this Resolution are sold, exchanged, given away or applied to any use other than the use specified in the Schedule within 5 years of the date of importation –

(i) the importer shall pay the duty on the value of such goods at the rate of duty specified in the Integrated Customs Tariff at the date of importation;

(ii) the importer and any person knowingly concerned in such sale, exchange, gift or unsanctioned use is guilty of an offence and may be arrested and is liable to a fine of \$20,000 or 3 times the duty relieved, whichever is the greater, or to imprisonment for a term of 2 years or to both; and

(iii) the goods in respect of which the exemption was granted are liable to forfeiture.

(b) If the importer fails to certify that he has not sold, exchanged, given away or applied the goods to any use other than the use specified in the Schedule –

(i) the importer shall produce or account for the goods exempted from duty under this Resolution to the Comptroller of Customs;

(ii) any goods not produced or accounted for will be deemed to have been sold, exchanged, given away or applied to some use other than the use specified in the Schedule and paragraph (a)(i) applied; and

(iii) If any goods not produced or accounted for are subsequently found, they are liable to forfeiture.

- (c) If the importer fails to produce or account for the goods exempted from duty under this Resolution upon demand by a customs officer –
- (i) the importer and any person knowingly concerned in such failure are guilty of an offence and may be arrested and are liable to a fine of \$20,000 or 3 times the value of the goods, whichever is the greater, or to imprisonment for a term of 2 years or to both; and
 - (ii) if any goods not produced or accounted for are subsequently found they are liable to forfeiture.
- (d) If the importer fails to pay the Customs Administrative Charge at the rate specified in the Schedule, at the expiry of 30 days from the date of delivery of a demand for payment made by the Comptroller of Customs, or such longer period as may be designated by the Comptroller of Customs –
- (i) the importer shall pay the duty on the value of such goods at the rate of duty specified in the Integrated Customs Tariff at the date of importation;
 - (ii) the importer and any person knowingly concerned in such failure are guilty of an offence and may be arrested and are liable to a fine of \$20,000 or 3 times the value of the goods, whichever is the greater, or to imprisonment for a term of 2 years or to both; and
 - (iii) the goods exempted from duty under this Resolution are liable to forfeiture.

Leroy C Rogers
Speaker

Passed by Resolution of the House of Assembly the 6th day of September 2016.

Lenox J Proctor
Clerk, House of Assembly

MOTION NO. 466
SCHEDULE

IMPORTER: Mr. Darius Richardson

PURPOSE: Fishing Development

PERIOD DURING WHICH IMPORTATION ALLOWED: April 19, 2016 – April 19, 2017

GOODS THAT MAY BE IMPORTED: - 1 Artic-Temp Model 750M-L208/230 R 404 A 1CG machine and compressor, 1 Gas platform scale model BW-150, 1 Casio cash register Model 5400, 1 case thermal paper roll x 50 rolls, 3 120qt Xtreme coolers, 4 sheets of aluminium, 9 CF deep freezer, 5 CF deep freezer, 2 x 23 CF insulated ice boxes with lids.

RATE OF CUSTOMS ADMINISTRATIVE CHARGE: 5% Administrative Charge of the value of the goods in respect of which customs duty exemption is granted.

DUTY LOSS: - EC \$ 11,340.26.

Mr. Darius Richardson
P.O. Box 29
Long Bay The Valley
Anguilla

MOTION

No: **467**
Proposed by: Hon Member for Island harbour
Meeting: Twenty-Seventh Meeting of the First Session of the
Eleventh Anguilla House of Assembly
Date: 06th September, 2016

ESTABLISHMENT OF A COMMITTEE OF THE WHOLE HOUSE (MARINA DEVELOPMENT)

RESOLUTION

No. 467/2016

WHEREAS this House recognises the potential for the economic growth and prosperity of Anguilla of a marina or marinas capable of hosting not only the ordinary yachting community but also mega-yachts;

AND WHEREAS, as the Honourable Chief Minister is aware, sites have been identified that would be capable of providing this vitally needed and potentially game-changing development in the best interests of Anguilla and Anguillians and of placing Anguilla at the forefront of marina facilities in the Caribbean;

NOW IT IS HEREBY RESOLVED that a Committee of the whole house be established to:

1. Examine the options;
2. Ensure that no exclusivity is granted to any potential developer that would or could preclude the adoption of the best option(s); and
3. Drive the urgent implementation of the option(s) determined to have, on the balance of advantage, the greatest economic, environmental and social benefit for the people of Anguilla;

AND THAT such Committee be convened expeditiously, consult effectively with the Anguilla public and make its recommendations within three months of today's date.

Leroy C Rogers
Speaker

Passed by the House of Assembly this 6th day of September 2016.

Lenox J Proctor
Clerk of the House of Assembly

MOTION

No: **468**
Proposed by: Hon Member for Valley South, the Chief Minister and Minister of Finance
Meeting: Twenty-Seventh Meeting of the First Session of the Eleventh Anguilla House of Assembly
Date: 06th September, 2016

BANK RESOLUTION – BRIDGE BANK CAPITALIZATION LOAN

RESOLUTION

No. 468/2016

WHEREAS, the Government of Anguilla has approved the Bank Resolution - Bridge Bank Capitalization loan as part of its recurrent expenditure for 2016;

AND WHEREAS, the amount of US\$22,000,000 (EC\$59, 400,000) in long term loan resources is required to capitalize the bridge bank as part of the banking resolution plan;

AND WHEREAS, Her Excellency the Governor and the Honourable Minister of Finance have in accordance with the provisions of section 7(1) of the Loans (Caribbean Development Bank) Act R.S.A. c. L85, approved the borrowing of the required funds from the Caribbean Development Bank;

AND WHEREAS, it is a further requirement pursuant to Section 7(1) of the Loans (Caribbean Development Bank) Act R.S.A. c. L85 that prior approval for the borrowing be obtained by resolution of the House of Assembly;

BE IT RESOLVED that this Honourable House pursuant to section 7(1) of the Loans (Caribbean Development Bank) Act R.S.A. c. L85, authorizes the Honourable Minister of Finance to borrow, on behalf of the Government of Anguilla, a loan of fifty nine million and four hundred thousand dollars (EC\$59,400,000) in Eastern Caribbean Currency to capitalize the bridge bank as part of the banking resolution.

Leroy C Rogers
Speaker

Passed by the House of Assembly this 26th day of July 2016.

Lenox J Proctor
Clerk of the House of Assembly

MOTION

No: **469**
Proposed by: Hon Member for Road South, the Minister of Infrastructure
Meeting: Twenty-Seventh Meeting of the First Session of the
Eleventh Anguilla House of Assembly
Date: 06th September, 2016

ANGUILLA AIR AND SEA PORTS AUTHORITY ACT (AMENDMENT) REGULATIONS, 2016

Statutory Instruments of Anguilla No.: /2016

RESOLUTION

WHEREAS, the Anguilla Air & Sea Ports Authority (AASPA) is established with an exclusive right to manage the ports of Anguilla;

AND WHEREAS, by EXCO Minute 13/693 as amended by EXCO Minute 15/134 the Government of Anguilla decided to vest all ports lands to the AASPA;

AND WHEREAS, the Anguilla Air and Sea Ports Authority Act (Amendment) Regulations, 2016 was made by the Governor on the 30th day of August 2016 under section 86 of the Anguilla Air and Sea Ports Authority Act R.S.A c A57;

AND WHEREAS under 86(9) all regulations made under this Act shall be subject to negate resolution of the House of Assembly within 6 weeks;

AND WHEREAS those regulations are set out in the Schedule hereto;

BE IT RESOLVED that, under section 86 of the Anguilla Air and Sea Ports Authority Act, R.S.A. c. A57, the House of Assembly approves the regulations set out in the Schedule.

Leroy C Rogers
Speaker

Passed by Resolution of the House of Assembly the 6th day of September 2016.

Lenox J Proctor
Clerk, House of Assembly

Statutory Instrument of Anguilla: 33/2016

Gazette Dated: , 2016

ANGUILLA AIR AND SEA PORTS AUTHORITY ACT, (R.S.A. C. A57)

ANGUILLA AIR AND SEA PORTS AUTHORITY ACT (AMENDMENT) REGULATIONS, 2016
REGULATIONS

Regulations made by the Governor in Council under section 86(2) of the Anguilla Air and Sea Ports Authority Act, R.S.A. c. A57.

Interpretation

1. In these Regulations “Act” means the Anguilla Air and Sea Ports Authority Act, R.S.A. c. A57.

Amendment of Schedule 1

2. Schedule 1 of the Act is amended by replacing—

- (a) Part 1 with the following—

“Clayton J. Lloyd International Airport

The limits of the Clayton J. Lloyd International Airport Lands are defined on the attached drawing Survey Reference LS04 – 15 and are the lands leased by the Government of Anguilla to the Authority.”;

- (b) Part 3 with the following—

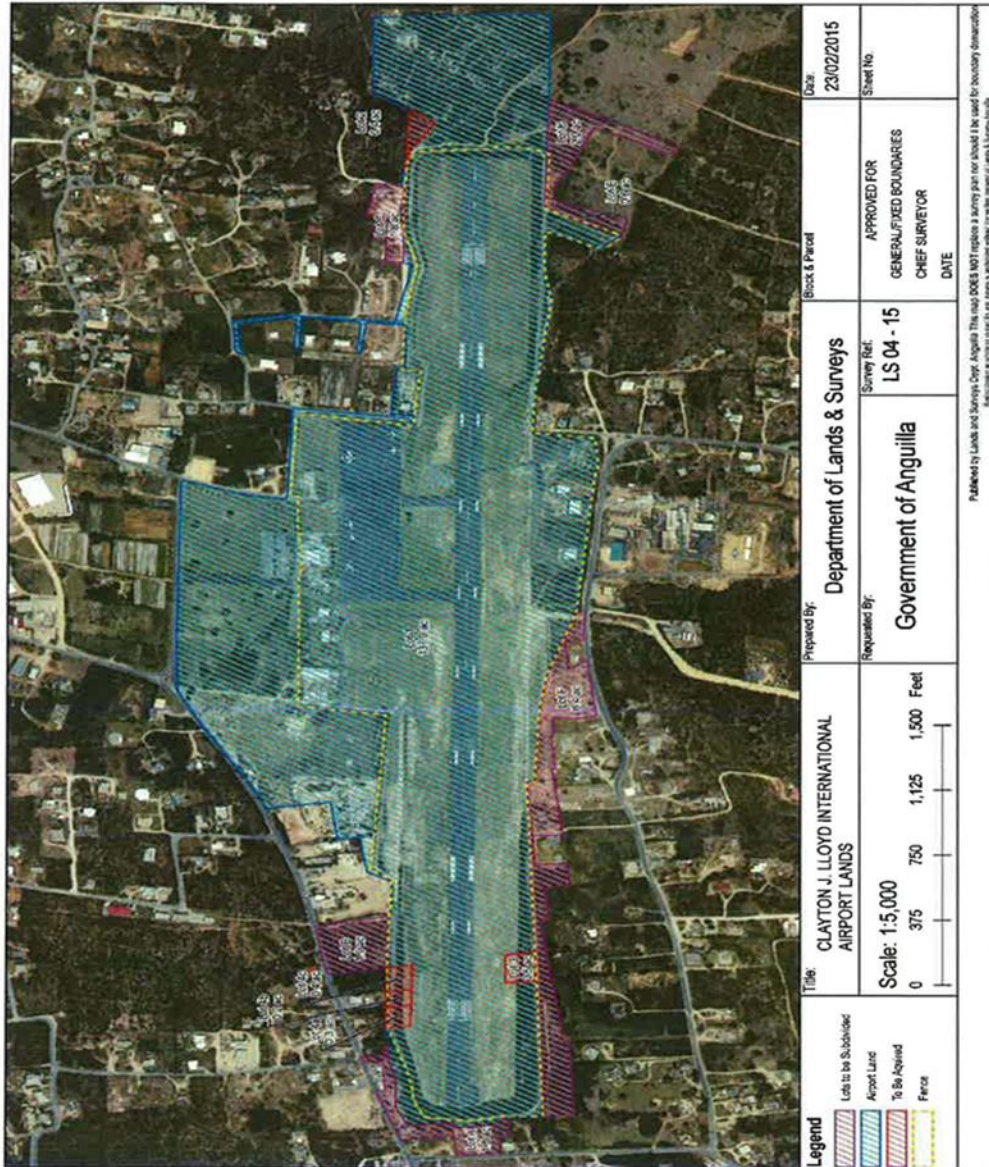
“Seaport of Blowing Point

The limits of the seaport of Blowing Point are defined on the attached drawing Plan Reference LS20 – 13 and are the lands leased by the Government of Anguilla to the Authority and the area of sea in Blowing Point Bay between Blowing Point and Sandy Point proceeding seawards from the sea to the reef.”;

- (c) the Clayton J. Lloyd International Airport Lands Plan Reference LS53 - 09 with the Clayton J. Lloyd International Airport Lands Plan Reference LS04 - 15; and
- (d) the Blowing Point Port Plan Reference LS48 – 09 with the Blowing Point Port Plan Reference LS20 – 13.

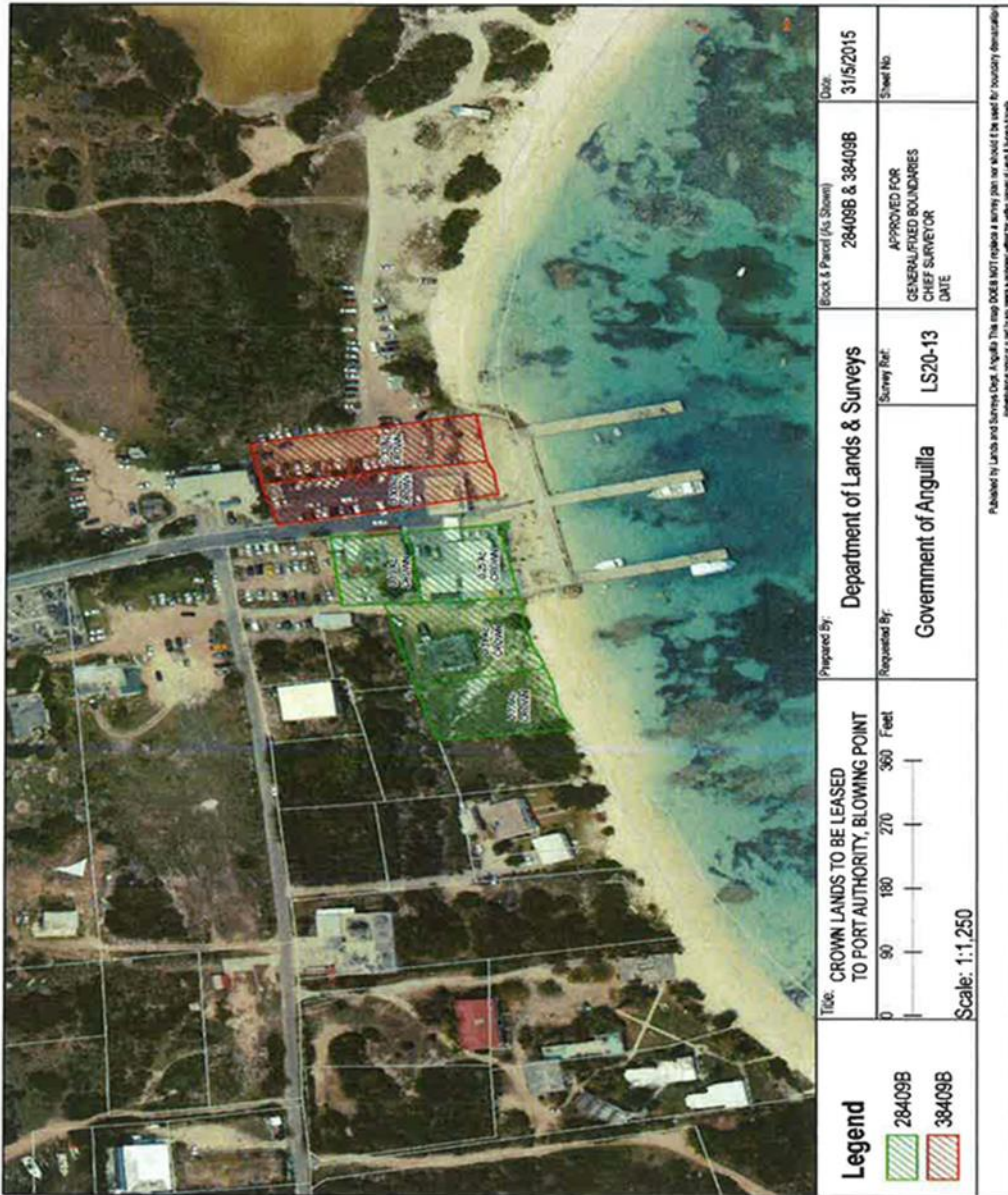
Clayton J. Lloyd International Airport Lands Plan

3. This is the plan referred to in section 2(c)—
Clayton J. Lloyd International Airport Lands Plan



Blowing Point Port Plan

4. This is the plan referred to in section 2 (d)—
Blowing Point Port Plan



Citation

5. These Regulations may be cited as the Anguilla Air and Sea Ports Authority Act (Amendment) Regulations, 2016.

Made by the Governor in Council this 30th day of August, 2016



Christina Scott
GOVERNOR OF ANGUILLA

MOTION

No: **470**
Proposed by: Hon Member for Valley South, the Chief Minister and Minister of Finance
Meeting: Twenty-Seventh Meeting of the First Session of the Eleventh Anguilla House of Assembly
Date: 06th September, 2016

CUSTOMS DUTY EXEMPTION (MOTION 470) REGULATIONS, 2016

Statutory Instruments of Anguilla No.: /2016

RESOLUTION

Resolution made by the House of Assembly under section 77 (1) of the Customs Act, R.S.A. c.C169.3 was proposed and seconded in the House of Assembly on the 06th day of September 2016;

BE IT RESOLVED that, under the powers contained in section 77(1) of the Customs Act, R.S.A. c. 169, the House of Assembly exempts from duty the goods imported into Anguilla specified in the Schedule.

1. The following conditions apply in respect of all goods exempted from duty by virtue of this Resolution –
 - (b) The goods shall not, within 5 years of the date of importation, be sold, exchanged, given away or applied to any use other than the use specified in the Schedule;
 - (e) On the expiry of 6 months from the date of importation and each successive 6 month period within the 5 year period after the date of importation, the importer shall certify to the Comptroller of Customs, in a form acceptable to the Comptroller of Customs, that he has complied with the conditions set out in paragraph (a);
 - (f) Upon demand made by a customs officer, the goods exempted from duty under this Resolution shall be produced or otherwise accounted for to the customs officer;
 - (g) In accordance with the Customs Administrative Costs Recovery Act, R.S.A. c. 170, at the time of import, the importer shall pay the Customs Administrative Charge at the rate specified in the Schedule.

2. In accordance with section 71 of the Customs Act, R.S.A. c 169, the following apply in the event that a condition referred to in section 1 of this Resolution is contravened or not complied with –
- (b) If any of the goods exempted from duty under this Resolution are sold, exchanged, given away or applied to any use other than the use specified in the Schedule within 5 years of the date of importation –
 - (j) the importer shall pay the duty on the value of such goods at the rate of duty specified in the Integrated Customs Tariff at the date of importation;
 - (iv) the importer and any person knowingly concerned in such sale, exchange, gift or unsanctioned use is guilty of an offence and may be arrested and is liable to a fine of \$20,000 or 3 times the duty relieved, whichever is the greater, or to imprisonment for a term of 2 years or to both; and
 - (v) the goods in respect of which the exemption was granted are liable to forfeiture.
 - (e) If the importer fails to certify that he has not sold, exchanged, given away or applied the goods to any use other than the use specified in the Schedule –
 - (iv) the importer shall produce or account for the goods exempted from duty under this Resolution to the Comptroller of Customs;
 - (v) any goods not produced or accounted for will be deemed to have been sold, exchanged, given away or applied to some use other than the use specified in the Schedule and paragraph (a)(i) applied; and
 - (vi) If any goods not produced or accounted for are subsequently found, they are liable to forfeiture.
 - (f) If the importer fails to produce or account for the goods exempted from duty under this Resolution upon demand by a customs officer –
 - (iii) the importer and any person knowingly concerned in such failure are guilty of an offence and may be arrested and are liable to a fine of \$20,000 or 3 times the value of the goods, whichever is the greater, or to imprisonment for a term of 2 years or to both; and

- (iv) if any goods not produced or accounted for are subsequently found they are liable to forfeiture.
- (g) If the importer fails to pay the Customs Administrative Charge at the rate specified in the Schedule, at the expiry of 30 days from the date of delivery of a demand for payment made by the Comptroller of Customs, or such longer period as may be designated by the Comptroller of Customs –
 - (iv) the importer shall pay the duty on the value of such goods at the rate of duty specified in the Integrated Customs Tariff at the date of importation;
 - (v) the importer and any person knowingly concerned in such failure are guilty of an offence and may be arrested and are liable to a fine of \$20,000 or 3 times the value of the goods, whichever is the greater, or to imprisonment for a term of 2 years or to both; and
 - (vi) the goods exempted from duty under this Resolution are liable to forfeiture.

Leroy C Rogers
Speaker

Passed by Resolution of the House of Assembly the 6th day of September 2016.

Lenox J Proctor
Clerk, House of Assembly

MOTION NO. 470
SCHEDULE

IMPORTER: Mr. Darius James / Anguilla Music Academy.

PURPOSE: Music Development

PERIOD DURING WHICH IMPORTATION ALLOWED: February 19, 2016 – June 18, 2017

GOODS THAT MAY BE IMPORTED: - list attached

RATE OF CUSTOMS ADMINISTRATIVE CHARGE: 5% Administrative Charge of the value of the goods in respect of which customs duty exemption is granted.

DUTY LOSS: - EC \$ 68,605.00.

Darius James
Anguilla Music Academy
South Hill
Anguilla

	Tariff Numbers	Quantities	Unit Costs	CF Total	Rate	Actual Duty	5% Duty	Difference	EC CF Total	Rate	EC Actual Duty
Waffles	85437090	1	\$19,574.00	\$19,574.00	25%	\$4,893.50	\$978.70	\$3,914.80	\$2,638.83	25%	\$13,154.7
Publishers	85421000	3	\$74.85	\$74.85	20%	14.97	3.74	11.23	201.21	20%	40.2
Fiber Boards	70193900	10	\$1,068.00	\$1,068.00	15%	160.20	53.40	106.80	2,671.00	15%	430.6
Drum Cymbals etc	92060090	25	\$7,426.93	\$7,426.93	20%	1,485.39	371.35	1,114.04	19,965.07	20%	3,993.0
Office Culture (Desk)	94033000	1	\$258.81	\$258.81	20%	51.76	12.94	38.82	695.73	20%	139.1
Chairs	94017100	3	\$299.97	\$299.97	20%	59.99	15.00	45.00	806.38	20%	161.2
Speakers	85182100	3	\$2,367.99	\$2,367.99	25%	592.00	138.40	453.60	6,365.63	25%	1,591.4
Specialty	85182200	8	\$10,393.00	\$10,393.00	25%	2,598.25	519.65	2,078.60	27,998.46	25%	6,984.6
Wrapping Cloth	63079090	12	\$67.99	\$67.99	15%	10.20	3.40	6.80	182.77	15%	27.4
Wooden Acoustic Diffusers etc	44219090	6	\$1,070.80	\$1,070.80	20%	214.16	53.54	160.62	2,878.52	20%	575.7
Alarm System	85311000	1	\$156.19	\$156.19	25%	39.05	7.81	31.24	419.87	25%	104.9
Security Camera System	85258000	1	\$635.00	\$635.00	25%	158.75	31.75	127.00	1,707.01	25%	426.7
TV's etc	85287200	3	\$1,258.48	\$1,258.48	25%	314.62	62.92	251.70	3,383.05	25%	845.7
Projector	85286100	1	\$309.99	\$309.99	25%	77.50	15.50	62.00	833.32	25%	208.3
Amplifiers	85184000	12	\$10,168.98	\$10,168.98	25%	2,542.25	508.45	2,033.80	27,336.25	25%	6,834.0
Music Software	85340100	4	\$8,545.00	\$8,545.00	25%	2,136.25	427.25	1,709.00	22,970.67	25%	5,742.6
Computers	84714100	7	\$12,557.00	\$12,557.00	10%	1,255.70	627.85	627.85	33,755.73	10%	3,375.5
Computer Parts	84733000	5	\$1,689.85	\$1,689.85	10%	168.99	84.49	84.49	4,542.65	10%	454.2
Microphones	85181000	9	\$9,889.89	\$9,889.89	25%	2,472.47	494.49	1,977.98	26,586.00	25%	6,646.5
Headphones	85183000	11	\$1,168.58	\$1,168.58	25%	292.15	58.43	233.72	3,141.38	25%	785.3
Drum Stands, Mike Stands	85181000	10	\$874.54	\$874.54	25%	218.64	43.73	174.91	2,350.94	25%	587.7
Keyboards	92071000	10	\$2,764.95	\$2,764.95	25%	691.24	138.25	552.99	7,432.74	25%	1,858.1
Cookial Cables	85442000	10	\$899.20	\$899.20	25%	224.80	44.96	179.84	2,417.23	25%	609.3
Digital Cables	85447000	24	\$2,467.50	\$2,467.50	15%	616.88	123.38	493.50	6,633.13	25%	1,558.2
Amplifiers	85185000	7	\$5,729.93	\$5,729.93	25%	1,432.48	286.50	1,145.99	15,403.20	25%	3,850.8
Cable Up Power Supplies	85044000	7	\$2,259.65	\$2,259.65	20%	451.93	112.98	338.95	6,074.39	20%	1,214.8
Snake	85369000	1	\$269.99	\$269.99	25%	67.50	13.50	54.00	725.79	25%	181.4
Bar Stools	94016900	2	\$139.98	\$139.98	20%	28.00	7.00	21.00	376.29	20%	75.2
Processors	85423100	5	\$5,394.00	\$5,394.00	25%	1,348.50	269.70	1,078.80	14,500.15	25%	3,625.1
Foam	39122000	2	\$659.98	\$659.98	15%	99.00	33.00	66.00	1,774.16	15%	266.1
Lights	94054000	15	\$611.80	\$611.80	25%	152.95	30.59	122.36	1,644.64	25%	411.3
Outlets	85366900	31	\$95.95	\$95.95	25%	23.99	4.80	19.19	257.93	25%	64.4
Switches	85365000	17	\$122.45	\$122.45	25%	30.61	6.12	24.49	325.17	25%	82.2
Electrical Wire	85446090	2	\$57.90	\$57.90	25%	14.48	2.90	11.58	155.65	25%	38.5
Outlet Boxes and Covers	39269040	10	\$38.75	\$38.75	20%	7.75	1.94	5.81	104.17	20%	20.1
Toilet Seat	69101080	1	\$97.95	\$97.95	20%	19.59	4.90	14.69	263.31	20%	52.1
Vanity	39222000	1	\$9.95	\$9.95	15%	1.49	0.50	1.00	26.75	15%	4.0
Doors	94036090	1	\$134.95	\$134.95	20%	26.99	6.75	20.24	362.77	20%	72.5
Locks	44182000	6	\$479.70	\$479.70	20%	95.94	23.99	71.96	1,289.53	20%	257.8
Floor Covering	83014000	5	\$134.30	\$134.30	20%	26.86	6.72	20.15	351.03	20%	72.2
Refrigerator	40169100	1	\$658.50	\$658.50	15%	98.78	32.98	65.85	1,170.18	15%	285.5
Refrigerator	85165000	1	\$179.95	\$179.95	25%	44.99	9.00	35.99	483.74	25%	120.5
Bulbs	84182910	1	\$319.00	\$319.00	20%	63.80	15.95	47.85	857.54	20%	171.5
Carpet	85393100	12	\$146.10	\$146.10	25%	36.53	7.31	29.22	392.75	25%	98.3
Shower	57029900	1	\$219.90	\$219.90	20%	43.98	11.00	32.99	591.14	20%	148.1
Tubs	94016100	1	\$575.00	\$575.00	20%	115.00	28.75	86.25	1,545.72	20%	309.1
Totals			\$0.00	\$114,323.17	0%	\$25,520.80	\$5,716.16	\$19,804.64	\$307,323.55	0%	\$68,605.1

MOTION

No: **471**
Proposed by: Hon Member for Island Harbour
Meeting: Twenty-Seventh Meeting of the First Session of the
Eleventh Anguilla House of Assembly
Date: 06th September, 2016

CONVENING OF COMMITTEE OF THE WHOLE HOUSE ON THE INDIGENOUS BANKING SECTOR

RESOLUTION

WHEREAS at the fourth meeting of the first session of the Eleventh Anguilla House of Assembly, the Assembly adopted Motion No. 443 establishing a committee of the whole house to:

“Deal with issues which affect the indigenous banking sector and to ensure that all relevant information including proposals for the resolution of the issues be made available to the committee;”

AND WHEREAS the committee was convened once, on Friday 13th November, 2015, but was not at that meeting provided with "all relevant information including proposals for the resolution of the issues";

AND WHEREAS the committee has not been reconvened notwithstanding that the issues have not been satisfactorily resolved;

NOW THEREFORE IT IS HEREBY RESOLVED that the committee be convened and provided with all relevant information, including full details of the proposals on the basis of which the "resolution plan" was executed, information as to the present status of the indigenous banks (both operational and non-operational) and the offshore banks and information as to the projected costs of the "resolution plan" to be borne by the Anguillian taxpayers.

Leroy C Rogers
Speaker

Passed by Resolution of the House of Assembly the 6th day of September 2016.

Lenox J Proctor
Clerk, House of Assembly