



SPEECH FROM THE THRONE 2014
STIMULATING/FIXING THE ECONOMY
DELIVERED BY HIS EXCELLENCY THE GOVERNOR MR. JOHN DUNCAN,
AT THE FIRST SITTING OF THE FOURTH SESSION
OF THE SECOND HOUSE OF ASSEMBLY
Monday, 10 November 2014, 3:15 pm

Madam Speaker, Members of the House of Assembly, public officers, members of the media, ladies and gentlemen in the gallery and those listening via the radio or watching via the television, good morning.

I am here today at the invitation of this Honourable House to deliver the fourth Speech from the Throne on behalf of Her Majesty the Queen, in whom the executive authority of the British Virgin Islands is vested. Therefore, references in this speech to “My Government” are references to Her Majesty’s Government of the Virgin Islands.

In order to ensure that the Virgin Islands advance to a level of development where all residents will be able to enjoy good health; a high quality of life and personal fulfillment; a high quality natural and built environment; safe communities and opportunities to use their talents in gainful employment and entrepreneurship, my Government will continue to move strategically forward doing the work of the people through seven broad priority areas. They are:

1. Stimulating/Fixing the Economy,
2. Improving the Standard of Living,
3. Improving Overall Social Services Programmes and Healthcare,
4. Strengthening the Educational Sector,
5. Protecting our Borders and Enhancing Law, Order and Public Safety,
6. Public Sector Reform, Communications and Infrastructure; and
7. Re-establishing/Strengthening Regional and International relationships.

My Government will first inform this Honourable House of what pieces of legislation were passed during the Third Session of the Second House of Assembly.

Then my Government will inform this Honourable House of its plans to introduce a number of acts and regulations as it works towards building a better Virgin Islands.

In 2013 during the Third Session of the Second House of Assembly, the following pieces of legislation were passed:

1. Financial Investigation Agency (Amendment) Act, 2013
2. Arbitration Act, 2013
3. Public Assistance Act, 2013

In 2014, during the same session the following pieces of legislation were passed:

1. Appropriation Act, 2014
2. Criminal Code (Amendment) Act, 2014
3. Computer Misuse and Cybercrime Act, 2014
4. Interpretation (Amendment) Act, 2014
5. Law Revision Act, 2014
6. Status of Children Act, 2014
7. Social Security (Amendment) Act, 2014
8. Education (Amendment) Act, 2014
9. Quarantine Act, 2014

1. For this Fourth Session of the Second House of Assembly, my Government in *Stimulating/Fixing the Economy* will seek to introduce an Incentive Legislation Bill which will encompass the benefits the *Hotel Aid Act (CAP.290)*, *Pioneer Status and Enterprises Act (CAP.297)*, and the *Encouragement of Industries Act (CAP.287)* into a single legislation to be able to provide varying types and levels of incentive to applicants for business who qualify.

2. The *Marriage Act (CAP.272)* will be updated with modern laws to improve the overall and efficiency in the registration, celebration of marriages in the Territory. In particular, the amendment is geared to provide the right to the registrar or any marriage officer to conduct marriages on board a ship within the territorial waters of the Virgin Islands. This change will facilitate new and additional marriage services to the cruise tourism sector and facilitate greater diversification of the tourism product by further making the Territory more competitive and promoting it as prime wedding destination.

3. BVI boast some of the some of the most scenic beauty in the world and my Government sees the opportunity to leverage our natural attributes and compete as a destination in the film industry. To this end, we will introduce a Film Incentive Bill to offer incentives for capturing film in the BVI.

4. Our marine sector is paramount to our economy's success and is the key sector within our thriving tourism industry. Indeed, throughout the years we have seen important legislative changes that help define our offering in this space. My Government seeks to amend and consolidate various pieces of legislation that regulate the operations of commercial and recreational vessels in BVI waters. My

Government will also continue to work to ensure that we improve our economic reform from our marine resources.

5. In the next sitting my Government will also propose the enactment of the Passenger Yacht Code via an amendment to the *Merchant Shipping Act, 2001* which provide standards to be met by pleasure yachts carrying 13 to 36 passengers. This will allow for an often requested service to have yachts of this size and nature registered in the BVI, and would allow us to remain competitive and service a new sector of the mega yacht market.

6. Preservation and growth of our financial services section has been foremost on my Government's agenda over the past several years. My Government has undertaken a comprehensive diagnostic review of the industry and will be proposing new legislation aimed at developing our financial services product offering, creating greater value-added services and substance activities in BVI.

7. Efforts will be made to amend the *Eastern Caribbean Supreme Court Act (CAP. 80)* to make provisions for an increase in fees for the admission of barristers and solicitors. The amendment will also include the introduction of a new fee for the provision by the Registrar of Certificates of Enrollment.

8. The *Courts of Justice Fees Act (CAP. 202)* will be amended to make the filing fees applicable to the Commercial Court and to amend the fees for the filing of documents in the High Court. The amendments to the fees will account for services currently offered and not charged for, while updating fees in line with the service delivered in today's environment.

9. The *Probate Resealing Act (CAP. 60)* will be amended to modify the schedule of fees set out in the second schedule of the probate resealing making the fees reflective of the service delivered in today's environment.

My Government remains committed to improving the standard of living for all.

10. In May 2013, the Territory hosted the second phase of the Caribbean Challenge Initiative which calls for the designation of additional marine and terrestrial spaces to be protected under the National Parks Trust Act, 2006. Much work has been done to date and it is expected that another three such areas will be added to the list of protected areas by year's end with the remaining areas being so designated by end of 2015.

11. Also to be completed by the end of 2015 is the revision to the *Fisheries Act 1999*, which seeks to better regulate certain species of fish such as the parrot fish. It has been proven that better regulation of this species of fish translate into healthier coral reefs.

12. My Government will seek to amend the *Land Surveyor's Act (CAP.215)* as well as the Land Survey Regulations. These amendments will set in place procedures that will better control the industry.

13. While it is true that approximately 60 cents out of every dollar spent in the Territory comes from the Financial Sector, it is also true that the majority of the residents of this Territory are employed in the tourism sector. As a result, my Government has intensified its efforts to ensure that the necessary

mitigation measures are put in place. Therefore, in collaboration with the Organization of Eastern Caribbean States (OECS) Commission the Territory will propose an *Environmental Management Bill* to regulate the yachting industry as it will prohibit the discharge of raw sewerage in the ocean. Our initial discussions with industry officials suggest that this is indeed an important initiative and will assist the Territory in maintaining our distinctive competency.

14. My Government is moving forward swiftly to ensure that the *Animals (Importation and Diseases) Act (CAP.88)* is appropriately aligned with international standards and practices.

15. Additionally, my Government will amend the Dog (*Prevention of Injuries to Persons, Livestock and Poultry*) Act, 2001 to effectively align it with the international classifications, current trends and happenings.

16. Also, in improving the standard of living for all, my Government will seek to introduce the *Freedom of Information Bill* to provide the public with the right of access to information in the possession of the public authorities, thus making available to the public information about the operations of public authorities and, in particular, ensuring that the authorisations, policies, rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those authorisations, policies, rules and practices.

17. The proposed *Data Protection Act Bill* will also be introduced to provide the legal framework to ensure that all sensitive personal data of persons in the Territory is protected. The proposed Act gives individuals the right to know what information is held about them. It provides the regulation for how personal information is handled. The proposed legislation binds the Crown and applies to all processing of data in the Territory.

18. My Government will seek to amend the *Registration of Births and Deaths Act (CAP. 276)* to improve the registration of births and deaths in the Territory. The amendment provides for the registration of stillbirths, and for the issuance of an interim birth certificate by a medical examiner or physician at the hospital.

19. The *Recording of Court Proceedings Act, 1995* will be amended to align court reporting fees with the current demands placed on the profession.

20. My Government will seek to modernise the *Liquor Licences Act (CAP.106)* to ensure that its components are reflective of current practices in the industry.

21. The *Coroners Act (CAP.15)* will also be amended to take into consideration modern medical practices and efficiency in the confirmation of deaths.

My Government has made significant strides in implementing trailblazing legislation and progressive social policies to improve the overall social services programmes and healthcare in the Territory.

22. My Government pledges its continued commitment to combating issues such as stigma, discrimination and abuse against children and women, and the elderly; persons affected by HIV/AIDS

and mental disorders; the differently-abled; those experiencing poverty and homelessness; and minority groups. Additionally, my Government will maintain its focus on improving the care and protection of children.

23. During this Fourth Session, my Government will bring to this Honourable House legislation to replace the *Adoption of Children Act, 1944*. The new Adoption Act will allow for greater accountability and social responsibility for all children being adopted in the Virgin Islands, and bring about enhanced arrangements for the adoption process.

24. My Government is pleased to report that extensive research, consultation and drafting of forward-looking legislation to strengthen the domestic health system will culminate during the course of this Session with the introduction of the *Private Hospitals and Healthcare Facilities Licensing Act*. This proposed Act will safeguard public safety by modernising the regulation of all private hospitals and healthcare facilities operating in the Territory.

25. Additionally, amendments to the *Medical Act, 2004* will shortly be introduced to provide greater clarity for the powers of the Medical and Dental Council to establish a process of annual licensing of health practitioners, in addition to arrangements for specialist registration, among other enhancements.

26. My Government will also focus on improving the regulation of the practice of nursing in the Territory by introducing amendments to the *Nurses and Midwives Act, 2009*.

27. Overall, these important and timely pieces of legislation will help transform our healthcare system to meet international standards of safety and quality, and support the far-reaching advancements already being achieved towards modernising our health facilities, infrastructure and services.

Creating a culture of excellence continues to be the catalysts for my Government in strengthening the educational sector. This catalyst for excellence is in keeping with the present times and is consistent with taking the education system forward in to the 21st century.

28. My Government will introduce the proposed *Higher Education Bill* to license and monitor tertiary institutions that seek to open its door to the Territory.

29. In addition, my Government will continue working with the H. Lavity Stoutt Community College to amend the *H. Lavity Stoutt Community College Act, 1990* that has since been amended in 1993, to align it with the realities current higher education expectations and realities.

30. Another key piece of legislation to be amended and updated is the *Scholarship Trust Fund Board Act and Regulations (CAP.118)* which has been in existence since 1987 and 1972 respectively.

31. My Government will seek to amend *Library Act (CAP.117)* to ensure that our libraries are up-to-date and in keeping with the information and technological age we live in.

32. Also, the catalyst for excellence also includes commitment to rehabilitative services, access to and participation in sports, recreation and culture in order to enrich the lives of all residents of the Virgin Islands. As such, during this Fourth Session my Government expects to introduce legislation for the establishment of a sports council and a youth council to enable appropriate governance and management of these two important areas.

33. In order to reflect contemporary times and ensure effective prison management for the 21st century in the Territory, there will be proposed amendments to the *Prison Act (CAP.166)* and *Prison Rules (25 of 1999)*.

34. There are also proposed amendments by my Government to the *Cinematograph Act (CAP.236)* for the portfolio of Ecclesiastical Affairs. All these amendments will seek to bring matters in line with the era, in which, we are in and ensure the development of our Territory.

In building a better Virgin Islands my Government remains committed to protecting borders, enhancing law, and order and public safety so that to the Territory remains as an ideal place to live, work and do business.

35. My Government has embarked on a National Policing Strategy geared at active community policing; statistical analysis of crime; the requisite tactics to combat crime; and the usage of enhanced partnerships with other law enforcement agencies to fight crime; to name a few areas.

36. With a mandate of securing the Territory, inclusive of our borders, amendments will be made to upgrade the *Police Act (CAP.165)* to ensure that the relevant laws are in place to best support comprehensive policing.

37. There will be proposed amendments to the *Jury Act (CAP.36)* to enable early preparation of the jurors' list pursuant to S.I. 71 of 2014 which introduces continuous sitting of the criminal court.

38. Efforts will also be made to introduce the *Audio Visual Link Bill* to make provisions for the appearance of an accused person in custody awaiting trial via audio visual link and the giving of evidence by a witness in court also via audio visual link, will be introduced during the Fourth Session.

39. My Government will propose amendments to the *Immigration and Passport Act (CAP.130)* to address the terms and conditions of 'admission to' and 'presence in' the Virgin Islands, in order to align the legislation and policies with current realities and developments and to ensure that we have a modern and effective immigration system for the betterment, growth, development and security of our Territory.

40. The comprehensive approach to disaster management is critically important to the Territory. As a result, my Government will continue to seek to amend the *Disaster Management Act, 2003* to provide legislative support for the work carried out under the Virgin Islands Comprehensive Disaster Management Policy, and the Virgin Islands Comprehensive Disaster Management Strategy and Programming Framework. The proposed amendments will also be to repeal the current legal framework related to disaster management in the Virgin Islands.

41. To ensure that granting of duty exemptions to items imported for disaster management recovery efforts, my Government will seek to amend the *Customs Management Act, 2010*.

Another priority area for my Government includes public sector reform, communications and infrastructural development continues to be of critical importance to my Government.

42. In the area of public sector reform, continued efforts will be made to introduce the *Public Service Management Bill* to provide for the regulation of the public service, along with its administration and management. The bill provides the legal framework which will govern the conduct of public officers and the overall expectations and responsibilities of working in the public service.

43. My Government is committed to infrastructural development and will continue to take deliberate and calculated steps in ensuring that as the various projects are executed, public utilities and infrastructure are compliant with the relevant standards, be they international, regional or local.

44. Over the last year, my Government has spent a considerable number of months modernising the *British Virgin Islands Electricity Act, (CAP.277)*. This was important in order to accommodate a diversified market of energy suppliers, in particular for renewable energy sources.

45. During this Fourth Session the *Renewable Energy Bill* will be introduced to permit businesses and households to generate a portion of their energy needs and where there is excess energy produced to be compensated via net metering.

46. A draft *Architects and Engineers Bill* will be introduced to allow for the licensing and proper regulating of professionals to enhance the quality and standard of this Territory's infrastructural development.

47. Our roads are of utmost importance to the Territory and must remain safe and traversable to vehicular and pedestrian traffic. As such, an amendment to the *Road Act (CAP.217)* will be made to align the legislation with the Territory's ongoing development.

48. Given the modernisation of the water and sewerage infrastructure; in addition to the vast amount of financial investment, it is necessary to bring the governing legislation in par with the infrastructure. As such My Government over the next twelve months will be bringing amendments to the *Water Supply Act (CAP. 153)* to align and cater to the needs to the Territory.

49. In reviewing the *Wickham's Cay Development Authority Act (CAP. 281)*, the question has been appropriately raised: Is the Authority in its original form still fit for purpose as it was intended? To this end, My Government will seek to amend the Act as it progresses toward fine-tuning an Office of the City Manager.

50. Keen attention will be given to ensure that my Government re-introduces the Legal Professions Bill to determine the requirements for practice of the profession after formal legal education and to govern the conduct of legal practitioners.

Finally, my Government's final priority area is re-establishing and strengthening regional and international relationships.

My Government will continue to ensure global partnership. This is important to encourage effective cross border consultation, cooperation and collaboration in the areas of financial services, security and crime, education and student affairs, and tourism, for example.

Madam Speaker, Members of the House of Assembly, public officers, members of the media, ladies and gentlemen, I have just outlined my Government's legislative agenda for the Fourth Session of the Second House of Assembly.

This is indeed an ambitious programme that my Government pledges to work steadfastly on to build a better Virgin Islands for ourselves and future generations. Furthermore, these different pieces of legislation are important in building our economy as the foundation to improving the standard of living and the quality of life for all of our citizens.

My Government would like to take this opportunity to thank public officers for working diligently in preparing the requisite Bills and amendments and looks forward to the healthy debate during the Fourth Session of this Honourable House.

Thank you.