



**St Helena  
Government**

## **ST HELENA GOVERNMENT**

**Proceedings of Legislative Council – Thursday, 26 June 2025  
– First Sitting of the Twenty Third Meeting**

*L.A.I.B. UPON THE TABLE 24 OCTOBER 2025*

**ST. HELENA**  
**LEGISLATIVE COUNCIL**

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**THE DEPUTY SPEAKER**

The Honourable Catherine Harris – Cranfield  
(The Honourable Cyril Gunnell (Speaker) - Overseas)

**EX-OFFICIO MEMBER**

The Honourable Acting Attorney General, Mr. Andrew Dawson

**ELECTED MEMBERS**

The Honourable Gillian Ann Brooks  
The Honourable Mark Alan Brooks  
The Honourable Ronald Arthur Coleman  
The Honourable Dr Corinda Sebastiana Stuart Essex  
The Honourable Robert Charles Midwinter  
The Honourable Christine Lilian Scipio  
The Honourable Julie Dorne Thomas  
The Honourable Karl Gavin Thrower  
The Honourable Andrew James Turner

**OVERSEAS**

The Honourable Jeffrey Robert Ellick  
The Honourable Martin Dave Henry

**ABSENT**

The Honourable Elizabeth Knipe

**CLERK OF COUNCILS**

Miss Anita Legg

# **PROCEEDINGS OF THE LEGISLATIVE COUNCIL**

Thursday, 26<sup>th</sup> June 2025

The Council met at 10.00 am

at the St Helena Community College, Jamestown

(The Deputy Speaker in the Chair)

## **ORDER OF THE DAY**

### **1. FORMAL ENTRY OF THE DEPUTY SPEAKER**

### **2. PRAYERS**

(The Right Reverend Bishop Dale Bowers)

### **3. ADDRESS BY THE DEPUTY SPEAKER**

Good morning Honourable Members, ladies and gentlemen and those listening to this live broadcast from the St Helena Community College. Welcome to the first sitting of the 23<sup>rd</sup> meeting of Legislative Council. We once again welcome and extend our grateful thanks to Father Ernest for prayers, the Mace Bearer, Mr. Linton Stevens and SAMS broadcasting, for broadcasting and recording these proceedings for producing the Hansards. Today we have apologies from the Speaker and Minister Jeffrey Ellick, who are away in Johannesburg on personal business; Minister Martin Henry, who has been invited to attend and participate in the UK Health Security Agencies, UK Overseas Territories, Chief Medical Officer's conference in London, from the 23<sup>rd</sup> to the 27<sup>th</sup> of June. Apologies also from Councillor Elizabeth Knipe, who is unwell. I have again, a speech from the Speaker, which I'd like to read to you now. Dear Honourable Members, hello again from Johannesburg, where I'm receiving medical attention on both eyes. I hoped to return prior to the last formal Legislative Council meeting for this term. Sadly, this is not possible. Four years ago, there was no way of knowing I would spend a month in Johannesburg on medical. There is much still to be achieved, some of which have started, and I must find a way of ensuring the next Speaker will take these forward. The Speaker must remain above the fray and take a neutral position, therefore cannot be involved in passionate arguments. Nevertheless, I have seen the Council grow, albeit there are improvements still to be made, among other mechanisms, for separation of powers must continue to be pursued and a parliamentary facility, equally accessible for Elected Members and individuals from the community, is important, the latter, unfortunately, has to date, not materialised. Today, all Members present will have the opportunity to speak on a wide range of issues, including highlights from the past four years, concerns they might have and the

aspirations, should they consider providing a parliamentary service in the future. I wish everyone a healthy and efficient meeting on behalf of the public, they represent. Speaker Gunnell, Legislative Council. Turning to the business today, there are 15 sessional papers, nine questions, five motions, and the adjournment debate. I will now ask the Clerk to announce the first item please.

#### **4. PAPERS**

##### ***SP 32/2025 – Hon Dr Corinda Essex***

The Deputy Speaker -  
The Honourable Doctor Corinda Essex.

The Hon. Dr Corinda Essex -  
Thank you Madam Deputy Speaker. Madam Deputy Speaker, I beg to present Sessional Paper number 32 of 2025 entitled, Report to Legislative Council on the formal session of the Public Accounts Committee held on Thursday 3<sup>rd</sup> of April and Thursday 10<sup>th</sup> of April 2025. Can I have your permission please to make an explanatory statement?

The Deputy Speaker -  
You may go ahead.

The Hon. Dr Corinda Essex -  
Thank you, Madam Deputy Speaker. At our previous sitting, the Honourable Chief Minister raised concerns about some inaccuracies, as she saw it, in the Report. Those were communicated to the Chair of the PAC and to External Audit. The amendments that related to AI transcription errors were made, but the reference to Maestro is still contained within the documents, and I would like to give a brief explanation as to why that is the case. The reference to “partnered” is not intended to suggest a formal partnership agreement or anything of that nature. It is put there in the context of the Cambridge dictionary definition of partnering, which is to join with another person or organisation in a business activity, and a contract was signed with Maestro with the intention of them contributing to activities relating to the overall on-island fibre optic network. So for that reason, that reference to Maestro remains. There is no provision for even if a paper is seriously flawed, it should not be laid on the table. The correct procedure is for the paper to be laid and then SHG will have an opportunity to respond in detail to the content of the paper, and indeed the recommendations contained within it. And if there are flaws or inaccuracies within the paper, because the paper can only be based on the information that's been provided to the PAC or whatever entity is actually submitting the paper, - the same could also apply to Select Committee reports, - then when the opportunity comes for SHG to respond, of course, those errors can be pointed out and explained in detail. Thank you, Madam Deputy Speaker.

The Deputy Speaker -  
Thank you, Honourable Member. The Honourable Chief Minister.

The Hon. Chief Minister -  
Thank you, Madam Deputy Speaker. I fully appreciate everything that the Honourable Dr Corinda has said, just because of time sensitivity around this at the moment, because it's coming towards the end of our tenure. I'm not standing. I should say, point of information, actually,

sorry, I do apologise. I'm not standing to ask for the paper to be withdrawn. However I would stand and ask for it to be minuted that I am not stating that the process in which the Honourable Dr Corinda Essex has mentioned is incorrect. I just still believe that the statement and even the partnering, it is correct government did sign a contract with Maestro, but in the context in which it is written in that particular paragraph, it would suggest that SHG partnered with Google and Maestro and invested approximately £16.3 million, as if the whole three within the partners took place around the same time and that is the issue that I'm highlighting. So I would just state on record, if I can please that this must be corrected by the new Government going forward.

The Deputy Speaker -  
Thank you.

The Hon. Dr Corinda Essex  
Madam, Deputy Speaker, I would now like to present this paper to be tabled.

**Ordered to lie on the table**

*SP 34/2025 – Hon Minister for Treasury and Economic Development*

The Deputy Speaker -  
The Honourable Minister for Treasury and Economic Development.

The Hon. Mark Brooks -  
Thank you Deputy Speaker. Madam Deputy Speaker, I beg to present Sessional Paper, 34/2025 entitled, St Helena Government, a Bill for an Ordinance, the Currency Amendments Bill 2025.

**Ordered to lie on the table**

*SP 35/2025 – Hon Minister for Treasury and Economic Development*

The Deputy Speaker -  
The Honourable Minister for Treasury and Economic Development.

The Hon. Mark Brooks -  
Madam Deputy Speaker, I beg to present Sessional Paper, 35/2025 entitled, St Helena Government, a Bill for an Ordinance, Fisheries Corporation Repeal Bill 2025.

**Ordered to lie on the table**

*SP 36/2025 – Hon Robert Midwinter*

The Deputy Speaker -  
The Honourable Robert Midwinter.

The Hon. Robert Midwinter -  
Madam Deputy Speaker, I beg to present Sessional Paper 36 of 2025, entitled Select Committee 1, Health and Social Care, six-month progress report to implement fisheries recommendations at June 2025, however, prior to doing so, I wish to make a brief statement, if I may.

The Deputy Speaker -

Yes, you may go ahead.

The Hon. Robert Midwinter -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, the report that I'm about to lay was produced by the Health and Social Care Portfolio and this provides an update in relation to the recommendations made by Select Committee 1, following our first report to this house in November 2023. Thank you, Madam Deputy Speaker.

**Ordered to lie on the table**

*SP 37/2025 – Hon Robert Midwinter*

The Deputy Speaker -

The Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Madam, Deputy Speaker, I beg to present Sessional Paper 37 of 2025, entitled Select Committee 1, 3<sup>rd</sup> report, Health and Social Care, provision of facilities and services, 17<sup>th</sup> June 2025, however, prior to doing so, I wish to make a brief statement, if I may.

The Deputy Speaker -

You may go ahead.

The Hon. Robert Midwinter -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, the report that I'm about to lay was produced by Select Committee 1 following our recent inquiry into three key areas of the Health and Social Care Portfolio, namely Hospital, including palliative care; Community Care Centre, Sheltered Accommodation and domiciliary care; Safe Haven and Children's home. Madam Deputy Speaker, this inquiry became quite extensive, and I would therefore wish to pay credit to all who were involved, including my Honourable colleagues on the Select Committee, our secretary, Mrs. Marita Bagley, the Honourable Minister Martin Henry, and officials from within his Portfolio, and also both the Equality and Human Rights Commission and also a member of the general public who took time to contribute to our inquiry. Madam Deputy Speaker, noting that this Legislative Council will be dissolved next week, we have left an open time frame in respect to the recommendations made, with a view to the incoming members of Select Committee 1 agreeing these with the incoming Minister and other related Government officials. Thank you, Madam Deputy Speaker.

**Ordered to lie on the table**

*SP 38/2025 - Hon Minister for Treasury and Economic Development*

The Deputy Speaker -

The Honourable Minister for Treasury and Economic Development.

The Hon. Mark Brooks -

Madam Deputy Speaker, I beg to present Sessional Paper 38/2025 entitled, St Helena Government, a Bill for an Ordinance, Prevention of Abuse of Business Practices Bill, 2025.

**Ordered to lie on the table**

*SP 39/2025 - Hon Dr Corinda Essex*

The Deputy Speaker -  
The Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -  
Thank you, Madam Deputy Speaker. Madam Deputy Speaker, I beg to present Sessional Paper 39/2025, entitled Select Committee 2, report to Legislative Council on the third meeting of Select Committee 2 published on 30<sup>th</sup> of April 2025, Roads, and I seek your permission to make a brief explanatory statement.

The Deputy Speaker -  
Thank you, you may go ahead.

The Hon. Dr Corinda Essex -  
Thank you, Madam Deputy Speaker. This report relates to the third inquiry undertaken by Select Committee 2 and as my Honourable Colleague on my right has already done, as this is our last session of the current Council, I would like to express my thanks to the members of Select Committee 2, including the Secretary and also all those who have presented evidence or submitted themes and questions to the various investigations that have been carried out by Select Committee 2, since the Select Committee system actually got operational. Thank you.

**Ordered to lie on the table**

*SP 40/2025 – Hon Minister for Treasury and Economic Development*

The Deputy Speaker -  
The Honourable Minister for Treasury and Economic Development.

The Hon. Mark Brooks -  
Madam, Deputy Speaker, I beg to present Sessional Paper 40/2025 entitled, St Helena Government, response to Select Committee 2, Report on Roads.

**Ordered to lie on the table**

*SP 41/2025 – Hon Chief Minister*

The Deputy Speaker -  
The Honourable Chief Minister.

The Hon. Chief Minister -  
Thank you, Madam Deputy Speaker. I beg to present Sessional Paper 41 of 2025, entitled St Helena Government, a Bill for an Ordinance, Civil Litigation Costs Bill, 2025. Thank you.

**Ordered to lie on the table**

*SP 42/2025 – Hon Chief Minister*

The Deputy Speaker -

The Honourable Chief Minister.

The Hon. Chief Minister -

Madam Deputy Speaker, I beg to present Sessional Paper 42 of 2025, entitled St Helena Government, a Bill for an Ordinance, English Law Application Amendment Bill, 2025.

**Ordered to lie on the table**

*SP 44/2025 – Hon Chief Minister*

The Deputy Speaker -

The Honourable Chief Minister.

The Hon. Chief Minister

Madam Deputy Speaker, I beg to present Sessional Paper 44 of 2025, entitled St Helena Government, proceedings of Legislative Council, Thursday, 27 May 2025, first sitting of the 21st meeting.

**Ordered to lie on the table**

The Deputy Speaker -

Honourable Members, in accordance with Standing Order two, rule six, I put the question, if Members are satisfied with the verification of the Clerk, that the draft record of proceedings of Thursday 27th of May 2025 be confirmed.

**Question put and agreed.**

*SP 45/2025 – Hon Chief Minister*

The Deputy Speaker -

The Honourable Chief Minister.

The Hon. Chief Minister

Thank you, Madam Deputy Speaker. I beg to present Sessional Paper 45 of 2025, entitled St Helena Government, proceedings of Minister's Question Time, Tuesday, 30 April 2024, 11th sitting.

**Ordered to lie on the table**

The Deputy Speaker -

Honourable Members in accordance with Standing Order two, rule six, I put the question that if Members are satisfied with the verification of the Clerk, that the draft proceedings of Tuesday 30<sup>th</sup> of May 2024 be confirmed. All those in favour say, aye. I beg your pardon, Tuesday, 30<sup>th</sup> of April 2024.

**Question put and agreed.**

*SP 46/2025 – Hon Chief Minister*

The Deputy Speaker -

The Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. I beg to present Sessional Paper 46 of 2025, entitled St Helena Government, proceedings of Minister's Question Time, Tuesday, 30 July 2024, 13<sup>th</sup> sitting.

**Ordered to lie on the table**

The Deputy Speaker -

Honourable Members in accordance with Standing Order two, rule six, I put the question, if members are satisfied with the verification of the Clerk, that the draft record of proceedings of Tuesday, 30th of July 2024 be confirmed.

**Question put and agreed.**

*SP 47/2025 – Hon Chief Minister*

The Deputy Speaker -

The Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. I beg to present Sessional Paper 47 of 2025 entitled, St Helena Legislative Council, St Helena Governance Review report, June 2025. Could I just make a very brief statement regarding this paper?

The Deputy Speaker -

Yes, you may.

The Hon. Chief Minister -

Thank you. It's just really to raise awareness within the public domain that this is the long-awaited St Helena Governance Review report. And as it gets laid on the table here today, Madam Deputy Speaker, it's just raising awareness to the public that is now in the public domain, and obviously being laid today is really important because it now becomes government business and for the new Government to be able to consider the recommendations. Thank you.

The Deputy Speaker -

Thank you.

**Ordered to lie on the table**

5.

**QUESTIONS**

*Question No. 1 – The Hon Dr Corinda Essex to ask the Hon Minister for Treasury and Economic Development:*

The Deputy Speaker -

The Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker. Will the Honourable Minister for Treasury and Economic Development, state if St Helena Government has a register of all obsolete and/or redundant assets and stocks held within portfolios, and what action is being taken to dispose of such items?

The Deputy Speaker -

The Honourable Minister for Treasury and Economic Development.

The Hon. Mark Brooks -

Thank you Madam Deputy Speaker, I'd like to thank the Honourable Member for her question. Madam Deputy Speaker, section 12, 2d and j of the Public Finance Ordinance 2010, states that the accounting officer are responsible for causing proper and effective measures to be taken for the custody and handling of and accounting for assets and stores in the department's charge, and for notifying the Financial Secretary immediately of any deficiencies in any financial system, of any loss of public assets and stores or any other property of Government. Accounting Officers are therefore responsible for maintaining such records of assets and stocks within their area of responsibility. SHG, therefore, does not keep a central register for all obsolete and/or redundant assets or stocks held within portfolios. Accounting Officers are also responsible for notifying the Financial Secretary when an asset or an item of stock becomes obsolete or redundant. However, Madam Deputy Speaker, a central asset register for all items of property, plant and equipment with a value greater than 5000 pounds and with a useful life greater than one year, is kept by Treasury. This central asset register is reviewed and updated each quarter for additions and disposals as part of the preparations for the quarterly SHG management accounts and is reviewed annually as part of the annual financial statements audit. It is also the responsibility of the Accounting Officer to advise the Treasury whether an item held on the central asset register has become obsolete. Items identified through this process as surplus or obsolete are kept on a central asset register until such time the items are disposed. Procurement Regulations, Madam Deputy Speaker, of 2024, regulation 43 provides that surplus or obsolete stock, stores or assets, other than land or buildings, if the book value is a less than 1000 pounds, then the accounting officer shall determine the most appropriate way to dispose of that item. If it's more than 1000 pounds, but less than 10,000 pounds, then the accounting officer shall sell the item to the highest bid received by either advertising in the local media, sale by public tender, or by public auction. If more than 10,000 pounds, the accounting officer shall agree a method of disposal with the Financial Secretary, and could include advertising in the local or international media or advertising on websites specialising in disposal of that asset, or use a specialist disposal company, or again, by sale of public tender or by auction. If no bids or offers are received, the accounting officer may either retain the asset or dispose of the asset in the most economical way. The new regulations, Madam Deputy Speaker, also provides that if it is in the public interest, to gift an asset or stock to a charitable cause or to deliver SHG's policy agenda, such cases can be agreed in writing with the Financial Secretary after consulting with the Minister for Finance. An example of this Madam Deputy Speaker is that with consultation with myself, the Financial Secretary did make a case to gift one of the ex- Basil Read vehicles to a charitable organisation known as SHAPE. In the case, Madam Deputy Speaker of medical supplies and consumables, the method of disposal, regardless of value, is determined by the accountancy officer. An obsolete or expired pharmacy stock are disposed of differently because of the hazardous nature of these stocks. Thank you Madam Deputy Speaker.

The Deputy Speaker -

Thank you Honourable Minister. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker and I thank the Honourable Minister for his response. What monitoring is carried out to ensure that accounting officers are complying with their obligations to meet these requirements?

The Deputy Speaker -

Honourable Minister for Treasury and Economic Development.

The Hon. Mark Brooks -

So, there is existence of testing for all assets held on the central register and is conducted annually by the accounting officer as part of the year end procedures. This exercise is centrally coordinated by the Treasury. So the Treasury will do an exercise once a year with the accounting officers to make sure that all assets within the portfolio's responsibility is recorded and reflected on the register.

The Deputy Speaker -

Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker. As far as I could tell from that response that relates to items that are on central register, what is a case for inspected items that are held on directorate or departmental registers and are not on central register?

The Hon. Mark Brooks -

So currently, Treasury doesn't do anything for items that is not held on the central register. But as I said earlier, this is the responsibility of the accounting officer for each portfolio.

The Deputy Speaker -

Thank you. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker, and I know, as this is our last sitting, the Honourable Minister cannot really enforce anything on the incoming Council. However, will consideration be given to ensuring that closer monitoring systems are put in place at the Directorate/departmental level, as it is well known that there are large quantities of obsolete stocks in certain parts of government, which have been there for a number of years, which may still be being retained for a specific reason, but which otherwise could well do with being disposed of, however, in whatever is the most appropriate manner?

The Deputy Speaker -

Thank you. Honourable Minister Brooks.

The Hon. Mark Brooks

I note the concerns of my Honourable colleague, Dr Essex, Madam Deputy Speaker. However, as she rightly said, I cannot make a commitment for the future government. So we can only hope that the future government sees this as a priority to include additional measures to maintain and see the proper record keeping of assets and make sure that any assets that is not needed any longer is disposed of in the proper manner. Thank you.

***Question No. 2 – The Hon Ronald Coleman to ask the Hon Chief Minister:***

The Deputy Speaker -

The Honourable Ronald Coleman.

The Hon. Ronald Coleman -

Thank you, Madam Deputy Speaker. Will the Honourable Chief Minister tell this Council how has the Labour Market Strategy addressed local skills gaps and youth employment?

The Deputy Speaker -

Thank you. Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker and I thank the Honourable Ronald Coleman for his question. The labour market strategy aims to address local skill gaps and youth employment by focusing on developing a skilled workforce, enhancing employability and supporting youth transitions into the workforce. This involves initiatives like targeted training programs and fostering public private sector partnerships. The current labour market strategy is undergoing a review to ensure it is aligned with the new immigration policy and legislation. It will serve as an interim strategy until a full review can be undertaken, resulting in a new strategy being compiled to reflect the changing labour market environment on Island and next steps required to be taken to meet the needs of St Helena going forward. The interim labour market strategy is focused on key areas that aims to create a more robust and inclusive labour market that benefits both individuals and the local economy. In doing this, Career Access St Helena has engaged in identifying and addressing skills gaps. The strategy emphasises the need to identify and anticipate skill needs to create demand orientated education and training systems. This is now being addressed through the four career paths in the sixth form program that is: supported route, vocational route, blended route and academic route and of course, in the apprenticeship scheme. These routes provide the youth the chance to choose their paths into the workplace with the provision of training opportunities in their areas of their chosen careers. The strategy recognises the unique challenges young people face in transitioning from education to work. It focuses on initiatives that support youth in finding employment, including career pathways, programs tailored training and access to job search resources. To enhance employability the strategy is aimed to equip individuals with the skills they need to thrive in the changing job market. This includes developing transferable skills, providing career guidance and offering training programs tailored to specific industries. Career Access St Helena have bi-weekly meetings with those who are on the income related scheme or anyone who is seeking employment or career change. These meetings involve researching vacancies that are advertised, application writing, matching skills to the vacancies, CV writing, interviewing techniques and use of internet to research the posts and skills required. It is hoped that further work can be done in these areas and more widely, following much needed consultation prior to a new labour market strategy being introduced. Thank you, Madam Deputy Speaker.

The Deputy Speaker -

Thank you Honourable Chief Minister. Honourable Ronald Coleman.

The Hon. Ronald Coleman -

Madam Deputy Secretary, just to thank the Chief Minister for the comprehensive answer. Thank you.

The Deputy Speaker -

Thank you, Honourable Member. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you Madam Deputy Speaker. Will the Honourable Chief Minister elaborate on what private public partnerships have been successfully established please?

The Deputy Speaker -

The Honourable Chief Minister.

The Hon. Chief Minister -

I'm going to have to turn to my officers for this as well. But I do know that Career Access St Helena have connected with people within the construction, within the agricultural sector, and obviously they've also, because I attended, they had an engagement session bringing people from the private sector and indeed government on board to be able to talk about putting a program together, to ensure that going forward, this can be embedded because it's still very much a new concept. But as I said, there is work in progress to do this, so more engagement will happen going forward in respect of getting public private sector engagement to involve the youth, so that they understand what opportunities are available. Thank you.

The Deputy Speaker -

Thank you Honourable Chief Minister. The Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker and I thank the Honourable Minister for her response. In her previous response, she made reference to bi-weekly meetings with all relevant individuals. Do all the relevant individuals attend those bi-weekly meetings?

The Deputy Speaker -

Thank you. Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. What I actually said was bi-weekly meetings with those on the income related benefits. So no, not all do attend, but obviously there's engagement to try and ensure that they do attend, but for different reasons that attendance is not always done.

The Deputy Speaker -

Thank you Honourable Chief Minister. The Honourable Doctor Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker. I'm going to ask a question now, which I guess will probably need to be forwarded and published at a later date, but what percentage of those who are eligible to attend those meetings, in fact, do so on a regular basis?

The Deputy Speaker -

Thank you Honourable Member. Honourable Chief Minister.

The Hon. Chief Minister -

There's a lot of shaking of heads around the room so all I will do is ask the officers if that information can be made available.

The Deputy Speaker -

Thank you. Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, and I know the Honourable Chief Minister has heard me say this in the House before, noting that she made reference to the vocational route and there is a minimum number of hours of work being within a particular area for the vocational route, now that the minimum wage has been increased, is consideration being given to also increasing the allowances paid to vocational students?

The Deputy Speaker -

Thank you. Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker, the minimum hours that needs to be worked is 35 hours. At this stage no, there has been no consideration for increasing the rate. As you know, we did have a 5% increase this year, but we all know where that funding went, so at this present time, no, and I'm not sure, as I said, I can't commit to what's going to happen going forward.

The Deputy Speaker -

Thank you Honourable Chief Minister. Honourable Rob Midwinter.

The Hon. Robert Midwinter -

Thank you, Madam Deputy Speaker, does the Chief Minister acknowledge the fact that that means that the 250 pound a month allowance is actually below the minimum wage rate that has been put in place?

The Deputy Speaker -

Thank you. Honourable Chief Minister.

The Hon. Chief Minister -

Yes, we've always recognised that it is below the minimum wage, hence it is known as a training allowance. It doesn't stipulate that it is a salary.

The Deputy Speaker -

Thank you Honourable Chief Minister. Next question please.

***Question No. 3 – The Hon Elizabeth Knipe to ask the Hon Minister for Environment, Natural Resources and Planning:***

The Deputy Speaker -

Unfortunately, the Honourable Elizabeth Knipe is not available today. She's not well, so that question will now fall away.

***Question No. 4 – The Hon Robert Midwinter to ask the Hon Minister for Treasury and Economic Development:***

The Deputy Speaker -

Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, will the Honourable Minister for Treasury and Economic Development tell this Council what proportion of the 133,000 pound increase in the defined benefit pension budget line for this year, relates to the 5.5% increase for persons currently in receipt of government pensions, and of the balance remaining how many new persons drawing government pensions does this increase equate to?

The Deputy Speaker -

Thank you Honourable Member. Honourable Minister for Treasury and Economic Development.

The Hon. Mark Brooks -

Thank you, Madam Deputy Speaker, and I'd like to thank the Honourable Member for his question. Madam Deputy Speaker, page 24 of the budget book 2025-26 through to 27-28 and pages A4 and A10 of Annex A of the budget book shows that 38% is allocated in 2025- 26 financial year for the increase in SHGs pension, on a defined benefit pension scheme. The remaining 62% of the additional allocation will cover 26 possible additional persons drawing a government pension during 25-26, out of 69 eligible for retirement. So I think this also paints a picture of our aging labour force as well Madam Deputy Speaker, thank you.

The Deputy Speaker -

Thank you Honourable Minister. Next question please.

***Question No. 5 – The Hon Karl Thrower to ask the Hon Chief Minister:***

The Deputy Speaker -

The Honourable Karl Thrower.

The Hon. Karl Thrower -

Thank you Deputy Speaker. Will the Honourable Chief Minister tell this House which Government department is responsible for inspecting, assessing and maintaining public furniture and equipment, such as picnic benches, waste bins and playgrounds?

The Deputy Speaker -

Thank you. Honourable Chief Minister.

The Hon. Chief Minister -

Madam Deputy Speaker, I thank the Honourable Member for his question, which cuts across two portfolios. ENRP has responsibility for maintaining all picnic benches and waste bins that are located on ENRP managed land that falls under the ENRPs portfolio of assets. If furniture, such as picnic benches, are placed at other locations, such as High Knoll Fort, for example, by other entities or individuals, ENRP would not have responsibility for these items in any shape or form. Similarly, ENRP has responsibility for maintaining waste bins, as well as collecting and disposing of waste from bins that are placed or located in public spaces by government departments. In addition, ENRP also collect and dispose of waste from waste bins that have been placed by other parties in different public spaces. Such as the Horse Pasture campsite. However, ENRP is not responsible for the maintenance and upkeep of these waste bins under the Public Recreations Grounds Ordinance 1938, only two areas on the island had been formally declared as public recreational playground, and that is Francis Plain and the lower

part of the graveyard at Half Tree Hollow. Management responsibility for Francis Plain is formally assigned to the Education Skills and Employment portfolio under the relevant regulations. However, no specific portfolio has been assigned responsibility for the Half Tree Hollow playground, but as a result, maintenance at Half Tree Hollow is very limited and generally only undertaken when health and safety concerns arise. In such instances, the Property service often step in to provide support, including funding, despite there being no designated budget for this purpose. In addition to these formally declared areas, several informal play areas exist across the island, these are typically located on Crown land and have been established by community groups or non-governmental organisations, NGOs, for the benefit of local residents. However, as these areas have not been officially designated, they do not fall under the responsibility of any SHG portfolio, and consequently, do not receive regular or structured maintenance from any government portfolio. Having said this, however, I understand that work is currently underway within the Economic Development portfolio to develop a policy for the formal designation and management of play and recreational areas. This policy is expected to specifically include Longwood Green, Rosemary Plain, and the formal assignment of management responsibility for the Half Tree Hollow playground. The aim is to ensure these spaces are properly recognised and managed under a consistent framework, while Property services within the Economic Development portfolio is likely to be identified as having management responsibility. This is yet to be confirmed. Given the absence of a dedicated team or budget for playground maintenance, it is anticipated that collaborative working arrangements will continue to be essential, even after a formal policy is adopted. The Property service in partnership with the Waste Management Service and HM Prison has already implemented such arrangements to support the basic upkeep, maintenance and tidiness of some informal recreational areas, in particular at Longwood Green. In this particular case, the initiative has also involved direct community engagement, where I believe a call for support led by the Elected Member for Longwood has encouraged local participation in maintaining and enhancing Longwood Green. Thank you, Madam Deputy Speaker.

The Deputy Speaker -

Thank you Chief Minister. Honourable Karl Thrower.

The Hon. Karl Thrower -

Thank you very much, Deputy Speaker, and thank you very much, Chief Minister, for that very long list of we're passing the buck, it would seem. So very simple question, there are two picnic benches just outside the Silver Hill Bar, just outside the public toilet, so that they're on Crown land. Who is responsible for the maintenance of them, and who should members of the public phone when they see furniture that is clearly owned by SHG that is a danger to public health? And also, I would also refer that to the fact that while I've been looking into this, one of the picnic benches, I sat down to write some notes at the side of the Haul Road, collapsed on my leg. So I would really like to know who's liable for this and who should the public report any problems to?

The Deputy Speaker -

Thank you Honourable Member. Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Honourable Karl Thrower, as you know, none of them fall under my actual responsibility. And as I've just named out, I've told you exactly which ones Government are responsible for. I can't answer you here today. I don't know who put the picnic benches in these different locations you've referred to. Just hold on a second.

Okay, so I've just been told, so there we go, hot of the press, those on the Haul Road is Waste Management, responsibility, but if the public would like to have a point of contact, the Chief Secretary has just given her name as the person to contact.

The Deputy Speaker -

Thank you Honourable Chief Minister. Honourable Karl Thrower.

The Hon. Karl Thrower -

Thank you Deputy Speaker. I would just request, I know, as has already been pointed out, obviously this is our last meeting, so expecting any long term solutions to be agreed to right now, but I think it would be nice if we could just ensure that moving forward, we develop a system where members of the public simply have one telephone call, one number that they can call and report fault with this kind of equipment and street furniture to.

The Deputy Speaker -

Thank you. Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Madam Deputy Speaker, if I may rise on the point of information.

The Deputy Speaker -

You may.

The Hon. Robert Midwinter -

Because the St Helena Government does actually have a 'report it sort it' line. I've used it many times myself during my four years in office, which is why the rear of the Canister and where the taxi rank is, is all now nicely tidied up. The 'report it sort it' line does work. Thank you.

The Deputy Speaker -

Thank you. Next question please.

***Question No. 6 – The Hon Dr Corinda Essex to ask the Hon Minister for Safety, Security and Home Affairs:***

The Deputy Speaker -

Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker. Will the Honourable Minister for Safety, Security and Home Affairs tell this House what are the major proposed components of the business case for capital funding relating to roads?

The Deputy Speaker -

The Honourable Minister for Safety, Security and Home Affairs. Minister Brooks will you?

The Hon. Mark Brooks -

Yes, thank you, Madam Deputy Speaker. I will read out this question on behalf of my colleague, Minister Jeffrey Ellick, who obviously we know isn't here today. So I would like to thank the Honourable Minister, sorry, Honourable Councillor, for her question. So we all know, and I know that Jeffrey has mentioned this a few times to all Members of this House, that his

portfolio will be taking an ambitious road project this year on a number of different occasions. So Madam Deputy Speaker, a press notice did went out on 17<sup>th</sup> of June, which you might have seen, notifying the community that Ladder Hill Road will be the first road to be repaired. We levied successfully for an economic development investment program, so EDIP funding, for a project to repair and resurface many more kilometers of primary and secondary roads this financial year, as well as bridges and culverts that are of high risk. In fact, over nine kilometers of roads should be resurfaced by the end of this financial year, compared to two kilometers that is normally repaired under the normal recurrent budget. This project will see more than four times the amount of road surfaces that is usually repaired, and it will improve road safety. This funding is for one year, of a five-year program. Looking ahead to next financial year, Safety, Security and Home Affairs portfolio will be developing a strategic outline case for year two of the program, for consideration from EDIP funding. This work, if approved, will continue to address the recommendations of most roads in need of repairs. So the Road section has inspected all primary roads, and upcoming road works will take place in the following priority areas. So Ladder Hill Road, as we know, Madam Deputy Speaker from the first of July, will be closed to all vehicular traffic until the road works are completed. After Madam Deputy Speaker, the program intends to follow on repairing roads from Ladder Hill to White Wall, from White Wall to Sapper Way Junction, from White Gate to Bates Branch, Bottom Woods to Longwood Gate and Longwood Gate to Hutts Gate and Hutts Gate to Alarm Forest. So quite a few roads is in the program to be resurfaced and repaired. So Madam Deputy Speaker, as we did with Ladder Hill Road, dates for the scheduled work will be announced nearer the time, but that is pending on weather conditions and, of course, the arrival of the materials from South Africa. Thank you.

The Deputy Speaker -

Thank you Minister Brooks. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker, and thank you to the Honourable Minister for his response. Has no consideration been given to upgrading some of the quite poor condition secondary roads, which serve important sectors of our community?

The Deputy Speaker -

Thank you Honourable Member. Honourable Minister Brooks.

The Hon. Mark Brooks -

In my answer, Madam Deputy Speaker, I did say there will be resurfacing of primary and secondary roads. Thank you.

The Deputy Speaker -

Thank You. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

On the point of information, the majority of the ones that you named are, in fact, primary roads. There is no reference to work being conducted in secondary roads, for example, in the rural districts, some of which are in a bad state of repair.

The Deputy Speaker -

Thank you Honourable Member. Honourable Minister Brooks.

The Hon. Mark Brooks

Thank you, Madam Deputy Speaker. And of course, I'm standing in for Jeffrey. This isn't usually my area of responsibility, and I also don't see any officers in the room from Safety, Security and Home Affairs that I can consult with and get an answer for you. But I would imagine that inspections will be carried out on primary and secondary roads throughout the year. These ones have been identified as the major roads, but as this program is a five year program, I am sure that some of the secondary roads will fall into that higher priority as we go through and repair and scratch off the list some of the primary roads. So it is stated that there will be secondary and primary roads. I do understand that the list of roads that I just read out doesn't necessarily cover many secondary roads, but I am sure that the portfolio will be considering them as the majority of the primary roads are completed. Thank you.

The Deputy Speaker -

Thank you Honourable Minister. Next question please.

***Question No. 7 – The Hon Gillian Brooks to ask the Hon Minister for Environment, Natural Resources and Planning:***

The Deputy Speaker -

The Honourable Gillian Brooks.

The Hon. Gillian Brooks -

Thank you, Madam Deputy Speaker. Will the Honourable Minister for Environment, Natural Resources and Planning, give an update to this Council on the Farm Buildings chicken units, whether they have been utilised, what is the criteria required by applicants to qualify to use these buildings, and what measures are being considered to enhance their viability as a sustainable business opportunity?

The Deputy Speaker -

Honourable Minister for Environment and Natural Resources and Planning.

The Hon. Minister Scipio -

Thank you, Madam Deputy Speaker. I note that the question is a three-part question, so I hope the listeners will bear with me as I answer in a three-part way. Thank you. So Madam Deputy Speaker, following an open advertisement in May 2025, one application was received for the Farm Buildings chicken unit. After an assessment by the evaluation panel, the application met the required score and was approved. The applicant intends to develop the business in phases. Therefore, only part of the unit is being licensed at this stage. This phased approach is primarily due to the current number of stock that the applicant owns. In front of me, Madam Deputy Speaker, I have the criteria. The criteria first of all, it looks at the overall compliance with requirements for the submission of the application. So basically, it looks at, if the applicant has complied with the invite, the application, to be considered and then the criteria then goes on and requests information about the background and the livestock enterprise. So this will include the number of years' experience in poultry production, the number of poultry owned and managed, and it also looks at the experience, the capability of different elements of the production, for example, the layers incubation. Then it also looks at the operation plan for the stock and the unit. So the Evaluation Panel looks at the activities to take place, the types of production, the personnel required to operate the business, and if there are any timescale lines and milestones, and then the criteria also looks at the enterprise development. So it looks at and assess it, as does it form part of a wider business opportunity? Will this unit be staffed for

bigger development? Is there any market for the sales established? Has any research carried out in establishing the market? So that's the criteria Madam Deputy Speaker that the Evaluation Panel will review. Aside from a six month rent waiver and priority access to chicks from the upcoming import of day old chicks later this year, no additional incentives are currently planned, and ENRP has taken this approach, Madam Deputy Speaker, to reflect the importance of ensuring that the enterprise can operate independently and sustainably without ongoing subsidy.

The Deputy Speaker -

Thank you Honourable Minister. Honourable Gillian Brooks.

The Hon. Gillian Brooks -

Thank you, Madam Deputy Speaker, thank you Minister. You said that at the moment they're using just part one. You spoke at the beginning. So is this sort of a time frame when whatever part two, part three will come into play?

The Deputy Speaker -

Thank you, Honourable Member. Honourable Minister.

The Hon. Minister Scipio -

Thank you, Madam Deputy Speaker. As I mentioned, it is in phases, because it is what, how many that the owner has at the moment to make it a viable business. So I can't say here, Madam Deputy Speaker that within six months, then the enterprise will now need to do a second phase, because I don't know how that enterprise is going to develop over the period of time. And of course, as I mentioned, that there will be, it is ENRP's intention to complete the interest that was received previously from the day old chicks in February 2025, to complete that interest. And also the tenant for the Farm Buildings chicken units will then have the opportunity to have more chickens, and then you can see how the development, how the enterprise will develop. So I think it's really unfair for me to say that we allowing this, a tenant, to have this Farm Buildings chicken unit, and it must, within six months go into phase two, or do further one (*pause*) one year, so of course, licenses are issued on an annual basis.

The Deputy Speaker -

Thank you Honourable Minister. Next question please.

***Question No. 8 – The Hon Robert Midwinter to ask the Hon Minister for Treasury and Economic Development:***

The Deputy Speaker -

The Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, first, I think I need to declare an interest here, because I think as my colleagues well know, but I do like a glass of wine, particularly when I'm cooking. Madam Deputy Speaker, since raising this question, Legal Notice number 10 of 25 has been enacted on Tuesday, 24<sup>th</sup> of June 2025, which does cover this question, but I would still like to ask it of the Honourable Minister, if I may.

The Deputy Speaker -

Yes, you may.

The Hon. Robert Midwinter -

Madam Deputy Speaker, will the Honourable Minister for the Treasury and Economic Development tell this Council if consideration is being given to introducing a variable rate of duty for wine, as is currently the case with beer, in order to further encourage people to reduce their intake of alcohol and if he would make a statement regarding this?

The Deputy Speaker -

Thank you. Honourable Minister for Treasury and Economic Development.

The Hon. Minister Brooks -

Thank you, Madam Deputy Speaker and I'd like to thank the Honourable Member for his question, and maybe I should also declare an interest, because I occasionally like a glass of wine Madam Deputy Speaker. Madam Deputy Speaker Executive Council recently approved a change in customs import tariff for alcohol, which includes wine. Prior to this all wine, including fortified or that's wine with spirit, mainly brandy added to it, wines, regardless of alcohol content, was charged a customs duty of £7.40 per litre. The recent change implemented by Executive Council introduced a split tariff on wines. So from the first of July 2025, wines with alcohol content less, sorry, alcohol content not exceeding 9%, so anything less than 9% will be charged at a custom duty at a rate of £5.15 per litre. And wines with an alcohol content exceeding 9% will be charged at a custom duty rate of £8.01 per litre. So as my Honourable friend alluded to, the intention of this change is to encourage consumption of lower alcohol beverages, much the same as we did with beers. What we are saying if you're going to drink wine, then we are saying that it is cheaper. And in my head, cheaper is better to drink the lower alcohol content beverages. Thank you, Madam Deputy Speaker.

The Deputy Speaker -

Thank you Honourable Minister. May we have the next question please?

***Question No. 9 – The Hon Dr Corinda Essex to ask the Hon Chief Minister:***

The Deputy Speaker -

Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker, and I would like to declare my interest as President of the St Helena Chamber of Commerce. Thank you. Will the Honourable Chief Minister tell this House what progress has been made regarding divestment of non-core functions of St Helena Government?

The Deputy Speaker -

Honourable Chief Minister.

The Hon. Chief Minister -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I thank the Honourable Member for her question. This matter was raised in this Honourable house in August of last year, when it was explained by both Minister Brooks and myself that given the many other competing priorities, it was not possible to allocate resources to take this forward. The situation, unfortunately, has not changed during the last 10 months, during which time we have been focusing on matters such as telecommunications, immigration, ensuring our maritime

regulatory framework is up to date, updating our climate change policy, developing options for the current year's budget, and completing the Education Review, to name the most pressing priority areas that my team and I have been directing our attention. Any decision to divest a non-core function has to be informed by a detailed, evidence-based business case. The development of proper business cases requires technical expertise and time which has not been available. Due to this government making a conscious decision to focus on other priority work streams, Madam Deputy Speaker, I might add that whilst it would be good to diversify non-core functions, we also need to consider capacity and readiness within the private sector. In this regard, the public transport service is a typical example where the private sector was not able to continue to deliver a service to the public. Last year, SHG had to step in and allocate considerable resources to ensure the continuity of the service, which is currently being operated by the SHG transport sections. To conclude, Madam Deputy Speaker, the divestment of non-core functions will have to be considered by the new government. Thank you.

The Deputy Speaker -

Thank you Honourable Chief Minister. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker and I, thank the Chief Minister for her response. In a previous sitting, either of Minister's Question Time or formal Legislative Council, reference was made to a piece of work being undertaken by St Helena Government regarding identification of non-core and core functions, can the Honourable Chief Minister provide an update on how far that has reached please?

The Deputy Speaker -

Thank you. Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. I can tell you, not much progress, similarly to what, for the reasons I've just given it, because we just don't have the resources whilst we are pushing along with these major projects, which I've just named a few and believe me, that's not the only ones. I'm just giving you the high level ones that comes across the whole of Executive Council, but the same resources gets utilised, obviously, when we're doing work within our portfolios as well. So no, not much progress at all.

The Deputy Speaker -

Thank you. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

I'd like to thank the Honourable Chief Minister, and just on a point of information, I hope that the incoming government will give this whole issue a high level of priority, because it is one that is core to providing an enabling environment for the private sector. Thank you.

The Deputy Speaker -

Thank you Honourable Member. Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. I'll just acknowledge that, but again, not speaking for any new government, but it will all depend on resources, and very much more importantly, the financial resource to do so, because sometimes, obviously, divesting can cost extra money also.

The Deputy Speaker -

Thank you. Thank you Members. Next item of business please.

6.

## Motions

*Motion No. 1 – The Hon Minister for Treasury and Economic Development:*

### THE CURRENCY (AMENDMENT) BILL, 2025

The Deputy Speaker -

The Honourable Minister for Treasury, Honourable Robert Midwinter you like to rise?

The Hon. Robert Midwinter -

Madam Deputy Speaker, before we move on to motions, if I could rise on a point of order, please?

The Deputy Speaker -

Yes you may.

The Hon. Robert Midwinter -

Thank you, Madam Deputy Speaker. I note that we in line with Standing Orders, we normally have written answers on the Order Paper. Both the Honourable Gillian Brooks and I submitted oral questions that would have had to have been answered in the House today, because the relevant Minister was overseas, we did agree that they would be made written questions. They have not appeared on the Order Paper, and we've been advised that's because the officers are still working on them, which is actually out of order, Madam Deputy Speaker.

The Deputy Speaker -

Thank you and I note your point of order. Can we continue with the motion? Honourable Minister for Treasury and Economic Development.

The Hon. Minister Brooks -

Thank you Madam Deputy Speaker. Madam Deputy Speaker I beg to move that the Currency (Amendment) Bill be approved in principle and referred to the Committee of the whole Council.

The Deputy Speaker -

Thank you. Honourable Chief Minister, do you want to say something? Oh, yes, do we have a seconder please?

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker, I beg to second.

The Deputy Speaker -

Thank you. Honourable Minister you may proceed.

The Hon. Minister Brooks -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I beg to present the Currency (Amendment) Bill 2025 that seeks to amend the Currency Ordinance 1975, to address two outstanding External Audit recommendations raised by the Chief Auditor, as part of the Currency Fund audit in previous years. The first matter Madam Deputy Speaker, the Chief Auditor noted that the ordinance is silent on the subject of commemorative coins and how they are to be dealt with in monetary and accounting terms. The currency, sorry, currently, the Commissioners have a contract with the East Indian Company based in the UK for the production and sale of commemorative coins. The Commissioners who operate from the Castle, Jamestown in St Helena are still the issuing authority for those commemorative coins, but the issuing of these coins is exercised on their behalf and with their express written permission to the East Indian Company through a legal contract. The second matter, Madam Deputy Speaker, the Chief Auditor also noted that the Commissioners include royalty income from the sale of commemorative coins as part of the income under Section 18 of the ordinance. The Commissioners believe that section 18 of the ordinance does incorporate royalties from the sale of commemorative coins to be included. However, the Chief Auditor sees this as unclear, and Madam Deputy Speaker to resolve this matter, the Currency (Amendments) Bill seeks to clarify, or to clearly state that it includes income from royalties from the sale of coins inside or outside of St Helena. Madam Deputy Speaker, I recommend to this House that the Bill is, sorry, Madam Deputy Speaker, I beg to move.

The Deputy Speaker -

Thank you. I put the question that the Currency (Amendment) Bill 2025 be approved in principle and referred to a Committee of the whole Council. The question is now open for debate. The debate, I must remind members, is confined to the principles of the bill, not the details.

The Hon. Karl Thrower -

Thank you, Deputy Speaker. I rise in full support of this Bill. I think that the coins, the bullion coins that are generated through the East India Company, I don't think we talk about it enough. I think it's really good news. It's something that you come across quite often on the PAC as part of the day to day or the year to year running that we do. And I think that the fact that these recommendations will simply improve what is already something that is really delivering benefits for the island, and therefore I fully support this.

The Deputy Speaker -

Thank you Honourable Member. Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, I also rise in support of the motion. Madam Deputy Speaker, these are clearly very minor amendments that make a significant difference, noting that certainly the currency is not only traded on the island, and that we would most certainly wish to earn royalties from coins that are sold elsewhere. Thank you, Madam Deputy Speaker.

The Deputy Speaker -

Thank you Honourable Member. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker. I rise in support of the Bill which will, if passed, enable recommendations made by the Public Accounts Committee to be fully implemented. Thank you.

The Deputy Speaker -

Thank you Honourable Member. Honourable Minister, you may respond to the debate.

Hon. Minister Brooks -

Just very briefly to thank those who rise in support of the Bill. Thank you.

The Deputy Speaker -

Thank you. I put the question that the Currency (Amendment) Bill 2025 be approved in principle and referred to a Committee of the whole Council.

**Question put and agreed.**

The Deputy Speaker -

Mover.

Hon. Minister Brooks -

Thank you, Madam Deputy Speaker. I beg to move that the Council do resolve itself, into a committee to consider the detailed provisions of the Bill.

The Deputy Speaker -

Thank you. Is there a seconder? Honourable Chief Minister?

The Hon. Chief Minister -

Madam Deputy Speaker, I beg to second.

The Deputy Speaker -

Thank you. I put the question that the Council do resolve itself into a committee to consider the detailed provisions of the Bill.

**Question put and agreed.**

The Deputy Speaker -

We will now move to committee stage. I put the question that the title, enacting clause and clause one, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

Clause two, Commencement. Does anyone wish to speak? No. Honourable mover?

Hon. Minister Brooks -

Just for a point of information. Madam Deputy Speaker, we normally invite officers to the table to take us through the detailed provisions of the Bill. However, I am leaning on the AG to help out here, and there's no need to invite him to the table Madam Deputy Speaker, because he's already here. Thank you.

The Deputy Speaker -

Thank you. Honourable Attorney General.

The Hon. Attorney General -

Thank you, Madam Chair. As you can see, the Ordinance comes into force on enactment.

The Deputy Speaker -

Thank you. I put the question that clause two, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause three, Amendment of the Currency Ordinance 2025. Does anyone wish to speak? Attorney General?

The Hon. Attorney General -

Thank you, Madam Chairman. As you will see, the meat of this Bill does lie in clause three with two amendments, one, as described in clause 3 (2), the insertion of 'or outside St Helena' in section 6 (3) (b) of the underlying ordinance. And likewise, in clause three, 3, in section 18 (1), inserting the words 'including royalty income from the sale of coins'. This reflects the explanatory note that doesn't form part of the Bill, that's attached to everybody's version, and it reflects exactly what the Minister has said earlier on today, and reflects the recommendations made that we heard previously from the Auditor and I understand from the Public Accounts Committee as well.

The Deputy Speaker -

Thank you, Attorney General. I put the question that clause three do stand part of the Bill.

**Question put and agreed.**

Thank you, Honourable Members, we will now resume Council session.

The Deputy Speaker -

Mover, you'd like to report on the Bill please?

The Hon. Mark Brooks -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I beg to report that the Currency (Amendment) Bill 2025 passed the House with, or passed the Committee with zero amendments and to move that this Council approved the said Bill and recommends to the Governor that it should be enacted.

The Deputy Speaker -

Could I have a seconder please? Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker, I beg to second.

The Deputy Speaker -

Thank you. Honourable mover do you wish to speak to the motion?

Hon. Minister Brooks -

Just to reiterate what everyone has said, this is a minor amendment that will make a huge difference. So I'd like to thank all Members who supported the Bill. Thank you very much.

The Deputy Speaker -

Thank you Honourable mover. I put the question that this Council approves the Currency (Amendment) Bill 2025 and recommends to the Governor that it should be enacted.

**Question put and agreed.**

*Motion No. 2 – The Hon Minister for Treasury and Economic Development:*

**THE FISHERIES CORPORATION (REPEAL) BILL, 2025**

The Deputy Speaker -

The Honourable Minister for Treasury and Economic Development.

Hon. Minister Brooks -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, I beg to move that the St Helena's Fisheries Corporation (Repeal) Bill 2025 be approved in principle and referred to the Committee of the whole Council.

The Deputy Speaker -

Thank you, is there a seconder? Honourable Chief Minister.

The Hon. Chief Minister -

Thank you Madam Deputy Speaker, I beg to second.

The Deputy Speaker -

Thank you. Honourable mover you may proceed.

Hon. Minister Brooks -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I beg to present the Fisheries Corporation (Repeal) Bill 2025. In December 2019 Executive Council agreed that the St Helena's Fisheries Corporation would be wound up with activity ceasing from 31st of January 2020. The operations of the Fisheries Corporation did come to an end in January 2020 and a liquidator was engaged and tasked with winding up the company. There were a number of creditors who had raised a claim with the liquidator, these claims have been verified, and after completing the final accounts, all remaining sums have been distributed amongst remaining creditors as the final payment amount. The bank account, Madam Deputy Speaker, has also been closed, and there are no further liabilities therefore existing for St Helena Government. The financial statements has also been audited and signed off, which leaves the final step in the process, Madam Deputy Speaker, which we are doing here today, and that is repealing the Fisheries Corporation Ordinance 1975. Thank you. I beg to move.

The Deputy Speaker -

Thank you Honourable Member. I put the question that the St Helena Fisheries Corporation (Repeal) Bill, 2025 be approved in principle and referred to a committee of the whole Council.

The question is now open for debate. Any members wish to speak. No? Honourable Minister you obviously don't have anything to respond to.

Hon. Minister Brooks -

No nothing to respond to, Madam Deputy Speaker.

The Deputy Speaker -

I put the question that St Helena Fisheries Corporation Bill, 2025 be approved in principle and referred to a Committee of the whole Council.

**Question put and agreed.**

The Deputy Speaker -

Mover?

Hon. Minister Brooks -

Again, Madam Deputy Speaker, I don't think anyone is really needed, but if there is, we do have the Attorney General to help us through the provisions of the Bill.

The Deputy Speaker -

Thank you. You got to ask that the Council do resolve itself, into committee stage.

Hon. Minister Brooks -

Off course Madam Deputy Speaker. Madam Deputy Speaker, I do move that this Council do resolve itself into committee to consider the detailed provisions of the Bill.

The Deputy Speaker -

Thank you, do you have a seconder? Honourable Chief Minister?

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. I beg to second.

The Deputy Speaker -

Thank you. I put the question that the Council do resolve itself into committee to consider the detailed provisions of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that the title, enacting clause and clause one, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

Clause two. Attorney General, would you like to?

The Hon. Attorney General -

Thank you, Madam Chairman, it probably take me more words to explain what section two says than actually reading it out. So same thing, the Fisheries Corporation Ordinance 1979 is repealed. That is the effect of section.

The Deputy Speaker -

Yes thank you. I put the question that clause two do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

Thank you, Honourable Members. We will now resume Council. The Bill to be reported please.

The Hon. Mark Brooks -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I beg to report that the repeal, the St Helena Fisheries Corporation Ordinance 1979 passed the committee with zero amendments, and to move that this Council approved the said Bill and recommends to the Governor that it should be enacted.

The Deputy Speaker -

Thank you. Could I have a seconder? Honourable Chief Minister?

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. I beg to second.

The Deputy Speaker -

Thank you. Honourable Minister do you wish to say anything further?

The Hon. Mark Brooks -

No, just to thank members for their support. Thank you.

The Deputy Speaker -

Thank you. I put the question that this Council approves the St Helena Fisheries Corporation (Repeal) Bill 2025 and recommends to the Governor that it should be enacted.

**Question put and agreed.**

***Motion No. 3 – The Hon Minister for Treasury and Economic Development:***

**THE PREVENTION OF ABUSIVE BUSINESS PRACTICES BILL, 2025**

The Deputy Speaker -

The Honourable Minister for Treasury and Economic Development.

The Hon. Mark Brooks -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I beg to move that the Prevention of Abusive Business Practices Bill, 2025 be approved in principle and referred to the Committee of the whole Council.

The Deputy Speaker -

Thank you Honourable mover. Do I have a seconder? Honourable Chief Minister?

The Hon. Chief Minister -

Thank you Madam Deputy Speaker. I beg to second.

The Deputy Speaker -

Thank you. Honourable Minister you may proceed.

The Hon. Mark Brooks -

Thank you, Madam Deputy Speaker, and I beg to move that the Prevention of Abusive Business Practices Bill, 2025. Madam Deputy Speaker, my team has been working hard over the past few years to enact policies and legislative reforms, in order to enable a safe expansion of our Company Register function. It is with regret that I have received intelligence that some bad actors have recently been attempting to exploit some potential weaknesses in the current framework. These weaknesses reflect deficiencies over a number of legal areas, including automatic exchange of information, that's arrangements with other international bodies, an absence of bilateral tax treaties and an absence of statutory trust law. The products that have recently been brought to market quite likely presents a risk for St Helena becoming black or grey listed by multilateral bodies, such as the OECD and the FATF, Financial Action Task Force and, of course, the European Union. Being black or grey listed by a multilateral organisation or state, would not only severely impact St Helena's future ability to adopt international companies register, but it would also risk St Helena being cut off from international money transfer markets. For that reason, Madam Deputy Speaker, this Government, on the advice of the AG, has decided to take swift action and to the best of our ability to prevent or put off any bad actors from exploiting these potential weaknesses. The Prevention of abusive businesses practices, Bill, which I presented today, we feel will do just that. The purpose of the Bill, as drafted, is to seek to prevent abuse of businesses practice in St Helena and the abuse of our jurisdiction for abuse of business practices elsewhere. To put simple Madam Deputy Speaker, it is designed to protect the reputation of the jurisdiction of Saint Helena. The Ordinance seeks to establish a series of duties designed to prevent abuse of business practices, as defined in St Helena. In addition and to strengthen the measures, duties to report suspicion or knowledge of abuse of business practices are also imposed on professional services firms. Madam Deputy Speaker, we are cognizant that many businesses who indeed have not, or have no intention of carrying out any abusive business practices may be affected by these new rules, for example, through the introduction of additional due diligence requirements for customers. Madam Deputy Speaker, and for that reason, the proposal is to only immediately commence the Ordinance for trusts, trustee ships and for businesses providing services and advice to them. The new government, Madam Deputy Speaker, will have the power to commence the Ordinance for all other professional services firms in the future, if there is a need to do so. Thank you, Madam Deputy Speaker, I beg to move.

The Deputy Speaker -

Thank you, Honourable Minister. I put the question that the Prevention of abusive business practices Bill, 2025 be approved in principle and referred to a Committee of the whole Council. Questions now open for debate. Honourable Ronald Coleman.

The Hon. Ronald Coleman -

Thank you, Madam Deputy Speaker. I raise in support of this Bill as it makes arrangements to prevent businesses seeking to exploit the jurisdiction of Saint Helena for abusive purposes, or the purpose that would intend to damage the reputation of St Helena jurisdiction internally. Let's nip it in the bud as they say. Thank you Madam Deputy Speaker.

The Deputy Speaker -

Thank you Honourable Member. Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I rise in support of the motion. Madam Deputy Speaker, this Bill seeks to increase the island's protection against abusive business practices, such as money laundering, and in doing so it helps to prevent damage being caused to the island's reputation. I therefore fully support the motion. Thank you Madam Deputy Speaker.

The Deputy Speaker -

Thank you. Honourable Karl Thrower.

The Hon. Karl Thrower -

Thank you Deputy Speaker. I also rise in support of the Bill, and will also say that the Honourable Minister covered it very well as to the reason of it. But also, let's just simplify it a little bit. We knew that these problems were coming. We identified the problems when we first started talking about having faster internet connections and moving into Fintech and that. So it's very good that we're now responding to threats as they arise. It's a very speedy bill. It's very good to see that, but we have to maintain that we cannot get international organisations to start blasting this .... because once that happens, it will do terrible damage to the future of the finances for the island. Because this was always the idea was that the island would develop Fintech and things like this. So we have to show the outside world that St Helena is open for business, but also that we will not tolerate bad business, and I think this Bill really shows a clear message that we are fast at adapting to situations as they arise. So I fully support this Bill.

The Deputy Speaker -

Thank you Honourable Member. Honourable Andrew Turner.

The Hon. Andrew Turner -

Thank you Madam Deputy Speaker. I'll rise very briefly to express my support for the bill and the important provisions it contains. Many of its measures are long overdue and will bring welcome clarity and protections to the island. I'm actually going to differ slightly from the Honourable Karl Thrower on the subject of speed, because while I appreciate the Minister's candour in outlining the urgency that's driven us to this point, I'm not a fan of legislating first and doing the engagement afterwards. It's not good practice, but at least it's understandable in circumstances. So in that vein, I really do appreciate the Minister's assurances that the implementation of some aspects of this Bill lies some distance off, and I hope that there will be good engagement with those affected up to that point. Thank you.

The Deputy Speaker -

Thank you Honourable Member. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker. I rise in full support of the Bill. It is very obvious that if St Helena is going to progress in the financial services arena, it must have all its ducks in a row and be fully protected from bad actors and potential threats from money laundering and other types of crimes, which would do vast reputational damage to the island. However, I do share the Honourable Andrew Turner's concerns about the amount of legislation that we're being presented with at the last minute. And although I do understand a lot of the background reasons

for this, it is definitely not ideal, and I feel in some ways undermines the democratic process. Thank you.

The Deputy Speaker -

Thank you, Honourable Member. Honourable Gillian Brooks.

The Hon. Gillian Brooks -

Thank you, Madam Deputy Speaker. I support the Bill as it puts into place protective measures to safeguard against business exploitation towards St Helena. We are moving forward, we are doing all to try and move forward in life. So having Bills like this in place as a safe guard is really necessary, so I do support the Bill.

The Deputy Speaker -

Thank you, Honourable Member. Mover do you wish to respond?

The Hon. Mark Brooks -

Thank you, Madam Deputy Speaker and I like to thank everyone that stood and supported the Bill. I also obviously share the same concerns as some of my colleagues about the speed that some of the Bills are coming to this House. However, as I did say in my exposition, this was not intended this way. We are doing a reform of the wider regulatory reforms around financial services and companies' law. But as I stated in my exposition it has come to our attention that there's some known actors that are exploiting our deficiencies that are currently in our financial services laws. So I welcome this Bill as an interim arrangement, as a stop gap, so that it will give us time to reform our fuller laws and company registered laws and frameworks, to protect this jurisdiction going forward. But as I think my Honourable Karl Thrower said, this is a necessary step to show the world that the jurisdiction cannot be taken lightly and that we will act to protect everyone's interests on this island. Thank you.

The Deputy Speaker -

Thank you Honourable Mover. I put the question that the Prevention of Abusive Business Practices Bill, 2025 be approved in principle and referred to a Committee of the whole Council.

**Question put and agreed.**

The Deputy Speaker -

Mover?

The Hon. Mark Brooks -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, I move that the Council do resolve itself into a Committee to consider the detailed provisions of the Bill, and Madam Deputy Speaker, I also have a certificate of urgency. May I present this to you now?

The Deputy Speaker -

Yes please.

The Hon. Mark Brooks -

Madam Deputy Speaker again, could I invite the AG to take us through the detailed provisions of the Bill. Thank you.

The Deputy Speaker -

Could I first have a seconder? Honourable Chief Minister

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker, I beg to second.

The Deputy Speaker -

Thank you. I put the question that the Council do resolve itself into a Committee to consider the detailed provisions of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that the title, enacting clause and clause one do stand part of the Bill.

**Question put and agreed.**

The Hon. Attorney General -

It might be helpful by explaining section one before we vote on it.

The Deputy Speaker -

Okay, please do Attorney General.

The Hon. Attorney General -

So Members, as you can see, section one is slightly different format from what you're used to seeing. Section one, clause one is straightforward. It's simply the short citation for the Bill. But what you can see in clauses 1 (2) and 1 (3) are the different arrangements for bringing this Bill into force. So 1 (2), we are dealing with arrangements which will come into force from the first of July 2025, and they concern trust arrangements, trust operations, trusteeships, nominee ships, anything involving the placing of assets into a trust, trusteeship, trust corporation, or a nominee ship. And it will also necessarily include people who are giving advice in relation to any of those steps. Into anything else, it will fall into clause 1 (3), that is to say that it will require the other parts of the Ordinance, insofar as it affects other elements of business, will require be brought into force by an Order or from the Governor, necessarily on the advice of ExCo. Thank you

The Deputy Speaker -

Thank you, Attorney General. I now put the question that the title, enacting clause and clause one do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

Clause two. Attorney General, would you like to take Members through this?

The Hon. Attorney General -

Thank you, Madam Chairman. Again, Members will be familiar with the modern style or ordinances where clause two typically contains a whole series of definitions, and this bill is no different. It's worth just pausing and reflecting on some of the definitions, some of them we can pass over. Abusive business practices will, we'll come on to that in section four. Adopted English law is not something that we need to concern ourselves, particularly here, but it will

arise near the end of both this Bill and other business for us later on today. I need to apologise to you in regard to the definition of 'authorised officer', it's my typographical error that has given rise to the need for a minor amendment, which I'm sure will be proposed and seconded in a moment or two, but it will be the replacement of the word 'controller of taxes' with 'commissioner of taxes'. So it's a typo, but it will need to be corrected. We have definitions of business entities, which we'll come on to, specifically in section three, likewise, with regard to the definition of due diligence, which we'll come on to when we look at section five. We have definitions of higher and lower monetary limits, which you can see are either 500,000 pounds or 50,000 pounds. Those numbers have been chosen specifically with reference to the size of our jurisdiction and what's significant in terms of transactions. The aim of having the lower monetary limits of 50,000 pounds is to try and make sure that we don't unnecessarily burden people with the obligations in terms of complying. And it means that the vast majority of transactions or advice or business that will be transacted in St Helena should stand outside the arrangements that are provided for here. It'll probably disappoint many of you that legally, we need a definition for money, which is why we have a definition for money. Part of the provisions of this bill relates to cooperating with jurisdictions beyond St Helena and lawful authorities in other countries, so such as UK police forces, or, for example, HMRC in the UK would be within the contemplation of outside agencies in this regard. We've got a definition of professional services, and it includes everything that you'd expect to see by where professional services, from accountancy to law, business advice, advice relating to trust, trusteeships, company formation and the like. We have a definite definition of reporting period, which is effectively five days, again we'll come on to why that's relevant later. Likewise, we have a definition of significant transaction, which we'll come on to when we turn to section six. And as you can see from clause 2 (2), the Governor, on the advice of ExCo may by Order, modify the definitions of 'authorised officer' or 'professional services' and change the monetary limits. Now there's only one definition I've not mentioned, and that is the one which is inimical to the interests of St Helena. And that phrase means any business practice or arrangements in our jurisdiction which would bring, or would tend to bring the reputation of St Helena into substantial disrepute, and again, the relevance of that will arise later, when we're looking at what are abusive business practices. That phrase is deliberately designed to be a catch all, because none of us have a crystal ball to look forward into the future, to work out what could be a problem, and that's why that phraseology is used to try and make sure that we are future proofing. But thank you, Madam Chairman.

The Deputy Speaker -

Thank you, Attorney General. Does any Member wish to speak? Honourable Karl Thrower.

The Hon. Karl Thrower -

If I may, Madam Chair, just one question, it might be silly to somebody where its law. There's two references to 500,000 or its equivalent in another currency and then there's one that says 50,000 same states. Don't you need somewhere to say what exchange rate, where you're getting the exchange rate from to equivarate the currency, because depending where you go, that can have a 10 or even a 15% variance in the monetary amount if you want, so don't we need to say, I don't know Bank of St Helena or Government, because we do use fixed exchange rates, obviously, for customs and things.

The Deputy Speaker -  
Attorney General?

The Hon. Attorney General -

The short answer is, I don't believe we do, inevitably that limit would be judged at the relevant moment in time. And as you raise the point, the valid point, that there will be fluctuations in exchange rates, what may or may not be above the threshold one day, maybe beneath the next. But if you were a business called upon to look at this, if you weren't dealing in Sterling, you'd necessarily have to factor in the currency exchange risk and what you were doing, so a business who was considering itself close to one of these limits, probably should undertake the diligence that's required, as if they've gone above the limits. Otherwise, they just need to have the evidence that on the day in question, when they looked at whatever it is they do, they were sure it was above or below the limit where they are, and they just keep the evidence for it. So it's not difficult in terms of doing it, and inevitably, as a matter of interpretation and practice, those limits will need to be viewed on the day that particular advice or issues is being dealt with. So I'm happy that the drafting is fine, and inevitably, the risks you described will fall to those applying the Ordinance to determine what the recent cause of conflict is.

The Deputy Speaker -

Thank you Attorney General. Honourable Minister Brooks.

The Hon. Mark Brooks -

Thank you, Madam Chair. I would just like to ask something for clarity to AG. Under the definition of money, it includes virtual and cryptocurrencies or similar. Can I ask, would this also include NFT's or non-tangible tokens?

The Deputy Speaker -

Thank you. Attorney General.

The Hon. Attorney General -

So the definition of money may not include those items, but as you will see, there will be reference to values of assets, monies worth later. So the NFT's, for example, aren't necessarily within the definition of money, but they will be caught in terms of the valuation associated with the activities we're looking at later, but maybe that's a question to ask when we reach the appropriate point in the Bill.

The Deputy Speaker -

Thank you Attorney General. Honourable Minister Brooks.

The Hon. Mark Brooks -

Thank you. If there's no further questions on that section Madam Deputy Chair, I would like to propose an amendment under 'authorised officer', and that is to replace controller of tax, or substituted with Commissioner of income sorry, yes, 'Commissioner of Income Tax'. The purpose of this amendment is just to correct the title role.

The Deputy Speaker -

Thank you, Honourable Minister Brooks. Could I have a seconder please? Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Chair. I beg to second.

The Deputy Speaker -

Thank you. I put the question that the amendment to clause two in the definition of authorised officer for control of taxes, substitute 'Commissioner of Income Tax'.

**Question put and agreed.**

The Deputy Speaker -

Does any other Member, wish to speak? No? Okay, so I put the question that clause two do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

Thank you, Honourable Members, we will now resume Council session. I beg your pardon, I am jumping ahead here. I put the question that clause three, do stand part of the bill. Attorney General.

The Hon. Attorney General -

Thank you, Madam Chairman. So Members, we're still in the definitions part of the Ordinance and as you can see, the clause three relates to the definition of either business entity or business entities. And usually, we do consider singular and plural because we're not quite sure what we will be dealing with, whether it be a singular entity or a broad entities. And as you can see from clause 3 (1), a business entity can be any form of business, business structure, or group, including, without prejudice, the generality of the foregoing, a list of (a) through to (g). Now the reason that we have phrased the Bill in these terms is, we don't know exactly what we're going to be dealing with. Now, if you think of it as sort of classic English law, St Helenian law ideal, you'd be all familiar with the idea of limited companies. You'll also be familiar, I'm sure, with companies limited by guarantees and potentially partnerships. I'm sure you're also familiar with the idea that an individual can also carry out business, either on his or her own regard, and they're all covered. The concept of legal personality includes individuals such as all of us around the table, but also encompasses things like an incorporated entity, such as a limited company or a company limited by guarantee, and they're all within (a) through to (f). We've specifically covered for trusts and trust corporations because we fear that the element of abuse might very well come in those areas, and they are specifically listed for those reasons. But we've also listed unincorporated entities or associations because some people, that will cover something like a club or something of that order and clubs aren't always relating to small community matters. They you can have clubs that deal with much more significant assets. We're also trying to make sure that when we frame the definition of business entity and business entities, it's any form of business or business structure, and therefore we have to contemplate structures that are outside our normal contemplation. But say, I've used the example previously society ammoreams, which are incorporating structures used by continental countries in Europe and so on and so forth, and also in South America and the like. So we're deliberately trying to pitch the definition of business entities to encompass everything that we can think of, any corporate vehicle, non-corporate vehicle by which business is to be transacted. So having established that through clause 3 (1), we then have to say, well, does it matter where they are incorporated, formed, carrying out the business or holding assets, or so on and so forth. And you can see, for clause 3 (2), its immaterial where any business entity or business entities have been formed, incorporated, located at the registered office, undertake their business, carry out their administration or hold assets. We're not, that's for us, for these purposes is not relevant and also in clause 3 (3), the manner in which any business entity holds or administers its assets,

whether for itself or upon a trust, is immaterial. So as you can see, we're trying deliberately to have clause 3 (2) and capture as wide a number of corporate vehicles as we can.

The Deputy Speaker -

Thank you AG. Any Member wish to speak? No? I put the question that clause three, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause four do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you, Madam Chair. Now clause four, I think, is one of the more important clauses. Most of them are very important, but this is the one that's probably up there, as it defines what an abusive business practice is, and more particularly, let's just concentrate for a moment on the opening words of clause 4 (1), a business practice is abusive when it's designed to, intended to, seeks to facilitate or encompasses any of the following. Then we have a list of (a) down to (r) of what we consider our abuse of business practices. Now, as we go through them, I'm sure you'll realise that most of these are crimes in their own right, and if they're not crimes, they could very well be steps that are preparatory to crimes, and in the exception of where it might be hiding ownerships or something of that order, it's also something that we wish actively to discourage. So let's go through that list, bribery, concealment of beneficial ownership, concealment of legal ownership, concealment of true identities, concealment of management or control of a business entity, concealment of assets, whether from creditors or others, corruption, crime, fraud, manufacturing supply or sale of unlawful drugs, making assets untraceable or making their traceability more difficult, money laundering, modern slavery, including benefiting from or engaging in it, sanctions avoidance, or the amelioration of the effects of sanctions, tax avoidance, which is subject to a couple of exceptions, which I'll come on to in a moment. Tax evasion, I'm sure those of you familiar with tax law know that tax evasion is the crime, tax avoidance could be depending on the circumstances that is to be discouraged, (q) terrorism, including the financing of terrorism. And then finally, (r), any other practice or arrangement inimicable to the interests of St Helena, which you will recall is the definition that I referred to before. So in relation to avoidance of tax, it's fair to say we've got to be a little bit clearer in what we mean. So for the avoidance of tax to amount to an abusive business practice, it must form, include facilitate or encompass contrived or artificial transactions, or arrangements intended to produce an advantage to a taxpayer not intended by the tax authorities or legislature of the relevant jurisdiction. And I have to thank HMRC for providing me with that convenient definition in terms of what their view of tax avoidance is, and that's why it's deliberately gone there. And as you can see in sub clause 3, an advantage to a taxpayer can include the concealment of identities or ownership or the creation or use of a trust, or a trust, or nominee ships. Any scheme of arrangement expressly approved off by the tax authorities in the jurisdiction in question will not amount to an abusive practice. And as you can see at sub clause five, the Governor, on the advice of ExCo, may, by order add to or modify the lists of what constitutes abusive business practices. Thank you Madam Chair.

The Deputy Speaker -

Thank you, Attorney General. Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Thank you, Madam Chair. Madam Chair, just for the benefit of listening public, more than anything, I think, just to confirm that when we talk about modern slavery, we're including items such as human trafficking, where somebody is taken from one place to another for employment, for example, and then having to repay the cost of that travel, etc., unfairly.

The Deputy Speaker -

Thank you Honourable Member. Honourable Andrew Turner.

The Hon. Andrew Turner -

Actually, the Honourable Rob Midwinter has rather raised the question that I wanted to ask of the AG, because I'm not entirely clear where we're getting our definition of modern slavery in terms of this Ordinance, because obviously there isn't really a corresponding local law and I understand that the 2016, I want to say, UK law on the subject isn't applied here. So I just wondered how we how we're defining it for the purposes of this Ordinance, because I think would really make it clear what constitutes and what would not.

The Deputy Speaker -

Thank you. Attorney General.

The Hon. Attorney General -

Members are right to raise this issue. There is no definition that we use for modern slavery, although it is increasingly a term that is used in general parliaments and I would expect the courts or anybody else, when looking at what constitutes modern slavery, to use all the examples that both Councillor Midwinter has used and potentially others. You could also see this getting to the point of not paying the minimum wage, just to add to the list of factors that were raised. It may be one of those things that in future, we need to look back, look again, and see whether we need to expand but deliberately at this stage, it's kept short so that the courts and others have got the full range to think about it and I'd encourage anyone who thinks they're going to get close to the mark in place to modern slavery, to think very hard before they do, and in many ways, not defining gives the broadest interpretation possible, providing it's consistent with the English usage that's there. So it's an interesting point to take away, but it's not something I can change or modify a cure now? But obviously you've heard what I've said.

The Deputy Speaker -

Thank you, Attorney General. Honourable Andrew Turner.

The Hon. Andrew Turner -

So perhaps then the best fix in the long term is to actually have proper modern slavery legislation. I think it'll probably go a long way to resolving these kind of issues.

The Deputy Speaker -

Thank you. Attorney General, do you wish to respond?

The Hon. Attorney General -

Nothing more to add. Thank you Madam Chair.

The Deputy Speaker -

Thank you. There is no further debate. I put the question that clause four, do stand part of the Bill.

## **Question put and agreed.**

The Deputy Speaker -

I put the question that clause five, do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you, Madam Chairman. Even though we reached clause five and we're all in almost a quarter of the way through, we're still in the frame making, the framework is being established, and here we have the crucial understanding of the term due diligence. And as you can see, the opening of clause five for the purpose of the Ordinance, the exercise of due diligence by a personal business entity means the exercise of all reasonable precautions and the taking of all reasonable steps by that personal business entity so as to satisfy them, but they reasonably know what have established, and there's a list of (a) to (g): the identities of all relevant persons, including nationalities, countries of residence, home address, contact telephone numbers, contact email addresses; the jurisdiction in which the personal business entities incorporated or registered; the jurisdiction and the full postal address of any registered office; the address of any place of business; the legal and beneficial ownership of all assets; including monies, just mentioned, this might be one of the first points we've come across where we're looking of assets, including money, so that might include non-tangible things, (f) the nature and extent of any trust arrangements or trusteeships; and (g) the arrangements made or proposed are not abusive business practices. Now for us, the concept of due diligence here is really relates to know your client. Do you know what your client is going to get to do, or do you know what your business is intending to do, so and so forth. It's incumbent on the people either advising or doing that they know what is being intended. Now in terms of our legislation, our due diligence concept is basically summed up in something between a quarter and a third of a page. If we were looking in the English jurisdiction, the concept of how you know your client would be many, many, many pages of regulations. So again, we are aiming to do all this in short form, to make it clear to people what's involved. Our list of (a) to (g) is what we think people should know about their clients or their intended practices, or know about their business and what they're intending to do. We accept that it may be impossible in the fullness of time to prove absolutely everything, and that's why we use the normal phraseology that you'd expect to see in a business environment, that it's the exercise of all reasonable precautions, and it's the taking of all reasonable steps. These are well established legal concepts, and it's important that if you are going through this that you keep the evidence to show what your reasonable steps were and what your reasonable precautions were. I fully accept that there may be circumstances where somebody may not be able to establish everything (a) through to (g), and that is fine, providing they have exercised all these precautions and have taken all reasonable steps.

The Deputy Speaker -

Thank you Attorney General. Honourable Andrew Turner.

The Hon. Andrew Turner -

I just have one question, and it's another definitions one because it's about the country of habitual residence, because obviously that's not actually from, unless I miss something, it's not defined further up in the audience. Is that something we have a general definition of on Saint Helena, or is it because obviously habitual could mean a lot of things; I have the habit of living six months here and six months there, for example.

The Hon. Attorney General -

At risk of sounding facetious, which I don't intend to do. Have you ever considered a job in Chambers? Again this is one of those issues where leaving it open and leaving it open to interpretation gives everyone the greatest flexibility. So habitual residence is again a well-known concept in English law in particular, and by extension, in St Helena law, it's often used with regard to entitlement to medical treatment, or it's used with regard to where a student lives, or something of that order. So it reflects the fact that not everybody has a fixed location to live. Those of us with families, children, tend to live in one location. Those of us who don't fall within those definitions tend to go elsewhere. I mean, take my own example, where I might have actually resident from at the moment, good question. I probably am here, and I probably am in England as well, and I may also be in the Isle of Man. You know, it will vary according to circumstance, and it's important for people doing the due diligence to check. So if you're taking on a client, you need to ask them, where do you live? Well, six months of the year I'm here, three months I'm there. So you need to make sure that you ask all those questions. Don't just rely on the first answer that's given. You know, do you live there all the time? Do you have any other home, any other place, any second home, or something of that order? The flexibility is deliberate.

The Deputy Speaker -

Thank you AG. No further questions? I put the question that clause five, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question at clause six, do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you, Madam Chair. So this clause six is important for lots of different reasons. First and foremost, it's important because it's our way of trying to make sure that people who are not intended to be caught aren't caught by these arrangements. So you've heard me mention the lower monetary limit before, and this is where it becomes relevant, and also in relation to money, money's worth, and you know whether it's a non-tangible token or anything of that order. Again, this is where it's relevant. So we define in clause six, for the purpose of this Ordinance, a transaction is a significant transaction. It involves one or more of the following: consideration, money, money's worth in excess of the higher monetary limit. So that will, any sort of assets, so money, money's worth deliberately phraseology to encompass everything. So the higher monetary limit is half a million pounds, as I remind you. So that's (a). (b), the deposit of money in excess of the lower monetary limit, so a deposit in the bank in excess of 50,000 pounds that would be a significant transaction. You think in English terms, those of us who are familiar with English bank accounts will know that banks will ask due diligence questions of us when we deposit monies much lower than 50,000 pounds, and we're deliberately pitching it at 50,000 pounds here again, so that people get the opportunity to get used to it. I do know that Bank of St Helena does exercise due diligence lower than the figure that we've got here, by the way, but it's important to say that we are not trying to make it difficult for people. We're trying to make it reasonable and have a sensible limit before perhaps a future LegCo, future government might decide it wants to change some of these limits. So 6 (1), (a) and (b) relates to the high monetary limit and to the low monetary limit. But at (c), we deal with a low monetary limit, but we also deal with a different type of arrangement. And this is all about trust arrangements. The establishment of any form of trust arrangement, trust corporation, trusteeship, or the placing of assets into trust trusteeship or trust corporation and we have the

50,000 pound limit here too. So it's important to say that we want to look at trust because we think that the risk to our jurisdiction and our reputation is primarily going to come in this area, which is why they're specifically stated here as being a catch. And then at (d), it's a significant transaction if any personal business entity not officially resident in, or registered here as a director, trustee, trust corporation operating in any guise. So the risk of sounding almost prejudice, which is not my intention, if you're a foreigner here, if you decided to come here we don't need whether it's a lower or higher limit. We want to ask questions about you that's why there's no monetary limit associated with (d), and likewise with (e), any personal business entity not eventually resident in, or registered St Helena have been able to, intended to, exercise any form of management or control of business entity operating in any guise in St Helena. So in other words, you might be either a stated director or a shadow director or a shadow partner, and you're not here in St Helena. You want to exercise control from overseas. Well, again, no limits, no monetary limits, if that's the arrangement you're putting in place, it's automatically a significant transaction. And again, to answer the point, how do we go about valuing the higher and lower monetary limits. You can see that it clause sub clause 2, to determine whether the higher monetary limit or low monetary limit has been achieved. The value of all transactions or series of transactions being undertaken or proposed to be undertaken shall be aggregated. So in other words, don't try and get away with it by splitting your transactions into 10,000 pound chunks. If you're going to do five or more of them, you will be in excess of the lower limit.

The Deputy Speaker -

Thank you Attorney General. Honourable Andrew Turner.

The Hon. Andrew Turner -

Is there consideration on whether there needs to be a maximum limit on the time period for that. So obviously, yes, I completely get the example that if they do 10,000 today, 10,000 tomorrow, and do so for five days, then they will have quite easily contravened the limit. But if they do it over a period of a year, two years, five years, at what point is that line intended to be drawn?

The Deputy Speaker -

AG.

The Hon. Attorney General -

Thank you, Madam Chair. If we put in any limit like that, I could almost guarantee that anyone seeking to do something that was perhaps nefarious or was intended to avoid the consequence of this, would deliberately go one day outside the limit. So to take your example of the year, let's ignore leap years, shall we? I would deliberately pitch my series of transaction over 366 days or something of that order to deliberately try and get over. And it's one of the reasons why there's no limits here and it's also quite, looking at what's intended, so it's the value of all transactions or series in transactions being undertaken or proposed to be undertaken. So what have you got in genuine contemplation when you're planning to do this? So if you're planning transactions over a series of years, you'll still be caught. If you're planning it over a series of days, you'll be caught. If you're not planning, if you don't intend it to be part of a series of transactions, I've got the impression of evidence and whatever's there in the records, then obviously you'd potentially be safe to have a 30,000 transaction today, didn't intend to do the next one, but I'm doing the next one, and here's another 30,000 transaction, if they were being aggregated, obviously be over limit. Of course, it's like everything else when in doubt, need to

comply. If you want to rely on any of these limits, make sure you've got the evidence to show that the reliance was reasonable.

The Deputy Speaker -

Thank you. Honourable Minister Brooks.

The Hon. Mark Brooks -

AG, just a question for clarity. If a transaction happens at any given time that is under the lower monetary level, but while sitting in the trust it grows in value, as we are referring to some cryptocurrencies that can change value very dramatically in a very short time or period, is it clear then that it was the duty to report?

The Hon. Attorney General -

Well the duty to report is not necessarily determined on whether the transactions to report will cause a in a few minutes time, the issue here is know your client at the time that you're setting up, or whether it's the advice or you're setting up a trust, or whatever it is that you're doing. Any business in engagement, seems to be well advised to do this anyway. Leave aside the organs to demonstrate that they have exercised due diligence, but they say the duty to report isn't determined on this duty to report to say, clause eight actually is the real stuff, we really start to catch the activities between clause seven and eight. So if I could defer answering part of the questions to consideration of seven and eight.

The Deputy Speaker -

Thank you AG. So I put the question that clause six, do stand part of the Bill.

### **Question put and agreed.**

The Deputy Speaker -

I put the question that clause seven do stand part of the Bill. Attorney General,

The Hon. Attorney General -

Thank you, Madam Chair. So this is where we switch from having some set up, some of the framework, to the real meat of the Bill. And here we have our first duty in clause seven. It's the duty not to engage in abusive business practices. So I remind you, obviously, we've been through clause four, clause four has set up what the abusive business practices are, and as I say, it's easy to remember them. They're either crimes, or steps that are on the way to being crimes, or abusive tax avoidance, amongst other things. So our starting point of clause 7 (1), it is the duty of all persons and business entities in St Helena not to engage in or facilitate any abusive business practice by anyone, against as wide as you could possibly imagine. And you know, if anybody says, well, actually, that's too wide, I would then point it to clause four and say, which one of these abusive business practices do you particularly want to get engaged in? It's worth pausing and reflecting to bear in mind that, for example, as a lawyer, I would be in breach of my obligations to Solicitors Regulation Authority if, for example, I advise the client to commit a crime. I'm not allowed to do that, you know, and the same will go for other professions. So you know it doesn't impinge on my ability, or any lawyer's ability, to provide advice, because you shouldn't be providing advice for any of those abusive practices to facilitate them in any event. Then we look at clause 7 (2). So we've looked at the 7 (1), which is the general duty. 7 (2) is looking at the management behind whatever business entity we're dealing with. It is the duty of any person or business entity who has, to any extent, involvement in the management or control of a business entity in St Helena not to permit conniving, or through their neglect,

allow any business entity in St Helena or elsewhere to engage in or facilitate any abusive business practice. In other words, we're saying it's not just the business entity's responsibility not to engage in abusive business practices, it is the responsibility of the directors, the managers, whether they are obvious ones or they are shadow ones. It's their responsibility as well to ensure that it doesn't happen or it isn't facilitated. And then we carry on at clause 7 (3) which looks primarily for giving it a bunch of advice. It's the duty of any personal business entity supplying professional services not to provide or facilitate the use of business practices by any business entity, whether in St Helena or elsewhere. In other words, it should not be the part of any of our professional services providers to facilitate abusive business practices, whether in St Helena or elsewhere, deliberately making it multi-jurisdictional in the sense of the fact that you're on St Helena means that you're going to behave yourself, and you're not going to facilitate crimes elsewhere, let alone crimes within in St Helena.

The Deputy Speaker -

Thank you. I put the question that clause seven, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause eight, do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you, Madam Chair. So clause seven, we've dealt with a duty that falls on businesses and people that manage them. Now we're thinking about, well, what is the situation if abusive business practices are known to be taking place or are suspected to take place. And clause eight imposes a positive duty on people who have that knowledge or to have that knowledge. So you can see it clause 8 (1), it's the duty of any personal business entity who has, to any extent, involvement in the management or control of a business entity in St Helena, so that same formulation again, and knows or suspects or would know or suspect if reasonable inquiries were made that the business entity, or any business entity with which it is associated, is engaging in abusive business practices. The duty is to report such matters in writing to the Chief of Police within the reporting period. So let's just deal with the reporting period again, we went through all the definitions. Reporting Period means five days from the date the personal business entity knew, or should have known, that the state affairs giving rise to the obligation to report. It's deliberately a short period of time so people can't contemplate too long and hard as to whether they should or they shouldn't. The simple answer is, if you think you're within, report it. It becomes simple and straightforward. And as we see, there are incentives to people to report, which we will come on to in a moment. Likewise, then for we have a clause two, is the duty of any personal business entity who supplies professional services to a business entity in St Helena. And again, the same formulation, knows or suspect, or would know or suspect if reasonable inquiries are made that the business entity, or any business entity with which it's associated, is engaging in abusive business practices. And again, the obligation is to report in writing to the Chief of Police within that five day reporting period. For the lawyers amongst us and those lawyers who are listening, nothing in sub clause two requires anyone to include and report anything that would involve breaching any privilege relating to legal advice being sought or given. But you cannot advise. You cannot give advice in relation to crimes in any event. It's called the crime, fraud exception. It's not privileged, as it were. So you know, it is right, and people need to take legal advice. It might be to take legal advice as to what do I have to report, when, that's perfectly legitimate and that's perfectly fine, just do it efficiently, please. And you have an incentive to do it within five days. The key thing is, you know that

advice does not need to be provided. But if your lawyer's advice is, yes, you should be committing this particular crime or this is how to do it, it's not privileged, and it would not be excluded under 8 (3) in any event. Thank you.

The Deputy Speaker -

Thank you AG, any Member wish to speak? I put the question that clause eight, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

Members I am conscious that it's coming up to half 12. I don't know whether you want to continue with this, or do you want to take a break yet?

The Hon. Attorney General -

Madam Chair, I suggest that we do clause nine, because it actually fits, and I think the break comes before clause 10.

The Deputy Speaker -

Okay, thank you. So I'll put the question that clause nine do stand part of the bill. AG.

The Hon. Attorney General -

Thank you, Madam Chairman, as you probably could tell from my remarks a moment ago, clause nine does hang with the previous provisions. It also hangs with the definition of due diligence. This particular clause is directed to those who are providing business services. So as you can see, it's another duty. It's the duty of any personal business entity to provide professional services involving any transactions or series of transactions in excess of the 50,000 pounds, lower monetary limit, to exercise due diligence, to exercise their know your client obligations before engaging with, or contracting with, or providing any professional services to any other personal business entity. So at the take up stage, before engaging to undertaking, facilitating, enabling, or providing any advice concerning any significant transactions - so this is back to the point of, have we crossed a significant transaction threshold that might come at a later point, distinct from when the client's been taken on, which is why it's specifically identified, and also as a third catch all periodically and no less frequently, than once every 24 months - to make sure, in terms that the data is kept up to date, and as you can see, that that is supported by the duty in 9 (2). It's the duty of any personal business entity providing those professional services required to exercise due diligence, to retain the evidences that it has exercised the due diligence for at least six years from the date of carrying it out. So in other words, get your photographs of a passport, to make sure you've got your utility bills, whatever it is that you're finding out, all the information you require and keep it for this at least six years to demonstrate that you did what you are required to do.

The Deputy Speaker -

Thank you AG. Honourable Andrew Turner.

The Hon. Andrew Turner -

I am not sure if this is the best phrased as a question, but I will try and keep this as one. Obviously, this is what we are requiring people to collect and keep, is potentially quite sensitive personal data about people. But correct me if I'm, there is a section later on that deals with the requirement for the confidentiality of that said data. Obviously we don't have proper data

protection legislation. I think we can add that one to the list of other things that would have made this Bill better, but that, if you could confirm that protection is there, so that the people listening aren't panicking at the thought of lots of companies having to hold on to their data for six years.

The Deputy Speaker -

AG.

The Hon. Attorney General -

So it's, forgive me a common misconception that we don't have data protection law in St Helena. Through one of my favourite ordinances, the English Law Application Ordinance, 2005 we almost certainly have, forgive me I'm not able to say with absolute clarity, but we almost certainly do have the Data Protection Act 1998. In addition to that, through our Constitution, we have the duty or the obligation to protect family life, the right to a family life that necessarily brings with it obligations with regard to privacy and confidentiality. We also have our common law, which will have incorporated from English common law the basic principles, the common law duties of confidentiality and privacy and the like. You're right, it is something that does need to be looked at going forward. It is something that hopefully we will change. I'm glad to be able to report that we have just retained Crown Council with specific data protection skills and expertise, which I'm looking forward to seeing used to the benefit of St Helena and the wider Overseas Territory that we are all part of as well. I'm not concerned particularly because the common law duties are there, and I say data protection of 1998 is almost certainly part of our law too.

The Deputy Speaker -

Thank you AG. Honourable Andrew Turner.

The Hon. Andrew Turner -

Thank you AG for that explanation and I'll amend that to say up to date data protection legislation rather than proper.

The Hon. Attorney General -

Madam Chair, I'm sure Councillor Turner does not want to stamp UK, GDPR, we simply are not equipped to manage data protection to that extent.

The Deputy Speaker -

Thank you. So I'll put the question that clause nine, do stand part of the Bill?

**Question put and agreed.**

The Deputy Speaker -

Members, I'll ask once again, do you want to break now for lunch, or you want to continue and finish this?

The Hon. Minister Scipio -

Can we break the lunch now please Madam Deputy Speaker?

The Deputy Speaker -

Thank you. Can we take an hour's break then please and return at half one. Thank you very much.

The Hon. Minister Scipio -

Thank you Madam Deputy Speaker.

The Deputy Speaker -

Honourable Members, I hope you had an enjoyable lunch. So we pick up where we left off, and we'll now start at Clause 10. I put the question that clause 10 do stand part of the Bill. Honourable Attorney General, if you would kindly elaborate.

The Hon. Attorney General -

Thank you, Madam Chairman, this clause 10 is again one of those important clauses in the Bill, and it's all about the primary enforcement or investigatory power, which is entitled to requisition for information. RFIs, as they are occasionally known in the trade, are a common tool that you'll see across much legislation. You even passed one only in the last LegCo, in regard to the Communications Ordinance, there's one there. So an RFI requisition for information is all about serving notices of questions, requiring questions to be answered on, we'll come on to whom in a moment. So just say to yourself, an RFI is a notice that asks questions and requires truthful and honest answers, and that's what this is all about now, because we'll be asking businesses, business people, to describe their own entities. It's important that we're clear how this RFI can be used. And it's, as you'll see when we go through the provisions, we are deliberately trying to make sure that anyone who gets an RFI is fully informed about how the information that's returned can be used, what their duties are when it comes to responding truthfully and honestly, and if they need to take legal advice, or have you, they need to be given a proper opportunity to do so. So just bear in mind all those principles all the way through, another way of thinking about it is, in many ways, the provisions in Section 10 are like a police officer giving you a caution. I'm sure you are familiar with the caution, if not personally, from watching television. You're not obliged to say anything, but it may harm your defence that you do not mention when questioned, something you later rely on in court, anything that you do say may be given an evidence. So whilst you won't see those words in clause 10, do please bear that in mind. So 10 (1), we start off with authorised officers. So who are the authorised officers? Well, if you look back to clause two, you'll see the authorised officers are defined there to include the Attorney General, the Chief of Police, the Commissioner of Income Taxes, Collector of Customs, Financial Secretary, so we have the Financial Secretary in three different versions, and Registrar of Companies. So any of those authorised officers who, crucially has reasonable grounds for suspecting that a personal business entity has or may have knowledge of abusive business practices connected in some way to our jurisdiction, then they can serve this RFI, this requisition for information in writing on the person that they suspect to be involved or that business entity. So far, so simple. And then at clause two, we specify precisely what the RFI must contain. So if we're asking questions about a business entity, it makes sense that we specifically identify the business entity or entities involved, and that's why you've got it today. So the requisition for information must include the business entity or entities about the particulars of information is being sought, either by name or some convenient class or description. So we may not know, the authorised officers may not know the, (*thank you very much*). They may not know what the corporate structure is that underpins all that, and that's why we can refer to it as a class. So it might be, we write to an authorised, or we write to an individual and say, 'please tell us all about the companies', the group of companies, the holding group, whatever it is, we don't have to name all of the entities, but it's widespread in those terms. So (2) (b), a requisition for information must include the particulars of information being sought. In other words, it must include the questions that we're going to ask. It must include at (c) the date by which the information of particulars must be

provided. And you'll see when we come on later, sub clause five, that's a minimum 28 days, so a month must be given in practical terms. If we're going to serve the notice, we've got to make sure that the authorised officer's contact details, including physical address, telephone numbers, email addresses, are also provided. So if they need to come back and talk or challenge, they can do so. So in addition to that, we've got to provide a copy of this whole Ordinance so the person responding to the RFI gets a copy of this Ordinance, but we'll have to highlight the duties imposed so nobody can pretend they don't know, because we'll have highlighted those duties, the criminal offenses, we're going to come on to those a little bit later. How many informational particulars provided may be used, or supplied to others. And this touches on the issues of confidentiality that we talked about before, but it also means that the information can be shared with outside agencies. So we could, for example, share this information with HMRC to name but one example. That we must also tell them, that if you need more than the 28 days within which to respond, you can ask for extra time to be given. We talk again (e) (v), that the informational particulars provided in response is admissible in court. So again, this is part of that caution bit. You know, we are telling people that the information they give is admissible in court, including in relation to offenses that they might be committing. Okay, that's important. And then (e) (vi), a personal business entity on who the requisition has been served and any person who has, to any extent, management or control, should consider whether or not they need to take legal advice. That's the important point. So again, it's another sort of constitutional position if you're potentially going to have to make admissions, but it makes sense that you take legal advice to the extent to which you need to do so. And then we have, at 10 (3) the particulars of information being sought can relate to any matter that the authorised officer deems appropriate, including, without prejudice, the generality of the foregoing, other business entities. So we can ask about was it just this company, or is it other companies as well; the identity of the officers, managers and anyone exercising to any extent management or control; do you have any shadow directors; do you have any shadow partners; are, you know, is somebody exercising control from behind the scenes. Hopefully, legal owners, legal ownership will be stated in some registration somewhere, but who knows. Beneficial owners may not be and of course, you will recall PARBO and everything else that we just brought into force recently. We can all ask about partners and partnership banking arrangements, professional service providers, what trust arrangements have been created, trusteeships, nominee ships, agency relationships, they're all the same sort of thing. Crucially, it's one of the tests of beneficial ownership as someone who's in receipt of rents and profits. But you can see here just a slightly different version, anyone who receipts of profits, dividends or entitled to benefit from any of the arrangements. So who is benefiting from the fact that you're hiding assets here? I'm sure HMRC might be interested to find out in certain circumstances. And then (3) (xii), we can also ask about ownership, management or control of any assets or money. So you're saying that this asset doesn't belong to you. It's got somebody else's ownership label on it. Well, tell us, tell us all about it. So (4), a requisition for information may require any personal business entity to producing evidence it contained when it exercised due diligence. So again, remember, we know your client, we can ask professional service provider to tell us what the evidence is. They've got to prove everything was legitimate. And as you can see, at (5), as I said before, you've got 28 days as a minimum with which to reply. And (6) gives a discretion to the authorised officer that they may at any time before the time has expired, withdraw or modify the requisition, extend time if additional questions are being asked, and crucially, if additional information is being sought, an additional minimum 28 days must be provided. So the idea is to try and strike that balance between saying, look, this is an important document, you must reply to it honestly and truthfully, and the duty to respond appropriately is in the next clause. But it's making sure people have the proper time, they're told they should take legal advice or consider taking legal advice, they've got proper times to respond, and they understand, because

they've been provided with a copy of the Ordinance. And the duties have been highlighted, the criminal offenses have been highlighted, that they should be under no illusions what their responsibilities are when it comes to responding to the RFI. Thank you Madam Chair.

The Deputy Speaker -

Thank you, AG. Any questions Members? No, okay. I put the question that clause 10, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I now put the question that clause 11, do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you very much, Madam Chairman. And as I hinted a moment ago, clause 11 very much sits alongside clause 10, but it's entitled the "Duty to respond appropriately to a requisition for information". So at 11 (1), we have a duty. It's the duty of any personal business entity on whom a requisition has been served, to provide the particulars and information source within the specified time or otherwise agreed and provide true and complete particulars and information. And that's amplified by sub paragraph two, it's the duty of any personal business entity on whom a requisition for information has been served not to provide false or misleading information, or provide any information the person providing information does not believe to be true. Now, just pausing there, that sort of formulation is what you'll see if you're required to ever to sign a statement for criminal or civil purposes. You will be familiar with we call it the perjury caption in the trade, but you were familiar with the perjury caption that you must not provide false and misleading information, or provide any information that you do not believe to be true. And then we carry on the same vein in sub paragraph three, it's the duty of any personal business entity who has, to an extent, control or management of the business entity, or person on whom the RFI has been served, to ensure that the duties we've just been through are carried out. So it's not sufficient to say, as the manager, director, shadow director, whatever, I've got no responsibility, I've left it to one of my junior colleagues to fill it out. No, no. That's why sub paragraph three is to make sure that anyone who has, to any extent, control of the business knows and has the obligation to make sure that the RFI is completed promptly. And then finally, for this particular clause, we have sub paragraph four, it's the duty of any personal business entity providing professional services on whom an RFI is being served, concerning a personal business entity, they provide professional services to also to provide the information, to sort and provide true and complete particulars and information.

The Deputy Speaker -

Thank you, AG. Honourable Andrew Turner.

The Hon. Andrew Turner -

I just wanted, it's a very technical legal question. I've often seen these things phrased as must not knowingly provide rather than must not provide false information. Can you explain why it's 'must not provide', rather than 'knowingly'.

The Hon. Attorney General -

Part of its drafting style, but also it's actually to reinforce the fact that people have got to go on reasonable inquiry, you know. And we don't want any legalese or weasel words, however you want to describe it. We don't want to give anyone any opportunity to say, well, I didn't realize.

I didn't know. No, you've got to make reasonable inquiries. I mean, don't forget, you may not be able to get to the complete truth. And we've said this earlier on about taking reasonable steps, reasonable precautions, and so on and so forth. Show us that you've done your work. Don't just give us the answer to the homework. Make sure you show your workings out. It's the same sort of principle. Demonstrate that you've done it properly. If you've done it properly and you still end up with the wrong answer because you've not been able to find something, it may not be a problem for you, but just show that you've done a proper attempt to complete it. That's the intent behind it.

The Hon. Andrew Turner -  
Thank you.

The Deputy Speaker -  
Thank you. Honourable Members I put the question that clause 12 do stand part of the Bill. I beg your pardon, it is 11. Okay, Honourable Members I put the question that clause 11 do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -  
I put the question that clause 12 do stand part of the Bill. Attorney General.

The Hon. Attorney General -  
Thank you, Madam Chairman. So as Councillor Turner raised earlier on this morning, there are important provisions with regard to safeguarding confidential information. So just imagine, you're a business that you've been asked a series of questions, including, for example, your banking arrangements. That's one of the particulars that we could ask for. It's very important to you that that sort of information is kept confidentially. And therefore we have, at clause 12 (1), an authorised officer in receipt of a response to the requisition, shall keep that information securely and confidentially. That's an absolute duty of the authorised officer. So taking me as an example, it would be insufficient for me just to rely on my subordinates in an Attorney General's chambers. They receive this, it's my responsibility. Has the authorised officer to ensure that the confidentiality is maintained. However, nothing in that duty prevents me sharing that information with any of the other officers. So let's assume for a moment, I serve the RFI. We discover information that suggests tax evasion within St Helena, I can properly share that information with Dax, in one of his guises as Commissioner for Taxes, for example. I can also share that information with an outside agency that I consider to be properly interested in the information. So if we get a state of affairs or the arrangements that might suggest, for example, abusive arrangements which are affecting, I'll use the United Kingdom as an example, I will be authorised, providing I am properly have judged it, but I can share that information with, for example, HMRC. And then we have it (2) (c), so I've got nothing in the sections for sharing information with any person or entity in any jurisdiction properly involved, or conserved in the suppression of, or tracing or investigating any abusive business practices. So that's all a long list to get you know, modern slavery, terrorism, sanctions busting, crime, etc. I could share this information with those people, and for clarity, it includes those detecting or suppressing crime, collecting taxes, administration or registration of trusts or businesses, tracing assets, winding up of businesses, insolvency, bankruptcy. One of the areas I do think may get interesting, may be in relation to business insolvency. Let's assume, for the sake of argument, that someone is trying to put assets beyond the reach of creditors, they might decide to use our jurisdiction potentially as a means to do it. This is where the combination of the RFI and my ability or the

ability of the authorised officers to share that information, is we could go and deal with these insolvency practitioners or whatever else are involved the courts in for example, again in the UK, to share that information. And I'm sure it would be very helpful to anyone charged with responsibility of tracing where assets have gone, particularly if they're being put beyond creditors that there is a power here. In theory, let's assume that you've got a divorce, a horrendous divorce settlement taking place, and one of the parties to the divorce is also seeking to hide assets. This is something that potentially is available as a power to investigate.

The Deputy Speaker -

Thank you. Honourable Andrew Turner.

The Hon. Andrew Turner -

So I just wanted to ask, is there a standard that any of these organisations would have to meet before we share it with them? Or is it, could it, is it literally just sort of, in the opinion of the well, in your opinion in this case, as to whether these organisations are legitimate or not?

The Hon. Attorney General -

So you get some of the answer in 12 (2), so obviously there has to be a question of discretion, because obviously different jurisdictions set up organisations in different ways. And as we know, some organisations are wound up, wound down, amalgamated, change and so forth. So it'd be very difficult to define precisely what that means, but you do have 12 (2) (b) that the sharing of information can be an outside agency that the authorised officer considers to be properly interested. So there's a part, there's a proper test in terms of properly that will mean there's a legitimate interest in the information, but it's also would imply that it's a proper organisation asking for the information as well. And then to assist in understanding that you've got 12 (2) (c), which actually lists out the sorts of entities from outside jurisdictions where we'd be interested, such as detection fine involved in tracing of assets, winding up and so forth. Is some examples that I gave before.

The Hon. Andrew Turner -

If I may. It's that list that sort of gives rise to the question, because you mentioned sort of looking at creditors and divorce lawyers and things. But I'm wondering if it was something like, for example, loan sharking, which we don't, which is allowed in some countries but not in others, we're talking about a difference in legal systems, would we consider that properly interested by our standards, or the standards of the country of the person seeking it, if that makes sense?

The Hon. Attorney General -

Don't forget, I need to take you back to the definition of abuse of different practices. So I need to have some hook within section four that gave rise to it. So taking loan sharking as an example that could, depending where we are, amount to a crime, depending on what offenses we have, so that that potentially would give me the link to what is required. Loan sharking may or perhaps be involved with tax avoidance, tax evasion, but more perhaps, that may fall within any other practice or arrangement inimical to the interests of St Helena. If we were being used to facilitate loan sharking elsewhere, as an example, that's exactly why we've got 4 (1) (r), to try and catch that sort of issue. So it has to be dealt with on a case by case basis. You've got to say all loan sharkies would be formed within this, couldn't say that, you'd need to look at it, but it is potentially caught.

The Hon. Andrew Turner -

Thank you. So yeah, I think that makes sense now. So I was more interested in if it was the loan shark trying to recover assets on St Helena, as it were, rather than somebody hiding their loan sharking on St Helena. But yes, thank you, you answered the question.

The Deputy Speaker -  
Hon. Karl Thrower.

The Hon. Karl Thrower -

Thank you Chair. Just one thing AG. So obviously 12 (1) puts the emphasis for security and confidentiality onto the officers. But just one thing, why is there nothing there, obviously all of them work for SHG, but all of their IT is supplied by SHG, so who's responsible for a data breach? Because you've got a contract, if I say to you, whose laptop is it, chances are it's going to be IT. If I say, who's responsible for the security of your data on that laptop, it's not yourself, it's actually IT. Don't we need to have something in there about SHGs responsibility for maintaining that security and confidentiality.

The Deputy Speaker -  
AG.

The Hon. Attorney General -

Well, there are lots of answers to that, ranging from employment contracts through to Nolan principles, to lots of other ones. But the one thing I would point you to, and also anyone concerned about it, is clause 18, which we're coming on to later. Any person who fails to discharge any duty imposed by this Ordinance shall be guilty of an offense. So an authorised officer shall keep the information securely and confidentially. Now, depending on whether you interpret that as a duty or not, I leave that open, and I'm not saying to anyone listening to the, or trying to discern the intent of the legislature that it is, but there would be a very strong case for arguing that it could be and that 18 (1) would make it a criminal offense to fail to ensure that it's kept securely and confidentially. The duty is on the authorised officer. So whether it's me, whether it's Dax, whether it's somebody else, it's my responsibility to comply with Section 12 (1). If I serve the RFI, for example, I've got to make sure it's kept securely and confidentially. That might mean I keep it in paper in a safe, as distinct from IT, by way of example. Thank you.

The Deputy Speaker -

Thank you. Any further questions, no? I put the question that clause 12, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker

I put the question that clause 13, do stand part of the Bill. Attorney General.

The Hon. Attorney General -

So thank you, Chair. Clause 13 provides the incentives for people to make the disclosures. So we have three sub clauses. Sub clause one, any report may pursuant to section eight, so if I refer you back to section eight, this is the duty to report. So it's your business, or you're providing professional advice, or so and so forth, you have a duty to report, and you've got a duty to provide within the reporting period, which, again, is five days. So any report remain pursuant to section eight, so you've got the suspicion, you've made the report within the

reporting period, (a) shall not be admissible in evidence against the person making the report, other than with regard to proceedings for an offense pursuant to section 18 (3). So let's glance at 18 (3) and 18 (3), it's an offense to make a report which contains information the person making the report knows to be false, it does not need to be true. So we can put that to one side. So in other words, a proper report made pursuant to section eight isn't admissible in evidence against the person making the report. So it's an incentive to say there's an issue, etc, etc, here we are, and if you do not make, whether it's a personal confession or a confession for your business as it were, you know that that report is not admissible against you. However, the rub comes at sub paragraph two, any report made pursuant to section eight, outside the reporting period 'may', not shall, may be admissible in evidence in proceedings against the person making the report, where the Court determines that admitting the evidence in all the circumstances is just unreasonable. So in other words, let's assume that the RFI is extraordinarily complex, or the report to make is extraordinarily complex and actually the reporting period might be too short, but you've really, really worked really, really hard to do, and you can show that you've worked really, really hard, and you go to the Court and say, this is unfair to have it admissible in evidence, I'm sure the Court would go 'look under the circumstances we get it'. You know, it's not just a reasonable to bring it forward, but what we want to avoid is a situation where somebody knew they should have reported months ago, years ago, and failed to do so, and then belatedly comes forward and goes, 'oh, I want to claim the immunity for this admission'. Well, you go, 'okay, but it's not automatic that you're going to get the immunity, because why is the delay'. And 13 (2) gives us the opportunity, or particularly gives the Court the opportunity, to determine whether or not it would be admissible in evidence or not. Of course, this wouldn't prevent other evidence coming forward. So it's not just the report that's come forward, it might be evidence from a different source you would be always be able to use that. And we get an example of this in 13 (3), so we've got the duty to report in 13 (1) and 13 (2) and 13 (3) contemplates the reply to a requisition for information. So when the RFI is being lawfully made and is complied with all those requirements in Section 10, any response to that RFI, or indeed, if you don't respond, shall be admissible in evidence against the person or entity in all proceedings, including criminal proceedings against or involving personal entity replied or should have replied. So in other words, if we're serving an RFI on you, we've given you all the warnings, we've told you to go and get legal advice and so on and so forth, that evidence is potentially admissible. Doesn't just mean because it's potentially admissible, doesn't mean you would use it, but it's actually telling people, if you're responding to anything, you've got an RFI served, you've got to reply truthfully, and what you say can and may be used in evidence. In other words, the other part of the caution that I referred to earlier this morning.

The Deputy Speaker -

Thank you AG. No questions. I put the question that clause 13, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put question that clause 14 do stand part of the Bill. AG.

The Hon. Attorney General

Thank you, Madam Chairman. So this is all about the Court orders. It's all very well that officers can ask for information, can serve RFIs, but it's very, very important for the rule of law and for the confidence that people can have, that the decision as to whether any hostile action should be taken does not lie with officers. It lies with our Supreme Court that's in front of our

Chief Justice. It's deliberately pitched at this high level, not because, this is the level of severity and seriousness that must be involved. It's deliberately put there. So 14 (1), the Supreme Court may on the application of an authorised officer and upon being satisfied that a personal business entity is engaged in, or is intending to engage in, facilitate or enable any abusive practice by Order. And then we've got a list of (a) to (f). So it's worth just pausing on that, those opening words to 14 (1), the Supreme Court has to be satisfied, right, that the personal business entity is engaged in, or is intended to engage in, any of those abusive business practices. So it's not on a caprice. You know, we've got to have serious evidence of whether it's a crime, or the steps I described as proprietary to crime, or so on and so forth. So let's assume the Court is satisfied, if it's got that evidence, what can it do. Well, it can, by Order (a), prohibit the commencement or the continuation of that business practice. So that could be a simple Order, stop engaging in money laundering, stop engaging in modern slavery, I'm sure it'd be much more specific than that to nail the particular activity that have been identified. Very powerful clause of 10 (1) (b), prohibit any person engaged in the control or management of business entity from carrying on, in the control or management of business entity for up to 10 years. In other words, a banning order to ban them from doing so. So let's take another, different, another example. Let's assume we've got somebody local who may not be the sharpest knife in the drawer, and they are a front man or woman for unlawful activities or abusive business practices going on behind the scenes. They may be morally innocent, but maybe a bit daft and not up well and asked enough questions, but even that person is vulnerable to being banned from carrying on in that sort of activity, just as much as the brains behind the scenes who might be doing it in any event. So it's a powerful Order banning people from being involved in, I'm going to use the word directors, because people will be familiar with banning orders of people being directors. But 10, sorry, 14 (1) (b) being is deliberately framed more widely to be involved in that in any business. So it'd be effectively an injunction from the Court saying, 'you Mr. and Mrs. whoever it is, must not be involved in managing a business for up to the next 10 years. So one of the other Orders the Court can do is to freeze any or all assets of the personal business entity until further order. So you know, you've put all these assets in trust and you're hiding them from particular jurisdiction, well, we're putting a freezing order on them. And then the Courts going to be the one who decides what happens next. The Court under 14 (1) (d) can confiscate any and all assets of the personal business entity. Obviously, that would be just a reasonable test that the Court will apply. One of the more powerful ones, again, is (e), require the compulsory winding up of the personal business entity in question. And (f), the catch all, the Court can make any other orders. Now crucially, we want to make sure that when the Court makes any orders, it does it properly. So therefore we've given guidance at 14 (2) that the Supreme Court shall specify in those orders the dates or dates from which the Order or any aspect of the Order shall take effect, and when necessary or appropriate, the dates by which the Order, the requirements of the Order have been completed or finalised. So it's one thing for me to say, I require this business to be wound up. That's fine. I require this business to be wound up by 31st of December, or whatever else. That's what we're trying to ensure that there's some pace is added. I require these assets to be frozen. I require these assets be frozen and transferred to the custody of, by x date.

So we look at 14 (3) in addition to making the orders we've described, the Supreme Court can make up incidental orders as required, including as to costs. So if, for example, the authorised officers are not doing things efficiently, we could be penalized in costs, obviously it's a penalization for the government in those regards, but equally, if we've got people who are trying to frustrate the orders, then the Court can make other orders that seek to avoid the frustration. Again, crucially, at 14 (4), this is all about the rule of law and making sure that people are answerable and accountable. So the Supreme Court may require the attendance in court of any authorised officer, whether or not they're the authorised officer having made the

application of subsection one. So I would anticipate the Supreme Court may require my attendance, because a lot of this would be legalistic, or whatever is going on. The Supreme Court would say, 'Attorney General, I want to see you in Court'. And literally, I would be required to go. If it was more financial, perhaps it might involve Financial Secretary or something of that order. Again, rule of law issues 14 (5), any person with an interest in the business or business entity before the Court, or who has a requisition of information served on them has a right to be heard. So you know, it would be absolutely outrageous if we gave the court confiscation powers without giving the person whose assets may be confiscated the right to be heard. And that's why 14 (5) is very, very important for our constitutional propriety. Obviously, if you decide not to turn up, this is 14 (6), well, the Court can get on and carry on anyway. So nothing in subsection five precludes or prevents the Court from proceeding in the absence, if satisfied that it's reasonable and appropriate in the circumstances to do so. And then at seven, we have any authorised officer, or personal business entity affected, may apply to the Court to have any orders modified or discharged. And crucially, at sub paragraph eight, we give the right of appeal from the Supreme Court to our Court of appeal within 28 days. So again, making sure that anyone potentially affected by these quite serious and significant orders has the proper opportunity to be heard and the right to be heard on appeal, should they need to do so.

The Deputy Speaker -

Thank you AG. Any questions? No. I put the question that clause 14, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 15 do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you Madam Chairman, mercifully, for this particular moment of time, the shortest clause, clause 15 confiscation. If the Court orders confiscation of assets, they are to be paid into the consolidated fund.

The Deputy Speaker -

Thank you.

The Hon. Karl Thrower -

Can I just ask something? Obviously, we just went through a thing with the Basil Read assets. What about physical assets? So you confiscate my truck, but it's something that would be useful to the Government. Does it have to be sold under this because obviously you can't put the asset into the consolidated fund?

The Hon. Attorney General -

I could put proceeds of sale into the consolidated fund. The Government could buy the asset. That's one way around incidental orders to be made by the Court specifically to cater them. Those sorts of circumstances and others where you know it's not money, it's something else, it would be money's worth in the example. Typically, if something's confiscated, you'll often see a power of sale attached to it. So I would expect the order of the Court to confiscate such and such an asset, it might be, and to transfer ownership to government, or it might be to sell, and the proceeds of sale to then go into the consolidated fund, as required.

The Hon. Karl Thrower -

To be honest, the first thing that came to mind when I read that was telecommunications networks. Just saying.

The Deputy Speaker -

Thank you. Okay, I put the question that clause 15, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 16 do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you, Madam Chairman. Now this is an interesting section. It involves what's called a reverse burden of proof. I'm sure we're all familiar, whether it be civil proceedings or criminal proceedings that there are burdens of proof on parties to the proceedings. So a simple example in criminal proceedings, the burden of proof is on the prosecution to prove all the essential elements of the offense beyond a reasonable doubt. If you are in civil proceedings, the burden of proof is called the balance of probability. So it's just about 50% the Court is satisfied on that just about 50% standard, then it will give an order or whatever, or find facts on that basis. Whenever there's a situation in criminal proceedings that a defendant needs to prove something, then the obligation is only always on the balance of probabilities. It's never for the defence to prove something beyond a reasonable doubt. So let's look at 16 in some detail. In any circumstances where a Court is considering whether a business practice is abusive, so our list of (a) through to (r) again, section four, once the Court is satisfied that there are reasonable grounds for suspecting that the business practice in question could amount to an abusive business practice, then it will be for the personal entity contending that the practice is not abusive, to demonstrate to the court satisfaction that that's the case on the balance of probabilities. I'll give you a very simple example. I've used this example before. It's an offense to drive a motor vehicle without a driving license. Now, it's not for the prosecution to prove that they've gone through all the lists, all the databases of all the driving license that have been issued and they can't find your name. It's on that basis that will prosecute for failure to have driving license. In those circumstances, the burden of proof is on the defence to prove they've got the driving license. After all, it's much easier for someone to go but 'look, here's my driving license'. There's no real burden in relation to doing it's actually easy and straightforward, and the Courts accept that there are circumstances when reverse burdens of proof are appropriate. And one of the areas that it's considered most appropriate is in relation to business and business practices, and it particularly with regard to trading and commercial activities, it's appropriate under those circumstances. So let's assume section 16 again, this is not on a caprice. The Court has to be satisfied that there are reasonable grounds for suspecting that the business practice in question could amount to an abusive business practice. So there's a threshold that has to be crossed. And so what you'd have probably is a situation where the authorised officer would go to court saying, I'd like an order in relation to particular circumstances, here's the evidence I've got. I've got reasonable grounds for suspecting that an abusive business practice is taking place, and the Court would look at it and go either yes or no, and if they said yes, then before taking action, it would be for the person who's carrying out that abusive practice to demonstrate that it wasn't. So let's take an example of a trust, say, there are many, many good reasons why somebody would want to set the trust, and it's perfectly legitimate. We've had examples before where trusts are often set up under wills and things of that order. Absolutely, perfectly fine and dandy. And if you were ever challenged, it would be easy for the person in question to go,

'look, my purpose of my trust is straightforward, here's the will trust, here's the will that demonstrates why this particular asset is held in this particular way', it's very much easy for that person to prove it. You know, why is it that I've got this money in this account? Well, the reason I've got this money in this account is because, and then you set out the arrangements that you've got. It's much easier and much more straightforward under all the circumstances for the business to show its innocent explanation, and it will be straightforward to do so on the assumption that it has an innocent explanation. And I think it's reasonable in all the circumstances if they don't come forward with an innocent explanation for the Court to make the appropriate orders. And that's the thrust of having the reverse burden of proof. It's not too difficult for the person question to provide it. They should have all the information that demonstrates their innocence. It should be straightforward and easy to do, and it's not at all circumstances. It's only when the Court is satisfied they are reasonable grounds for suspecting. It's not on any Caprice. That is one of the more powerful provisions in the Bill. Thank you.

The Deputy Speaker -

Thank you AG. I put the question that clause 16, do stand part of the Bill?

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 17 do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you, Madam Chairman. Clause 17 is where an outside agency, so let's use the UK HMRC example, is able to request our assistance in the jurisdiction, more particularly, the assistance of an authorised officer to serve an RFI. So this could be HMRC has evidence that our jurisdiction is being used to conceal the beneficial ownership of assets, one of those things that's listed (a) through to (r), they may give us that information and ask that we may serve an RFI in relation to whatever business entity may be involved. One of the protections then comes at 17 (2), the authorised officer receiving the request from the outside agency must be satisfied there's a proper basis for serving requisition under the Ordinance before doing so. So just because we have a phone call or email from HMRC does not make it automatic. There is a requirement for the authorised officer to properly consider whether it's appropriate under the powers under the Ordinance. Three, in case things aren't clear, the authorised officer receiving the request to serve the RFI from the outside agency, may seek the assistance of the Supreme Court to determine any relevant or questionable uncertainty that may arise. So again, it's another check that if the authorised officer is not sure, it can go and seek the assistance of the Court. And then, as you can see, at four, it's for the Supreme Court to determine whether to permit a representative from any outside agency to be heard in this proceedings. Exactly what you'd expect, but it would allow us to say, I'll take HMRC again as the example, HMRC asks us something we're not clear about it, the authorised officer goes to Court, says to the Court 'is this legitimate under the Ordinance'? You can give advice, and the Supreme Court may say, 'do you know what it would help or maybe a person to hear from HMRC in our proceedings', and we have the opportunity there. So it's again, it's a proper check to make sure that we're not just following the whim of an outside agency. We are properly considering it under St Helena law and with the assistance of our Courts where necessary to make sure the proper constitutional protections are in place.

The Deputy Speaker -

Thank you. Anyone wish to speak? Honourable Minister Brooks.

The Hon. Mark Brooks -

Just for clarity again, AG, under this assistance outside agency, I take it that for 28 days still count, with the option of extending, if requested.

The Hon. Attorney General -

All of those provisions, we'd have to go straight back to Section 10 for all those provisions, with regard to what an RFI contains and there's obligations. So yes, we would be giving a minimum of 28 days, at times, extending at least a further 28 days, if not longer, depending on the circumstances.

The Deputy Speaker -

Thank you. I put the question that clause 17, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 18, do stand part of the Bill. AG.

The Hon. Attorney General -

Thank you, Madam Chairman. Clause 18 contains all the offenses. And as you can see, in each case, the penalty that can be imposed is a fine of up to 25 sorry, 250,000 pounds, or sometimes 20% of the assets within St Helena, whichever is the greater, as required. In the case of an individual, the fine is the same, up to quarter million and a term of imprisonment of up to two years. So let's just go through the different offenses under clause 18. So 18 (1) we touched on before. It's very simple offense. Any person who fails to discharge any duty imposed by this Ordinance shall be guilty of an offense. So we've gone through duties earlier on, and then 18 (2) relates to the RFIs. It's an offense for any person on whom an RFI is served, or who has, to any extent, control of the business entity on whom the requisition for information has been served, to fail to provide the particulars and information required within the time period specified or as extended, or to provide false and as the particulars of information response to the RFI, or to provide particulars of information respond to the RFI that the person providing the particulars of information does not believe to be true. And then we have at three, it's an offense for any person to make the report. So this is where we have circumstances of making the report under section eight, which contains information that the person making the report knows to be false and does not believe to be true. So that's protecting the integrity of the reporting requirements. And then finally, at level four, sorry, sub four, it's an offense for any person without reasonable excuse to fail to comply with any of the orders that the Supreme Court made pursuant to section 14. The intent is to cover everything broadly in the operation of the Ordinance.

The Deputy Speaker -

Thank you. I put the question that clause 18, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 19 do stand part of the Bill. AG, thank you.

The Hon. Attorney General -

Thank you Madam Chairman. We're going to come on to the question of adopted English law a little bit later in one of our other bills to come before you. And this clause 19 is effectively dependent on the passage of the amending Ordinance, which is coming later this afternoon. Crucially, section 19, clause 19 is merely a statement of intent. It's trying to record the intent of the legislature when we, you are enacting ordinances. So the crucial bit is 19 (a), nothing in this Ordinance affects or is intended to affect any adopted English law. We have a definition of adopted English law in the English law application Ordinance, 2005. In broad terms, it's all the statutes that were enforced in England, broadly, as at the first of January 2006, together with any other adopted English law that we've brought in through, or is brought in for us through any other route. The problem with trying to understand the extent of what is brought within adopted English law is, it's almost nebulous, which particular act is in, which particular act is not in. And the Courts have interpreted the English Law Application Ordinance in such a way that if we legislate, it will have the effect of ousting what we might already have in place through adopted English law. Now, one of the ways to avoid the unintended effect of throwing a baby out with the bathwater is actually to assist the Court by legislative clearly declaring on its face that when we pass this particular ordinance, we are not intending to effect any otherwise adopted English law that may be in the same sort of area. And we therefore get 19 (b) as well in these circumstances, that this Ordinance shall be construed as being consistent with any adopted English law that applied immediately before the commencement of this Ordinance, again reinforcing the fact that we're not intending to affect any of our law that we have brought in through the adopted English law route. Thank you.

The Deputy Speaker -

Thank you. Any questions? I put the question that clause 19, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 20 do stand part of the Bill. Attorney General.

The Hon. Attorney General -

Thank you, Madam Chair. I am sure everybody's delighted to know this is the final clause that we have. And in the trade, this is known as a sunset clause. We are providing for the expiry of the Ordinance on its own face, and that is that the Ordinance will expire on the 31st of December 2027, unless its effects are extended by resolution of this Council. There would be another way of course. You could also amend or appeal section 20, but it's actually making it clear that unless there's some positive step taken, the effects of this Ordinance will expire, will lapse as at the 31st of December 2027. As you heard the Minister say when we went stage one of the bill, there are intents to do wholesale changes to our law with regard to things like company law, anti-money laundering and so and so forth. And it may be as part of those processes that we modify, change, appeal, and have alternative arrangements in place. That means we don't need these particular arrangements. My personal belief is, I think we'll probably keep them, but that will be subject to the next LegCo, the next government what it wants to do. I think these are pretty good arrangements that should stand the test of time but that doesn't mean they shouldn't be looked at. But because for us, it's innovative that's why we're bringing them in only for the trust and the trust corporations and so on to begin with. It's also to ensure that if we need to revise them, we're building in the need to revise here through the sunset clause. Thank you, Madam Chairman, and thank you Members for listening to me talk about all this.

The Deputy Speaker -

Thank you. I put the question that, oh beg your pardon Dr Essex.

The Hon. Dr Corinda Essex -

Madam Chairman, I have serious concerns about this clause because I believe, for a topic as important and as potentially serious as this, it is rash to set its potential expiry date on the 31st December 2027. At this point in time, we have no idea of the makeup of the forthcoming government. We have no guarantee even that the government that's elected in September will still be in post on the 31st of December 2027. They might all resign, or the majority might resign and a General Election might have to be called. We cannot guarantee political stability from here beyond 2027. We have had instances in the past when certain somewhat unscrupulous individuals have endeavoured to create considerable political influence on the island, which, although opinions are always divided, might well not have been advisable or advantageous to the island going forward. So I seriously, basically doubt the value of the decision to give this easy option for the Ordinance to fall away on 31st of December 2027, if it is not the express wish of the majority of Legislative Councillors at that point, for it to be extended. Thank you.

The Deputy Speaker -

Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Thank you, Madam Chairman. I also express concerns because, I mean, up until last month, when we finally saw a small part of the Legislative program that was intended on items that would be brought before the dissolution of this Council, we fought for four years to try and get any sort of Legislative program, and not knowing exactly what legislation is coming through and how that might impact, I would feel uncomfortable as well having something that has a predetermined end date. Because we've not had visibility, certainly not for the last four years.

The Deputy Speaker -

Thank you. Attorney General, are you able to respond to this?

The Hon. Attorney General -

Certainly it's a matter for Members. You are able, should you wish to do so, to propose amendments during our committee stage as you know. That's Order 13 or 12. I'll just read it to you. The Bill being considered in committee shall be considered clause by clause, and any Member may propose such amendments to the Bill as the member may think fit, provided amendments, including new clauses and new schedules are relevant to the subject matter. So if you'll let me assist, I simply suggest you either seek to amend, to delete clause 20 in entirety, which might be the simplest way forward, or suggest perhaps an alternative date.

The Deputy Speaker -

Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Madam Chair, I would like to propose that clause 20 is deleted from the Bill.

The Deputy Speaker -

Could I have seconder? Honourable Andrew Turner.

The Hon. Andrew Turner -  
I'll happily second that.

The Deputy Speaker -  
Thank you. I put the question that clause 20 is removed from the Bill.

**Question put and agreed.**

The Deputy Speaker -  
Thank you, Honourable Members. We'll now resume the Council session.

The Hon. Dr Corinda Essex -  
Madam Deputy Chair, you need to put the amendments first before we resume in Council.

The Deputy Speaker -  
Okay, as part of the whole Bill?

The Hon. Dr Corinda Essex -  
Yes.

The Deputy Speaker -  
Members, I put the question that, as amended, clause 20 as amended do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -  
Thank you. We'll now resume Council. Could the Bill be reported please?

The Hon. Mark Brooks -  
Thank you, Madam Deputy Speaker, I beg to report that the Prevention of Abusive Business Practices Bill 2025, passed the Council with two amendments and to move that this Council approve the said Bill and recommends to the Governor that should be enacted.

The Deputy Speaker -  
Could I have a seconder please? Honourable Chief Minister.

The Hon. Chief Minister -  
Thank you, Madam Deputy Speaker, I beg to second.

The Deputy Speaker -  
Thank you. Honourable mover do you wish to speak to the motion?

The Hon. Mark Brooks -  
Thank you, Madam Deputy Speaker, I'd like to thank those who supported the Bill. Of course, I also would like to thank the AG for taking his time and running through the Bill clause by clause and explaining it to us quite clearly. My concern with removing clause 20 is the fact that we're trying to develop a modern Companies register and legal frameworks. There is a small chance that some of the wording in this Ordinance might put off even some good actors. I'm not saying that is definite but it could be. That is the reason why I supported the Ordinance to have a sunset clause. If for any reason, we didn't completed the whole sweep of measures or

ordinance reforms that we were doing, then it has the option for the future Government to continue with this Bill. The reason why we were keen to put a sunset clause in there for the Bill to be expired on 2027, is because we've already given the steer to go ahead with the drafting of the various anti-money laundering reforms and other reforms that will protect the jurisdiction going forward. But as I said it is neither here nor there. We can't tell what will happen in the future, whether this Ordinance will put off indeed, in companies that want to incorporate in our company's register. But also, I do share the concerns of Members that, and the AG, that having Ordinance continue might not also be a bad thing. So I'll leave it there Madam Deputy Speaker.

The Deputy Speaker -

Thank you. I put the question that this Council approves the Prevention of Abusive Business Practices Bill, 2025 and recommends to the Governor that it should be enacted. Does any Member wish to speak? No. Honourable mover do you have anything further to say? Thank you.

The Hon. Mark Brooks -

No, Madam Speaker.

The Deputy Speaker -

I put the question that this Council approves the Prevention of Abusive Business Practices Bill, 2025 and recommends to the Governor that should be enacted.

**Question put and agreed.**

The Deputy Speaker –

Next item of business please Clerk.

***Motion No. 4 – The Hon Chief Minister:***

### **THE CIVIL LITIGATION (COSTS) BILL, 2025**

The Deputy Speaker -

The Hon. Chief Minister.

The Hon. Chief Minister -

Madam Deputy Speaker, I beg to move that the Civil Litigation (Costs) Bill, 2025, be approved in principle and referred to a committee of the whole Council.

The Deputy Speaker -

Thank you. Is there a seconder? Honourable Minister Scipio.

The Hon. Christine Scipio -

Thank you Madam Deputy Speaker, I beg to second.

The Deputy Speaker -

Thank you. Honourable, the Mover of the motion, please.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. The Civil Litigation (Costs) Bill, 2025 aims to govern legal costs in civil proceedings. Currently, St Helena does not have legislation governing or

regulating the legal costs, which may be recoverable in civil claims before the courts. Until recently, the majority of claims brought on Island were done with the assistance of the Public Solicitor's Office, the legal costs which the PSO, or the Public Solicitor's Office may charge and recover are subject to consultation and regulation through existing ordinances. UK based law firms are now increasingly advising and litigating civil claims on Island and seeking to charge and recover legal costs at rates considerably higher than those of the Public Solicitor's Office. At the same time, such firms and the Public Solicitor's Office are seeking to utilise conditional fee agreements, as a mechanism for funding litigation. The lack of legislation in this area creates legal ambiguity for litigants and leaves SHG vulnerable to paying exceptionally high rates of recoverable legal costs in claims. It is for these reasons that it has become an urgent need to bring forward legislation to formalise and regulate legal costs in civil claims. Broadly the Bill restricts the level of costs that are recoverable in civil claims, setting the maximum recoverable rates for the services of lawyers, as well as other associated costs. The Bill limits the circumstances in which higher levels of costs may be recoverable and ensures that such costs can be appropriately monitored and managed. Madam Deputy Speaker, it is intended that the details of the Bill will be explained in depth when we proceed to the Committee stage. Madam Deputy Speaker, I beg to move.

The Deputy Speaker -

Thank you, Honourable Chief Minister. Before we proceed, Honourable Members, I declare that I'm contemplating being a litigant in the future, and I'm content that I can act fairly and appropriately when this bill is being considered in committee stage. Thank you.

The Deputy Speaker -

(Pause) Honourable Chief Minister?

The Hon, Chief Minister -

Sorry, Madam Deputy Speaker, I'm just advising you that I have a certificate of urgency with regards to this Bill.

The Deputy Speaker -

Thank you. If you could produce that to us. (*Certificate is handed over*) Thank you. I put the question that the Civil Litigation Costs Bill, 2025 be approved in principle and referred to a committee of the whole Council. The question is open for debate. Honourable Andrew Turner.

The Hon. Andrew Turner -

Thank you, Madam Deputy Speaker. I actually just rise to place on record my conflict of interest with regards to the Bill presently before the House. Suffice to say there are a number of people close to me this Bill will affect, rendering it impossible for me to be objective as to its provisions. In light of this, I will not be participating in this stage of proceedings. Nonetheless, I do have a note on the process the Bill has followed, rather than its contents, because for a Bill with such serious implications to have come to this stage with such little consultation is extremely worrying, especially when it has profound implications on state influence in the independence of our Judiciary. But I will simply urge Members to be especially cautious in their deliberations today. So with that, I will respectfully bow out of the proceedings on this Bill.

The Deputy Speaker -

Thank you, Honourable Member. Honourable Rob Midwinter.

The Hon. Robert Midwinter -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, I'd just like to place on record that I did have an initial discussion regarding a possible litigation, but I am not currently pursuing a litigation against SHG. I actually rise in support of the motion Madam Deputy Speaker, with the growing number and diversity of litigation cases the island has been facing as a result of historical events. I believe that it is both prudent and wise to have in place clearly set out scales of fees that may be recoverable by legal service providers for claims of being brought in St Helena. I therefore fully support the motion. Thank you, Madam Deputy Speaker.

The Deputy Speaker -

Thank you. Hon. Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I support the principles of the Bill, but there is one area which does give me considerable concern, and that isn't actually to do with the provisions of the Bill or the principles of the Bill, it's to do with wider principles of fairness and equity across the piece. How is equality of arms, to use the colloquial phrase, going to be achieved, when litigants are taking actions against St Helena Government? And I would be very grateful if either the Honourable mover or the Attorney General would explain what measures and mechanisms are in place, to ensure that both sides in any court case will have access to similar levels of technical legal advice and support. Thank you.

The Deputy Speaker -

Hon Attorney General.

The Hon. Attorney General -

Thank you, Madam Deputy Speaker. I was going to rise on a point of order to respond to what I've taken to be a slip of the tongue by Councillor Turner. I'll address that first before I respond to one of Councillor Essex's remarks. I think he inadvertently questioned the independence of our Judiciary. I'm sure he did not intend to do that. I think it was a slip of the tongue. But can I assure everybody there is no intent within the Bill, or would it in any way question judicial independence in relation to this. And I am sure he did not intend that in any event. In relation to the question of equality of arms, there is nothing in this Bill for an Ordinance that in any way affects it. This Bill and its broad principles is seeking to establish a regime whereby the Courts may establish cost control. The arrangements that we have here are a very light version, compared to those which, for example, prevail in the Courts in England. It always used to be said that, why is it that we can budget to fly to the moon? We could never budget to litigate? It's one of the greatest criticisms of lawyers and litigation is the inability to bring certainty for costs. And it's because of that, that for a good 20 years or so there has been full effective management, cost management powers vested in the courts to ensure that there is, as you put it, the quality of arms, more particularly, that litigation is pursued in a cost effective and proportionate way, and that people do not simply rack up costs in the expectation that the other side will pay just because they perhaps have won. So the whole purpose of this Bill is to ensure that the courts have the necessary powers to have the necessary discipline on lawyers to make sure they are not profiting unreasonably. It's perfectly appropriate for lawyers to make a profit, and goodness only knows I did it for many years. It's perfectly proper and appropriate that they do, but it mustn't be excessive. Crucially, as we'll come on to note, as in the Committee stage, there are many opportunities for lawyers and their parties to ask the court, get the court to justify why higher fees are justifiable and payable. And it's fully accepted that you know, the more complex the case, the more complex the issues, the more difficult, factual matrix, the

perhaps the different skill sets that are required, the fact that they are harder to come by, that a higher fee is justified. These arrangements that you'll be debating in more detail in a moment look precisely to do that. And if I haven't answered your question sufficiently, my colleague, Sara Mcilroy, is here, and she will be answering the questions at committee stage. She is much more of a Civil Litigator than I am, and it's important that you have the best advice here to be able to respond, and that's why she's here. And I will ask permission in the moment for Sara to do it, but I hope I've answered the Honourable Councillor Essex's question.

The Deputy Speaker -

Thank you AG. Honourable Dr Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, and thanks to the Attorney General for his reply. Will the expenditure undertaken by St Helena Government when cases come to Court also be carefully scrutinised and potentially subjected to a cap?

The Deputy Speaker -

I think that will be discussed in committee stage Dr Essex?

The Hon. Dr Corinda Essex -

No.

The Deputy Speaker -

AG, do you want to elaborate?

The Hon. Attorney General -

I'm sure you can tell when I'm familiar with an ordinance and when I'm not. I'm less familiar with this ordinance because I have a very competent colleague who'll be taking you through the details. I'm not aware of any provision in this ordinance that suggests that the government is excluded from its arrangements. If I need to be corrected, I'll apologise in due course but I don't believe that's the situation. I'm sure my colleague will be able to address that point for due course.

The Deputy Speaker -

Thank you. There's no further questions? Honourable Minister Brooks, I do apologise.

The Hon. Mark Brooks -

Thank you Madam Deputy Speaker. I rise in support of the Bill simply because this Bill seeks to clarify court costs without jeopardising any awarded compensation to claimants. Thank you.

The Deputy Speaker -

Thank you. So as there's no further Members who wish to speak, I will now ask the Honourable Minister to respond.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. I don't have much to say at this stage, but other than to thank those who've supported thus far and to thank the AG for his support as well.

The Deputy Speaker -

Thank you. I put the question that the Civil Litigation Costs Bill, 2025 be approved in principle and referred to a committee of the whole Council.

**Question put and agreed.**

The Deputy Speaker -  
Mover, Honourable Chief Minister.

The Hon. Chief Minister -  
Mr. Speaker, Madam Deputy Speaker, sorry, I beg to move that the Council do resolve itself into a committee to consider the detailed provisions of the Bill.

The Deputy Speaker -  
Could I have a seconder please? Honourable Chief Minister, Scipio.

The Hon. Christine Scipio -  
Thank you, Madam Deputy Speaker, I beg to second.

The Deputy Speaker -  
Thank you. I put the question that this Council approves, I beg your pardon. I put the question that this Council do resolve itself into committee to consider the provisions of the Bill.

**Question put and agreed.**

The Deputy Speaker -  
The Honourable Chief Minister.

The Hon. Chief Minister -  
Thank you, Madam Chair. Is it now possible for us to ask Sara to join us at the table?

The Deputy Speaker -  
Yes, please do.

The Hon. Chief Minister -  
Thank you.

The Hon. Attorney General -  
Madam Chairman, with your permission, I'd like to withdraw for five minutes to attend to things I wasn't able to attend to before.

The Deputy Speaker -  
That's no problem. (*Pause*) Thank you Sara. I put the question that the title, part one, and clause one, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -  
I put the question that clause two, interpretation, Sara would you like to take Members through this?

Senior Crown Counsel, Sara Mcilroy -

Thank you, Madam Chair. Section two of the Bill is the normal definitions and interpretation section, though this section is more legally technical than would perhaps appear in other Bills that come before Legislative Council. It is hoped that the definitions that have been set out are in plain and clear language, so lay litigants may best understand them as appropriate and that there is no ambiguity within them. I will note here that one area that a decision has been not set to define within section two is what is referred to in part four of the bill, which is qualified one way cost shifting, otherwise colloquially known amongst lawyers as "QOCS" (Qualified One-Way Costs Shifting). That is because it is a legal term in itself, that is, that can often be shifting and updated over time. And then instead of trying to pin down an area of technical legal language that can evolve over time, we've decided not to have a set definition within that, but to define it best as we can within the part itself. So the main principles of section two of being aware that will be relevant are, after the event, insurance, conditional fee agreement, and then the technical process of cost budget, cost management order, damage based agreement, and then what a legal service provider is and a success fee.

The Deputy Speaker -

Thank you Sara. Anyone wish to speak, no? I put the question that clause two do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause three, do stand part of the Bill. Sara, you could help us please?

Senior Crown Counsel, Sara Mcilroy -

This was to give forward certainty as to when, to what dates is there, what proceedings this Bill would apply to. So it would have a commencement date in subsections A, B and C, and that way, there would be legal certainty for all claimants who have co-proceedings in the Supreme Court of St Helena and who are in contemplation of proceedings.

The Deputy Speaker -

Thank you. Any member wish to speak? I therefore put the question that clause three, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

We now turn to part two. I put the question that clause four of part two, do stand part of the Bill. Please Sarah.

Senior Crown Counsel, Sara Mcilroy -

Section four is perhaps one of the key parts of this Bill, because it effectively establishes that there are two schemes of costs, legal costs that may be recoverable within civil proceedings on St Helena. The first is the standard level of costs, which would have an upper ceiling or a cap of what may be recoverable in the event of its successful claim that is set out by the notice. That is to have a sort of general rules so that anyone entering civil litigation on St Helena knows if they are successful in their claim, the type level of costs their lawyer could seek to recover, and what is the maximum rate of that depending on the type of lawyer they're using, or the type of expert they're using, and their level of experience. But it is also taking note that not all claims

are straightforward, and that some may require specialist or even more levels of technical legal skill or expert. And therefore, in those cases where you may require a lawyer that costs more and you can therefore recover that costs at a higher level, gives you a mechanism for doing so. So it's not putting an absolute bar on what a litigant can recover in terms of their costs, but is giving you an option, and so section four, subsection one is the standard mechanism about how the scale of fees will be set. Section two makes it clear that you cannot go above that cap unless you're going to have one of the exemptions. Section three, subsection three, sorry, sets out when you may, if you're concerned that your costs that you need to recover are going to go above the level set out in the notice that you have to apply to the Court for an order to permit those higher costs. Subsection four gives the legal test that the Court will consider when considering whether you can go out of the standard regime, and subsection five makes it clear that you can't go outside of the scheme simply because you're bringing a claim on St Helena. So the point of this is so that the Court has clear guidance on levels of fees that may be recoverable when it's assessing costs at the end of a civil claim. But it's also giving the Court discretion. So instead of directing the Court, it gives the Court the determining power about whether a case is exceptional, and therefore whether a litigant can recover higher level of costs in successful claims than just what has been set out in the notice to the Bill.

The Deputy Speaker -

Thank you Sara, any Member wish to speak? I put the question that clause four, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause five do stand part of the Bill. Please Sara.

Senior Crown Counsel, Sara Mcilroy -

Section five deals with legal costs that will be in excess of 50,000 pounds. On St Helena cases where legal fees are in excess of 50,000 pounds for a particular party would be regarded as a high cost case. Most, day to day civil claims do not incur legal fees of that level just for one party. Because of the way that costs operate in civil legal proceedings is that you determine who pays the cost at the end, when mostly who has won the case or who has lost the case. At that point, you may not know what the costs of the other side are that you're going to be expected to pay. So this provision makes it clear that if one party or another thinks that their legal costs are going to be more than 50,000 pounds, they have to put everybody else and the Court on notice of it. So rather, there are no nasty surprises at the end when you are told that you have to pay the other side's legal fees and suddenly discover that they are far greater than you would have anticipated. So subsection one sets out that a legal service provider, a law firm or otherwise, must notify all parties in the Court if they feel that their costs will exceed 50,000 pounds, and then the following subsections set out the process for doing that. So if you're already in proceedings, you must do so within two weeks, 14 days, of you becoming aware of it. It is entirely normal for a law firm or a legal service provider to be aware if they feel their costs, that includes both what they're going to want to pay themselves and what they're going to want to expend on experts are going to be, and if they haven't already issued claims, you must notify the Court and the other parties when you are issuing. Subsection four is the notice to the Court that when a party has issued this notification, the Court needs to be listing a cost and Case Management Conference. And subsection five makes the note that you can't then in the gap between notifying the Court and having a hearing about it run up exponential costs, because they won't be recoverable if you do so in that period. So it's basically guarding

everybody that they need to be on notice of what your legal costs will be, and then putting the discretion into the Court for the oversight of that.

The Hon. Karl Thrower -

Thank you, if I may ask, for reference?

The Deputy Speaker -

Honourable Karl Thrower.

The Hon. Karl Thrower -

Thank you Chair. Just for clarity, and it's actually goes throughout the document. 14 days is 14 days as in two weeks? Or and it's not working days, because I notice you've got 21 days in that. So I was just wondering which one it is.

Senior Crown Counsel, Sara Mcilroy -

Its days as in normal days of the week. So two weeks, 14 days, three weeks, 21 days.

The Hon. Karl Thrower -

*(Inaudible)*

Senior Crown Counsel, Sara Mcilroy -

Normally, when the Court includes a bank holiday, they will notify that they will add on an extra day for that and takes notice of when things happen. But they would still fall within that in the normal scheme. So if you're on a Monday and it's 14 days, you will still be required, so then people would tend to do it the Friday before.

The Deputy Speaker -

Thank you. I therefore put the question that clause five do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker

I put the question that clause six, do stand part of the Bill. Please Sara.

Senior Crown Counsel, Sara Mcilroy -

Clause on section six refers to cost budgets and cost management orders. This is a procedural section for the Court to be aware and for all parties in legal proceedings to be aware of the stages they must go through if they have fallen into this category of being a high cost case. So it sets out the timings and the procedure for the actions within the courts. In reference to one of the points made before we reach committee stage, this section or clause would fall on both parties. So it's requirement of both parties at this point to be clear and transparent about what their costs are. It's not just on the one party that thought that their costs were going to be higher. So it is intended to level the playing field and make sure there's a quality of arms because it opens up both sides to scrutiny in terms of their costs. So subsection one sets out where it applies. Subsection two makes it clear that all parties must file and exchange their cost budgets no later than three weeks, 21 days before the hearing that the Court is listed. And subsection three, in the event that they can agree a cost budget between them, they should make sure that's lodged with the Court seven days before the hearing. If a party has failed to undertake this exercise, they will be treated as only being able to have filed a cost budget comprising only their applicable court fees. So that's effectively the punishment if you haven't complied with

this part of the procedure. Subsection five, in addition to exercising its other powers, the Court may manage the costs being heard, so it's giving the Court the ability to look at it. And subsection six, the Court must make a cost management order, unless it's satisfied that the parties in these proceedings don't need an order, they can arrange it sensibly and reasonably between themselves. Subsection seven is the legal test for the Court to consider, and for it to consider that the budgets fall within the range of what is reasonable and proportionate. And subsection eight sets out what a costs management order must include. So it must include the extent to which some of the costs are agreed, what is not agreed, and if there is anything to be determined on what's not agreed, the Court determines it. So it's taking the power away from one or other parties, potentially a stronger financial party, if it's the government, to determine the other's costs, and it puts the power to decide costs in the Court. So it's giving the Court the discretion noting their independence in the Judiciary. Subsection nine makes it clear that after that point of the initial order, the Court will continue to manage, supervise and control the party's costs, not the parties themselves. And subsection 10 gives the Court the discretion to record on the face of its order any comments it has about incur costs. So perhaps, if it feels that a cost budget has been inadequate in any way, or perhaps of costs, budgets have been set too high or too low, and it then marks down the ability to timetable future reviews. And then subsection 11 makes it clear that if you are, after your cost budget has been approved or agreed, you must refile a budget if you have to recast the figures at any point in time.

The Hon. Chief Minister -

Madam Chair, I just wanted to check with you, if we've gone through a few parts, which I have no objection to, but I wanted to check if Members would prefer to approve by parts, because if we go through so many and there's any amendments. So I'm just checking if we should stop, if everybody's happy and approve part two, because Sara has thankfully gone through sections nine and 10. But maybe we should approve part two and then go to part three maybe, I'm just asking what you prefer to do.

The Deputy Speaker -

Honourable Karl Thrower.

The Hon. Karl Thrower -

I will just say I understand the idea of that, but in light of what some of the other Members in the House have said, I think it's very important, this to me, is very, needs to be taken over very clearly to the public and the listening public, because what we've just gone through is showing the clear separation that the Executive are not making these decisions, it will be the Judicial. And I think that's one of the biggest concerns on the island right now, is that this is self-serving for the Executive, and actually it's not. It to me, that's the safeguard. So I'll just say that's my only concern. If we jump too much, that we've got to get the very clear understanding across.

The Hon. Chief Minister -

Sorry, Madam Chair. I'm not suggesting we don't do the detail, like Sara has been doing. I'm just cognizant that we've moved into part three without approving part two. So I'm not suggesting that we don't go in the detail, because you've already talked about sections nine and ten.

The Deputy Speaker -

No we haven't.

The Hon. Chief Minister -

No? Oh, sorry.

The Deputy Speaker -

No, we're still on part two. There we are, okay. Okay Sara?

Senior Crown Counsel, Sara Mcilroy -

Those are all of my comments for clause six.

The Deputy Speaker -

Thank you. Any Members have any questions? No? I put the question that clause six do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause seven do stand part of the Bill. Please Sara.

Senior Crown Counsel, Sara Mcilroy -

Thank you Madam Chair. Clause seven is amendments of the cost budget. It is natural in the course of things that your idea of how much your costs are going to be, or you realise that you're going to need further costs change in the course of your litigation. And clause seven means that you have the ability to amend a cost budget as it goes through proceedings. So subsection one, if you, as a law firm, a legal service provider, believe that there's going to be a significant change, you are required to notify the Court and the parties as soon as possible. This is not for minor changes. This is if there's going to be something that would be significant. And subsection two tells you what, tells the Court how it must exercise or may exercise its case management powers, having had such a notification. So maybe it can consider the submissions of the parties, the nature and extent of the changes, the effect it would have on the overall cost budget, whether an amendment to the cost budget is appropriate to change of circumstances, and whether any other orders are required. So basically, it's keeping everybody on track and everybody in notification of any changes and then having a procedure under Court's discretion for that.

The Deputy Speaker -

Thank you Sara. No questions? I put the question that clause seven, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause eight, do stand part of the Bill. Thank you, Sara.

Senior Crown Counsel, Sara Mcilroy -

Clause eight is about giving the Court the discretion to the costs. This is without prejudice to the provisions we already have about costs and civil proceedings that are contained within the Civil Procedure Ordinance for St Helena, and making it clear. Subsection two is particularly important because it clarifies and puts into statutory footing the general rule that the unsuccessful party will be ordered to pay the costs of the successful party, but the Court may make a different order. That gives certain clarity to the current procedural rules that are in place on Island. Subsection three gives the Court the legal test of when it considers what order it should make about costs, and it informs the Court that it needs to consider the conduct of all

the parties in the litigation, whether a party has succeeded on part of its case, even if it has not been wholly successful. And fundamentally (in little book), clause three, if there has been admissible offers to settle the case, this will be part of what we consider in civil litigation to be the overriding objective that we need to consider whether it's appropriate and reasonable to make offers for settlement at all stages within proceedings. And that's also one of the points that is reflected within the definitions clause, to make it clear that this forms part of the alternative dispute resolution concept that has to be in the mind of all entering civil litigation. Sorry, I may say further subsection four of the clause gives further guidance on what the conduct of the parties includes, including whether it was reasonable to pursue a claim, how you've litigated it, and the manner in which you've litigated it, and if you have unreasonably failed to engage within alternative dispute resolution. Thank you.

The Deputy Speaker -

Thank you. I put the question that clause eight, do stand part of the Bill.

### **Question put and agreed**

The Deputy Speaker -

I now put the question that Part Two containing clauses 4,5,6,7, and 8 do stand part of the Bill.

### **Question put and agreed**

The Deputy Speaker -

We now turn to Part Three. I put the question that clause nine do stand part of the Bill. Thank you Sara.

Senior Crown Counsel, Sara Mcilroy -

Thank you, Madam Chair. The importance of part three is that it puts conditional fee agreements, or CFAs, as they are commonly referred to in shorthand, into a statutory footing on St Helena. So far, we have only been able to have CFAs where the Court has given clear guidance and judgments to make that clear and enforceable. This gives legal service providers here, and in the UK, if they wish to practice here in the future, certainty that this common mechanism for funding civil litigation will apply on St Helena and the circumstances in which they will apply. On that basis, clause nine looks to the fact that, unless provided for in the following clauses, conditional fee agreements are unenforceable. And as you will see, as we move on this then the following clause is set out what you need to have for a CFO to be enforceable on St Helena.

The Deputy Speaker -

Thank you. I put the question that clause nine, do stand part of the Bill.

### **Question put and agreed.**

The Deputy Speaker -

I put the question that clause 10, do stand part of the Bill. Thank you Sara.

Senior Crown Counsel, Sara Mcilroy -

So clause 10 sets out the circumstances in which a conditional fee agreement may be used on St Helena. As a side point, this confirms what the Supreme Court has already made clear about when you can have a conditional fee agreement. So clause 10, subsection one, sets out that you

can have CFAs for claims for personal injury that will include medical negligence where you need an expert or experts in your claim, and that's regardless of whether you're in personal injury or not. You have to have had a listener, has to have applied to the legal assistance fund first, and had their application refused, and the defendant to the claim is either protected by indemnity insurance or is the Attorney General. So it is very much minded for the fact that this is a funding mechanism for litigants who may not usually be able to afford legal fees from the offset of their own bank accounts. And it's making it clear where it may seem difficult to take on a legal claim because the defendant is perhaps a large corporation and has indemnity insurance, or it's the government with legal proceedings being conducted through the legal office of the Attorney General. Subsection two makes it clear that a conditional fee agreement made under this section may be enforceable if it does not amount to a damages based agreement, does not provide for a success fee and complies with the following sections, 11 to 15.

The Deputy Speaker -

Thank you. Honourable Karl Thrower.

The Hon. Karl Thrower -

If I may ask, can you explain, so in (c) you got the litigation has applied to the Legal Assistance. Can you explain what the Legal Assistance Fund is and how it works and why somebody might be refused?

The Deputy Speaker -

Thank you. Sara?

Senior Crown Counsel, Sara Mcilroy -

The Legal Assistance Fund. Perhaps, if I take a step back, the Legal Assistance Fund is the mechanism for currently, litigants from St Helena to seek funding for a claim if they don't have the money themselves. So perhaps traditionally, they would have only looked towards the Public Solicitor's Office who could have made an assessment on their ability to fund their litigation and what work needs to be done. They could then make applications effectively for legal aid or to the Legal Assistance Fund, to fund their case outside of the need for the Public Solicitor. So if the Public Solicitor was traditionally taking on a case and realised that a case needed an expert to do a medical expert report or something, they could apply to the Legal Assistance Fund to review that and grant them money to do so. That ability to access the Legal Assistance Fund isn't limited to the Public Solicitor's Office. So any law firm coming into St Helena can equally apply on behalf of their client to the fund, for some money or for counsel representation in the case. They make an application out where they set out to the legal assistance fund what it is they're seeking for, the amount of money. So perhaps they would, for example, say, we would like to have 800 pounds to instruct an expert to assess our claim or to accept give us evidence in this case. The trustees of the Legal Assistance Fund would then look at that, if they recommend that money is dispersed for that, they will do so, or if they refuse it, they will have their own reasons for it and set those out and refuse the application. I should point out that the Legal Assistance Fund is a fund with which is independently administrated, not by the government. It has trustees, including the Chief Magistrate, and they will review the claims. So it's not the Government of St Helena. The Government of St Helena puts money into the fund for determination of legal matters, but doesn't determine the use of it. In a year if the Legal Assistance Fund has reached its budget, it can make applications to the Financial Secretary for further funds if, as it feels is appropriate. So in terms of where we are in St Helena, there has been a general perception within the Courts over the last 20, 25 years that it is the

general public interest for the citizens of St Helena for litigation to be inexpensive, and we had previous cases where we should have no fee litigation, and that's why we should have, and continue to have a Legal Assistance Fund. That principle means that we still look to legal assistance loans, first, to help fund people bring their claims or to fund elements of their claims. And so what we're suggesting here is before you go straight ahead and have a conditional fee agreement, you continue to look to that resource that's been in place to fund your legal claim before you go and need to have a CFA.

The Deputy Speaker -

Thank you. No further questions? I put the question that clause 10, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 11, do stand part of the Bill. Thank you Sara.

Senior Crown Counsel, Sara Mcilroy -

Clause 11 sets out requirements for the contents of a conditional fee agreement. Conditional fee agreements are quite technical contracts between a lay person and a law firm, and so it is right to set out and to make sure that, on the face of it, they specify certain requirements. So they must specify the part of the legal proceedings to which they relate to and whether it relates to the main claim, the appeal, the counterclaim or proceedings to enforce a judgment, most importantly, the circumstances in which the legal service providers costs or part of them are payable, and what payment (c) is due, if any, if those circumstances partly occur, or whether, irrespective of those circumstances occur on the termination of the agreement for any reason and the amounts which are payable. So this is to give the lay litigants clarity and certainty about what costs they will need to have, under what circumstances and what they'll be payable. And fundamentally, a conditional fee agreement to which this clause applies must contain a statement that the agreement complies with the requirements. So it's about giving some level of consumer protection to lay litigants, who are entering these very technical contracts.

The Deputy Speaker -

Thank you. No questions? I put the question that clause 11, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 12 do stand part of the Bill. Thank you Sara.

Senior Crown Counsel, Sara Mcilroy -

Again as conditional fee agreements can be often quite technical contracts between lay litigants and their lawyers, clause 12 sets out the information that has to be given before a conditional agreement is made. So in subsection one, before a conditional fee agreement is made, the legal service provider must inform the client in writing about what's set out in subsection two. And if the client requires any further information, explanation, advice, they provide those as the client would reasonably require. So it's making it clear that the lay litigant who is entering this contract fully understands what they're getting into. And those matters are the effects of the agreement, the circumstances in which they may be liable to pay money, the circumstances in which they can seek assessments of costs, what the risk potentially is of the clients incurring costs, whether other methods of financing were available and how they apply, if so, that most

importantly, if a client wants to withdraw from the agreement, how it can do so, the appropriateness or otherwise of attempting to pursue alternative dispute resolution to some or all elements of your claim, and whether the legal service provider considers any particular methods or other methods of financing the cost is appropriate. And then, what would their reasons be doing so. And so these are all what we think are fundamentally important things that a lay litigant needs to understand and be aware of before they go into a conditional fee agreement.

The Deputy Speaker -

Thank you. Any questions, no? I put the question that clause 12, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 13, do stand part of the Bill. Thank you, Sarah.

Senior Crown Counsel, Sara Mcilroy -

Thank you. Clause 13 after the event insurance, is defined currently under clause two, insurance, which is purchased following an event, which gives rise to a legal dispute, and which covers some or all of the potential costs, liabilities on those proceedings. Basically after the event, assurances. If you were walking down the street and you tripped on a paving stone, and you realise that after the event the tripping on the paving stone, if it led to injury, was the event that caused the legal proceedings, you then felt you needed to take out insurance to be able to cover some of the costs of your of your legal proceedings. So it was insurance that was taken out after the event of the accident. However, the usual provision, because you've had elements of a CFA may mean that you don't need to have after the event insurance. So clause 13 sets out the circumstances in which you can have after the event insurance as part of your CFA on St Helena, and it's at subsection one to make it clear that if your legal service provider believes that your claim, or the circumstances later your claim are of an exceptional nature, such that you have to have this type of insurance and that you are not sufficiently protected by QOCS or qualified one-way cost shifting, you have to go and seek the Court's permission to be able to take out this insurance. That's partly because the premiums of this insurance can be quite high, and if you're going to try and recover those premiums, the other side should be aware of it or on notice of it. So sub clause 13 is making it clear that you can have this but you need to have the Court's permission to do so. So again, it takes away the determination away from either party, and puts the power to decide this with the Court.

The Deputy Speaker -

Thank you. Honourable Karl Thrower.

The Hon. Karl Thrower -

I'm sorry I didn't think of this in the question Chair when we had the meeting the other week. But obviously, in order to sell insurance on St Helena, you have to be licensed by the FSRA. Is there anybody selling that kind of? As far as I'm aware, as an ex member of the FSRA, there is nobody licensed to sell that kind of insurance on this island. So if, where would they get the insurance from?

Senior Crown Counsel, Sara Mcilroy -

I'm not aware of anybody selling it on Island. However, I am aware of claims being brought in the Supreme Court on St Helena, where the claimant would like to have after the event,

insurance. I don't know where they're presuming they would be buying that insurance from, I would assume from a UK insurance provider.

The Hon. Karl Thrower -

So that was actually a question the FSRA asked many years ago. Was, as I said, it clearly states, in order to sell insurance on St Helena, you have to be licensed. It doesn't say people are from overseas selling insurance on St Helena doesn't have to be licensed. So that's why I'm asking is, can somebody go to overseas insurance company and get that kind of insurance if the company providing it isn't insured, isn't licensed?

Senior Crown Counsel, Sara Mcilroy -

I am just aware that some claimant law firms who are bringing claims on St Helena are seeking to have, or requiring themselves to have, after the event insurance. I imagine they have looked to their insurance providers. I can't speak to whether that insurance provider has fulfilled its regulatory requirements on St Helena. I would imagine that they are suggesting that whichever provider is willing to insure them in such a manner, but I can't speak to that. But what we are making clear within the Bill is that if you wish to have it as part of your recoverable cost in legal claim, you need to have had the Courts authority for that to be a legitimate, recoverable cost.

The Deputy Speaker -

Thank you. Any further questions? I put the question that clause 13, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 14 do stand part of the Bill. Please Sara.

Senior Crown Counsel, Sara Mcilroy -

I hope this is relatively straightforward. Clause 14 makes it clear that any conditional fee agreement must be in writing and signed by both parties in the lay client and the law firm, so that it's a clear contract, not so a verbal one.

The Deputy Speaker -

Thank you. Any questions? I put the question that clause 14, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 15, do stand part of the Bill. Thank you, Sara.

Senior Crown Counsel, Sara Mcilroy -

Thank you. Clause 15, again, reflects that sometimes it's necessary to amend an agreement as you've gone along, and it makes it clear that where an agreement is to be amended to cover further proceedings, or part of them, the earlier clauses 11 and 14 apply to the amended agreement as if it were a fresh agreement, and that the obligations under clause 12 apply in relation to the amendment so far as they affect the matters mentioned. So this is again making it clear that there is clarity for everybody and what the CFA would cover.

The Deputy Speaker -

Thank you. I put the question that clause 15, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 16, do stand part of the Bill. Thank you, Sara.

Senior Crown Counsel, Sara Mcilroy -

Thank you. Clause 16 is cancellation period. It may be that after you've decided to enter into a conditional fee agreement, you've reflected on it and you wish to step away from it or cancel it, it means that there is a very clear cancellation period for the 14 days after you've entered it. And it also then sets out that if the legal service provider does not provide the client with all the information required, during the, including the right to cancel the agreement, the cancellation period ends two weeks after the day on which that information is being provided. And it also then sets out the client can cancel a condition of frequent conditional fee agreement at any time in the cancellation period, without having to give a reason and without incurring any liability. It then sets out the process of what you must do for a client to make a clear statement that they wish to cancel or the agreement. And it then, if this is quite important, the legal service provider may only carry out work that incurs costs for the client in the cancellation period if the client has been notified in writing of their liability for costs and the client having given permission for the work to take place. And therefore that if any work has been done, the client will only be liable for reasonable costs in accordance with that. So it means that after you've entered agreement, there is a general calling off period. Everybody can then be clear and certain after that, about what they're going into and what they're liable in costs for.

The Deputy Speaker -

I put the question that clause 16, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 17, do stand part of the Bill. Thank you, Sara.

Senior Crown Counsel, Sara Mcilroy -

Thank you, Madam Chair. Clause 17 is the requirement to notify all parties if you have a conditional fee agreement. This is making sure that, again, principles of legal certainty, everyone is aware of the way that their case is being funded. It's partly a reflection of the fact that a conditional fee agreement is also colloquially known as a no win no fee agreement, and that legal service providers do therefore take on risk when undertaking work on a CFA, because they may not win their case, they may not recover their costs. So sometimes that means that they adjust their costs up to include their element of risk, and it's appropriate to make sure that the other party, or other parties know that that's how they're funding their litigation. So it sets out the procedure that they have to notify the other parties within 21 days, if you have yet to become a party, and you later become joined to it, it's within 21 days of you becoming a party, and then it's also notifying potential parties or in contemplation of proceedings. Thank you.

The Deputy Speaker -

Thank you. Any questions? I put the question, that clause 17, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that Part Three, clauses nine through to 17, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

We now turn to Part Four. I put the question that clause 18 do stand part of the Bill. Thank you, Sara.

Senior Crown Counsel, Sara Mcilroy -

Thank you. As the precursor to part four, qualified one-way cost shifting. I explained at the start that QOCS or qualified one-way cost shifting is not defined within the Bill because of the shifting nature of that, what that definition means, it encompasses. But in terms of giving Legislative Counsel an overview of what it is, it's a legal principle that protects claimants in personal injury and fatal accident cases from paying the winning defendant's legal costs, with some exceptions. So I should have referred to earlier, in a previous clause, the presumption is that the losing party pays the costs of the winning party. But if you are in a situation where you are a claimant, and you have brought a claim, for example, against St Helena Government, and then you've lost in all or part of your claim, there is a protection here to prevent St Helena Government coming after you to recover your legal costs. So it's giving some protections to collect, to lay the claimants who are bringing claims against, for example, say to the government. And therefore, is another point to show that there is a parity in legal proceedings on a fair, level playing field, as opposed to a David and Goliath type situation. So it essentially limits the extent to which a losing claimant can be ordered to pay the defendant's costs, and it's intended to be something to encourage access to justice, particularly in personal injury claims. Poor claimants don't need to be afraid of bringing a claim in the event that they lose it. In terms of clause 18, qualified one way, cost shifting, scope and interpretation, this clause sets the type of proceedings to where a conditional fee agreement is in place. So they include a claim for damages, for personal injuries under the fatal accidents act 1976, or which arise out of death or personal injury and survives for the benefit of an estate.

The Deputy Speaker -

Thank you. Any questions, no? I put the question that clause 18 do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 19, do stand part of the Bill. Thank you Sara.

Senior Crown Counsel, Sara Mcilroy -

Thank you. Clause 19 is the effects of qualified one-way cost shifting. And so it sets out how it operates in total and in terms of where there are orders made against the claimant for costs, sets out that they can only be enforced against the claimant after all the proceedings, including any appeals, have been concluded. So that means that if you are concerned that you are a losing claimant, and you are going to have a cost order made against you, it could only be enforced at the conclusion of everything when there is certainty as the outcome of the claim. If there is to be enforcement permitted against any order for costs made in favour of a claimant, the circumstances for which are set out in subsection four, where a party is entitled to costs, it's also liable to pay costs. The Court may assess the costs which the party is liable to pay. So

again, it's putting the power back with the Court, and the Court can decide how costs may be set off or delayed according to the circumstances of the case. And it's finally making sure that an order for cost is only enforced to which the extent permitted by subsection one. So it's setting out the quite technical areas about when you can have costs made against claimants.

The Deputy Speaker -

Thank you. Any questions, no? I put the question that clause 19, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that clause 20 do stand part of the Bill. Thank you Sara.

Senior Crown Counsel, Sara Mcilroy -

So clauses 20 and 21 complement each other, because, as with any rule, there needs to have exceptions to those rules and the circumstances with which exception should apply. So clause 20 says that where there is exception where you won't need the permission of the Court for falling into that exception, and that comes into situations where perhaps the claimant has behaved unreasonably or disclosed no reasonable cause for bringing its proceedings, the proceedings may be considered to be an abuse of the Court's processes, or the conduct of the claimant, or a person acting on the claimant's behalf and with the claimant's knowledge, as taking conduct so likely to obstruct the just disposal of proceedings.

The Deputy Speaker -

Thank you. Do you want to do 21?

Senior Crown Counsel, Sara Mcilroy -

Thank you, yes. The tandem clause is 21 where you could have an exception to the rule of qualified one way cost shifting, but you would require the permission of the Court, so again, giving the Court oversight and determination as to whether you've fallen into your category. And so this then sets out the circumstances in which orders for costs made against claimant may be enforced, to the full extent with permission of the Court where the claim has found on the balance of probabilities to be fundamentally dishonest. Orders for costs made against claimant may be enforced up to the full extent of such orders, with the permission of the Court and to the extent that it considers the orders are just. And then sets out the circumstances for that. And then finally, it makes it clear where the subsection 2 (a) of this clause applies, the Court may make an order for costs against a person other than the claimant for whose financial benefit the whole or part of the claim was made.

The Deputy Speaker -

Thank you. Honourable Members, do you have any questions on clause 20 and 21? No? I therefore put the question that clause 20 and 21 do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the final clause, clause 22 do stand part of the Bill. Thank you Sara.

Senior Crown Counsel, Sara Mcilroy –  
Part Five, Miscellaneous.

The Deputy Speaker -

I beg your pardon, yes Part Five. I probably should do Part Four first. I put the question that Part Four, clauses 18 to 21 do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

We now move to the last part, Part Five, clause 22. Thank you Sara.

Senior Crown Counsel, Sara Mcilroy -

Thank you. Part Five is simply the miscellaneous provisions of the Bill and the power to make regulations. The Governor, on the advice of Executive Council, may make regulations for the purpose of giving effect the provisions of this Ordinance.

The Deputy Speaker -

Thank you. Any questions, Honourable Rob Midwinter.

The Hon. Robert Midwinter -

Madam Chair, only because obviously this is now talking about the Governor making provisions but I did notice right at the front end, usually we have either a fixed date, or we say Governor on the advice of Executive Council, as to whether this will come into force. And there were no dates in this, and we didn't have that statement in it. So do we know when this is meant to come into force?

The Deputy Speaker -

Hon Attorney General?

Senior Crown Counsel, Sara Mcilroy -

The intention would be the first of July, 2025.

The Deputy Speaker -

Thank you. I put the question that clause 22 do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

I put the question that Part Five do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

Thank you, Honourable Members, we will now resume Council session. The Bill to be reported please Chief Minister.

The Hon. Chief Minister -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I beg to report that the Civil Litigation Costs Bill, 2025 passed the committee with no amendments and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Deputy Speaker -

Thank you. Is there a seconder? Honourable Christine Scipio.

The Hon. Christine Scipio -

Thank you Madam Deputy Speaker. I beg to second.

The Deputy Speaker -

Thank you. Honourable mover, do you wish to speak to the motion?

The Hon. Chief Minister -

Thank you Madam Deputy Speaker. First and foremost, I would just like to thank everybody for all their contributions, and just to reiterate that this legislation is necessary to give the Courts of St Helena powers to manage legal costs in civil litigation. The needs for the legislation has been long recognised. The legislation is modelled on the provisions that apply in England, which gives the Courts significant powers to manage legal costs for the benefits of all parties. The legislation is needed to assist all current and future litigants and legal practitioners in understanding the rules that the Courts may apply so that they can manage their legal costs and the risks of being required to pay costs accordingly. Thank you.

The Deputy Speaker -

Thank you Honourable Chief Minister. I put the question that this Council approves the Civil Litigation Costs Bill, 2025 and recommends to the Governor that should be enacted. Does any Member wish to speak? No? Honourable mover do you wish to respond any further?

The Hon. Chief Minister -

Nothing, just to thank Sara for the good work, for getting us through the committee stages. Thank you.

The Deputy Speaker -

Thank you. I put the question that this Council approves the Civil Litigation Costs Bill, 2025, and recommends to the Governor that it should be enacted.

**Question put and agreed.**

The Deputy Speaker -

Thank you, Honourable Members. Do you want a five-minute break? 10-minute break? No? Okay, move to the next item of business, please.

***Motion No. 5 – The Hon Chief Minister***

### **THE ENGLISH LAW (APPLICATION) (AMENDMENT) BILL, 2025**

The Hon. Chief Minister -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, I beg to move that the English Law Application Amendment Bill, 2025, be approved in principle and referred to a committee of the whole Council.

The Deputy Speaker -

Is there a seconder? Honourable Christine Scipio.

The Hon. Christine Scipio -

I beg to second.

The Deputy Speaker -

Thank you. Honourable Minister, you may proceed.

The Hon. Chief Minister -

Okay, this legislation looks to make short amendments to the English Law Application Ordinance, 2005 that are required to facilitate the enactment of the Prevention of Business Abuses Ordinance, 2025, which was approved here today and future ordinances. The English Law Application Ordinance, 2005 establishes a definition of adopted English Law Section two, and provides for circumstances when, amongst other things, adopted English law may be displaced. The effect of these amendments includes the provision that an ordinance may state on its face whether and to what extent it is intended to affect adopted English law. Thank you, Madam Deputy Speaker.

The Deputy Speaker -

I put the question that the English Law Application Amendment Bill, 2025 be approved in principle and referred to a committee of the whole Council. The matter is open for debate. Honourable Andrew Turner.

The Hon. Andrew Turner -

Thank you, Madam Deputy Speaker, I'm rising in support of the Bill. As many of you all know, I'm not a fan of the English law application, or whatever. I've certainly seen in my time in journalism, many court cases where a provision like this would have made this a lot easier for the court in doing its duties. So I'm welcoming the changes, and I hope that going forward, there will be many, many more similar pieces of legislation coming forward to help better define how we're applying English law on St Helena.

The Deputy Speaker -

Thank you. Honourable Rob Midwinter.

The Hon. Robert Midwinter -

Thank you, Madam Deputy Speaker. I also rise in support of the motion. Madam Deputy Speaker, this is merely a minor amendment that allows adopted English law to either be excluded or retained. In this particular case, as the Chief Minister has noted, the Bill that we were looking at earlier in relation to abusive business practices, whether this House is aware, I was looking to bring a Private Member's Bill, and then found out that we had an English application order that, in part, already applied that in St Helena. So again, I share the same view that we should be looking to do this more often where we can. Thank you Madam Deputy Speaker.

The Deputy Speaker -

Thank you. Honourable Minister Brooks.

The Hon. Mark Brooks -

Thank you, Madam Deputy Speaker. I also rise in support of this Bill. This gave clarity for us, the lawmakers, to be certain what laws apply and doesn't apply here. Thank you.

The Deputy Speaker -

Thank you. Honourable mover, you may respond.

The Hon. Chief Minister -

Thank you Madam Deputy Speaker. Nothing more to add at this time, other than to thank the members for their responses and support.

The Deputy Speaker -

Thank you. I put the question that the English Law Application Amendment Bill, 2025 be approved in principle and referred to a committee of the whole Council.

**Question put and agreed.**

The Deputy Speaker -

Honourable mover. Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker. I forgot to mention that I do have a certificate of urgency here, apologies. (*Pause*) Madam Deputy Speaker, I beg to move that the Council do resolve itself into a committee to consider the detailed provisions of the Bill.

The Deputy Speaker -

Thank you. Is there a seconder. Honourable Minister Scipio.

The Hon. Christine Scipio -

I beg to second.

The Deputy Speaker -

Thank you. I put the question that the Council do resolve itself into a committee to consider the detailed provisions of the Bill.

**Question put and agreed.**

The Deputy Speaker -

We now move into committee stage. I put the question that the title and clause one do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -

Clause two, Amendment to the English Law. Attorney General, would you kindly assist?

The Hon. Attorney General -

Thank you, Madam Chairman. If I may just expand a little bit on some of the remarks that have been made. As the Honourable Andrew Turner may know, the English Law Application Ordinance is not my favourite ordinance, either. There are far too many, in my view, uncertainties associated with it, and one of the tasks I've taken upon myself to pursue during the purdah period, is to actually consult the legal profession in and around St Helena and those with expertise in the jurisdiction, to understand how others interpret and use the provisions. I do think it's something that's long overdue, that needs to be reviewed, and the fact that here we are, 20 years after the ordinance really took effect, on 1<sup>st</sup> January 2006, that I cannot tell you in all certainty what is adopted English law, is a problem that needs to be resolved, or at least

mitigated. The change you heard me talk about earlier is quite a modest one where there will be an amendment that the Chief Minister, I'm sure, will put forward shortly, not to insert for subparagraph three right at the bottom, which we'll come onto. The essence of the amendment, simply is the insertion of subparagraph two into section four of the English Law Application Ordinance, 2005. One of the interesting features we've had, a lot of the litigation that we are undertaking at the moment is where the courts are going on inquiry to determine the intention of legislature. Now, you could imagine, if you know, if I asked all of you around the room, what is your intention when you pass this bill, I'm sure I get lots of different answers. There is an element of legal fiction when it comes to interpreting the intent of the legislature, but I want to try and remove some of that fiction and make it more of a certainty. And that's why the change to insert sub paragraph two, 'any ordinance enacted after the commencement of this amendment ordinance may state whether and to what extent it's intended to affect adopted English law', is a useful way of us being able to say, look, when we sat around the table and when this bill was given, passed all stages and was sent to the government for assent, we did not have the intent to change adopted English law. Or if we did what that particular change or intent was. One of the changes I want to see being made going forward, is that when we have the expansion memorandum on bills, or on ordinances that we're actually clear on the face of those two, whether we do intend or do not intend to affect English law, and if we do to what extent. I think it would make the job of the courts easier, it will make the job of my colleagues easier and one hopes all sides of the legal profession. But in terms of my consultation, I'm intending, as I say, to consult everybody that's from the Courts, the Public Solicitor's Office, to lawyers who help us within chambers, lawyers who oppose us, who tend to act for claimants for example. It's important we all share the need to have certainty in this area, and this amendment is a first step in trying to bring that about. And finally, you may remember the governance review. The governance review have recommended we make much more use of the English Law Application Ordinance. My short answer to that is not yet. Thank you very much.

The Deputy Speaker -

Thank you. Anybody who wish to speak. Honourable Andrew Turner.

The Hon. Andrew Turner -

I just have one question on the process for this Bill, where we find the circumstance where we have legislated for something, but there is also an applicable provision, or a provision in English law that could be applied in the same circumstance. Is there any guidance to the Courts on which one outweighs the other in this circumstance?

The Hon. Attorney General -

Now, it wouldn't surprise me if my colleagues in Chambers are listening. They do tend to like listening to my spoke, and no doubt when I return, I'll be told off if I say the wrong thing. What we try to do is avoid a hierarchy of laws. Inevitably, there is a hierarchy of law because we have our own Constitution, and necessarily that has to apply. There's a further hierarchy because the United Kingdom Crown in Parliament has reserved the right to legislate for us. And also there are Orders in Council, and inevitably, we cannot ourselves here legislate to affect either our Constitution or any Acts of Parliament that have been put to us or honours and similarly, with regard to Orders in Council, so to that extent, there is automatically a hierarchy. However, when it comes to adopted English law as against our ordinances, they are meant to perform a coherent and consistent whole. The question is, do they and that's your implied question. Fortunately, that's the job of the judges to determine whether they do or they don't. The Courts have ruled that where we have legislated that is inconsistent with the adopted

English law, that it will displace adopted English law. One of the changes I'm hoping that we'll see made is, that when policy is created, that when those who are creating the policy need to create, to include it in a statement, whether or not they attend this policy to alter adopted English law. I think it's going to be a way to encourage deeper, better research at an earlier stage, I think the ability to express on the face of an ordinance that what the legislative intent was is also going to help and assist to give rise to this certainty. But there are always going to be questions of fact and agree, and your question highlights this perfectly. So let's take an example, trust law. Now trust law is relevant to some of the business we've had earlier on today. There's a whole body of statute law in England to do with trusts, and it states, easily, back to Trustee Act 1925. I can talk Henry the Eighth and other things, but I won't. I'll talk Trustee Act 1925 as an example. Then there's other legislation relating to trusteeships, up until that 2002 that I can recall, about five or six of them. One of the reasons why the earlier bill this afternoon expressly stated it was not intended to affect adopted English laws was, we didn't want any unintended consequences to happen when we're talking about trusts to have a potential effect on trusteeships. We do actually have some law on trusteeships in our audiences, but they are potentially to do with wills, and they're also potentially to do with mental health issues or powers of sale with regard to property. And inevitably, when you're trying to make sure that we're not being inconsistent, there will be this lines of fact and agree. You know, well, we do have Trust law, have we displaced the Trusteeship Act 1925, I don't believe we have, but that's the issue. And ultimately, at the moment, that's going to be determination for the Courts, unless somewhere, whether through an order or notice or whatever, using the powers of the ordinance, the original ordinance, principal ordinance, unless those powers have been exercised, there will be this uncertainty. And because I can't even tell you how much adopted English law there is, I can't give you a number of Acts of Parliament, all I can tell you it is a potentially amorphous mass, and it's larger than I'm comfortable with, and I want to shrink the size of that. And as I say, this amendment is part of that process. But whoever sits around this table after the General Election, I'd like to think whoever sitting in this seat will also seeks to push this reform further. It is a useful piece of legislation, but not in its current form.

The Hon. Andrew Turner -

Thank you that explanation is very helpful. It's obviously very worrying when you have this concept of a huge, massive legislation that you're not entirely sure whether it applies or not to know what you're legislating for. So yeah, I agree with the agenda, I'm looking forward to seeing some of that work coming through in terms of making the English Law Application Order a bit clearer as to what law we have and what law we don't.

The Deputy Speaker -

Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Chair. It is at this time that I would like to propose an amendment. And now I say what that amendment is, surely, yeah?

The Deputy Speaker -

Yes, please.

The Hon. Chief Minister -

Okay, so we'd like to replace section two, four, with, after the renumbered section four one, insert two, any Ordinance enacted after the commencement of this Ordinance may state

whether and to what extent it is intended to affect Adopted English Law following the commencement of that Ordinance.

The Deputy Speaker -  
Do you have a seconder?

The Hon. Christine Scipio -  
I beg to second.

The Deputy Speaker -  
Thank you. Any member wish to speak on that amendment? No? So I put the question on that amendment to clause two, section four, do stand part of the Bill.

**Question put and agreed.**

The Deputy Speaker -  
I put the question that clause two as amended, do stand part of the Bill?

**Question put and agreed.**

The Deputy Speaker -  
Council will now resume its session, please. Bill to be reported, please.

The Hon. Chief Minister -  
Thank you, Madam Deputy Speaker. I beg to report that the English Law Application Amendment Bill, 2025 passed the committee with one amendment and to move that this Council approves the said Bill and recommends to the Governor that it should be enacted.

The Deputy Speaker -  
Thank you Honourable mover. Do I have a seconder please?

The Hon. Christine Scipio -  
I beg to second Madam Deputy Speaker.

The Deputy Speaker -  
Thank you. Mover, you may speak to the motion.

The Hon. Chief Minister -  
Thank you Madam Deputy Speaker, nothing really to say other than to thank everybody for their participation and support.

The Deputy Speaker -  
Thank you. I put the question that this Council approves English Law Application, Amendment Bill, 2025 and recommends to the Governor that it should be enacted. Does any member wish to speak?

**Question put and agreed.**

The Deputy Speaker -

I think I just moved, I forgot the last section there, the last piece. I should do it again. I put the question that this Council approves English Law Application, Amendment Bill, 2025 and recommends to the Governor that it should be enacted. And that's when I had to call for votes.

**Question put and agreed.**

The Deputy Speaker -

Thank you. Clerk can we have the next item of business please.

**7. ADJOURNMENT DEBATE**

The Deputy Speaker -

Honourable Chief Minister.

The Hon. Chief Minister -

Thank you, Madam Deputy Speaker, I beg to move that this House do adjourn sine die.

The Deputy Speaker -

Do I have a seconder? Honourable Minister Scipio.

The Hon. Christine Scipio -

Thank you, Madam Deputy Speaker, I beg to move, sorry second.

The Deputy Speaker -

Thank you, anyone who wish to speak. Honourable Robert Midwinter.

The Hon. Robert Midwinter -

Madam Deputy Speaker, I rise in support of the adjournment debate. Before I do so, if I could just rise on a point of information, because I rose on a point of order earlier, and just to say that we have now had the written responses and it wasn't just myself and the Honourable Councillor Gillian Brooks. It was also the Honourable Ronald Coleman was waiting, but we have now had our written answers.

The Deputy Speaker -

Thank you. That's good news.

The Hon. Robert Midwinter -

Madam Deputy Speaker, say I rise in support of the adjournment. Madam Deputy Speaker, I'm not going to say much today, other than again, expressing my gratitude to those who put their faith in me four years ago. So thank you again to everyone who voted for me at the last election. I really hope that I have lived up to your expectations during my term in office. I also wish to thank those who have supported me over the past four years, most particularly the staff of the Legislative Council office, the Honourable Speaker and, of course, yourself, Madam Deputy Speaker. I certainly wish to thank those members of the Public Service who have assisted me in dealing with constituent enquiries, answered numerous questions, asked, and, of course, participated in the three Select Committee inquiries that we have progressed since these were established two years ago. I would also like to thank my peers, or leastways the majority of my peers, both present and past, for creating such an interesting working environment. And in doing so, I will simply wish you all the very best of luck for your future endeavours, whether

you decide to stand for election again or not. And then I wish to particularly thank our Chief Minister for not selecting me to be in her Cabinet, as I believe that I've learned and grown far more politically speaking, from sitting on this side of the House than I would ever have done if I had been sat over there. So Madam Deputy Speaker, having given my vote of thanks, I will now say a few things about our term in office, and I will start there with the Chief Minister. The role of being Chief Minister in the newly established ministerial form of government was never going to be an easy ride, especially as some difficult decisions needed to be made very early on, such as whether or not the time was right to reopen the island from COVID. Chief Minister with the support of us all, you took that bold decision and look where we are now in terms of our visitor numbers, regular access, improved overseas medical referrals, to name but a few things. So I admire what you and your Cabinet have managed to achieve, indeed, what we as a Legislative Council have achieved, collectively during our tenure, I believe that we have moved forward as an island, especially in terms of our health, education and supporting first time buyers, and I would hope that any incoming government will continue along the trajectory that has been started. We need to keep moving forward. There should be no going backwards. Madam Deputy Speaker, the UK Prime Minister, recently made reference to facing an era of radical uncertainty and how the UK would meet this by pouring cash into defence and security. He has already indicated that this cash is coming from a reduction in the overseas aid budget, which potentially puts greater pressure on what financial support we are likely to receive in the future. When we are facing such global uncertainty, what we need is political stability. So I would urge the public to really think about how best to achieve this when it comes to voting in the forthcoming election. Madam Deputy Speaker, I will now close simply reflecting on what is going on elsewhere in the world. Give thanks to God that we are not directly impacted and pray that a peaceful resolution to the various conflicts can be rapidly achieved. Thank you, Madam Deputy Speaker.

The Deputy Speaker –

Thank you Honourable Member. Honourable Dr. Corinda Essex.

The Hon. Dr Corinda Essex -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, I rise in support of the adjournment. Before commenting on the past four years and the current economic situation, I wish to emphasise to this Honourable House and the public who are listening, the dangers of a growing social problem that is a cause for great concern. This is the use of class 'A' illegal drugs, which there is evidence to suggest are being imported and distributed locally. Cocaine is highly addictive and can cause immense permanent damage to both physical and mental health and even cause death. In some individuals, this can occur after a single use. St Helena does not have rehabilitation facilities for addicts, nor a budget large enough to treat the side effects of the use of such drugs. So it is of vital importance that persons do not get tempted to try something that might give them a temporary high that is stimulating and satisfying, but could well ruin the rest of their lives. This risk is just too great for anyone with common sense to take. Those who are supplying such drugs either do not understand the damage to others that they are causing, or they are too greedy and selfish to care. Either way, then stop, or be stopped from putting the futures and lives of others at risk before too much harm is done. It is the responsibility of us all to do whatever we can to prevent any type of class 'A' drug being sold and used on St Helena. If we do not do so, we will come to regret it over time when we see people we know and care about, going through the agony of withdrawal symptoms, turning to crime to get money needed to buy the drug, going crazy, doing damage to others, experiencing serious physical health problems, and in the case of cocaine, even getting part of their nose eaten away after prolonged use. Madam Deputy Speaker the public makes reports to the police

when someone behaves insultingly, keeps on playing loud music to their annoyance, or causes accidental damage to property, so they should be very willing to report when someone is actually putting the lives of others at risk. To do so is the duty of every person who cares about our community and the people who live within it. Please take this duty seriously before it is too late. Turning now to the past four years and the present situation, it is very tempting for those not on Legislative Council to criticize and to think that they could do better. But the reality can be - and often is - very different. Although there are many areas in which I would have liked to have seen more progress over the past four years, which I will not repeat as I have raised these frequently in this Honourable House, there have been some key achievements, such as far better arrangements and standards of medical treatment overseas, establishment of the Graduate Scheme, changes to legislation to protect our community and particularly our children, updated and improved immigration and land disposal policies, etc. So it has definitely not been all gloom and doom. It is wrong to try to take credit for things that one has not brought about, but equally where progress has occurred, it is wrong not to recognise it and applaud it. Madam Deputy Speaker, given the state of the world and the serious economic and social issues facing Britain, it is certain that the next four years are going to be very demanding and difficult, but at least the next Legislative Council will have the benefit of the Ministerial System having had four years in which to get embedded with many of the essential foundations now in place, which will put a new Council in a much better position than that from which the current Council had to start, which was basically ground zero. Minister's question times are now well established, as are Select Committees, although there are still changes needed to the Select Committee (Establishment) Order to make it more effective and efficient. These have been drafted but are not finalised as yet, which is a great disappointment. Revised Standing Orders are in place, although these still require some tweaks, and an independent Governance Review has resulted in recommendations which should assist the new Council to become even more efficient and effective. However, there is still arguably a need for greater openness, transparency and accountability if the Ministerial system is to function optimally. As my fourth term as an Elected Member comes to an end, I wish to thank all those who showed their confidence by voting for me in successive general elections and one by-election and have given me the opportunity of serving St Helena. It has been difficult to make progress for many reasons, a lot of which are beyond the control of anyone on St Helena. But on the whole, I have enjoyed the challenge, and am deeply grateful for the support I have received from constituents, colleagues and key players, both here and overseas. My commitment to St Helena and my belief that its people are its most important resource, which should be supported and valued, has never wavered and remains as strong as ever today. I will always do whatever I can to enable the island's sustainable development and improve the quality of life of its inhabitants. Although frequently not getting the response I would have liked and constituents would have liked, I have always taken forward whatever issues, concerns and queries they have raised with me, and have worked with them to endeavour to get them resolved. New candidates standing in the forthcoming General Election need to be very aware that they are not going to get an easy time if elected, particularly in the current unstable and potentially dangerous global situation. There are few quick fixes, and certainly no silver bullets, magic wands or easily acquired slam dunks. Madam Deputy Speaker, one chapter in the political story of St Helena is closing today with a new one to start shortly. Let us all hope it will be a beneficial one for Saint Helena. Thank you, Madam Deputy Speaker.

The Deputy Speaker –

Thank you Honourable Member. Honourable Gillian Brooks.

The Hon. Gillian Brooks -

Thank you Madam Deputy Speaker, and I rise in support of the adjournment. Madam Deputy Speaker, when we came into our first, near four years ago, the new Ministerial Government came into being, and a lot of work had gone into the lead up of being implemented. Whilst everything was in black and white, this Council did the test drive. So much of this time since has gone into putting into place what is needed or was needed for the system to work effectively, such as the very important scrutiny committees. But also there has been the opportunity to identify where it has not been working as should be, such as when projects are significantly delayed or overspent, and in this respect, enabling the Ministerial team to hold public officers accountable, which is one of the reasons why the Governance Review was requested. But Madam Deputy Speaker, you never know what works, or does not work until you actually work with it. Today, I do not want to be too focused on the issues that we have been constantly addressing in our tenure, you know, and the major concerns here include cost of living, retaining our working age people in Island, and encouraging and enabled people to come here to live and work. Because I know that whilst there is still much to be done and to be continued, a lot has been done to help to address these prime concerns. I feel the recent public meetings held by Ministers did offer an updated insight into how this Council did endeavour to help as best it could. Irrelevant that this role will soon come to an end, I will not be able to forget and dismiss what I've been working with during my tenure. In fact, quite the reverse, because I am now more aware than ever before. So for me, this role has been an education in itself. What I have learned necessary to carry out my work on a daily basis, the training programs I have been fortunate to attend, both here and overseas, and I am very appreciative of having the chance to do so, and the opportunity to stand in as a temporary Minister. Being an Elected Member has been a role that I've truly enjoyed, putting into it as much as I possibly could. Madam Deputy Speaker, I did have another question in the House today, but due to the Minister for Health and Social Care being off island, it has been tabled as a written question. The response will therefore be included on the Order Paper, should anyone wish to have sight of it. But the question was asked for an update on the Ophthalmology service, the Opticians to include how it is operating, how the cost of spectacles are determined, and complaints concerns from patients around the affordability of spectacles. And so it just brings me now to my thank yous and I cannot individually name all who have been of help to me, with offering their professional knowledge and guidance over the past few years, four years sorry. So to you, I will say a very sincere thank you. I would like to say thank you to Mr. Speaker, to you, Madam Deputy Speaker, to the Chief Minister, and to all of my Honourable colleagues, and I wish you all the very best. And to the Clerks in the Legislative Council office, I truly appreciate your support. Thank you to those who voted for me, enabling me to have the opportunity to be in this role, and to the community as a whole. Many of you have trusted me to undertake work on your behalf, and whilst I could not always get the outcome that we may have hoped for, it has been a pleasure to do the very best that I could for you. Thank you, Madam Deputy Speaker.

The Deputy Speaker -

Thank you Honourable Member. Honourable Andrew Turner.

The Hon. Andrew Turner -

Thank you, Madam Deputy Speaker. I rise today for my final adjournment debate at this term in Council. Firstly, I'm deeply honoured and humbled to have been chosen to fulfil this role almost four years ago. Thank you to everyone who put their faith in me to represent them in this wonderful island we call home. I hope that I've lived up to your expectations and that I'll get the opportunity to do so again. Becoming a Councillor has been the steepest learning curve of my life, but I've greatly appreciated the opportunity to make a difference. In that vein, I'd also like to thank all those who supported me through this term in office. I appreciate every

gesture, kindness and word of advice that I've received. Now, I'm sure there'll be a lot more said, and indeed, some have already spoken today about the past, what we got right or what we got wrong, but I thought I would leave that for the campaign and do something a little different, looking purely to the future. In a few weeks, a new Council will sit in these seats. Well, hopefully the Council Chamber seats and do what they can to move the island forward. And I'd like to offer my hopes for what that new Council will do. So to start, I would say it takes 12 people to effectively move the island forward. Now, I know that sounds obvious. That's why we elect 12 people, but I mean 12 people working together at all levels of the process to make things happen, not in a five and a seven each doing their thing, but 12 people each with their own knowledge and experience contributing to make better policy, better legislation, and, most importantly, better outcomes. To our successors I say yes, there will be conflict. You will not agree on everything but compromise and open and honest debates about what you are doing and why you are doing it will go a long way to keeping you and the public in the driving seat for the island's future. Speaking of openness and honesty, I hope those who come after us will uphold the values of true transparency, governing for the people and bringing the public along on the journey. As the Honourable Dr Essex has said on many occasions, and indeed in this session, the island's greatest resource is its people, and if you can bring them with you and work with them, you are sure to have a smoother ride and achieve much more. Make the most of the tools available to you, especially the Select Committees. Good governance is only possible with good scrutiny, and I would urge anyone looking to run for Council to immerse themselves in both sides. Select Committees especially, have proven that they can work in bringing about improvements in people's lives and livelihoods. Lastly, Madam Deputy Speaker, I would hope that the next Council focuses on the foundations. There is no point arguing about what colour to paint your house, if the foundations aren't fixed and your house is falling down, it may not be glamorous or politically eye catching, but sometimes you have to look at the basics and get the simple stuff right. But all of the things I've spoken about are, of course, just a wish list, and the power now goes back into the hands of the people to vote for those who will make it happen. And I, for one am looking forward to this new chapter for St Helena. Thank you.

The Deputy Speaker -

Thank you Honourable Member. Honourable Ronald Coleman.

The Hon. Ronald Coleman -

Thank you, Madam Deputy Speaker. I rise to the adjournment debate. Let us all pray for the cease of all conflicts in the world and let us all have peace. What a challenging four years this has been working hard and together for the good of St Helena and its people. It is not been easy, but I can say here today that it was worth every minute of our time. On a small island like St Helena, depending on aid from the United Kingdom, it's not easy, even though we always seem to be begging for it. Justifying every penny is hard work when we know where it is needed, especially in today's world, when we now know that the UK is also struggling. I have also made it clear that the people of this island is struggling, finding it hard to make ends meet, and we all know that money is always in short supply when there is so much to be done with it, looking after our people, the island's infrastructure, and taking this island forward, giving people a better quality of life. I have also said that we need to give support to the private sector development to grow our economy. But, I must say, even though we struggle at times, we are always winning, and with the support of the community and each other, we always rise above the rest. Working together is key, and we can do it, and we can achieve a lot. Anything we do, I ensure that is also for the benefit of the island and its people, and making sure we leave no one behind. So today, I want to thank the people of St Helena who put their trust and believe

in me for the past four years, especially those who voted for me. I also want to let you know that I am willing to continue the work on behalf of, and be your champion if you still need me, as I am making myself available for the next election. I want to thank all the people of St Helena who work so hard in their various jobs, the day workers, the night workers, those who keep the island ticking, everyone, no matter how small or how big your task may seem, even those in the corridors of London. And to the elderly, those who are sick and the vulnerable amongst us, I can give you the assurance that we will continue to look after you all, the young ones, our children are always in our hearts. Apart from all that is being said about what have been achieved over the last four years, I really want to comment on St Helena hosting the first CPA conference, the 53rd British Island and Mediterranean region last year. A conference that St Helena can be proud of, even though it was the 53rd of its kind, the CPA personnel commented that St Helena had set the bar. One of the visitors from Ireland also said that we were the friendliest people in the world, and took away the cup from Ireland. The Baroness also commented that we can promote St Helena as a conference destination. So I just want to say well done to St Helena. I would also like to report that I support the Governance Review and fully support the separation of powers in St Helena is the way for moving forward. One other area I follow very closely is fishing. I hope that we might get to hear today, if the STC boat has been licensed, and whether it is for inshore or offshore, I want to thank this Council for what we have done and achieved through, though we may have had our differences, and we want to wish the next Council well and hope that St Helena continues to move forward and upwards, but leaving no one behind in all that they do. Let's keep our heritage, our culture, our people and our uniqueness, which makes us special. Thank you, Madam Deputy Speaker.

The Deputy Speaker -

Thank you Honourable Member. Honourable Karl Thrower.

The Hon. Karl Thrower -

Thank you Deputy Speaker. Obviously it's always more difficult to go last after five other Councillors, so obviously they've covered a huge amount in their speeches. But I do feel that I need to explain to the public something, and I think it's very important that they understand why, recently we've been doing what we've been doing. So several members of the public have already contacted me about how many motions and things we've put through the house in the last few weeks, and their concerns about how quickly they were passed. And I will say this very clearly, it's not ideal, but I do believe it was necessary. I believe that the Telecommunications Bill was very important for the reasons that Minister Mark Brooks highlighted, why we were talking about it in the House in the last LegCo. I hope it became clear today why the Civil Litigation Costs was important. And I hope that the public understand just by simply, if you look at how many motions that we've passed in this house, how many have been intended to be enacted within one week. We have said the 1<sup>st</sup> of July several times today, for when things need to be enforced, there is a reason for that, because they can't wait nine weeks and I do agree with that. I know it's not popular, and I wish it wasn't necessary, but it is. And I would just point out that the Telecommunications Bill added, I would say, extreme customer protection for the end users, and that is the people. I will say that the civil litigation cost can be looked at two ways. Some people have already expressed concerns, it's about SHG covering its potential exposure to costs. But actually, I would draw people's attention to the other part of it, which is the clarity it's giving you on the conditional fee agreements. There are a lot of people on this island right now looking at entering such agreements, and there's lots of companies who are going to start offering such agreements. It's important that you are protected as a claimant considering one of these agreements. And yes, we also have to look after the public purse but as a member of the PAC, that's my job, so I do have to take that into

consideration. And you know, it's very simple. We could go down the road of what the UK struggles with, where you've got people accidentally tripping over a paving stone three times a day so that they can claim for it. Or we can protect ourselves and make sure that people who deserve pay-outs, due to errors and problems, things going wrong, get the pay-outs that are justified, but at the same time, protect the good quality of life generally that we have on this island, you know. And I will say, also to back Dr Corinda Essex up, obviously you know, I grew up in a city, I grew up halfway between Nottingham and Derby, I was exposed to drugs and the results of drugs abuse from a very early age, it's inevitable when you live in a city. These are real threats, you know, it might not, you might feel guilty about saying something because somebody's your neighbour or something like that, but trust me, when somebody's broke into your house for the fourth time to get enough money to get enough drugs for a couple of days, then you will really start, but it will be too late. So I would agree that the problem has to be addressed. If it's where we've been told it is, it needs addressing quickly and very firmly, and hopefully we can get that in place very quickly. And now on to better things, I will say that I would like to expand on what some of my colleagues said. I would actually like to thank the public for their responses, you know, and including the ones listening now. Without the feedback from the members of public over the four years, it would have been impossible for us to do our jobs. You know, at the end of the day, we're voted for by the people to do their bidding. And it's not always easy, and you will quite often get two people congratulating on the way you went with a decision, and two people commenting on how badly you made a decision, the same decision. But I think that hopefully everybody's trucked that line as well as they possibly can. And secondly, I would like to back up what Councillor Midwinter said about thanking all of the staff who have helped us, and that does include the staff who we've got now, and the staff in the future, who I've promised I won't name by somebody, so I'm not going to go into that, but I just want to say thank you to everybody. And you know what, four years has gone so fast, it's unbelievable. Thank you very much. I'm raising support for you. Thank you.

The Deputy Speaker -

Thank you Honourable Member. Honourable Christine Scipio.

The Hon. Christine Scipio -

Thank you Madam Deputy Speaker. Madam Deputy Speaker, unfortunately, Honourable Elizabeth Knipe was unable to attend this morning, so I'm going to take the opportunity to provide a response to the question that she had intended to us in the House today. So the question that she was asked, was going to ask is, in the interest of health and safety, whether the waste removable vehicles are currently in operation. So the benefit for our listeners, at present only one recycling collection vehicle remains operational and is in use by the Waste Management team. The second recycling collection vehicle is currently out of service due to a failure in its electronic control unit. Despite several attempts to have it repaired offshore, the St Helena Government Vehicle Fleet Manager has now advised that it is beyond repair. Therefore, Vehicle Fleet Management is exploring the procurement of a replacement, recycling collection vehicle with an estimated delivery timeframe still to be shared. To mitigate disruption, in the interim, alternative transportation methods have been employed. This include use of an ENRP vehicle with a trailer and a vehicle provided by the Vehicle Fleet garage. While these has helped bridge the gap, they too have experienced faults, resulting in service delays and additional strain on waste management operations. Despite these challenges, the Waste Management team continues to do its utmost to ensure essential collection and disposable services remain in place. The dedication of the team in adapting to manual operations where necessary is commendable. We kindly appeal to the public and local businesses for their continued patience and support. Please ensure all household and commercial waste is securely

bagged before being placed into bins. Avoid discarding loose waste as it increases the difficulty and risk involved in manual collection. Particular caution should be given, should be taken when disposing of sharp items such as broken glass, these should be carefully wrapped or secured to prevent injury to our team members. Manual handling of rubbish, particularly food waste, can increase the risk of infection to staff due to exposure to maggots and any other unhygienic conditions. Despite repeated press releases from St Helena Government urging the public to use litter bags, loose waste is still frequently deposited directly into the bins. As a result, the Waste Management team is often required to empty this waste manually. To help mitigate these risks, all staff are equipped with appropriate PPE equipment. Simple acts of cooperation go a long way in helping to protect those who continue to serve the community under challenging circumstances, we are grateful for the community's understanding and resilience and we remain committed to restoring full services as swiftly as possible.

Madam Deputy Speaker, 13 years ago, I stepped into public life with a handbag full of notes, a heart full of hope and a head full of questions, mostly about whose turn is it to arrange the curry pies and whether I remembered to turn off the electric iron. I stand before you today with lots of grey hairs, a heart full of gratitude, and if I'm being completely honest, a slightly more generous dress size than when I first took on the role. Being a politician has left its mark. Long evenings spent in meetings, countless community gatherings and more working lunches than I care to count, what happened today. When I was first elected in 2012, I never imagined that one day to be called Minister. Back then, we worked under the Committee system where decisions were made by a single leader, wasn't made by a single leader, but by groups of Elected Members sitting on various committees, each responsible for a particular area, like education or health. Committees were politically balanced, meaning members had a seat at the table. It was a model that encouraged shared responsibility, open debate and collective ownership of decisions. Then came 2021, and with it, the bold leap into the Ministerial form of Government. Suddenly we weren't just Councillors, we were Ministers for Portfolios, policies. We found ourselves navigating a whole new landscape, new procedures to master, new expectations to meet and a whole new language of governance to get our heads around. Let me tell you that transition was no walk in the millennium forests. It was more like hiking Diana's peak in pin heels. But despite the steep learning curve, I was honoured to serve as the first Minister for the Environment, Natural Resources and Planning Portfolio, and I was even more honoured to serve alongside a team of Ministers, who like me, were figuring out as we went, armed with determination, guided by spreadsheets and united by a dedicated belief of what St Helena could become. There were challenges, balancing public expectations with practical realities, making tough decisions that didn't always please everyone and trying to explain to my family why I was still at the office at eight o'clock at night, or why the dining room light was on at four o'clock in the morning. But through it all, I was guided by you, the people of this island, your voices, your concerns, your encouragement and yes, even your criticisms. You reminded me often in the most unexpected ways of what truly mattered, whether it was a heartfelt letter, a quiet word outside the Post Office or a raised eyebrow that said more than words ever could. Madam Deputy Speaker and then there's the old lady down the hill, no official title, no office hours, but more wisdom than most policy briefings combined. Politics, she once told me is just common sense wrapped in a paperwork and served with a side of patience, and honestly, I yet to hear a better definition. She had a way of cutting through the noise, she reminded me in her own no nonsense way, that leadership is about listening, showing up and not forgetting who you are doing it all for. Her advice wasn't always gentle, but it was always honest and in a world of polished speeches and fancy shoes, that honesty was a gift. Now, after 13 years, I decided not to stand in the upcoming General Election, not because the job is finished, let's be honest, the job is never finished, but because it's time so that someone else discover the joys of

inbox overload, late night policy debates and being stopped in the street to discuss the overgrown verges along the roadside. So to the incredible team at the ENRP, thank you. Your dedication, expertise and determination have been the backbone of so many of our Island's most vital efforts, whether it was protecting our environment, managing our natural resources, or planning for a sustainable future. You did it with professionalism, passion and a remarkable ability for making the hard stuff look easy. You have taught me more than you know, and I leave with immense respect and gratitude for everything you do, often behind the scenes, but never unnoticed to the end. To the administration of the Public Service, thank you. Behind every policy, every program and every public facing success, there is a team of dedicated individuals working tirelessly to keep the wheels turning. To those who support me, challenge me and kept me going, thank you. To my fellow Ministers and Councillors, we didn't always agree, and that's a good thing. Healthy debate, different perspectives and the willingness to challenge each other made our work stronger. To the new government, may your coffee be strong, and your meetings be short. May we continue to grow to protect what makes our Island special. God bless you all, and God bless St Helena. Now I will say, I beg to move.

The Deputy Speaker -

Thank you. Honourable Minister Brooks.

The Hon. Mark Brooks -

Thank you, Madam Deputy Speaker. Madam Deputy Speaker, as you know, I don't usually support the Adjournment Debate, but as this is the last formal meeting of the first Ministerial government, I would like to say a few short words. To all my fellow community who came out to vote for me almost four years ago, it has been a hard four years, but four years of immense pleasure, and for that, I sincerely thank you and goodbye.

The Deputy Speaker -

Thank you. Honourable Attorney General.

The Hon. Attorney General

So thank you, Madam Deputy Speaker. I'm in the unique position here of being the only unelected member amongst you all. In many ways thank God for that. But can I just say to you all, I've only been with you five short months. I won't see this House together and this assemblage ever again and I think its incumbent on me, on behalf of my colleagues, both within Chambers and without, to thank you for your diligence, your efforts, your challenge, the questions that you posed. You've certainly proved to me that democracy is alive and well here. And can I also say thank you to every member of the government, both those that are here and those that aren't. You've shown tremendous support and assistance for me and my colleagues, both in Chambers and outside. It's been an absolute honour and a privilege to serve you. I've no idea how many of you are coming back, and to the extent that I can continue to serve, I will continue to serve you with as much honour and distinction as I can, but I'm eternally grateful for the opportunity and for the hard work that you've shown for the community. Thank you very much.

The Deputy Speaker -

Thank you. Honourable Chief Minister.

The Hon. Chief Minister -

Thank you Madam Deputy Speaker, this is it, my final response to an adjournment debate as the inaugural Chief Minister. As I stand here today, Madam Deputy Speaker, I stand in a mode

of reflection with a number of thoughts going through my mind. I am an individual who thrives on job roles that creates a challenge, but just as importantly, has a sense of purpose and a sense of the greater good. This role has most certainly delivered on that. When I took the decision to put my name in the running to be a part of the inaugural ministerial form of government, I did so with a primary aim, and that was to make a difference. I wanted to be a part of the much needed movement to take St Helena forward, to change the trajectory and to build a St Helena that becomes more sustainable, creates opportunity and inspires both social and economic progress, which in essence, are the ingredients to ensuring a better quality of life for all. Such an ambitious vision however, Madam Deputy Speaker takes courage. As Mahatma Gandhi famously said, “you must be the change you wish to see in the world” and what a true statement that is. This quote reinforces the personal responsibility that must be taken along with the initiative if we truly wish to embody the positive change we so desire. To do so, however, doesn't just take courage, it takes time, dedication, a great deal of planning, the will to want to change, the aptitude to take hard and difficult decisions, teamwork, resources and for St Helena, this includes both human and financial, and the drive to keep pushing forward, even when the odds are stacked against you. This Madam Deputy Speaker, I believe, was at the heart of this government. It was exactly what my ministerial team and I were keen to do. And I stand here, some three and a half years on, reflecting on our journey. We have most certainly managed to achieve a lot, and is something that I am immensely proud of. Thank you, team. Of course, reaching this attainment was not achieved alone, and I am truly grateful for the opportunity this role has offered me in respect of working with individuals and teams who have been instrumental in what we have achieved. They have been our greatest network of support and guidance in helping us to achieve our ambitious agenda. And I can assure you, I'm not going to stand here now and try and tell you all the things we've achieved in the last four years. Thank you, though, for those of you who have mentioned some of them, but I will speak to a few of them. I know that the Honourable Robert Midwinter mentioned the reopening of the island. I think for as long as I live, reopening the island was probably one of the most difficult decisions I have ever taken in my life, but it was made easier because of the careful planning, the mitigation methods put in place, and confidence in the information and advice provided to us to ensure that St Helena was able to navigate ourselves out of lockdown and back to normalcy. The decisions taken to do such, I would describe as one of the hardest, as I've just said, and I would like to thank all of those Ministers, Council, but special thanks on this one must go to the Health team. They gave us every piece of information we ever asked for, and also that is when we started to work with UK HSA. Three years on, and we have managed to reinstate and from Minister Brooks, exceed expectation. We are now back to pre-pandemic levels when it comes to our visitors and tourist numbers, we've seen increases in the recurrent budget each year for the past three years, we've seen long term access arrangements, both in respect of air and sea. We've got a new immigration policy with legislation that will be enacted later in the year, ensuring our maritime regulatory framework is now moving in the right direction. We've got climate change policy and we are moving forward with renewable energy. I know it's not where we wanted it to be, but we are pushing forward with the right documents and frameworks in place to ensure that Saint Helena can thrive towards 80% renewables by 2027/28 and as I think Honourable Karl Thrower, but a number of us have said today, the Communications Bill. Reading 93 pages, probably five times is no easy feat, but it was something that was worth doing, and it is important to take St Helena forward.

To the entire team now, and I mean this in every portfolio, but of course, with my ministerial team, the ask for the modified zero based budget. I think this is something I'm truly proud of as well, because it's not easy when you have to go into JMC, or indeed into the FAM visits and ask constantly for more money. But I think the way in which it was presented, the approach that was used, and now with the outcomes framework as well the strategic outcomes

framework, I think it was well embedded. As we said, it wasn't aspirational, it was trying to demonstrate to the UK Government what we considered reasonable needs. Another big journey for the Ministers. And yes, I know we were criticized with it, but it came at a time when sensitivity around it was high, and that was BIOT funding. That was, again, a negotiation I've never done before, but I'm so proud of the team and the officers and the Governor for assisting us, ensuring that we manage to secure an additional 6.6 5 million for St Helena, and it's gone into areas that needed the assistance; our Health and Social Care service and our Education service, and at the heart of making sure that we run more effectively as a government, our IT provision. When we came into this government, improving the health provision on our island was at an all-time low. We were constantly, I think Martin didn't get through a formal LegCo or a public meeting without some questions being raised by health. I know there were some today, but I have to say, it's amazing how health isn't the primary question on everybody's lips now. So well done to everybody within Health and Social Care for ensuring that we've got a more stable health service. I know there's still huge issues within Social Care now, but that comes with an aging population, and I know if Martin was here today, he would say the monster on the horizon as he speaks of it. And that is even more so when our working age population and our young people are decreasing. Work is now being done within that portfolio, to move from firefighting tactics to that of finally being able to commence focusing on preventative health. Governance review has been mentioned. That's another good news story for this government, because we went forward and I just hope now, as the new government comes online, the recommendations put forward will be considered, which I am hoping will result in a constitutional review, which I know that the Honourable Dr Corinda Essex has been speaking about for some time. And I'm not going to add any more to that, but I must mention my own, very own Education reform. It wouldn't be fair if I didn't mention that and you know, we're at the start of the journey. The last year has been difficult, but I think all credit to those who work within Education, Skills and Employment. We want to be the engine of change, and we're coming from a foundation that's not been easy, and there's still very much more to come. People have spoken today about structures, and I have to say, even though we talk about a baseline, when you come into the role and what needed to be done, I would say took the best part of a year to two years, and it's still not perfected, but it's moving in the right direction. I remember walking into the First Minister's Question Time and thinking, now, how is this going to go? But now it's become second nature, and I think we all stand there, and it's really good to be able to have that along with the Select and Scrutiny committees, because I know people keep talking about communication improving, but it is these types of forums, along with what we're doing today that helps to improve communication. This government has also gone through an ever-changing UK Government. I've seen three new Ministers every time I've gone to the UK. Now there could be some positive in that, we've also seen a change of government from conservative to labour. So it's a lot of change that we've gone through, but it might also mean that we've got a lot more supporters who now know more of St Helena.

For those listening, the outstanding piece that I'm not content with, but it is where we are, and that is the UK state pensions. I looked at Honourable Rob Midwinter because he's always chasing me on that matter. It has been chased, a letter was only sent yesterday requesting an update or an outcome, as I know it was part of the BIOT agreement. So I've done everything I can to do that, and I leave it now in the hands of the Chief Secretary and the Governor, to follow through if no outcome is received before Monday. But it also was a time for building relationships with our portfolios and, very importantly, our portfolio directors and our senior leadership teams. We are all individuals at the end of the day, and we come with all our different personalities, way of working, etc. So to be able to come together as a team, it does take a lot of working to ensure that we get there. It's also important to note for those going forward into a new government that it is important that we continue relationships with the UK Government,

FCDO, our CPA colleagues and the OT leaders, especially for the Chief Minister, because they have been real instrumental as well. I've got two Ministers sitting here with me right now who have attended functions and meetings and conferences in different Overseas Territories, and that was all paid for. Minister Henry, who's not with us today, he's actually at a conference, and he also has been invited free of charge. And is those type of collaborations that helps put Saint Helena on the map, and obviously puts forward where our challenges are.

We've also had some really important visits, the Duke of Edinburgh, the BIMR conference was mentioned, Speaker Hoyle from the House of Commons, and another first was the Director General of FCDO. So there's so much I could talk about, and I don't wish to continue to go on this afternoon, but I am going to say thank you.

Thanks to my Ministerial Team, you guys have been a pleasure to work with. As I think Minister Scipio said, there are sometimes arguments, but I am really proud of you guys for taking collective advice so seriously. I don't think there's ever been a time in the last three and a half years whereby it's in the public domain that 'I didn't agree to this'. So thank you, because that was so important in taking the Ministerial Government forward. To the wider Council to include Speaker, and you Deputy Speaker, and the Legislative Council Office, my Portfolio Directors, Wendy Benjamin, Marie Horton, Kerry Lawrence, and Angie Benjamin that I've worked with over the past three plus years, and all staff throughout the Education, Skills and Employment Portfolio. The Deputy Chief Secretary, and staff throughout the Central Support Service, which obviously I had responsibility for, the Governor and his team, Chief Secretary, Financial Secretary, AG, and all the other officers throughout the Public Service that I've had the pleasure to have worked with over the period. The special mention also to the Deputy Financial Secretary, the AG's Chamber staff, the Social Policy Planner, and all the Portfolio Directors and all the Accounting Officers, because it is at this level of Executive Council that we work very closely with these people. I cannot forget though the Executive Secretary and the Cabinet Secretary that have worked diligently to keep us all on track. I thank you both for your never ending support and continued chasing because they kept us on our toes. Members of the public who have supported me and the entire Council before and during my time, your continuous conversations, discussions, support and challenge has kept me and my government on our toes, which is needed in a democratic society. I also must thank SAMS Radio One for hosting our weekly In-Scope programs. Thank you for allowing us to utilise your service to be able to promote the work that the government is doing within our different and respective portfolios. And then lastly, I'd also want to now make it a little personal, and thank my friends and family who have kept me motivated, well balanced and grounded, as I can assure you that holding such a public position can have its ups and downs. I will, however, mention two very key people that I will name, and that is my husband, Waylon, and our daughter Erin, both of whom have supported me unconditionally and have adapted to a change of lifestyle where my role has required me to travel, work long hours or change plans and at very short notice, I appreciate and love you both. Madam Deputy Speaker, as I draw to a close my contribution to the adjournment debate, I will admit to sincerely looking forward to a much awaited break. Madam Deputy Speaker for the final time as the inaugural Chief Minister, I beg to move.

#### The Deputy Speaker -

Thank you, Honourable Chief Minister. Honourable Members, as we conclude the final meeting of this Council's term, I and on behalf of the Speaker, we wish to extend our gratitude to each and every one of you. Your commitment and dedicated service have been instrumental in advancing the work of this Council and upholding the principles of good governance. Thank you. To the Attorney General and your team, thank you for your invaluable legal guidance and support. To our Clerk of Councils and her team, your tireless support for managing the demanding and challenging affairs of Council business, thank you. To all Members, your

contributions, insights and debates have enriched our discussions and strengthened our democracy. It's been an honour and privilege to work alongside you. As we close this chapter, I wish you all the very best in your future endeavours. Thank you once again for your service to Council and to our community. I put the question that this Council do adjourn sine die.

**Question put and agreed.**

The Deputy Speaker -  
Council adjourned sine die.

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The Honourable Speaker

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Date