

Minutes of the Meeting of Executive Council held on Tuesday, 26<sup>th</sup> January 2021 at 9.30am  
in the Council Chamber

Present: His Excellency the Acting Governor (Mr Greg Gibson)  
The Hon Chief Secretary (Mrs S O'Bey)  
The Hon Financial Secretary (Mr D L Richards)  
The Hon Attorney General (Mr A T Cansick)  
The Hon C R Beard  
The Hon C G Buckley  
The Hon A A Green  
The Hon L A Henry  
The Hon D F Thomas

In attendance: Head of Corporate Support (Mrs C A George)

Apologies: Clerk of Councils (Mrs C C Johnson)

**OPEN SESSION**

95.1 Welcome

The Acting Governor opened the meeting by welcoming all present. The Head of Corporate Support would be carrying out minute taking duties for the meeting in the absence of the Clerk of Councils.

95.2 The Merchant Shipping Bill, 2021 (ExCo Memo 2/2021)

The Chairman of the Economic Development Committee introduced the Memorandum and was supported by the SHG officials who had primarily been involved in the development of the Bill, who were the Crown Counsel (Marine), the Legislative Drafter and the Maritime Compliance and Policy Officer.

Members were supportive of the Bill, noting it had been considered and discussed by the Economic Development Committee (EDC) on three occasions, with some amendments made as a result of those discussions. In response to a question from one Member, the Attorney General explained that associated Regulations were in the process of being drafted with a view to completion prior to the commencement of the planned Audit by the International Maritime Organisation (IMO), initially scheduled to go ahead in February 2021. The Attorney General added that the exact date of the Audit was yet to be made known and in any event, a notice period of 28 days prior to the Audit date would need to be given by the IMO.

One Member expressed the view that the level of some of the fines that could be imposed for offences were too low and the opportunity should be taken to revisit those with a view to higher fines being imposed, possible up to £10,000. There was much discussion about this, during which it was explained that the steer from the EDC had been to incorporate in the Bill fines which were in line with the corresponding UK legislation.

The Member who had proposed that the fines be increased said that he would give further consideration to his views and prepare a justification to increase the fines when the Bill was presented to the formal meeting of the Legislative Council on 29<sup>th</sup> January 2021, should he still be of that opinion.

In response to a question as to whether or not there would be any financial implications associated with the enactment of the Bill, the Financial Secretary explained that there were likely to be costs associated with the implementation of the legislation and was not able to confirm whether or not the Maritime Coastguard Agency (MCA) would continue to provide financial support. A Member was of the view that HMG should be made aware of the fact that compliance would have financial implications for SHG, to demonstrate how meeting such international obligations impacted on the limited funding SHG has available for all services. The Chief Secretary explained that establishment of a Maritime Agency was part of the ongoing restructuring of the public service and highlighted that the MCA had to date provided substantial funding for equipment.

A Member asked whether there were any negative implications for ships of a length greater than 24 metres and it was explained that a ship exceeding that length could still be registered in St Helena.

Following discussion, Council advised and the Acting Governor agreed, that the Merchant Shipping Bill, 2021, should be printed and published and presented as Government business as the formal meeting of the Legislative Council due to take place on 29<sup>th</sup> January 2021, noting that a Certificate of Urgency signed by the Acting Governor would be required.

**(Action: Clerk of Councils)**


95.3 Any Other Business

95.3.1 Home Quarantine Update

The Hon Clint Beard enquired as to the success or otherwise of the recent Home Quarantine arrangements. The Chief Secretary explained that a detailed evaluation of the arrangements was being led by the Chief of Police but initial assessment suggested that the arrangements were successful; this assessment would include arrangements for pre-departure testing. The Hon Anthony Green highlighted the need to know the outcome of the arrangements, in particular the contract for Security, as decisions would soon need to be taken soon regarding home quarantine arrangements for future repatriation flights.

There was no any other business for discussion in Open Session.

  
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Acting Governor

  
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Clerk of Councils  
05/03/21

5/3/21  
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Date