



**SUMMARY REPORT
PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY
HELD ON 5th DECEMBER 2023**

1. The following papers were laid on the Table:

(a) Financial Secretary

S R & O No. 34 of 2023	Customs Duties and Consumption Tax (Christmas Decorations) (Exemption) Order 2023;
S R & O No. 35 of 2023	Customs Duties and Consumption Tax (Alteration of Customs Duties and Consumption Tax) (Christmas Barrel) Order 2023;
S R & O No. 36 of 2023	Income and Corporation Tax (Ring Centre Ltd) (Exemption) Order 2023;
S R & O No. 37 of 2023	Customs Duties and Consumption Tax (Ring Centre Ltd) (Exemption) Order 2023.

(b) Attorney General

S R & O No. 38 of 2023	Election (Continuous Registration) (Amendment of Schedule) Regulation 2023.
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2. The Introduction and First Reading of the following Bills took place:

(i) ‘Revenue Laws (Consequential Amendment) Bill 2023’

First Reading 5th December 2023

The Bill seeks to amend revenue laws as a consequence of the enactment of a Tax Administration Act. Amendments have been made to the following Acts: Montserrat Customs and Revenue Services (Enabling) Act Cap. 17.06), Hotels Tax Act (Cap 17.13), Property Tax Act (Cap. 17.16), Insurance Levy Act (Cap 17.14) and Income and Corporation Tax Act (Cap 17.01).

(ii) 'Tax Administration Bill 2023'

First Reading 5th December 2023

The Bill seeks to revise and consolidate the law relating to the administration of taxation and to ensure the efficient collection of taxes and other fees in the nature of taxes. The Bill is divided into ten parts as follows: Part 1 Preliminary Matters, Part II General Provisions, Part III Record Keeping and Information Collection, Part IV Assessments, Part V Objections and Appeals, Part VI Liability for and Payment of Tax, Part VII Interest and Penalties for Late Filing and Payment Part VIII Recovery of Tax, Part IX- Offences and Administrative Penalties and Part X Final Provisions.

(iii) 'Proceeds of Crime (Amendment) Bill 2023'

First Reading 5th December 2023

The Bill seeks to amend the Proceeds of Crime Act (CAP. 4.04). The following sections of the principal Act are amended: 2,3,10, 12A, 13, 29, 42, 101, 102, 116, 117, 121, 122, 123, 127, 134, 157, 157A, 162, 165,166, 170, 173, 174, 175, 176, 177, 178, 179, 181, 183 and 184.

(iv) 'Companies Bill 2023'

First Reading 5th December 2023

The Bill seeks to repeal and replace the Companies Act (CAP. 11.02), the International Business Companies Act (CAP 11.13) and the Limited Liabilities Companies Act (CAP. 1.14) with a new and up to date Companies Act. Part 2 – Formation of Companies, Capacity and Powers provides for: Division 1- Incorporation of Companies, Division 2 – Company Names, Division 3- Capacity and Powers. Part 3 -Shares, Distributions and Share Redemptions provides for: Division 1-Shares, Division 2 – Distributions, Division 3 – Share Redemptions and Division 4 – Mortgages and Charges of Shares. Part 4-Members provides for Register of members, shareholder agreements and Shareholder approvals. Part 5 – Company Administration provides for: Division 1 Registered Office and Registered Agent, Division 2-Persons with Significant Control Over a Relevant Company, Division 3-Company Records and Division 4 -Accounting Records and Financial Reporting. Part 6- Directors and Secretary provides for: Management by Directors, Secretary, By-laws and Organisational Meeting, Appointment, Removal and Resignation of Directors, Duties of

Directors and Conflicts, Proceedings of Directors and Miscellaneous Provisions and Disqualification of Directors. Part 7 – Registration of Charges. Part 8- Receivers and Receiver-Managers. Part 9- Merger, Consolidation, Sale of Assets, Forced Redemptions and Arrangements. Part 10-Continuation. Part 11 Members’ Remedies. Part 12 Foreign Companies. Part 13- Strike-off and Dissolution. Part 14- Liquidation provides for: Division 1- Preliminary, Division 2 – Statutory Demand, Division 3 – Appointment of Liquidator and Liquidation of Company, Provisional Liquidator, Consequences of Appointment of Liquidator, Notice of Appointment and Initial Meeting of Creditors, Liquidators, Liability of Members and Former Members, Claims, Distributions, Disclaimer, Investigation of Assets and Affairs of Company, Miscellaneous Provisions, Termination of Liquidation and Liquidation of Unregistered Companies, Division 4- Voidable Transactions and Division 5-Malpractice. Part 15- Investigation of Companies, Part 16 Administration and General. Part 17 -Miscellaneous and Transitional. Schedule 1 – Powers of Liquidator and Schedule 2- Transitional Provisions and Savings.

(v) ‘Merchant Shipping (Registration) (Amendment) Bill 2023’

First Reading 5th December 2023

The Bill seeks to amend the Merchant Shipping (Registration Act (Cap. 7.11) to provide for the establishment of a maritime administration, the appointment of surveyors and inspectors to ensure safety at sea, the protection of the marine environment and for related matters. Clause 3 of the Bill amends sections 2 of the Act by inserting new definitions. Clause 4 amends the Act by inserting sections 3A to 3G which provides for maritime Administration, Harbour Master, Receiver of Wreck, Maritime Strategy, maritime Advisory Committees, Impersonation of a Maritime Official and Making or Issuing False Certificates, Documents etc. Clause 5 amends section 4 of the Act by providing that part 2 of the Act does not apply to fishing vessels. Clause 6 of the Act amends section 28 by deleting subsection (1) and substituting it with a section that provides for a change in the registered ownership of a ship. Clause 7 replaces section 43 of the Act and substitutes “43. Change of ownership”. Clause 8 amends the Act by inserting immediately after section 58, 58A issue of false certificates of registry and 58B Misuse of certificate of registry. Clause 9 amends the Act by inserting immediately after section 67, Part 3A Crew – 67A Operating a ship without a sufficient and competent crew, 67B Positions on board ships, 67C offences relating to crew matters and 67D Regulations relating to masters and seafarers. Clause 10 amends the Act by deleting Parts 5 and 6 and inserting Part 5-Safety Measures -General, Part 6 Prevention of Pollution, Part 7 Implementation of Conventions, Part 8 Enforcement -Inspectors and Surveyors, Part 9 Accident Investigations and Inquiries, Part 10 Wreck and Salvage, Part 11 Subordinate Legislation – General Provisions and Part 12 Supplementary Provisions.

(vi) ‘Port Authority (Amendment) Bill 2023’

First Reading 5th December 2023

The Bill seeks to amend the Port Authority Act (CAP.7.09) to provide for the Port Authority to be the competent authority for hydrography matters, the qualifications of a pilot, pilotage, the powers of the Port Manager with respect to wrecks and for related matters. Section 2 of the Act is amended by replacing the definition of Port with a new definition and inserting definitions of authorised pilot, pilot, pilot boat, pilotage direction and pilotage exemption certificate. Section 18 of the Act is amended by replacing subsection 18(3)(e) and subsection (4). The Act is also amended by inserting sections 53A to 53I immediately after “Part 6A Pilotage services”. These sections cover General duties as to provision of pilotage services, authorisation of pilots, employment of authorised pilots, pilot boats, pilotage directions, pilotage exemption certificates, prevention of discrimination in favour of Authority’s ships, compulsory pilotage and liability for ships under compulsory pilotage. Section 55 of the Act is replaced and provides for the Power of the Port Manager in respect of wrecks etc. Section 62 (1) of the Act is amended by replacing paragraph (1) and section 65 of the Act is amended by inserting a section immediately after subsection (4).

(vii) ‘Info- Communications Development (Amendment) Bill 2023’

First Reading 5th December 2023

The Bill seeks to amend the Info-Communications Development Act (CAP 18.08) to provide for the Info-Communications Authority of Montserrat to consult with the Registrar of Montserrat ships before exercising its licencing and regulatory functions in relation to ships and other vessels. Section 31 of the Act is amended by inserting a subsection immediately after subsection (2) which outlines the steps to be taken once an application is made in respect of a ship or other vessel.

(viii) ‘Police (Amendment) Bill 2023’

First Reading 5th December 2023

The Bill seeks to amend the Police Act (CAP 10.01) to provide for maritime search and rescue functions. The Act is amended by inserting section 4A which provides for maritime search and rescue functions. Section 24 is amended by inserting paragraphs (ia) and (ib)

(ix) ‘Fisheries (Amendment) Bill 2023’

First Reading 5th December 2023

The Bill seeks to amend the Fisheries Act (CAP. 9.01) to provide for fishing vessel safety. Section 2 of the Act is amended by substituting a new definition of authorised officer and inserting the definition of maritime administration and Merchant Shipping (Registration) Act. A section has been inserted in the Act as 2A and this provides for the meaning of seaworthy. Section 9 of the Act is amended replacing subsection 4 with subsections 4, 4A, 5A and 5B. Section 12 of the Act is amended by deleting it and substituting a procedure in case of loss or destruction. Section 13 of the Act is amended by deleting subsections (1) and (2) and replacing them with subsections (1), 1(A), (1B), 1(C) and 1(D). Section 14 of the Act is amended by replacing subsection 5(c)(iii) with a new subsection. The Act is amended by inserting section 25A which provides for a prohibition on ships entering restricted access areas. Sections 41A and 41B have been inserted as amendments to the Act. These provide for offences in respect of the registration of fishing vessels and the offence of entering a restricted access area.

(x) ‘Montserrat Utilities Limited (Mul) (Amendment) Bill 2023’

First Reading 5th December 2023

The Bill seeks to amend the Montserrat Utilities Limited (MUL) Act (Cap.18.01). The Act is amended by inserting sections 8 and 9 to provide Regulations for the supply and use of water and Regulations for the supply and use of electricity.

(xi) ‘Immigration (Amendment) Bill 2023’

First Reading 5th December 2023

The Bill seeks to amend the immigration Act (CAP. 13.01). Section 2 of the Act is amended by inserting definitions of family member and self-employment. Section 22 of the Act is amended by inserting subsections 3(A), (3B), (3C) and (3D) which are related to a permit to remain in Montserrat and work permit.

2. The Debate on a Resolution Regarding the Prompt Restoration of the “What’s on Your Mind” Call Show was suspended and will continue at the next Sitting of the Legislative Assembly.

Bills that have had a First Reading can be found in the following places:

Legislature Department #1 Farara Plaza Brades Montserrat	Legal Department Valley View Brades Montserrat	Public Library BBC Complex Brades Montserrat	Montserrat Legislative Assembly's Website www.Parliament.ms
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Sgd. Dr Judith C Baker

CLERK OF THE MONTSERRAT LEGISLATIVE ASSEMBLY