

BRITISH VIRGIN ISLANDS COMMISSION OF INQUIRY

ORDER No 5

UPON the application dated 12 May 2021 by the Attorney General made under section 12 of the Commissions of Inquiry Act 1880, the COI Rules and the COI Protocol for Representation under section 12 of the Commissions of Inquiry Act 1880 for a declaration that the Cabinet is a person concerned in a matter under inquiry in the Commission of Inquiry (“COI”) and shall be entitled to appear by the Attorney General or by Counsel instructed by her at the whole of the COI.

UPON the application dated 12 May 2021 by the Attorney General for the Minister of Transportation, Works and Utilities Hon Kye Rymer, the Minister of Education, Culture, Youth Affairs, Fisheries and Agriculture Hon Natalio Wheatley and the two Junior Ministers (Hon Sharie B de Castro and Hon Shareen D Flax-Charles), and the departments, offices and other government bodies for which they are each responsible, and other Government entities as scheduled to this order (found in Schedule 1) are concerned with a matter under inquiry in the COI and shall be entitled to appear by the Attorney General or by Counsel instructed by her at the whole of the COI.

AND UPON the application dated 12 May 2021 by the Attorney General to vary the COI Order 4 to delete the names of Hon Natalio Wheatley, Hon Kye Rymer, Hon Sharie B de Castro and Hon Shareen D Flax-Charles from the schedule attached to Order No 4 and amend the last paragraph of the Order by deleting “eleven” and substituting “seven”.

AND UPON hearing the Solicitor General, Sir Geoffrey Cox QC, and Mr Hussein Haeri, Ms Lauren Peaty, Mr Niki Olympitis of Withers LLP for the Applicants and Counsel to the Inquiry.

IT IS DECLARED THAT the Cabinet is a person concerned with a matter under inquiry and, subject to the Commissioner’s powers in section 2 of the Commissions of Inquiry Act 1880, shall be entitled to participate and be represented by Counsel at the whole of the COI.

IT IS DIRECTED THAT the Minister of Transportation, Works and Utilities Hon Kye Rymer, the Minister of Education, Culture, Youth Affairs, Fisheries and Agriculture Hon Natalio Wheatley and the two Junior Ministers (Hon Sharie B de Castro and Hon Shareen D Flax-Charles), and the departments, offices and other government bodies for which they are each responsible, and other Government entities as found in Schedule 1 to this order shall be entitled to appear by the Attorney General or by Counsel instructed by her at the whole of the COI.

IT IS DIRECTED THAT by 4pm on 13 May 2021, Silk Law (BVI) Inc confirm in writing to the COI which Members of the House of Assembly they now represent.

IT IS DIRECTED THAT by 4pm on Monday 17 May 2021, Silk Law (BVI) Inc and the Attorney General to provide the COI with a written explanation as to how and why the four Members of the House of Assembly listed at paragraph 2 above last week instructed Silk Law (BV) Inc to represent them in the COI on the basis that they had no confidence in the Attorney General as a result of her conflict of interest but have now made an application to be represented by the Attorney General in that capacity.

IT IS DECLARED THAT henceforth the Members of the House of Assembly whom Silk Legal (BVI) Inc represent are those listed in Schedule 2 hereto.

DATED this 13th day of May 2021

Signed: 

The Rt Hon Sir Gary Hickenbottom

Commissioner

Schedule 2

Initial Schedule to Order No 4 (those represented by Silk Law (BVI Inc))

Hon Julian Willock
Hon Natalio D Wheatley
Hon Kye M Rymer
Hon Melvin M Turnbull
Hon Julian Fraser
Hon Alvera Maduro-Caines
Hon Mark H Vanterpool
Hon Marlon A Penn
Hon Neville Smith
Hon Sharie B de Castro
Hon Shareen D Flax-Charles

Revised Schedule to Order 5 (those represented by Silk Law (BVI Inc))

Hon Julian Willock
Hon Melvin M Turnbull
Hon Julian Fraser
Hon Alvera Maduro-Caines
Hon Mark H Vanterpool
Hon Marlon A Penn
Hon Neville Smith

