

BRITISH VIRGIN ISLANDS COMMISSION OF INQUIRY

ORDER No 23

UPON the directions hearing of 22 October 2021

AND UPON HEARING Counsel for the Inquiry and Sir Geoffrey Cox QC, Mr Edward Risso-Gill and Ms Sara-Jane Knock on behalf of the Attorney General for the Government Ministers and departments, offices and other Government bodies for which they are each responsible, and other Government entities as scheduled to Order No 5 dated 13 May 2021 (“the elected Ministers etc”) and Mr Richard Rowe of Silk Legal for the other Members of the House of Assembly

IT IS DIRECTED THAT the Attorney General shall:

1. By 4pm on Friday 22 October 2021, notify the COI of dates of availability for the hearing for the further questioning of HE the Governor for the period 15-26 November 2021.
2. By 4pm on Tuesday 26 October 2021, in relation to the application to cross-examine, notify the COI (i) in respect of the precise areas upon which she wishes to question the Governor; and (ii) confirmation of whether she wishes to question Mr Augustus Jaspert, and if so, the precise areas upon which she wishes to question him.
3. By 4pm on Friday 29 October 2021:
 - a) provide substantive responses to the outstanding requests for disclosure/information as set out in the appendix to this Order;
 - b) provide an electronic copy of the file from the Auditor General on Blunder Bay; and
 - c) file written submissions in relation to the scope of section 13 of the Register of Interests Act.
4. By 4pm on Friday 5 November 2021:
 - a) provide the COI with any affidavit in relation to the public service budget upon which the elected Ministers wish to rely, including any further evidence in relation to the training budget for the public service;
 - b) provide any further written submissions of her own on governance, limited to 15 pages;

- c) if PII or any other ground for non-disclosure is maintained over either the bundle on radar barges or the transcripts from days 50 and 52 concerning radar barges, then a properly formulated application with evidenced reasons for each suggested redaction shall be made to the COI, failing which the Commissioner will proceed on the basis that all of that material can be publicly disclosed; and
- d) if PII or any other ground for non-disclosure is maintained over documents annexed to the elected Ministers Response to the Governor's Position Statement, then a properly formulated application with evidenced reasons for each suggested redaction shall be made to the COI, failing which the Commissioner will proceed on the basis that all of that material can be publicly disclosed.

AND IT IS FURTHER DIRECTED THAT both the Attorney General and Silk Legal shall:

- 5. By 4pm on Friday 29 October 2021, lodge with the COI a list of matters upon which they wish to make closing submissions.
- 6. By 4pm on Friday 12 November 2021, lodge any such written submissions, insofar as the Commissioner by further direction allows.

AND IT IS FURTHER DIRECTED THAT Silk Legal shall:

- 7. By 4pm on Tuesday 26 October 2021, file any written submissions in relation to the Sea Cow's Bay Project.
- 8. By 4pm on Friday 29 October 2021, file any submissions in writing in relation to the scope of section 13 of the Register of Interests Act.

AND IT IS FURTHER DIRECTED THAT:

- 9. In respect of any documents that the Commissioner identifies in order to rely on in his report, the Attorney General is to make an application in respect of PII or any other ground that the document or relevant part not be disclosed be made within five days of being given notice. Any such application must be properly made, with reasons for each suggested redaction. If no proper application is made within that time, then the Commissioner will proceed to refer to the document in the report on the basis that there is no objection to it being made public.

10. Otherwise than as above, if anyone wishes to provide any further disclosure or information to the COI, an application to do so must be made as soon as possible attaching the proposed disclosure and explaining why such disclosure has not been made earlier.

APPENDIX

Date of Request	IRU Ref	Request Recipient	Nature of Request/Task
5 October 2021	R0143	Dr O'Neal Morton	Complete list of Applicants & Application forms for recipients of Stimulus Grants – Farmers & Fishers
11 October 2021	R0148	Attorney General	Information arising following evidence of Dr O'Neal Morton on 8 October
21 October 2021	R0153	Cabinet Secretary	Copies of Cabinet papers etc re meeting that took place on or around 9 January 2021
			Written submissions on customs legislation

DATED this 22nd day of October 2021

Signed:



**The Rt Hon Sir Gary Hickinbottom
Commissioner**