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Government of the Virgin Islands Publishes Guide on the Proper and Lawful Exercise of Discretionary Powers

The Government of the Virgin Islands has released a new fact sheet and comprehensive policy guide designed to strengthen the proper and lawful use of discretionary powers across the public service. Discretionary powers, commonly indicated in legislation by terms such as “may,” “if the Minister is satisfied,” or “it shall be lawful”, enable Ministers, public officials and authorities to make decisions in situations where the law provides a choice of actions rather than a fixed outcome.

“As the responsibilities of modern government continue to expand, discretionary powers play a vital role in enabling officials to address complex issues in areas such as employment, education, healthcare, the environment and public infrastructure,” said Mrs Michelle Donovan Stevens, Strategy and Policy Development Lead in the Premier’s Office. She added: “Because the Legislature cannot legislate for every possible circumstance, these powers provide the flexibility needed for effective administration.”

The fact sheet outlines what discretionary powers are, why they are necessary, and how they operate within Virgin Islands law. It offers illustrative examples from the *Telecommunications Act 2006*, the *Land and House Tax Act*, and the *Physical Planning Act 2004*, to show how discretionary authority is applied in real-world decision-making.

Importantly, the publication emphasises that discretionary powers must be exercised responsibly, lawfully and transparently. Decision-makers are required to follow statutory procedures, avoid bias, observe procedural fairness, consider the merits of each case, and document the reasons for their decisions. The guide introduces a 10-step approach to help public officers make sound, accountable and well-supported decisions.

The fact sheet also highlights the avenues for accountability, noting that discretionary decisions may be subject to judicial review if they are unlawful, unreasonable or procedurally unfair.

All public officers and members of the public are encouraged to review **A Guide to the Proper and Lawful Exercise of Discretionary Powers in the Virgin Islands**, available at: <https://gov.vg/service-details/understanding-legal-discretionary-powers>.

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About:

The Government of the Virgin Islands is committed to promoting good governance and the sustainable development of the Territory with a view to ensuring a well-informed, prosperous, cohesive and stable society. The Premier’s Office serves as the focal point for coordinating cross-sectoral policies and programmes and promoting the sustainable development of the Virgin Islands to ensure a well-informed, prosperous, cohesive and stable society.