

HOUSE OF ASSEMBLY
OF THE VIRGIN ISLANDS



**Deliberations on the
Constitutional Review Commission
(2022 to 2023) Report**

A Report of the Committee of the Whole House

Third Session of the Fifth House of Assembly
April 2026

Procedural Basis

The House of Assembly of the Virgin Islands convened as a Committee of the Whole House under Standing Order 14A to review the Constitutional Review Commission's 2022–2023 report. Formal Committee Stage deliberations occurred in three phases: from 13 to 27 October 2025; 22 to 27 January 2026; and 7 April 2026. Several informal meetings also took place during this period. This report was finalised in April 2026 for presentation to the House of Assembly.

This report is presented pursuant to the Standing Orders of the House of Assembly (as amended in 2025). In accordance with Standing Order 14A, the Committee reviewed the Commission's recommendations and recorded each as accepted, accepted with modifications, or not accepted; with an alternative recommended. Where a recommendation was not accepted, the Committee set out an alternative recommendation in this report.

The decisions documented in this report represent the collective positions agreed upon during the Committee Stage, whether by consensus or majority vote. This report does not constitute a verbatim record of proceedings and does not attribute individual contributions.

A disposition matrix is provided in Appendix A, and a consolidated list of alternative recommendations is provided in Appendix B.

Table of Contents

Executive Summary	iv
Part I: Mandate, Process and Methodology	1
1. Purpose of the Report.....	1
2. Scope and Methodology	1
3. Institutional Approach and Voice	2
4. Structure of the Report	2
Part II: Overarching Considerations	3
Constitutional Evolution and Historical Trajectory	3
Governance Modernisation.....	3
Relationship Between the Virgin Islands and the United Kingdom	3
Self-Determination Context.....	3
Resource and Implementation Considerations.....	3
Public Trust and Democratic Accountability	4
Part III: Committee's Response to CRC Recommendations	5
Chapter 1: Legislative process and parliamentary strengthening	6
Recommendation 1: Transparency, Accountability and Public Consultation	6
Recommendation 3: Bicameralism (Establishment of a Bicameral Legislature)	6
Recommendation 4: Use of Referenda.....	7
Recommendation 5: Freedom of Information	8
Recommendation 10: Procedure for a Member to Resign	8
Recommendation 12: Fixed House of Assembly Schedule	9
Recommendation 13: House of Assembly Inquiries and Hearings.....	10
Recommendation 27: Appointment or Election of the Speaker	10
Chapter 2: Executive leadership and ministerial accountability	12
Recommendation 2: Junior Ministers.....	12
Recommendation 6: Term Limits for the Premier	12
Recommendation 7: Recall Provisions for Elected Officials	13
Recommendation 8: Grounds to Remove Ministers (Other than Recall).....	14
Recommendation 9: Disqualification for Membership — Convictions or Pending Criminal Matters	14
Recommendation 11: Direct Election of the Premier and Revision of the At-Large System	15
Recommendation 14: Direct Voting for Ministers.....	16
Recommendation 15: Increased Number of Ministers.....	16
Recommendation 30: Proper Relationship Between Ministers and Their Departments.....	17
Chapter 3: Integrity and independent institutions	18
Recommendation 16: Integrity Commission	18
Recommendation 17: Contractor General	19
Recommendation 18: Administrative and financial independence of independent institutions	20

Recommendation 19: Human Rights Commission	20
Recommendation 20: Complaints Commissioner	21
Recommendation 21: Elected Attorney General.....	22
Recommendation 22: Elections and Boundaries Commission	23
Recommendation 25: Regulation of election campaign finances	24
Recommendation 26: Constitutional consideration for statutory boards	24
Recommendation 28: Declaration of interests, how made	25
Recommendation 29: Declaration of interests and statutory bodies	26
Chapter 4: Reserved powers and devolution.....	27
Recommendation 23: Powers Reserved to the Governor	27
Recommendation 24: Transfer of Reserved Powers to the Devolved Government of the Virgin Islands	28
Chapter 5: Self-determination and justice agencies	29
Recommendation 31: Next steps towards self-determination	29
Recommendation 32: Judge-only criminal trials	30
Chapter 6: Identity, belonging and ancestral connection	32
Recommendation 33: Revision of the Preamble.....	32
Recommendation 34: Belonger status	32
Recommendation 35: Ancestral Virgin Islander.....	33
Recommendation 36: Crown land.....	35
Chapter 7: Fundamental rights and social protections	37
Recommendation 37: Preamble to fundamental rights.....	37
Recommendation 38: Bill of Rights, right to marry.....	37
Recommendation 39: Freedom of expression and freedom of assembly, political activities of public officers	38
Recommendation 40: Freedom of expression and freedom of assembly; resign to run	39
Recommendation 41: Right to an education	40
Recommendation 42: Right to education for special needs children and persons	40
Recommendation 43: Human rights protection for the elderly.....	41
Recommendation 44: Right to fish and farm.....	42
Recommendation 45: Right to bodily integrity	43
Recommendation 46: Accessibility of laws	43
Chapter 8: Cabinet and executive administration reforms	45
Recommendation 47: Cabinet and Cabinet Reform	45
Recommendation 50: Defining the role and responsibilities of the Premier in the Constitution	46
Chapter 9: Other governance and electoral reform proposals.....	48
Recommendation 48: Pension Fund.....	48
Recommendation 49: Qualification for elected membership to be reduced to 18 years	49
Recommendation 51: Fixed date for elections.....	49
Recommendation 52: Run-off provisions	50

Recommendation 53: Five-year election cycle	51
Recommendation 57: Proportional representation	52
Chapter 10: Local government.....	53
Recommendation 54: Local Government (District Councils)	53
Chapter 11: Population policy and representation	55
Recommendation 55: Population policy.....	55
Recommendation 56: Representative in the UK Parliament	56
Part IV: Additional Matters Raised and Agreed by the Committee	57
Additional Matter 1: Deputy Governor	57
Additional Matter 2: Magistracy and the Eastern Caribbean Supreme Court	57
Additional Matter 3: Protection for persons with disabilities.....	58
Additional Matter 4: Ancestral lands.....	59
Additional Matter 5: Fixed-term appointments for specified constitutional offices	60
Part V: Implementation and Follow-Through	61
1. Phased Implementation Approach	61
2. Coordination and drafting responsibility	62
3. Timeline Considerations.....	62
Appendix A: Disposition Matrix (CRC Recommendations 1–57)	63
Appendix B: Consolidated Alternative Recommendations (Standing Order 14A).....	74
Appendix C: Procedural Note	77
Appendix D: Statements of Dissent	78

Executive Summary

The House of Assembly undertook a structured review of the Constitutional Review Commission (CRC) 2022–2023 Report, sitting as a Committee of the Whole House under Standing Order 14A. Over the course of the Committee Stage, Members examined each of the CRC's fifty-seven recommendations, along with several additional constitutional matters that arose during deliberations.

The Committee supported a substantial number of recommendations. In other areas, the Committee adopted modified or alternative positions that reflect the Virgin Islands' current institutional needs, governance priorities, and constitutional development objectives.

Of the fifty-seven recommendations, sixteen were accepted, nineteen were accepted with modifications, and twenty-two were not accepted, with alternative recommendations provided. Twenty-two recommendations result in proposed constitutional amendments. The remaining thirty-five do not require constitutional amendment and are to be addressed, where action is required, through ordinary legislation, Standing Orders, or policy and administrative measures, or otherwise by retaining the existing arrangements with no further action proposed, as recorded in the disposition matrix in Appendix A.

Furthermore, the Committee agreed on five additional constitutional matters not covered by the CRC's recommendations, each leading to a proposed constitutional amendment, bringing the total number of proposed amendments to twenty-seven.

The House's approach was guided by several cross-cutting themes:

- Strengthening local decision-making and democratic accountability.
- Clarifying roles and responsibilities within the constitutional framework.
- Safeguarding cultural identity and ancestral connection to the Virgin Islands.
- Ensuring that institutions remain workable and affordable.
- Positioning the Virgin Islands for future steps in constitutional advancement, including the exercise of self-determination.

Key outcomes of the Committee Stage deliberations included:

- Agreement to pursue the devolution of several responsibilities currently reserved to the Governor, including delegated external affairs functions, internal security, public service administration and the administration of the courts.
- Agreement that section 81 of the Constitution, which permits the Governor in Council to give effect to Bills without passage by the House, should be removed.
- Support for a mandatory constitutional requirement to hold a referendum on the political status of the Virgin Islands no later than 2031, with further referenda at intervals not exceeding eight years if no change of status occurs.
- Adoption of reforms to strengthen the Speakership, including a two-thirds threshold for removal and continuity in office through dissolution until a successor is chosen.

- Agreement to retain the first-past-the-post electoral system, while supporting the establishment by legislation of an independent Elections and Boundaries Commission rather than entrenching such a body in the Constitution, and to propose a constitutional amendment extending the maximum interval between general elections from four years to five years.
- Decisions on a package of Cabinet and executive reforms, including clearer constitutional recognition of the Premier's role in the exercise of executive authority and the strengthening of the constitutional functions of the Cabinet Office and Cabinet Secretary.
- Acceptance of a number of the CRC proposals relating to rights, governance and institutions, alongside rejection of others where the Committee considered that legislation, policy or administrative action, rather than constitutional amendment, was the more appropriate response.

This report highlights several matters that will require careful design and consultation during preparation of the constitutional amendment package and implementation planning, including internal security responsibilities, transitional arrangements for public service reform, future devolution mechanisms, and the realignment of the magistracy within the Eastern Caribbean Supreme Court framework.

This report consolidates the decisions and reasoning agreed upon during the House of Assembly's consideration of the CRC Report, sitting as a Committee of the Whole House.

Part I: Mandate, Process and Methodology

1. Purpose of the Report

This report documents the decisions taken by the House of Assembly of the Virgin Islands, sitting as a Committee of the Whole House under Standing Order 14A, on the recommendations contained in the Constitutional Review Commission (CRC) 2022–2023 Report. It outlines the Committee's agreed position on each recommendation and records the outcomes reached.

The report also records additional constitutional matters raised during the Committee Stage that were not part of the CRC's original recommendations but which the Committee considered relevant to the constitutional advancement of the Virgin Islands.

2. Scope and Methodology

This report covers:

- all fifty-seven recommendations of the CRC, considered in sequence;
- the Committee's final position on each recommendation;
- the rationale provided by the Committee, summarised; and
- additional matters accepted for inclusion.

The report is based on:

- the general debate on the CRC Report in the Ninth Sitting of the Second Session of the Fifth House of Assembly, commencing 18 September 2025;
- the Committee Stage deliberations held from 13 to 27 October 2025, from 22 to 27 January 2026, and on 7 April 2026, together with related procedural and drafting meetings held during that period;
- the CRC 2022–2023 Report and supporting analysis;
- the Virgin Islands Constitution Order 2007, the Virgin Islands Constitution (Amendment) Order 2015, and the Standing Orders of the House of Assembly (as amended in 2025); and
- relevant legislation, policy instruments, and other materials referred to during the Committee's deliberations.

For each CRC recommendation, this report records a brief CRC summary, the Committee's decision, the Committee's rationale, and the proposed implementation route. In accordance with Standing Order 14A, decisions are expressed as **Accepted**, **Accepted with modifications**, or **Not accepted; alternative recommended**. For clarity, each entry also states whether a constitutional amendment is proposed or whether the matter is to be pursued through ordinary legislation, Standing Orders, or policy and administrative measures.

3. Institutional Approach and Voice

The report is written in a neutral institutional voice consistent with parliamentary practice. It summarises the Committee's agreed positions and reasoning rather than reproducing debate, does not attribute statements or positions to individual Members, and reflects the collective decisions of the Committee sitting as a Committee of the Whole House.

The positions recorded are those agreed during the House of Assembly's consideration of the CRC Report and related matters, and are not presented as the views of any individual Member or political grouping.

4. Structure of the Report

The report is organised as follows:

Part I: Mandate, Process and Methodology

Part II: Overarching Considerations

Part III: Committee's Response to CRC Recommendations

Part IV: Additional Matters Raised and Agreed by the Committee

Part V: Implementation and Follow-Through

Appendices A to D

Part II: Overarching Considerations

This Part summarises the contextual considerations, overarching themes and strategic principles that influenced the House's deliberations on the Constitutional Review Commission Report. The Committee's formal decisions were taken during the Committee Stage, and Members' earlier contributions during the debate provided important context for understanding the perspectives and institutional priorities that informed those decisions.

Constitutional Evolution

The Virgin Islands' long-standing constitutional development, beginning with the restoration of local legislative governance in 1950 and progressing through subsequent constitutional reforms in 1967, 1976, and 2007, provides an important context for the Committee's work. There was a shared understanding that successive reforms have incrementally expanded the scope of local democratic decision-making, and that the current review should build on that trajectory by strengthening institutional autonomy and modernising governance arrangements to address contemporary needs.

Governance Modernisation

Members consistently identified a need to modernise aspects of governance that are outdated or insufficiently aligned with contemporary democratic expectations. Priorities included clearer lines of accountability within the public service and reforms to Cabinet operations and coordination. Members also emphasised the importance of improving effectiveness and responsiveness while remaining mindful of the Virgin Islands' administrative and resource constraints.

Relationship Between the Virgin Islands and the United Kingdom

Several CRC recommendations were considered in light of the Virgin Islands' constitutional relationship with the United Kingdom. Shared themes included the importance of maintaining stability and good governance, the view that certain responsibilities currently reserved to, or exercised by, the Governor warrant review, and the recognition that any adjustments must be coherent, workable, and appropriately balanced between democratic accountability and operational capacity.

Self-Determination Context

The Virgin Islands' inclusion on the United Nations list of Non-Self-Governing Territories was acknowledged as part of the wider context for constitutional advancement. Members emphasised the importance of public education, informed engagement, and responsible decision-making as the Territory continues to consider options for constitutional development and self-government.

Resource and Implementation Considerations

Members agreed that constitutional arrangements must be realistic, administratively workable, and capable of being sustained over time. Recurring themes included the need to avoid unnecessary

institutional proliferation, to ensure any new constitutional bodies are properly resourced and sustainable, and, where appropriate, to address matters through legislation, Standing Orders, or administrative reform rather than constitutional amendment.

Public Trust and Democratic Accountability

The importance of sustaining public confidence in elected institutions was consistently highlighted. Members emphasised transparency, civic education, and the need for constitutional and electoral arrangements to be well understood by the public. The Committee also recognised the need to balance institutional continuity with effective accountability.

Transition to Part III

Part III documents the Committee's decisions on each of the CRC's recommendations, organised thematically for ease of reference.

Part III: Committee's Response to CRC Recommendations

This Part records the Committee's decisions on the recommendations of the Constitutional Review Commission (CRC). Each recommendation is presented with a brief CRC summary, the Committee's decision, the Committee's rationale, and the proposed implementation route.

Decision labels and outcomes

For Standing Order 14A purposes, each CRC recommendation is recorded as **Accepted**, **Accepted with modifications**, or **Not accepted; alternative recommended**. In several instances, the CRC recommended that no constitutional amendment be made. Where the Committee agreed with that position, the recommendation is recorded as Accepted, and the "Outcome" line confirms that no constitutional amendment is proposed and identifies the intended route for implementation.

Thematic organisation and numbering

Recommendations are grouped thematically in line with the CRC's recommendation framework rather than presented in numerical order. Gaps in numbering within any chapter therefore reflect the redistribution of recommendations across the thematic chapters used in this report and do not indicate omissions.

Chapter 1: Legislative process and parliamentary strengthening

(Recommendations 1, 3, 4, 5, 10, 12, 13 and 27)

This chapter documents the Committee's decisions on CRC recommendations related to transparency and public engagement, referenda, access to information, internal House procedure, and the role and tenure of the Speaker. Several recommendations in this Chapter are recorded as **Accepted** because the Committee agreed with the CRC's conclusion that **no constitutional amendment** is required, while supporting action through Standing Orders, legislation, policy, or administrative practice as appropriate.

Recommendation 1: Transparency, Accountability and Public Consultation

CRC Summary

The Constitutional Review Commission recommended measures to strengthen transparency, accountability and public participation, including by amending section 72 so that Standing Orders reflect democratic principles; expanding opportunities for public hearings; ensuring timely publication of Bills; and strengthening compliance with statutory reporting obligations across government.

Committee Decision

Not accepted; alternative recommended.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee agreed that the matters raised are more appropriately addressed through Standing Orders and legislation rather than constitutional amendment.

Rationale

Members affirmed that transparency and consultation are fundamental to good governance, but considered that many of the issues identified relate to practice, administrative culture, and procedural compliance rather than constitutional design. The Committee considered that constitutionalising detailed procedural requirements could unduly constrain the House's necessary flexibility over its own procedures.

Implementation Route: Standing Orders and ordinary legislation.

Recommendation 3: Bicameralism (Establishment of a Bicameral Legislature)

CRC Summary

The Constitutional Review Commission did not recommend the immediate introduction of bicameralism, noting that many benefits of a second chamber could be achieved through strengthening the unicameral

system. The CRC advised that, if pursued in future, any upper chamber should be nominated rather than elected.

Committee Decision

Not accepted; alternative recommended.

The Committee agreed an amended position supporting the establishment of a Parliament of the Virgin Islands comprising a House of Assembly and a Senate, with the Senate serving as a second chamber for legislative scrutiny, with transitional arrangements to govern when the Senate begins to operate.

Outcome: Constitutional amendment proposed.

Alternative Recommendation

The Committee recommends that the Constitution provide for a bicameral Parliament (House of Assembly and Senate), with core Senate features set out in the Constitution and detailed procedural rules addressed through Standing Orders. The Committee has agreed a detailed Senate model, including provisions on composition, appointment, and functions, which is to inform the preparation of the constitutional amendment package. Members further agreed that money bills should not be presented to the Senate and that safeguards are required to prevent undue delay to urgent, time-sensitive legislation.

Rationale

Members supported establishing a Senate as a mechanism to improve legislative scrutiny and strengthen public confidence, while ensuring the Senate complements, rather than competes with, the elected House. Members also emphasised the need for clear constitutional limits and mechanics, including a mechanism to resolve disagreements between the Houses.

Implementation route: Constitutional amendment, supported by Standing Orders for procedural detail.

Recommendation 4: Use of Referenda

CRC Summary

The Constitutional Review Commission advised against introducing people-initiated referenda, citing limited regional experience and practical challenges in a small jurisdiction. It recommended retaining the existing constitutional referendum requirement for political status, with other referenda governed by legislation.

Committee Decision

Accepted.

The Committee agreed that referenda beyond those already specified in the Constitution should continue to be regulated by ordinary legislation.

Outcome: No constitutional amendment proposed.

Rationale

Members accepted that people-initiated referenda could create administrative burdens and operational risks. They considered that the existing framework appropriately reserves constitutional referenda to specified matters, while allowing other referenda procedures to be managed flexibly through legislation.

Implementation route: Ordinary legislation.

Recommendation 5: Freedom of Information

CRC Summary

The Constitutional Review Commission recommended that the Constitution include a provision requiring the enactment of freedom of information (FOI) legislation, recognising public access to information as important for transparency and accountability.

Committee Decision

Not accepted; alternative recommended.

Outcome: No constitutional amendment proposed.

Alternative recommendation

The Committee agreed that freedom of information should be advanced through legislation rather than constitutional amendment, and that the Constitution should not include a right to information or a constitutional requirement for an FOI regime.

Rationale

Members reaffirmed the importance of transparency and public access to information, but considered that the detailed design of an FOI regime should stay within the legislative domain. Members observed that FOI requires practical flexibility to adapt to changing administrative capacities and evolving governance requirements, including decisions about institutional placement, resourcing, and implementation arrangements. As a result, constitutionally embedding an FOI framework was seen as unnecessary and potentially restrictive.

Implementation route: Ordinary legislation and administrative practice.

Recommendation 10: Procedure for a Member to Resign

CRC Summary

The Constitutional Review Commission identified ambiguity in resignation procedures, including whether a Member may resign after election but before the first sitting, and how resignation operates in

the absence of a Speaker. It recommended clarifying the timing of resignation and providing alternative authorised recipients if the Speaker cannot receive a resignation letter.

Committee Decision

Accepted with modifications.

The Committee agreed that a Member should be able to resign at any time after election, but preferred to address the practical issue by ensuring continuity of the office of Speaker through dissolution, rather than creating alternative recipients for resignation notices.

Outcome: Constitutional amendment proposed.

Rationale

Members considered the right to resign fundamental and agreed that the uncertainty arose chiefly because the Speaker's office becomes vacant on dissolution. Ensuring continuity of the Speakership was viewed as a straightforward solution that preserves clarity and avoids adding multiple alternative recipients to the Constitution.

Implementation route: Constitutional amendment (linked to the Speaker continuity reforms under Recommendation 27).

Recommendation 12: Fixed House of Assembly Schedule

CRC Summary

The Constitutional Review Commission recommended strengthening the scheduling of House sittings through Standing Orders, including publication of an annual calendar, longer notice periods, and more predictable scheduling to support scrutiny and public engagement.

Committee Decision

Accepted.

The Committee agreed that the matter is procedural and should be dealt with under the Standing Orders rather than the constitutional text.

Outcome: No constitutional amendment proposed.

Rationale

Members supported better predictability and notice, but emphasised that a small jurisdiction requires flexibility to respond to unforeseen events and operational demands. Standing Orders were regarded as the appropriate mechanism for setting and refining scheduling expectations.

Implementation route: Standing Orders.

Recommendation 13: House of Assembly Inquiries and Hearings

CRC Summary

The Constitutional Review Commission recommended strengthening oversight through greater use of committee inquiries, a presumption in favour of public hearings (subject to justified confidentiality), and constitutional entrenchment of key committees with specified procedural constraints.

Committee Decision

Not accepted; alternative recommended.

The Committee supported strengthening inquiry and hearing functions, but did not endorse including committees or public hearing requirements in the constitution.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends strengthening committee inquiry and hearing practice through Standing Orders, supported where necessary by ordinary legislation, including clearer procedures on when hearings should be held in public and when confidentiality is justified.

Rationale

Members agreed that inquiries are important for accountability, but considered that hearings sometimes require confidentiality and that procedural flexibility must be maintained. The Committee therefore preferred Standing Orders (and legislation where appropriate) as the route for strengthening committee practice and oversight.

Implementation route: Standing Orders and, where appropriate, ordinary legislation.

Recommendation 27: Appointment or Election of the Speaker

CRC Summary

The Constitutional Review Commission recommended retaining the current flexibility allowing the Speaker to be elected from among elected Members or from suitably qualified persons outside the House, and suggested that expectations of neutrality (including party resignation) are more appropriately addressed in the House's rules and procedures than in the Constitution.

Committee Decision

Accepted with modifications.

The Committee agreed to retain existing flexibility and did not support any constitutional requirement that the Speaker be politically unaffiliated. The Committee further agreed to strengthen the office by: (i) requiring a two-thirds threshold for removal by a motion of no confidence; and (ii) providing for

continuity of the Speaker in office through dissolution until a new Speaker is elected and sworn in by the newly constituted House.

Outcome: Constitutional amendment proposed.

Rationale

Members regarded the existing approach as appropriate for a small legislature and preferred to reinforce expectations of impartiality through Standing Orders and parliamentary conduct frameworks rather than constitutional prescription. Members also supported stronger tenure safeguards to balance accountability with institutional stability, and agreed that continuity through dissolution would avoid procedural uncertainty between electoral cycles.

Implementation route: Constitutional amendment (with related expectations of conduct reinforced through Standing Orders).

Chapter 2: Executive leadership and ministerial accountability

(Recommendations 2, 6, 7, 8, 9, 11, 14, 15 and 30)

This Chapter records the Committee's decisions on CRC recommendations concerning the structure of ministerial support, executive leadership models, accountability mechanisms for elected officials and Ministers, eligibility and disqualification rules, and the relationship between Ministers and the public service.

Recommendation 2: Junior Ministers

CRC Summary

The Constitutional Review Commission recommended a review of the constitutional provisions relating to Junior Ministers, noting that the current description of the role may not reflect its intended purpose. The CRC proposed considering alternatives, including the removal of the office or the expansion of its remit.

Committee Decision

Accepted with modifications.

The Committee supported retaining a ministerial support role, but agreed an amended model.

Members agreed that the office should be retained under the title Minister of State, with an expanded remit so that a Minister of State may be assigned to assist any Minister, and that restrictive language linking the role exclusively to economic development should be removed.

Outcome: Constitutional amendment proposed.

Rationale

Members considered that Ministers carry broad portfolios and that an effective support mechanism is necessary to strengthen executive capacity. Members also considered that the existing "Junior Minister" terminology can create confusion as to constitutional status and administrative authority, and that clearer constitutional framing would improve understanding and support effective functioning.

Implementation route: Constitutional amendment.

Recommendation 6: Term Limits for the Premier

CRC Summary

The Constitutional Review Commission recommended that the question of term limits for the Premier be determined by referendum, noting that term limits are more relevant in systems where the Premier is directly elected. In the current parliamentary arrangement, the CRC regarded term limits as less compelling.

Committee Decision

Not accepted; alternative recommended.

Members agreed that no term-limit referendum or constitutional provision should be introduced.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends retaining the existing constitutional arrangements for selection and tenure of the Premier, without imposing constitutional term limits.

Rationale

Members considered that the Premier's tenure is already subject to parliamentary confidence and electoral accountability. They were not persuaded that term limits would improve governance outcomes in the Virgin Islands' parliamentary system, and preferred to prioritise other reforms aimed at strengthening accountability and institutional performance.

Implementation route: No constitutional amendment.

Recommendation 7: Recall Provisions for Elected Officials

CRC Summary

The Constitutional Review Commission recommended enacting legislation to establish a recall mechanism for elected Members and amending the Constitution to include recall as a ground on which a Member may vacate their seat.

Committee Decision

Not accepted; alternative recommended.

The Committee did not view recall as an appropriate constitutional or legislative mechanism.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends relying on existing constitutional, legal, and parliamentary mechanisms to address misconduct by elected Members, including the Integrity Commission, the House of Assembly's disciplinary powers, and the Commission of Standards. Questions of political confidence or voter dissatisfaction should continue to be addressed through the ordinary electoral process.

Rationale

Members considered that recall could be open to misuse, may destabilise representative government, and may not be administratively workable in a small jurisdiction. Members also considered that existing mechanisms, when properly applied, are sufficient to address misconduct and integrity concerns.

Implementation route: No constitutional amendment.

Recommendation 8: Grounds to Remove Ministers (Other than Recall)

CRC Summary

The Constitutional Review Commission recommended adding constitutional grounds for removing Ministers, especially for serious breaches of integrity obligations, to strengthen accountability and clarify consequences for misconduct.

Committee Decision

Not accepted; alternative recommended.

The Committee did not support adding new constitutional grounds for the removal of Ministers.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends that integrity and misconduct issues relating to Ministers be addressed through strengthened legislation, codes of conduct, and institutional accountability mechanisms, rather than through additional constitutional grounds for removal.

Rationale

Members considered that integrity and misconduct issues are better addressed through a strengthened legislative and institutional accountability framework, including review of existing laws and enforcement mechanisms, rather than by prescribing additional removal grounds in constitutional text.

Implementation route: Ordinary legislation, codes of conduct, and related integrity mechanisms.

Recommendation 9: Disqualification for Membership — Convictions or Pending Criminal Matters

CRC Summary

The Constitutional Review Commission recommended updating constitutional disqualification provisions following a review of the categories of offences that should disqualify a person upon conviction; confirming that a person should not be disqualified solely on the basis of a pending charge; and requiring disclosure of spent convictions at nomination.

Committee Decision

Accepted.

The Committee endorsed the CRC's recommendation.

Outcome: Constitutional amendment proposed.

Rationale

Members agreed that the existing provisions would benefit from greater clarity and that the CRC's approach appropriately balances integrity in public office with fairness and due process. Members supported the principle that pending charges should not, without conviction, automatically disqualify a candidate, and agreed that disclosure of spent convictions supports transparency without imposing disproportionate barriers to candidacy.

Implementation route: Constitutional amendment (with detailed categories and processes to be settled during drafting and supported by electoral legislation where necessary).

Recommendation 11: Direct Election of the Premier and Revision of the At-Large System

CRC Summary

The Constitutional Review Commission recommended revising the leadership selection model so that the Premier and Deputy Premier are selected from the pool of elected at-large Members, together with consequential reforms including an electoral boundaries review, increases in House membership, and related amendments to align the Constitution with the revised model.

Committee Decision

Not accepted; alternative recommended.

The Committee did not support any move towards the direct or quasi-direct election of the Premier, nor the selection of the Premier and Deputy Premier from the at-large pool.

Outcome: No constitutional amendment proposed to leadership selection. Representation reforms are addressed under Recommendation 15.

Alternative Recommendation

The Committee recommends retaining the current parliamentary appointment process for the Premier and Deputy Premier. In relation to representation, the Committee further recommends addressing concerns about the at-large system through the reforms agreed under Recommendation 15, including increasing House membership by adding at-large seats.

Rationale

Members considered that an at-large leadership model could generate competing mandates within the elected House and weaken collective Cabinet accountability under a parliamentary system. Members also considered that the CRC proposal would move the Virgin Islands toward a hybrid model inconsistent with established parliamentary conventions. While recognising public concern about aspects of the at-large system, Members agreed that those concerns are better addressed through

targeted changes to representation, particularly the addition of at-large seats as agreed under Recommendation 15, rather than by altering the constitutional mechanism for selecting the Premier and Deputy Premier.

Implementation route: No constitutional amendment to leadership selection.

Recommendation 14: Direct Voting for Ministers

CRC Summary

The Constitutional Review Commission recommended that no amendment be made to introduce direct voting for Ministers, noting that Ministers should continue to be appointed from among elected Members in accordance with the parliamentary model.

Committee Decision

Accepted.

The Committee agreed that Ministers should not be directly elected by the public.

Outcome: No constitutional amendment proposed.

Rationale

Members agreed that direct election of Ministers would be inconsistent with the Virgin Islands' parliamentary system and would risk fragmenting executive accountability.

Implementation route: No constitutional amendment.

Recommendation 15: Increased Number of Ministers

CRC Summary

The Constitutional Review Commission recommended steps to provide for a sixth Minister, noting that the Constitution prescribes a ratio between Ministers and elected Members and that increasing the number of Ministers would therefore require an increase in elected membership.

Committee Decision

Accepted with modifications.

The Committee agreed an amended approach.

Members supported increasing the number of Ministers and agreed this should be achieved by first increasing the number of elected Members of the House of Assembly. Members expressly supported the addition of two at-large seats, to be effected by direct amendment to the Constitution (rather than through an electoral boundary review), and agreed that commencement arrangements should allow the

additional seats to be contested at the next general election, subject to enactment and commencement of the amendment in time.

Outcome: Constitutional amendment proposed.

Rationale

Members considered that the current size of the House places significant pressure on Ministers and constrains effective executive oversight. Members also considered that adding at-large seats provides a modest expansion of representation without necessarily triggering district boundary changes, while recognising that wider electoral reform considerations may still benefit from independent review. The addition of two at-large seats would raise the total number of elected Members of the House of Assembly from thirteen to fifteen.

Implementation route: Constitutional amendment.

Recommendation 30: Proper Relationship Between Ministers and Their Departments

CRC Summary

The Constitutional Review Commission recommended amending section 56(5) to describe a Minister's responsibility over a department as "general direction and control," and proposed various non-constitutional measures to improve minister–public service relations, including codes of conduct, training, improved policy processes, and clearer administrative protocols.

Committee Decision

Not accepted; alternative recommended.

The Committee did not support amending section 56(5).

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends improving minister–public service relations through updated guidance, codes of conduct, training, and administrative protocols, rather than altering section 56(5).

Rationale

Members considered that the existing constitutional language already provides an adequate basis for ministerial responsibility over departments and that the proposed textual change would not materially improve clarity. Members were concerned that altering established constitutional language in this area could introduce uncertainty. The Committee agreed that practical improvements are better achieved through legislation, codes of conduct, guidance, and administrative practice.

Implementation route: Legislation, codes of conduct, and administrative practice.

Chapter 3: Integrity and independent institutions

(Recommendations 16, 17, 18, 19, 20, 21, 22, 25, 26, 28 and 29)

This chapter records the Committee's decisions on CRC recommendations aimed at strengthening integrity, oversight, and independent institutional safeguards. The Committee's approach distinguishes between matters that warrant constitutional entrenchment and those better addressed through ordinary legislation, Standing Orders, and resourcing decisions made through established budgetary processes. In particular, where statutory frameworks have already been enacted or are capable of being strengthened through legislation and implementation, the Committee preferred that route over constitutional prescription.

Recommendation 16: Integrity Commission

CRC Summary

The Constitutional Review Commission recommended that the Integrity in Public Life Act, 2021 be brought into force without delay and that the Integrity Commission be placed on a constitutional footing, notwithstanding that enabling legislation already exists. It also proposed consequential constitutional amendments to support that approach, including amendments addressing the constitutional status of Commission members and changes to the constitutional remuneration framework so that the Integrity Commission would have a defined role in recommending remuneration levels for the Speaker and elected Members of the House of Assembly, with corresponding updates to the Integrity in Public Life Act.

Committee Decision

Not accepted; alternative recommended.

The Committee agreed that the Integrity Commission is an important oversight body, but did not support entrenching it in the Constitution or making the related constitutional amendments proposed by the CRC.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

Members noted that the Integrity in Public Life Act, 2021, is already in operation, and agreed that the Integrity Commission should continue to be established and governed through a statutory framework. Any refinements to the Commission's powers, procedures, safeguards for independence, or related matters should be pursued through legislation and implementation measures rather than constitutional amendment.

Rationale

Members supported the governance objectives underlying the CRC's recommendation, but concluded that the statutory framework provides an appropriate and workable basis for establishing and operating the Integrity Commission, and enables practical refinement over time. Members therefore did not

consider further constitutional entrenchment necessary or desirable at this stage, particularly given that the CRC's proposal was linked to additional consequential constitutional amendments relating to status and remuneration arrangements.

Implementation route: Ordinary legislation and administrative implementation.

Recommendation 17: Contractor General

CRC Summary

The Constitutional Review Commission recommended that the Contractor General Act, 2021 be brought into force without delay and that, notwithstanding the existing legislation, the office of Contractor General be entrenched in the Constitution. It also proposed consequential constitutional amendments to support that model, including clarifying the office-holder's constitutional status and making related changes to the constitutional remuneration provisions.

Committee Decision

Accepted with modifications.

The Committee agreed that procurement oversight should be strengthened, but did not support constitutional entrenchment of the office or the related consequential constitutional amendments.

Outcome: No constitutional amendment proposed.

Committee's position (modifications)

The Committee agreed that procurement oversight should be implemented through the Contractor General Act, 2021 and related statutory measures. Any refinements to powers, procedures, independence safeguards, and resourcing should be pursued within the statutory scheme rather than through constitutional text.

Rationale

Members agreed that effective procurement oversight is important to transparency and accountability, but concluded that a statutory model is sufficient and more adaptable. Members noted that the office is already provided for in existing legislation and can be operationalised and strengthened without creating an additional constitutionally recognised office. On that basis, Members were not persuaded that constitutional entrenchment and associated consequential amendments were necessary.

For the avoidance of doubt, this recommendation is classified as "Accepted with modifications" because the Committee supports the policy objective of effective procurement oversight while adopting a different implementation route from that proposed by the CRC (see also the Procedural Note at Appendix C).

Implementation route: Ordinary legislation and administrative implementation.

Recommendation 18: Administrative and financial independence of independent institutions

CRC Summary

The CRC recommended constitutional amendments to strengthen the administrative and financial independence of independent institutions by redrafting section 108(5) to distinguish offices that should have separately administered budgets and inserting a new related provision to guarantee administrative and financial independence for constitutionally established independent institutions.

Committee Decision

Not accepted; alternative recommended.

The Committee did not support the introduction of a general constitutional guarantee of administrative and financial independence in the terms proposed.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends addressing resourcing and administrative support for independent institutions through the ordinary budget process, supported where necessary by legislation and administrative measures that strengthen transparency, predictability, and operational effectiveness.

Rationale

Members recognised the risk that under-resourcing can undermine institutional effectiveness. However, they considered that financial independence cannot be meaningfully separated from the Virgin Islands' established public finance and accountability framework, including appropriations and legislative scrutiny. A broad constitutional guarantee was viewed as potentially unclear in practice and difficult to implement in a manner consistent with fiscal governance.

Implementation route: Budgetary process, ordinary legislation where needed, and administrative practice.

Recommendation 19: Human Rights Commission

CRC Summary

The Constitutional Review Commission recommended amending the Constitution to make the establishment of a Human Rights Commission mandatory and to proceed with its establishment without delay.

Committee Decision

Not accepted; alternative recommended.

The Committee supported the establishment of a Human Rights Commission, but did not support making it mandatory by constitutional amendment in the terms proposed.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends establishing a Human Rights Commission through ordinary legislation, with the detailed mandate, powers, safeguards, and resourcing arrangements set out in the legislative framework and aligned with the Virgin Islands' institutional context.

Rationale

Members supported the policy objective and noted that the Human Rights Commission Bill is already before the House of Assembly. The Committee therefore considered that ordinary legislation is the appropriate vehicle for defining functions, reporting arrangements, and safeguards, and for adjusting the model in light of operational experience.

Implementation route: Ordinary legislation and administrative implementation, through enactment of the Human Rights Commission Bill and any related implementation measures.

Recommendation 20: Complaints Commissioner

CRC Summary

The Constitutional Review Commission recommended that no amendment be made to the Constitution in respect of the Complaints Commissioner. Instead, the Commission proposed that the Complaints Commissioner Act, 2003 be amended to allow the Complaints Commissioner, in defined circumstances, to refer certain matters to the Integrity Commission so that such matters may benefit from the Integrity Commission's broader investigatory powers.

Committee Decision

Accepted.

The Committee agreed that no constitutional amendment is required and supported legislative refinement of the Complaints Commissioner framework.

Outcome: No constitutional amendment proposed.

Rationale

Members agreed that the Complaints Commissioner framework is appropriately addressed in statute and that targeted amendments can strengthen effectiveness and coordination with integrity mechanisms, without requiring constitutional change.

Implementation route: Ordinary legislation.

Recommendation 21: Elected Attorney General

CRC Summary

The Constitutional Review Commission examined proposals for an elected Attorney General and recommended that no constitutional amendment be made to provide for an elected Attorney General.

Committee Decision

Accepted with modifications.

The Committee agreed that the Attorney General should not be elected to that office, but agreed that a Bermuda-style model should be adopted for the appointment and constitutional status of the Attorney General.

Outcome: Constitutional amendment proposed.

Committee's position (modifications)

The Committee's modification is that, although it agreed with the CRC's conclusion on election, it did not accept the CRC's retention of the current constitutional structure of the office.

The Committee recommends that the Constitution be amended to adopt a Bermuda-style model under which the Attorney General may be appointed either from among members of the Legislature or as a public officer. The Attorney General should not be constituted as an *ex officio* member of the Legislature or Cabinet by virtue of holding office. Where the Attorney General is appointed from among members of the Legislature, participation in the Legislature follows from membership of that House, rather than from holding the office. Where the Attorney General is appointed as a public officer, the Attorney General is not thereby made a member of either House.

Where appointed as a public officer, the Attorney General should attend Cabinet only when summoned to provide legal advice and should not acquire membership or voting rights through attendance. Where appointed from among members of the Legislature as a Minister, Cabinet membership should follow on the same basis as other Ministers.

For the avoidance of doubt, the office of Attorney General should no longer carry *ex officio* legislative or Cabinet membership by virtue of office alone.

Members also agreed that the Belonger-first eligibility requirement should be retained.

Rationale

Members supported maintaining an appointed Attorney General and did not support an Attorney General being elected to that office. Members nevertheless considered that the current constitutional framework, which constitutes the Attorney General as an *ex officio* participant in the Legislature and Cabinet by virtue of holding office, would benefit from modernisation. Members agreed that a Bermuda-style approach would allow the Attorney General to be appointed either from among members of the Legislature or as a public officer, with participation in the Legislature and Cabinet flowing from the mode of appointment rather than from *ex officio* status. Members also emphasised

that the reform is not intended to alter prosecutorial arrangements, and that the constitutional functions and independence of the Director of Public Prosecutions should remain intact.

Implementation route: Constitutional amendment, with consequential amendments across the Constitution.

Recommendation 22: Elections and Boundaries Commission

CRC Summary

The Constitutional Review Commission recommended that provision be made in the Constitution to establish an independent Elections and Boundaries Commission, supplemented by primary legislation to address operational matters such as funding and staffing. It further recommended that commissioners be appointed rather than elected, and that ancillary amendments be made to section 3(1)(b) (so members are not treated as public officers) and to section 108(5) (so the Chair and members are paid from the Consolidated Fund).

Committee Decision

Accepted with modifications.

The Committee supported the establishment of an independent Elections and Boundaries Commission, but agreed that it should be created through ordinary legislation rather than entrenched in the Constitution. On that basis, the Committee did not support the ancillary constitutional amendments proposed by the CRC regarding appointment status or remuneration.

The Committee further considered that legislation should define the Commission's composition, appointment process, functions, funding, staffing, and reporting obligations.

Outcome: No constitutional amendment proposed.

Rationale

Members supported strengthening electoral administration and boundaries review capacity through an independent statutory body. They considered that legislation allows the Commission's mandate, appointment process, safeguards, and resourcing arrangements to be defined with appropriate detail and adjusted over time in light of operational experience, without repeated constitutional amendment. The Committee also noted that questions relating to House membership and electoral structure are addressed under other recommendations and should be treated separately from the institutional design of the Commission.

This recommendation is classified as "Accepted with modifications" on the basis that the Committee supports the establishment of an independent Elections and Boundaries Commission while preferring a statutory rather than constitutional route for its creation (see also the Procedural Note at Appendix C).

Implementation route: Ordinary legislation.

Recommendation 25: Regulation of election campaign finances

CRC Summary

The Constitutional Review Commission recommended amending the Constitution to require a regime regulating election expenses and campaign finance, with detailed rules to be set out in legislation.

Committee Decision

Not accepted; alternative recommended.

The Committee supported regulation of campaign financing, but did not support the CRC's proposal to constitutionalise that requirement.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends that election campaign finance regulation be established through ordinary legislation, with the detailed design of the regime — including thresholds, disclosure formats, reporting timelines, auditing, enforcement mechanisms, and sanctions — determined within the legislative framework.

Rationale

Members supported the objective of transparency and fairness in campaign financing. However, they considered the CRC's proposal to embed a constitutional requirement for such a regime unnecessary, given that the Legislature already has the power to enact campaign finance legislation. Members also considered that the effectiveness of any regulatory regime depends on technical design choices that require practical flexibility and the capacity to be refined over time in light of experience. Constitutionalising the requirement would add rigidity without a corresponding benefit.

Implementation route: Ordinary legislation.

Recommendation 26: Constitutional consideration for statutory boards

CRC Summary

The Constitutional Review Commission recommended no constitutional change to embed statutory bodies and suggested that governance issues be addressed through enforcement mechanisms, improved appointment procedures, and other measures outside the Constitution.

Committee Decision

Accepted.

The Committee agreed that no constitutional amendment is required.

Outcome: No constitutional amendment proposed.

Rationale

Members agreed that statutory board governance is better managed through legislation, appointments policy, performance oversight, and administrative practice rather than constitutional entrenchment.

Implementation route: Ordinary legislation and administrative governance measures.

Recommendation 28: Declaration of interests, how made

CRC Summary

The Constitutional Review Commission recommended amending sections 67(7) and 67(9) to clarify the timing and procedure for declaration of contractual interests with the Government and the circumstances in which exemptions apply.

Committee Decision

Not accepted; alternative recommended.

The Committee did not support constitutional amendment in the terms proposed.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends that declaration-of-interest procedures, timing requirements, and exemptions be addressed through legislation, Standing Orders, and Members' codes of conduct, with a focus on clarity, compliance, and enforceability.

Rationale

Members agreed with the transparency objective underlying the CRC's proposal, but considered that the issues raised are principally matters of procedure, timing, and enforcement rather than constitutional design. Members noted that workable disclosure and recusal rules depend on practical detail, including the form of declarations, when they must be made, how they are recorded and published, and the consequences of non-compliance. They considered that these matters are better addressed through legislation, Standing Orders, and Members' codes of conduct, which can provide clear rules, proportionate sanctions, and the flexibility to be updated over time without repeated constitutional amendment.

Implementation route: Ordinary legislation, Standing Orders, and Members' codes of conduct.

Recommendation 29: Declaration of interests and statutory bodies

CRC Summary

The Constitutional Review Commission recommended amending sections 66(1)(f), 67(3)(e), 67(7), and 67(9) so that the constitutional disclosure and disqualification provisions relating to contracts with the Government expressly extend to statutory bodies.

Committee Decision

Not accepted; alternative recommended.

The Committee did not support constitutional amendment in the terms proposed.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends retaining the existing constitutional approach and not extending the constitutional disqualification and vacancy provisions to contracts with statutory bodies as a general rule. Any concerns about conflicts involving statutory bodies should be managed through targeted disclosure and conflict-management measures in Members' conduct rules and integrity legislation, rather than automatic constitutional disqualification.

Rationale

Members noted that statutory bodies are ordinarily separate legal entities with distinct governance and accountability arrangements. Extending the constitutional disqualification framework to all contractual relationships with such bodies could create unintended and disproportionate consequences, including discouraging legitimate commercial arrangements where no real conflict arises. Members also considered that conflict risks are more acute where a Minister has portfolio responsibility for a statutory body, and that such risks are better addressed through tailored conflict-of-interest controls rather than a broad constitutional extension.

Implementation route: No constitutional amendment. Any refinements to disclosure and conflict-management should be pursued through integrity legislation and Members' conduct frameworks.

Chapter 4: Reserved powers and devolution

(Recommendations 23 and 24)

This Chapter records the Committee’s decisions on CRC recommendations dealing with the Governor’s reserved and discretionary powers, the Governor’s special responsibilities, and the constitutional relationship with the United Kingdom in relation to laws made for the Virgin Islands. The Committee’s approach was to pursue deeper devolution and stronger local decision-making than the CRC proposed, while also supporting certain targeted improvements to consultation and accountability identified by the CRC.

Recommendation 23: Powers Reserved to the Governor

CRC Summary

The Constitutional Review Commission recommended a limited package of reforms: (a) add Puerto Rico to the list of external relationships covered by a Letter of Entrustment; (b) remove the ouster clause in section 40(6); (c) consider adopting a “Statement of Partnership” outside the Constitution; (d) require consultation with the Minister responsible for Finance before use of the Governor’s power under section 103 to withdraw monies from the Consolidated Fund; and (e) amend section 81(6) to require consultation with the Premier prior to the Governor exercising discretion under that subsection.

Committee Decision

Accepted with modifications.

The Committee supported elements of the CRC package but adopted a broader devolution position.

Outcome: Constitutional amendment proposed.

Committee’s position (modifications)

Members agreed that:

- responsibility for external affairs in areas already delegated to the Premier under section 60(4) should be fully devolved, with Puerto Rico and the Dominican Republic added;
- internal security, terms and conditions of the public service, and the administration of the courts should be removed from the Governor’s special responsibilities;
- the ouster clause in section 40(6) should be removed;
- the Governor’s power to withdraw monies from the Consolidated Fund should be removed (rather than simply made subject to consultation); and
- section 81 should be removed entirely.

The Committee noted the CRC’s proposal for a Statement of Partnership and agreed that, if pursued, it should be developed and adopted outside the framework of the written Constitution.

Rationale

Members considered that the Governor’s reserved and special responsibility framework should be revised to better reflect devolved self-government and to place substantive responsibility for domestic governance with elected institutions. Members considered that the reforms agreed under this recommendation would strengthen democratic accountability by ensuring that responsibility for domestic governance rests primarily with elected institutions. Members also treated section 81, which enables a Bill to have effect without passage by the House in defined circumstances, as inconsistent with modern democratic expectations and agreed it should be removed.

Implementation route: Constitutional amendment, supported by negotiation and implementation steps (including Letters of Entrustment and consequential legislative alignment).

Recommendation 24: Transfer of Reserved Powers to the Devolved Government of the Virgin Islands

CRC Summary

The Constitutional Review Commission recommended including a provision, modelled on the UK’s Sewel Convention approach, to be inserted after section 119. This provision would require that when a draft UK Act or an Order in Council is intended to apply to the Virgin Islands, it would ordinarily be brought to the Premier’s attention so that Cabinet may signify its views.

Committee Decision

Accepted with modifications.

Outcome: Constitutional amendment proposed.

Committee’s position (modifications)

The Committee agreed to the Sewel-like provision, but directed that the formulation be strengthened by changing “brought to the attention of the Premier” to an express requirement for consultation with the Premier. The Committee also agreed that the Constitution should include an enabling framework for the future transfer of reserved powers to the Government of the Virgin Islands, to be developed as part of the wider package of reforms relating to the Governor’s powers.

Rationale

Members supported a clearer constitutional expectation of structured engagement on UK legislation intended to apply to the Virgin Islands, as a practical safeguard that strengthens transparency and democratic accountability without limiting the legal power of the UK Parliament.

Implementation route: Constitutional amendment.

Chapter 5: Self-determination and justice agencies

(Recommendations 31 and 32)

This Chapter records the Committee’s decisions on the CRC’s recommendations regarding the Virgin Islands’ future constitutional development, including steps toward self-determination and targeted reform of the criminal justice framework. The Committee’s approach emphasised informed public engagement, clear constitutional pathways for key decisions, and reforms that can be implemented in a practical and legally sound manner.

Recommendation 31: Next steps towards self-determination

CRC Summary

The Constitutional Review Commission noted that many of its recommendations would advance the Virgin Islands toward greater self-determination, but proposed additional “next steps” to support that trajectory. These included sustained, fair and politically impartial constitutional education (including civics in schools and consideration of a standing body to continue education), stronger governance autonomy alongside improved transparency and accountability, and a further reduction in the Governor’s reserved and discretionary powers coupled with stronger consultation requirements. The CRC also emphasised the need for better long-term planning and highlighted the importance of a fair mechanism to assess the people’s wishes on political status, such as a referendum following education.

Committee Decision

Accepted with modifications.

The Committee endorsed the need for sustained public education and structured mechanisms to assess the wishes of the people, and agreed an expanded approach.

Outcome: Constitutional amendment proposed.

Committee’s position (modifications)

Members agreed that:

- a Decolonisation Commission should be established to lead public education on decolonisation and self-determination, and to evaluate the effectiveness of that education;
- the Constitution should include a mandatory requirement for a referendum on the political status of the Virgin Islands to be held no later than 31 December 2031. The obligation to hold that referendum should not be capable of defeat by inaction, and the date and conduct of the referendum should be provided for by law and any necessary House procedure;
- if the referendum does not result in a change of political status, further referenda should take place at intervals of no more than eight years, accompanied by continued public education; and
- next steps toward self-determination should include constitutional reforms that increase autonomy for the elected Government as a foundation for further progress, including measures

addressed elsewhere in this report on Cabinet and executive reform and the transfer of responsibilities from the Governor.

The Committee recognises that the detailed design of the referendum, including the franchise, the question or questions to be posed, the threshold for a valid result, and the timetable for enacting enabling legislation, are matters to be determined through the normal legislative process. The Committee expects these matters to be settled in sufficient time to ensure that the referendum can be conducted on or before the constitutional deadline.

Rationale

Members considered that self-determination is a long-term national question that requires sustained public education and an orderly process for measuring public wishes. Members supported placing a clear constitutional obligation to hold a political status referendum by 2031 to ensure continuity across administrations and to provide a predictable pathway for public decision-making. Members also treated governance reforms that strengthen local responsibility, including Cabinet and devolution measures, as part of the practical foundation for any future change in political status.

Implementation route: Constitutional amendment, supported by ordinary legislation to establish and regulate the Decolonisation Commission and to provide for operational aspects of referenda.

Recommendation 32: Judge-only criminal trials

CRC Summary

The Constitutional Review Commission recommended amending the Constitution to allow judge-only criminal trials through legislation, in light of criminal case backlogs and the difficulty of selecting impartial juries in a small jurisdiction. The CRC further recommended that the enabling legislation should be subject to wide consultation and that the legislative framework should allow either party to apply for a judge-only trial.

Committee Decision

Accepted with modifications.

The Committee agreed that the Constitution should be amended to allow judge-only trials to be provided for by legislation, but did not support a model under which either party may apply.

Outcome: Constitutional amendment proposed.

Committee's position (modifications)

Members agreed that:

- The constitutional right to trial by jury should be preserved, but should be subject to legislation allowing trial by a judge alone.

- the legislation should be framed so that only the accused person may elect or apply for a judge-only trial, with appropriate safeguards; and
- the legislation should be developed following wide consultation with relevant stakeholders, including the criminal Bar and justice sector institutions.

Rationale

Members recognised that trial by jury is a fundamental constitutional safeguard and agreed that any judge-only pathway must preserve the right to a jury trial unless the accused chooses otherwise.

Members supported offering an additional lawful option for the accused in appropriate cases, while ensuring that the mechanism is carefully legislated, informed by consultation, and supported by clear procedural safeguards.

Implementation route: Constitutional amendment, followed by ordinary legislation to establish the detailed procedure, safeguards, and consultation-informed criteria.

Chapter 6: Identity, belonging and ancestral connection

(Recommendations 33, 34, 35 and 36)

This Chapter records the Committee’s decisions on CRC recommendations relating to national identity in the constitutional text, the constitutional definition of Belonger status, the constitutional recognition of ancestral connection, and the constitutional framing of public land held for the benefit of the people of the Virgin Islands. The Committee’s approach was to preserve workable constitutional foundations while making targeted amendments that strengthen clarity, reflect identity and heritage, and improve the coherence of key constitutional concepts.

Recommendation 33: Revision of the Preamble

CRC Summary

The Constitutional Review Commission recommended updating the Preamble to reflect minor improvements to style and language and provided draft language illustrating those changes.

Committee Decision

Accepted with modifications.

The Committee agreed that the Preamble should be amended, but did not adopt the CRC’s full redraft.

Outcome: Constitutional amendment proposed.

Committee’s position (modifications)

Members agreed that the existing Preamble should be retained as the base text, with targeted edits to:

- shift the Preamble into a first-person, collective voice (for example, changing “they” to “we”); and
- replace references to “Virgin Islanders” (and similar terminology) with “the people of the Virgin Islands” so the Preamble does not unintentionally import the defined meaning of “Virgin Islander” used elsewhere in the Constitution.

Rationale

Members considered that the 2007 Preamble already captures identity, values, and constitutional aspirations in a strong and balanced way. They preferred to make focused edits that improve readability and institutional voice, while avoiding a substantial rewrite that could create interpretive uncertainty.

Implementation route: Constitutional amendment (Preamble).

Recommendation 34: Belonger status

CRC Summary

The Constitutional Review Commission recommended no change to the constitutional definition of Belonger status in section 2(2), but recommended that immigration policy be developed to prioritise the

grant of Belonger status in “commendable” cases as part of the wider policy review following the Malone report.

Committee Decision

Not accepted; alternative recommended.

The Committee did not accept the CRC’s “no change” position and agreed that the Constitution should be amended to expand Belonger status by descent.

Outcome: Constitutional amendment proposed.

Alternative Recommendation

The Committee agreed that Belonger status by descent should be extended to include a further generation for Virgin Islanders born abroad, so that Belonger status by descent can be traced through a great-grandparent connection (described as “fourth generation by descent”).

Rationale

Members considered that the existing constitutional definition does not adequately reflect the Virgin Islands’ migration history and the continuing ties of Virgin Islanders living abroad. They supported a controlled expansion that strengthens intergenerational continuity while still requiring documentary proof and leaving operational processes to immigration and nationality law and practice. The Committee’s alternative recommendation accordingly reverses the CRC’s position and proposes a constitutional amendment to expand the scope of Belonger status by descent.

Implementation route: Constitutional amendment to section 2(2), with consequential alignment in immigration legislation and administrative processes.

Recommendation 35: Ancestral Virgin Islander

CRC Summary

The Constitutional Review Commission recommended replacing “Virgin Islander” in the Preamble with “people of the Virgin Islands” because “Virgin Islander” is a defined term in section 65(2) and may cause interpretive confusion when used in the Preamble. The CRC also set out an “Ancestral Virgin Islander” concept for consideration, including a proposed definition based on ancestral connection over three generations.

Committee Decision

Accepted with modifications.

The Committee agreed to replace “Virgin Islander” in the Preamble with “people of the Virgin Islands”, and further agreed in principle to include a distinct constitutional recognition of “Ancestral Virgin Islander”.

Outcome: Constitutional amendment proposed.

Committee’s position (modifications)

Members agreed that:

- The Preamble should be amended to replace “Virgin Islander” with “people of the Virgin Islands,” consistent with the CRC’s recommendation;
- the Constitution should establish a distinct recognition of an “Ancestral Virgin Islander” as a unique category, separate from persons deemed to belong under section 2 and from the constitutional definition of “Virgin Islander” in section 65; and
- the term “Ancestral Virgin Islander” should refer to any individual who can demonstrate, by official means, direct lineal descent by birth, traced through the maternal or paternal line, from at least one ancestor born in the Virgin Islands on or before 1860.

Members emphasised that recognition as an Ancestral Virgin Islander would not necessarily equate to Belonger status.

The Committee further agreed that an Ancestral Virgin Islander should be granted protections based on heritage and historical connection to the Virgin Islands, subject to law, namely:

- the right to hold land in the Virgin Islands acquired by inheritance or succession on death without having to obtain a Non-Belonger Land Holding Licence;
- the right to hold shares in a Virgin Islands corporation acquired by inheritance or succession on death without having to obtain a Non-Belonger Land Holding Licence, in accordance with any law governing the transfer and registration of shares;
- the right to reside in the Virgin Islands without being subject to immigration control; and
- access to a fast-track process, as prescribed by law, for Belonger status and citizenship.

Rationale

Members supported the Preamble amendment as a clarity measure to avoid unintentionally importing technical definitions into an aspirational part of the Constitution. Members also agreed that a distinct “Ancestral Virgin Islander” category should be framed as a recognition of heritage and historical connection, while remaining separate from Belonger status. The Committee considered that the protections associated with this category should be limited, clearly defined, and implemented through a constitutional framework supported by legislation that can address proof requirements and operational details.

The Committee chose 1860 as the threshold date because it corresponds with the earliest reliable church and civil records. The date aims to identify individuals whose ancestral ties to the Virgin Islands are longstanding and well-documented historically.

Implementation route: Constitutional amendment to establish the category, definition, and core protections, supported by enabling legislation to prescribe evidentiary requirements, procedures, and administrative mechanisms for implementation.

Recommendation 36: Crown land

CRC Summary

The Constitutional Review Commission recommended that the Constitution define Crown land to clarify that it is held for public benefit, and that legislation govern its acquisition, management and disposal, including principles of transparency and accountability. The CRC also recommended consequential alignment of statutory definitions and supporting administrative measures to strengthen the identification and management of Crown land.

Committee Decision

Accepted with modifications.

The Committee agreed an amended position.

Outcome: Constitutional amendment proposed, supported by consequential legislative alignment.

Committee's position (modifications)

Members agreed that:

- the Constitution should replace the term “Crown land” with “Virgin Islands land”; and
- Virgin Islands land should be defined as land vested in the Government of the Virgin Islands, in trust for the benefit of the people of the Virgin Islands.

In relation to dispositions, Members reviewed the existing effect of section 41 and agreed that it already establishes a workable constitutional framework under which dispositions are subject to law, require prior Cabinet approval, and may be executed under the public seal by the Governor or by the Minister when duly authorised by the Governor in writing. Accordingly, the Committee:

- did not support entrenching a distinct constitutional requirement that the Governor must personally execute grants or dispositions; and
- agreed that the constitutional language should be adjusted to emphasise that such dispositions are made on behalf of the Government of the Virgin Islands, while preserving existing safeguards, including prior Cabinet approval, execution under the public seal, and ministerial responsibility for administration.

Members further agreed that statutory definitions and related enactments should be reviewed and aligned with the revised constitutional terminology and approach.

Rationale

Members supported reframing the terminology from “Crown land” to “Virgin Islands land” as a clearer expression of land held for public benefit in the Virgin Islands. While recognising that “Crown land” is widely used across the Commonwealth, Members considered that the Constitution should reflect local constitutional aspirations and public understanding that these lands are held in trust for the benefit of the people of the Virgin Islands.

Members emphasised that the central constitutional issue is the control, transparency and accountability of dispositions, rather than nomenclature alone. In that context, Members noted that section 41 already makes dispositions subject to law, requires prior Cabinet approval, and provides a mechanism for execution under the public seal. Members considered that reform should build on that framework and avoid creating ambiguity, or a constitutional requirement, that the Governor must personally execute dispositions.

Members further noted that several of the CRC’s more detailed administrative proposals are already provided for in legislation or are being progressed administratively, and that remaining operational measures are better addressed through policy, legislation and implementation rather than rigid constitutional prescription.

Implementation route: Constitutional amendment, supported by consequential alignment of legislation and administrative instruments (including definitions and processes in relevant land statutes).

Chapter 7: Fundamental rights and social protections

(Recommendations 37–46)

This Chapter documents the Committee’s decisions on CRC recommendations related to the Bill of Rights framework and associated social protections. The Committee generally supported constitutional amendments that clarify legal effects or strengthen rule-of-law principles, but opposed constitutionalising policy commitments that heavily rely on fiscal capacity and operational design.

Recommendation 37: Preamble to fundamental rights

CRC Summary

The Constitutional Review Commission recommended clarifying that section 9 is intended to operate as a preamble to the chapter on fundamental rights, rather than as a standalone, enforceable right. The CRC proposed amending the enforcement clause in section 31(1) to explicitly exclude section 9 from justiciable enforcement.

Committee Decision

Accepted.

The Committee endorsed the CRC’s recommendation to clarify that section 9 operates as a preamble to the fundamental rights chapter and is not itself an enforceable right.

Outcome: Constitutional amendment proposed.

Rationale

The Committee accepted that section 9 reads as an introductory framing provision and that uncertainty about enforceability can generate avoidable litigation risk and interpretive confusion.

Members also considered that the enforcement mechanism in section 31 should closely align with provisions that establish enforceable rights, rather than inadvertently including aspirational or introductory language into the enforcement framework.

Implementation route: Constitutional amendment to clarify section 9’s status and to adjust section 31(1) accordingly.

Recommendation 38: Bill of Rights, right to marry

CRC Summary

The Constitutional Review Commission recommended amending section 20 to state clearly that marriage is between a man and a woman of the opposite sex.

Committee Decision

Accepted.

Outcome: Constitutional amendment proposed.

Committee’s position

Members agreed that section 20 of the Constitution should be amended to make explicit that, for constitutional purposes, marriage is a union between a man and a woman who are of the opposite sex at birth, in accordance with laws enacted by the Legislature.

Rationale

Members accepted the CRC’s recommendation that the constitutional text should state the position clearly, but agreed that the formulation should go further by expressly stating that the man and woman are of the opposite sex at birth. Members considered that this would provide greater constitutional certainty and maintain coherence with the Committee’s intended approach to the definition of marriage.

Implementation route: Constitutional amendment to section 20.

Recommendation 39: Freedom of expression and freedom of assembly, political activities of public officers

CRC Summary

The Constitutional Review Commission recommended no constitutional amendment to protect public officers’ rights to engage in political activities. It proposed instead that the Public Service Management Code be updated or supplemented with guidance to reflect constitutional case law rejecting an absolute ban on political activity by public officers and to support a proportionate, risk-based approach.

Committee Decision

Accepted.

The Committee agreed that no constitutional amendment is required and that the matter should be addressed through revision of the Public Service Management Code and related guidance.

Outcome: No constitutional amendment proposed.

Rationale

Members agreed that the Constitution already protects freedom of expression and assembly and that the operational issue lies in how public service rules are framed and applied in practice. They agreed that the Code and guidance were the appropriate instruments for balancing public officers’ rights with the public interest in maintaining political neutrality and confidence in public administration.

Members also emphasised that this item should not be recorded as a passive observation. The Committee intended it to operate as an explicit commitment that the relevant public service instruments must be modernised in line with the CRC's analysis.

Implementation route: Public Service Management Code revision and any supplementary guidance, supported by administrative enforcement and training.

Recommendation 40: Freedom of expression and freedom of assembly; resign to run

CRC Summary

The Constitutional Review Commission recommended retaining the existing constitutional requirement for a public servant to resign in order to contest an election.

Committee Decision

Accepted with modifications.

The Committee agreed an amended position.

Outcome: Constitutional amendment proposed.

Committee's position (modifications)

Members agreed that:

- employees of the central government should continue to be required to resign in order to contest an election; and
- section 66(1)(a) should be amended so that employees of statutory bodies may contest elections, subject to policies approved by their boards, with resignation required before taking a seat in the House of Assembly.

Rationale

A majority of members regarded the resign-to-run requirement for central government employees as an important safeguard for maintaining political neutrality and public confidence in the core public service. They considered that the central administration should not be drawn into electoral contestation while an employee remains in post.

At the same time, Members considered that applying the same rule to employees of statutory bodies as a blanket restriction was disproportionate, given the variety of statutory bodies and the different governance and operational contexts in which they function. Members therefore agreed to a tailored approach that preserves the safeguard where neutrality concerns are strongest, while permitting statutory bodies to manage participation through board-approved policies and a clear separation point before a successful candidate takes a seat in the House.

Members also considered that this approach better aligns constitutional restrictions with the Committee's broader view that limits on political participation should be targeted, proportionate, and supported by workable governance arrangements.

Implementation route: Constitutional amendment to section 66(1)(a), supported by statutory body policies and any necessary legislative alignment.

Recommendation 41: Right to an education

CRC Summary

The Constitutional Review Commission recommended amending section 22(2) to refer to the progressive realisation of free secondary education, up to age 17, subject to available resources.

Committee Decision

Not accepted; alternative recommended.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends retaining the current constitutional arrangements for the achievement of educational objectives. Aspirational goals relating to the progressive expansion of access to education should instead be pursued through ordinary legislation, public policy, and resource allocation decisions.

Rationale

Members' objection was primarily practical rather than philosophical. They considered that embedding the progressive realisation of free secondary education in the constitutional text would create expectations and potential legal pressure that may not align with administrative capacity and fiscal realities, particularly if conditions shift over time.

Members also considered that education policy and delivery are better managed through legislation, budgeting, and programme design, which can be adjusted as circumstances evolve, rather than through constitutional text that is more difficult to recalibrate.

Implementation route: No constitutional amendment.

Recommendation 42: Right to education for special needs children and persons

CRC Summary

The Constitutional Review Commission recommended supplementing section 22(2) with an aspirational subsection addressing education for children and persons with special needs, framed as a progressive and non-absolute development that reinforces the non-discrimination framework.

Committee Decision

Not accepted; alternative recommended.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends retaining the current constitutional provisions on education and non-discrimination, and addressing the educational needs of children and persons with disabilities through the Education Act, policy measures, programme design, and appropriate resourcing, rather than by constitutional amendment.

Rationale

Members recognised the concerns raised in public consultations and in the CRC report about the educational experience of children and adults with disabilities, including the need in some cases for a longer period of schooling and better-tailored support. Members noted, however, that the Constitution already enshrines the right to education in section 22 and prohibits discrimination, including on the grounds of disability, in section 26, while allowing positive measures for persons with disabilities. They also took into account that the Education Act already contains specific provisions on special education programmes for students of compulsory school age who require additional support.

In light of this framework, the Committee concluded that the issues identified by the CRC relate mainly to implementation, resourcing and programme design, rather than to a gap in the text of the Constitution. Members considered that inserting an aspirational clause would not, by itself, improve provision and could create expectations that are difficult to meet in the short term, given current financial and capacity constraints.

Related Committee action (cross-reference)

Members subsequently agreed to add a separate constitutional enabling provision for persons with disabilities to support legislative protection of that vulnerable group. This is recorded as an Additional Matter.

Implementation route: No constitutional amendment under Recommendation 42. Related disability enabling provision to be progressed under the Additional Matters and supporting legislation.

Recommendation 43: Human rights protection for the elderly

CRC Summary

The Constitutional Review Commission recommended inserting a constitutional provision enabling the Legislature to enact laws to promote the welfare of the elderly and protect them from harm, exploitation, neglect, abuse, and degradation.

Committee Decision

Accepted.

The Committee endorsed the CRC's proposal for a constitutional enabling provision empowering the Legislature to make laws promoting the welfare and protection of elderly persons.

Outcome: Constitutional amendment proposed.

Rationale

The Committee recognised that the population of the Virgin Islands is ageing and that social and family structures are changing. It noted that, although laws and policies already provide some support for older persons, the Constitution does not currently acknowledge their particular vulnerability to abuse, neglect and exploitation. A specific provision in the fundamental rights chapter was seen as an appropriate way to signal a clear constitutional commitment to the welfare and protection of elderly persons, while leaving detailed schemes to legislation.

Members considered the CRC's proposed approach, empowering the Legislature to act rather than creating an immediately enforceable social welfare right, to be balanced. It supports the development of safeguarding measures, services and facilities for elderly persons without implying an unlimited fiscal obligation.

Implementation route: Constitutional amendment, supported by ordinary legislation.

Recommendation 44: Right to fish and farm

CRC Summary

The Constitutional Review Commission considered a public proposal for a constitutional right for Virgin Islands citizens to fish and farm "by registration only and not by permit or licence." It concluded that no new constitutional right to fish or farm should be created, and that any preferential treatment or protections for fishing and farming should be addressed through ordinary legislation and policy rather than in the Constitution.

Committee Decision

Accepted.

The Committee agreed that no constitutional right to fish or farm should be created and that any measures to support traditional livelihoods should be pursued through ordinary legislation and policy.

Outcome: No constitutional amendment proposed.

Rationale

Members recognised the cultural and livelihood significance of traditional fishing methods. The Committee noted concerns about the position of multi-generational fishing families, the preservation of traditional techniques such as seine fishing and diving, and the desire to safeguard local participation in

the sector. Members observed that, in the Virgin Islands, commercial and subsistence fishing are subject to licensing or registration requirements, while farming is not. They also noted that detailed questions about who may fish, the nature of licences, transferability, and the treatment of different methods are better addressed through sector-specific laws. The Committee further noted that some ideas discussed, such as special consideration for Ancestral Virgin Islanders, leniency for traditional local fishers, and limits on licence transfer, would require careful planning to avoid unintended consequences for resource management and enforcement. It was deemed more appropriate to develop these options within fisheries and related legislation, where they can be shaped with technical input and modified over time, rather than enshrining them in constitutional text.

Implementation route: Ordinary legislation and policy.

Recommendation 45: Right to bodily integrity

CRC Summary

The Constitutional Review Commission advised against any constitutional amendment to explicitly include a right to bodily integrity, citing the expansive nature of the concept and the protections already provided by the Bill of Rights.

Committee Decision

Accepted.

The Committee agreed that the existing Bill of Rights framework provides sufficient protection and that no separate right to bodily integrity should be introduced.

Outcome: No constitutional amendment proposed.

Rationale

Members accepted the CRC's position that the Constitution already secures essential elements of bodily and physical integrity through existing rights, particularly the right to life and the protections against torture and inhuman or degrading treatment. Members noted that any single, general statement of a right to bodily integrity would be very broad in scope and would raise a number of complex and evolving social, ethical and medical questions.

Implementation route: No constitutional amendment.

Recommendation 46: Accessibility of laws

CRC Summary

The Constitutional Review Commission recommended inserting a new constitutional provision (outside the Bill of Rights chapter) to require free and easy public access to legislation, including an index of laws, and regular law revision, supported by the necessary financial resources.

Committee Decision

Not accepted; alternative recommended.

The Committee supported the objective of improving public access to legislation, but did not support constitutional entrenchment of the CRC's proposed provision.

Outcome: No constitutional amendment proposed.

Alternative recommendation

The Committee recommends retaining the current constitutional arrangements and pursuing improved public access to legislation through administrative modernisation, adequate resourcing, and targeted legislative reform, including the continued publication, indexing, and revision of the laws of the Virgin Islands.

Rationale

Members acknowledged that reliable access to the laws of the Virgin Islands is fundamental to the rule of law and the administration of justice.

While supporting the objective of increased transparency, Members cautioned against the constitutional entrenchment of these requirements. The Committee noted that a specific constitutional provision could inadvertently invite legal disputes regarding the validity of laws or the extent of legal liability in instances of delayed publication. Furthermore, there was concern that constitutionalising these duties might create expectations that exceed current administrative and technical capacities.

Members underscored the significant administrative progress already achieved by the Gazette Office and the Attorney General's Chambers in enhancing the availability and organisation of the Territory's laws. The Committee concluded that these improvements are best sustained through continued administrative modernisation and, where necessary, targeted legislative reform, rather than through a formal constitutional amendment.

Implementation route: No constitutional amendment.

Chapter 8: Cabinet and executive administration reforms

(Recommendations 47 and 50)

This Chapter records the Committee's decisions on CRC recommendations relating to Cabinet procedure, executive organisation, and the administrative machinery that supports the elected Government. The Committee's approach was to strengthen the coherence of executive governance by aligning constitutional authority and Cabinet processes more closely with the Premier and Ministers, while ensuring that public administration remains professionally managed, accountable, and supported by workable institutional safeguards.

Recommendation 47: Cabinet and Cabinet Reform

CRC Summary

The Constitutional Review Commission recommended targeted amendments to modernise Cabinet operations. It proposed widening attendance at Cabinet by allowing the Premier to invite "any other person", expanding the Cabinet Secretary's functions to include arranging Cabinet business and expressly requiring politically impartial policy advice and administrative support, and amending section 49 so the Premier presides at Cabinet meetings. The CRC also proposed a stronger coordinating role for the Cabinet Office across government.

Committee Decision

Accepted with modifications.

The Committee supported elements of the CRC package, but agreed on a broader reform approach.

Outcome: Constitutional amendment proposed.

Committee's position (modifications)

Members agreed that constitutional executive authority should vest in the Premier; that the existing arrangements for the appointment of the Premier should remain unchanged, while the Premier should appoint the other Ministers of Government; that Cabinet should comprise the Premier, as Chair, and the other Ministers of Government; that responsibility for convening Cabinet meetings, approving attendance and determining presiding arrangements should rest with the Premier and the Cabinet Secretary; that Cabinet capacity should be expanded to permit up to six Ministers, subject to an increase in the number of elected Members; and that Cabinet decision-making procedures should be strengthened by increasing the quorum and providing a casting vote for the Minister presiding.

Members further agreed to relocate public service leadership under the Premier through a strengthened Cabinet Office, with the Cabinet Secretary recognised as Head of the Public Service and responsible for arranging Cabinet business. The Cabinet Secretary role, including acting appointments, would be restricted to an Ancestral Virgin Islander who is also a Belonger. Finally, Members agreed that the Attorney General should not be an *ex officio* Cabinet member by virtue of holding office, and that Cabinet participation should depend on the mode of appointment, with an Attorney General appointed from

among members of the Legislature able to sit in Cabinet where appointed as a Minister, and an Attorney General appointed as a public officer attending only when summoned for legal advice without membership or voting rights.

Rationale

Members considered that the existing constitutional provisions do not fully reflect the practical operation of executive government. In practice, strategic leadership rests with the Premier and Cabinet; however, several procedural and administrative features continue to centre the Governor in Cabinet proceedings and in responsibility for the Public Service. The Committee concluded that the Constitution should be updated to align formal responsibility with the elected leadership, while preserving the Governor's constitutional functions and any powers expressly reserved or conferred elsewhere in the Constitution.

Modernising section 46 so that the Premier is the constitutional holder of executive authority, exercised on His Majesty's behalf and subject to the Constitution, was seen as a key step in this alignment. Members considered that this would provide a clearer expression of local self-government while maintaining appropriate constitutional limits and safeguards.

The Committee also agreed that the Cabinet Office should be strengthened beyond a primarily secretarial function to operate as a central coordinating unit for Cabinet business and whole-of-government policy delivery. Recognising the Cabinet Secretary as Head of the Public Service, and locating public service leadership within a strengthened Cabinet Office under the Premier's oversight, was viewed as a coherent means of implementing the Committee's broader decision to devolve responsibility for the Public Service, improve coordination across Ministries, and support administrative continuity through political transitions.

The Committee notes that the eligibility requirement for the Cabinet Secretary depends on the definition of "Ancestral Virgin Islander" established under Recommendation 35. The constitutional drafting must ensure that both provisions are brought into force simultaneously, with appropriate transitional arrangements for any incumbent office-holder.

Implementation route: Constitutional amendment, supported by ordinary legislation.

Recommendation 50: Defining the role and responsibilities of the Premier in the Constitution

CRC Summary

The Constitutional Review Commission recommended inserting an express constitutional duty in section 52 requiring the Premier to act in accordance with the Constitution and other law and "in the best interests of the Territory".

Committee Decision

Not accepted; alternative recommended.

Outcome: No constitutional amendment proposed.

Alternative Recommendation

The Committee recommends that expectations of executive leadership, standards of conduct, and accountability be addressed through ordinary law, codes, and administrative instruments, rather than inserting broad, general language into section 52 of the Constitution.

Rationale

Members considered that broad aspirational language in section 52 would not materially strengthen accountability and could introduce interpretive uncertainty. The Committee preferred that leadership expectations and conduct standards be set out in instruments that can be designed with appropriate specificity, enforced through established mechanisms, and updated as governance practice evolves.

Implementation route: Ordinary legislation, ministerial or Cabinet governance instruments, or related administrative guidance.

Chapter 9: Other governance and electoral reform proposals

(Recommendations 48, 49, 51, 52, 53 and 57)

This Chapter covers a set of proposals that sit at the “rules of the game” end of constitutional reform, including the electoral cycle, voting system options, candidacy age, and a discrete pensions drafting point. In most cases, the CRC advised against constitutional amendment, and the Committee generally agreed, preferring to preserve stability in core electoral architecture while leaving any refinements to ordinary legislation and administrative practice.

Recommendation 48: Pension Fund

CRC Summary

The Constitutional Review Commission noted that section 100 currently allows pensions to be paid from either the Consolidated Fund or a Pension Fund, but recorded that pensions continue to be paid from the Consolidated Fund, and a fully operational Pension Fund was not yet in place. To support a transition away from new pension liabilities falling on the Consolidated Fund, the CRC recommended redrafting section 100 to require transitional legislation once a Pension Fund is established, including provisions to end Consolidated Fund liability for new employees in specified circumstances.

Committee Decision

Not accepted; alternative recommended.

Outcome: No constitutional amendment proposed.

Alternative recommendation

The Committee agreed that no constitutional amendment should be taken forward at this stage, and considered it prudent to retain the flexibility afforded by the existing wording of section 100. Any operationalisation of a contributory pension fund, and any transition of future pension liabilities from the Consolidated Fund to a Pension Fund, should instead be pursued through legislation, financial policy and administrative implementation.

Rationale

Members noted the CRC’s concern but considered that the Constitution already contemplates the existence of a Pension Fund and does not prevent its establishment. During Committee Stage, the Premier confirmed that a pension fund structure exists in law, although pensions are still being paid from the Consolidated Fund, and advised that the Ministry of Finance was finalising proposals to establish a contributory pension fund.

Members accepted that the sustainability concerns raised by the CRC are serious, particularly given the unfunded liabilities associated with existing public service pension arrangements.

At the same time, Members viewed the constitutional text as already legally permissive. Section 100 is framed in a way that anticipates pensions being payable from a Pension Fund as an alternative to the Consolidated Fund, so the immediate constraint appeared to be operational readiness and the supporting legal and administrative architecture, rather than a constitutional limitation.

Implementation route: Ordinary legislation and policy. No constitutional amendment is proposed at this stage. The transition of liabilities should be handled through legislative and administrative measures.

Recommendation 49: Qualification for elected membership to be reduced to 18 years

CRC Summary

The Constitutional Review Commission considered whether to reduce the minimum age for qualification to hold elected office from 21 to 18 years. After reviewing international electoral standards and practice, it recommended that no change be made, and that eligibility to sit in the House should continue to be limited to persons who have attained the age of 21.

Committee Decision

Accepted.

Outcome: No constitutional amendment proposed.

Rationale

Members noted that the current age requirement reflects a long-standing constitutional settlement and is consistent with international practice, which accepts that the threshold for candidacy may reasonably be set higher than the voting age. They also considered that there was no strong evidence that the present rule has hindered participation in elected office to such an extent as to justify constitutional amendment at this time.

Implementation route: No constitutional amendment.

Recommendation 51: Fixed date for elections

CRC Summary

The Constitutional Review Commission recommended that no constitutional amendment be made to establish fixed election dates, but proposed moderating the Premier's ability to call a snap election, including through a minimum notice period, with an illustrative drafting proposal requiring at least 90 days' notice. The CRC's proposal was framed against the existing constitutional election timing rule, which requires a general election within two months after dissolution and not earlier than twenty-one days.

Committee Decision

Accepted with modifications.

Outcome: No constitutional amendment proposed.

Committee's position (modifications)

The Committee agreed that there should be no constitutional amendment to set fixed election dates. However, the Committee did not support the CRC's subsidiary proposal for a constitutional minimum notice requirement for early elections.

The Committee recommended that any measures aimed at moderating the use of early dissolution, including any minimum notice expectations, be considered through ordinary legislation, where the design of thresholds, exceptions, and enforcement mechanisms can be developed with appropriate precision and adapted over time without constitutional amendment.

Rationale

Members considered that the existing constitutional arrangements governing dissolution and the timing of general elections form an integral part of the Virgin Islands' parliamentary system and provide necessary flexibility to respond to changes in parliamentary confidence and other exceptional circumstances. Members also accepted the CRC's view that fixed-date election models commonly require exceptions which, in practice, preserve discretion and can add complexity without delivering corresponding gains in clarity or accountability.

On the subsidiary question of moderating the power to call an early election, Members acknowledged the concern that the timing of dissolution may be perceived as a means of securing political advantage. However, they considered that a constitutional notice requirement of the kind proposed by the CRC would be difficult to calibrate and could constrain the flexibility required by the parliamentary system.

Implementation route: Ordinary legislation, if pursued, could address issues such as the length of the campaign period or minimum notice requirements. No constitutional amendment proposed.

Recommendation 52: Run-off provisions

CRC Summary

The Constitutional Review Commission recommended that no amendment be made to replace first-past-the-post with a run-off system, citing administrative cost, timing burdens, and the potential for reduced turnout between rounds.

Committee Decision

Accepted.

Outcome: No constitutional amendment proposed.

Rationale

Members noted the CRC's assessment that a two-round system would require the electoral administration to organise a second election shortly after the first, with associated financial costs, staffing pressures and logistical demands, and that voter turnout typically drops sharply in second rounds. They accepted that, in the Virgin Islands context, these burdens could create uncertainty and delay at moments when clear and timely results are important.

Members concluded that there was no compelling case at this stage to reopen the constitutional provisions governing the electoral system to adopt run-off voting, particularly given the broader package of electoral and governance reforms already under consideration.

Implementation route: No constitutional amendment. No further action proposed.

Recommendation 53: Five-year election cycle

CRC Summary

The Constitutional Review Commission recommended that no amendment be made to move from a four-year to a five-year election cycle, noting the constitutional significance of such a change and the absence of strong public demand for it.

Committee Decision

Not accepted; alternative recommended.

Outcome: Constitutional amendment proposed.

Alternative Recommendation

The Committee recommends that the Constitution be amended to extend the maximum interval between general elections from four years to five years, while preserving the existing ability for the House to be dissolved earlier in accordance with the constitutional framework.

Rationale

Members considered that, while shorter terms provide frequent and visible electoral accountability, a five-year cycle offers advantages for governmental stability and the sustained implementation of longer-term development policies, particularly in a small jurisdiction. Members also considered that the term should remain a maximum of five years, preserving the flexibility of the Westminster model whereby Parliament may be dissolved earlier when circumstances so require.

Implementation route: Constitutional amendment, with consequential review of linked statutory provisions.

Recommendation 57: Proportional representation

CRC Summary

The Constitutional Review Commission recommended that no action be taken to displace the current electoral system with proportional representation, stating that there was no compelling desire to change the system and that such a change was not warranted or justifiable at this time. It further indicated that if change were pursued in the future, it should be preceded by education and wide public consultation.

Committee Decision

Accepted.

Members agreed that elections to the House of Assembly should continue to be conducted under the first-past-the-post system provided for in the existing constitutional framework.

Outcome: No constitutional amendment proposed.

Rationale

Members considered the CRC's analysis and agreed that proportional representation would introduce significant administrative and structural burdens that are not well-suited to the Territory's small population and electoral culture. They noted that there has been limited public agitation to change the voting system, and that many of the concerns expressed during consultations relate to constituency boundaries and representation rather than to the basic electoral formula.

In this context, the Committee concluded that there was no justification for reopening the constitutional provisions on the electoral system solely for the purpose of considering proportional representation.

Implementation route: No constitutional amendment.

Chapter 10: Local government

(Recommendation 54)

This Chapter records the Committee's decision on the CRC's recommendation to introduce a constitutional basis for local government through District Councils. The Committee supported a constitutional enabling approach, with the operational model to be established by legislation and capable of being adopted district-by-district rather than imposed uniformly.

Recommendation 54: Local Government (District Councils)

CRC Summary

The Constitutional Review Commission recommended amending the Constitution to provide for the establishment of local government through District Councils, supported by enabling legislation, to strengthen community-level governance and participation. It considered that District Councils could broaden public participation, support community leadership and accountability, and improve delivery of services at district level, with detailed powers and accountability mechanisms to be set out in legislation developed following full public consultation.

Committee Decision

Accepted with modifications.

The Committee agreed that the Constitution should include an enabling provision for District Councils, but that councils should not be instituted automatically across all districts. The Committee agreed that a District Council may be established only once statutory activation criteria are satisfied, in accordance with procedures prescribed by law.

Outcome: Constitutional amendment proposed.

Rationale

Members highlighted the recurring difficulty of identifying, prioritising, and addressing local needs through a centralised administrative system, particularly where service delivery challenges are specific to a community and require sustained local attention. Members also recognised that governance needs and administrative capacity differ across the Virgin Islands, so a single mandatory model imposed uniformly could generate uneven outcomes and unintended burdens.

Against that backdrop, Members accepted local government as an enabling mechanism rather than a compulsory restructuring. They considered that a District Council framework could provide a structured channel for local input and a clearer line of accountability for community-specific priorities in districts that determine the model would be beneficial. The emphasis, however, was that adoption should be driven by district-level readiness and consent through an activation process prescribed by law, rather than by automatic constitutional operation.

Members also preferred legislation as the place to settle the operational design, because the effectiveness of District Councils depends on detailed choices that are difficult to constitutionalise well. They specifically pointed to the need for flexibility to define functions, powers, activation criteria, support arrangements, financing and oversight, and to refine the model over time in light of experience and continuing consultation.

Implementation route: Constitutional amendment, supported by ordinary legislation.

Chapter 11: Population policy and representation

(Recommendations 55 and 56)

This Chapter records the Committee's decisions on two recommendations that are important to long-term national planning but are not, in the Committee's view, matters for constitutional text. One concerns the development of a coherent population policy. The other concerns the question of representation in the UK Parliament, which the CRC treated as dependent on UK constitutional processes.

Recommendation 55: Population policy

CRC Summary

The Constitutional Review Commission recommended that the Government formulate a clear, integrated national population policy to support informed and effective policymaking and sustainable development, and to assist preparation for greater self-determination. It highlighted that population growth in the Virgin Islands has been driven largely by immigration and has placed increasing pressure on infrastructure and public services. The CRC advised that this is a matter for legislation and policy, not constitutional amendment.

Committee Decision

Accepted.

The Committee accepted the CRC's recommendation for a coherent national population policy and agreed that no constitutional amendment is necessary because population policy is a matter for Government planning and Cabinet-level decision-making.

Outcome: No constitutional amendment proposed.

Rationale

Members agreed that demographic trends shape core planning decisions, including the future demand for housing, education, health services, and social protection, and that these pressures are already visible in infrastructure and service delivery. The Committee therefore agreed with the CRC's central point that a coherent population policy is necessary as a practical tool of governance.

Members also shared the CRC's view that population strategy is best managed through executive policy supported by legislation where needed, because the policy must respond to evolving data and circumstances, including migration patterns and labour market demand.

Implementation route: Administrative implementation. No constitutional amendment.

Recommendation 56: Representative in the UK Parliament

CRC Summary

The Constitutional Review Commission recorded that some contributors raised the possibility of Virgin Islands representation in the UK Parliament, but it did not make a substantive recommendation on whether the Virgin Islands should seek such representation. It noted that UK institutions were considering options for Overseas Territories' representation, including through an inquiry process, and it therefore reserved its position pending the outcome of that UK process.

Committee Decision

Accepted.

The Committee noted the CRC's position and agreed that no constitutional amendment should be proposed in relation to representation in the UK Parliament.

Outcome: No constitutional amendment proposed.

Rationale

Members treated the question of representation in the UK Parliament as one that turns primarily on the UK's own constitutional and parliamentary arrangements. They considered that the Virgin Islands cannot determine, through its own Constitution, whether and how representation would be created within the UK Parliament, since this would require changes within the UK system itself.

The Committee therefore agreed that the Constitution should remain silent on this subject. Any future development should arise through UK processes and bilateral engagement rather than through amendments to the Virgin Islands Constitution.

Implementation route: No constitutional amendment.

Part IV: Additional Matters Raised and Agreed by the Committee

In addition to the CRC's fifty-seven recommendations, the Committee considered several constitutional issues that arose during deliberations and were agreed for inclusion as part of the overall reform package. These additional matters are recorded separately because they did not form part of the CRC's numbered recommendations, but were treated by the Committee as relevant to the coherence and operability of a revised constitutional framework.

Additional Matter 1: Deputy Governor

Issue and objective

Members identified a need to modernise the constitutional arrangements for continuity in the exercise of executive functions when the Governor is absent or unable to act. The aim was to enhance clarity, predictability, and stability within the acting framework, and to align eligibility for this senior constitutional role with the Virgin Islands' approach to key public offices.

Committee Decision

Members agreed that the Constitution should require that the Deputy Governor be an Ancestral Virgin Islander who is also a Belonger, and that the Deputy Governor should automatically perform the Governor's functions whenever the Governor is absent, ill, or otherwise unable to act, subject to any express constitutional exceptions.

Outcome: Constitutional amendment proposed.

Rationale

Members were of the view that the current acting arrangements are unnecessarily fragmented. They saw value in consolidating these into a single, automatic acting model, while still respecting any constitutional requirements for the Governor's personal involvement (or through a specific instrument) where reserved functions necessitate it. This change was viewed as a way to improve clarity, align with modern practices, reduce ambiguity, and support continuity in governance.

Implementation route: Constitutional amendment, with consequential alignment across provisions that currently trigger acting or deputy constructs.

Additional Matter 2: Magistracy and the Eastern Caribbean Supreme Court

Issue and objective

Members raised concerns about the constitutional treatment of the magistracy within the wider court system. While the Constitution recognises the Eastern Caribbean Supreme Court (ECSC) as the superior court framework for the Virgin Islands and provides for subordinate courts and tribunals within that

judicial hierarchy, the office of Magistrate is presently dealt with as a “legal office” within the public service chapter. The objective was to modernise and realign the constitutional treatment of the magistracy so that the administration, and related institutional arrangements, sit more coherently within the judicial framework associated with the Eastern Caribbean Supreme Court, while ensuring that the resulting model remains practically workable.

Committee Decision

The Committee agreed to pursue constitutional amendments to realign the magistracy with judicial administration under the Eastern Caribbean Supreme Court, with the detailed institutional model to be developed in consultation with the Court and reflected through coherent drafting and transitional provisions.

Outcome: Constitutional amendment proposed.

Rationale

Members considered that this is primarily a question of institutional coherence. The magistracy performs core judicial functions within the justice system, and Members regarded it as important that the constitutional arrangements governing the office and its administration reflect the broader constitutional structure of the courts. The proposed realignment is consistent with the approach already adopted in other member states of the Eastern Caribbean Supreme Court.

Members also recognised that implementation will require careful integration across the relevant chapters of the Constitution. Appointments, discipline, tenure, removal, and administrative support arrangements will need to be internally consistent and able to operate smoothly in practice, including during the transition from the current framework to any revised model.

Implementation route: Constitutional amendment, developed in consultation with the ECSC to settle the detailed institutional model, supported by transitional arrangements and any necessary consequential legislative alignment.

Additional Matter 3: Protection for persons with disabilities

Issue and objective

Members identified a gap between general non-discrimination protections and the need for a clear constitutional basis to support tailored protections and welfare measures for persons with disabilities. The objective was to provide an enabling constitutional foundation for laws and programmes that address disability-specific risks and barriers, without constitutionalising operational detail.

Committee Decision

The Committee agreed that the Constitution should include an enabling provision empowering the Legislature to make laws promoting the welfare of persons with disabilities and protecting them from harm, exploitation, neglect, abuse, and degradation, with practical measures to be delivered through legislation and implementation.

Outcome: Constitutional amendment proposed.

Rationale

Members considered that, while the Constitution already provides protection from discrimination on the grounds of disability, persons with disabilities may face particular risks of neglect, abuse and exploitation and may require tailored services and facilities to support dignity, inclusion and participation. The Committee considered that an enabling clause is the appropriate constitutional mechanism. It offers explicit constitutional authority and precedence, whilst leaving the detailed design, definitions, and resourcing issues to legislation and policy.

Implementation route: Constitutional amendment (enabling provision), supported by ordinary legislation and implementation measures.

Additional Matter 4: Ancestral lands

Issue and objective

Members expressed concerns about the specific land history and inheritance practices in Anegada, Salt Island, and Nottingham Estate, as well as the risk that current legal arrangements may not adequately reflect long-standing cultural and historical expectations surrounding land ownership in these areas. The objective was to acknowledge the unique character of these lands within the broader public land framework, while ensuring that any protections are practical, evidence-based, and resilient against misuse.

Committee Decision

The Committee agreed that the Constitution should recognise “ancestral lands” as a distinct sub-category within the broader Virgin Islands land framework, with detailed eligibility rules and any restrictions or safeguards to be developed through legislation and drafting.

Outcome: Constitutional amendment proposed.

Rationale

Members treated ancestral lands as a targeted recognition grounded in historical practice, not as a broad new status entitlement. They emphasised that any operational rules must be drafted with precision and supported by appropriate evidential and administrative mechanisms to avoid unintended consequences.

Implementation route: Constitutional amendment, supported by ordinary legislation and administrative implementation.

Additional Matter 5: Fixed-term appointments for specified constitutional offices

Issue and objective

Members considered whether certain constitutionally established offices should shift from having open-ended tenures to fixed terms that can be renewed. The goal was to modernise governance by allowing regular renewals and performance-based continuity, while still protecting independence with secure tenure during the term and constitutional safeguards for removal.

Committee Decision

The Committee agreed that specified constitutional offices should be held for defined renewable terms, and that term expiry should be treated as natural expiration rather than removal. Members also agreed that the Attorney General should be treated differently under the adopted Bermuda-style model, with fixed-term tenure applying only where the office is held by a public officer.

Outcome: Constitutional amendment proposed.

Rationale

The Committee acknowledged that indefinite tenure has traditionally been regarded as a safeguard for the independence of key oversight offices. However, the Committee considered that renewable fixed terms, combined with clear constitutional guarantees of independence and established removal procedures, can provide an appropriate balance between institutional autonomy and accountability.

Members also emphasised the need for careful transitional provisions to preserve accrued rights and avoid uncertainty.

Implementation route: Constitutional amendment, supported by transitional provisions and any consequential legislative alignment where required.

Part V: Implementation and Follow-Through

This Part outlines the principal implementation pathways arising from the Committee’s decisions, including preparation of a constitutional amendment package for engagement with the United Kingdom Government and the parallel legislative, procedural, and administrative measures that may be progressed domestically. The Committee also recognised that certain matters will require careful drafting and structured engagement to ensure constitutional coherence and effective operation in practice, including the delineation of internal security responsibilities, transitional arrangements for public service reform, and the realignment of the magistracy within the Eastern Caribbean Supreme Court framework.

1. Phased Implementation Approach

The Committee’s decisions span constitutional amendments, ordinary legislation, Standing Orders reforms, and policy or administrative measures. These do not share the same process or timeline, and the Committee recognises that implementation will need to proceed in phases. The following priority tiers provide a framework for organising the work.

Tier 1: Constitutional Amendments Requiring United Kingdom action

Amendments to the Virgin Islands Constitution Order 2007 require engagement with the United Kingdom Government and amendment by Order in Council. This tier includes all matters in Parts III and IV where the Committee’s decision results in a proposed constitutional change. The Committee expects these amendments to be developed as a cohesive package, with careful attention to consequential amendments and transition provisions to ensure the revised text is internally consistent and operable.

Tier 2: Ordinary Legislation

A number of decisions are to be implemented through new legislation or amendments to existing enactments. These include, for example, freedom of information legislation, the Human Rights Commission legislation, amendments to the Complaints Commissioner framework, elections legislation including campaign finance measures, operationalisation of the Contractor General framework, enabling legislation for District Councils, and consequential amendments required to align land legislation, public service legislation, and related administrative statutes with the Committee’s positions.

Tier 3: Standing Orders and Procedural Reforms

Certain decisions are intended to be implemented through Standing Orders and related parliamentary practice, including measures on transparency, public consultation, predictability of sittings, and the conduct of inquiries and hearings. The Standing Orders review process provides a practical pathway for advancing these reforms.

Tier 4: Policy and Administrative Action

Some measures can be advanced through policy directives, codes of conduct, administrative protocols, institutional strengthening, and implementation planning without legislative change. These include

updates to public service guidance, improvements to the publication and consolidation of laws, and the development of a national population policy.

2. Coordination and drafting responsibility

Without prejudice to Cabinet's overall coordination role, the Committee anticipates that the Attorney General's Chambers will lead preparation of the constitutional amendment package and related legislative drafting; that the Premier's Office and Cabinet Office will coordinate cross-government implementation and engagement with the United Kingdom Government; that individual ministries will lead on policy and legislative reforms within their subject areas; and that parliamentary procedural reforms will be led through the House's Standing Orders review process and related House authorities.

3. Timeline Considerations

The Committee observed that certain reforms are time-sensitive and that sequencing should take account of forthcoming electoral and policy milestones. In particular, the Committee's decisions on House composition and related electoral arrangements should inform planning for the next general election, including any required commencement and transition provisions. The Committee's decision on the political status referendum also establishes a clear timetable, including a requirement for a referendum no later than 31 December 2031 and additional referenda within defined intervals thereafter if there is no change of status. These time-bound commitments should be incorporated into the overall planning and legislative programme.

Appendix A: Disposition Matrix (CRC Recommendations 1–57)

This matrix offers a quick overview of whether the Committee’s position results in a proposed constitutional amendment, or whether the matter is to be advanced through ordinary legislation, Standing Orders, or policy and administrative measures. In alignment with Standing Order 14A, the matrix also records whether each CRC recommendation was **Accepted**, **Accepted with modifications**, or **Not Accepted**. Where a recommendation was **Not Accepted**, Standing Order 14A requires the Committee to set out an **alternative recommendation** in the written report presented to the House. The matrix is therefore intended to assist Members and the public in tracking, at a glance, both the Committee’s procedural disposition of each recommendation and the intended implementation route.

Rec	Subject	CRC Recommendation	Committee Decision	Outcome	Primary Route
1	Transparency, Accountability and Public Consultation	Amend the constitutional and procedural framework to strengthen transparency, accountability, public consultation, public hearings, and timely publication of Bills and reports.	Not accepted; alternative recommended	No constitutional amendment proposed	Standing Orders/ ordinary legislation
2	Junior Ministers	Review the office of Junior Minister and consider removing it or broadening and clarifying its role.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
3	Bicameralism	Do not introduce bicameralism at this stage, though an appointed second chamber may be considered in future.	Not accepted; alternative recommended	Constitutional amendment proposed	Constitutional amendment by Order in Council
4	Use of Referenda	Do not introduce people-initiated referenda and continue to regulate referenda mainly through	Accepted	No constitutional amendment proposed	Ordinary legislation

		existing constitutional and legislative mechanisms.			
5	Freedom of Information	Include a constitutional requirement for freedom of information legislation to secure public access to government information.	Not accepted; alternative recommended	No constitutional amendment proposed	Ordinary legislation
6	Term Limits for the Premier	Put the question of term limits for the Premier to a referendum rather than deciding it directly in the Constitution.	Not accepted; alternative recommended	No constitutional amendment proposed	Existing arrangements retained
7	Recall Provisions for Elected Officials	Establish a recall mechanism for elected Members by legislation and add recall as a constitutional ground for vacating a seat.	Not accepted; alternative recommended	No constitutional amendment proposed	Existing arrangements retained
8	Grounds to Remove Ministers (Other than Recall)	Add constitutional grounds for removing Ministers for serious misconduct, especially serious integrity breaches.	Not accepted; alternative recommended	No constitutional amendment proposed	Ordinary legislation/ integrity mechanisms
9	Disqualification for Membership: Convictions or Pending Criminal Matters	Update disqualification rules so pending charges do not disqualify a candidate, while certain convictions do, and require disclosure of spent convictions at nomination.	Accepted	Constitutional amendment proposed	Constitutional amendment by Order in Council

10	Procedure for a Member to Resign	Clarify the constitutional procedure for resignation of Members, including before the first sitting and where the Speaker cannot receive the resignation.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
11	Direct Election of the Premier and Revision of the At-Large System	Select the Premier and Deputy Premier from among the elected at-large Members, with related changes to House membership and boundaries.	Not accepted; alternative recommended	No constitutional amendment proposed	Existing arrangements retained
12	Fixed House of Assembly Schedule	Improve the predictability of House sittings through Standing Orders, including an annual calendar and clearer notice periods.	Accepted	No constitutional amendment proposed	Standing Orders/ procedure
13	House of Assembly Inquiries and Hearings	Strengthen parliamentary oversight through greater use of committee inquiries and a presumption in favour of public hearings.	Not accepted; alternative recommended	No constitutional amendment proposed	Standing Orders/ procedure
14	Direct Voting for Ministers	Do not amend the Constitution to allow direct public voting for Ministers.	Accepted	No constitutional amendment proposed	Existing arrangements retained
15	Increased Number of Ministers	Increase the number of Ministers by increasing the number of elected Members in line with the constitutional ratio.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council

16	Integrity Commission	Bring the Integrity Commission into force and entrench it in the Constitution, with related constitutional changes.	Not accepted; alternative recommended	No constitutional amendment proposed	Existing legislation (Integrity in Public Life Act)
17	Contractor General	Bring the Contractor General Act into force and entrench the office of Contractor General in the Constitution, with related constitutional changes.	Accepted with modifications	No constitutional amendment proposed	Ordinary legislation (Contractor General Act, 2021)
18	Administrative and Financial Independence (of Institutions)	Amend the Constitution to strengthen the administrative and financial independence of constitutionally established independent institutions.	Not accepted; alternative recommended	No constitutional amendment proposed	Existing constitutional and statutory arrangements; the budget process
19	Human Rights Commission	Amend the Constitution to make the establishment of a Human Rights Commission mandatory and proceed with its creation without delay.	Not accepted; alternative recommended	No constitutional amendment proposed	Ordinary legislation (Human Rights Commission Bill) and administrative implementation
20	Complaints Commissioner	Make no constitutional change to the Complaints Commissioner, but amend legislation to strengthen referrals to the	Accepted	No constitutional amendment proposed	Ordinary legislation (Complaints Commissioner Act, 2003)

		Integrity Commission.			
21	Elected Attorney General	Make no constitutional amendment to provide for an elected Attorney General.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
22	Elections and Boundaries Commission	Establish an independent Elections and Boundaries Commission in the Constitution, with operational details to be set out in legislation.	Accepted with modifications	No constitutional amendment proposed	Ordinary legislation
23	Powers Reserved to the Governor	Make limited reforms to the Governor's powers, including stronger consultation requirements, removal of the ouster clause, and updating delegated external affairs.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
24	Transfer of Reserved Powers to the Devolved Government	Insert a Sewel-style constitutional provision requiring that UK legislation intended to apply to the Virgin Islands ordinarily be brought to the Premier's attention.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
25	Regulation of Election Campaign Finances	Amend the Constitution to require a regime regulating election campaign expenses and financing, with details to be set by legislation.	Not accepted; alternative recommended	No constitutional amendment proposed	Ordinary legislation (Elections Act amendments)

26	Constitutional Consideration for Statutory Boards	Make no constitutional change regarding statutory boards, and address governance concerns through legislation and administration.	Accepted	No constitutional amendment proposed	Ordinary legislation and administrative measures
27	Appointment or Election of the Speaker	Retain the current flexibility on whether the Speaker is elected from inside or outside the House, with neutrality expectations addressed outside the Constitution.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
28	Declaration of Interests: How Made	Amend the Constitution to clarify how and when Members must declare contractual interests and when exemptions apply.	Not accepted; alternative recommended	No constitutional amendment proposed	Integrity legislation/ Standing Orders/codes
29	Declaration of Interests and Statutory Bodies	Amend the Constitution so that the disclosure and disqualification rules for government contracts also apply to statutory bodies.	Not accepted; alternative recommended	No constitutional amendment proposed	Integrity legislation and codes of conduct
30	Proper Relationship Between Ministers and Their Departments	Amend section 56(5) to describe a Minister's responsibility for a department as one of general direction and control, with practical improvements outside the Constitution.	Not accepted; alternative recommended	No constitutional amendment proposed	Ordinary legislation, codes of conduct, and administrative practice

31	Next Steps Towards Self-Determination	Advance self-determination through constitutional education, governance reform, further devolution, and a fair mechanism, such as a referendum, to assess the people's wishes.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council + supporting legislation
32	Judge-Only Criminal Trials	Amend the Constitution to allow judge-only criminal trials by legislation, with either party able to apply and the legislation developed after wide consultation.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
33	Revision of the Preamble	Update the Preamble through minor drafting and language improvements.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
34	Belonger Status	Make no change to the constitutional definition of Belonger status, while pursuing related immigration policy reform outside the Constitution.	Not accepted; alternative recommended	Constitutional amendment proposed	Constitutional amendment by Order in Council
35	Ancestral Virgin Islander	Replace "Virgin Islander" in the Preamble with "people of the Virgin Islands" and consider constitutional recognition of an "Ancestral Virgin Islander" category.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council

36	Crown Land	Define Crown land constitutionally as land held for public benefit and support this with legislation governing its acquisition, management, and disposal.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
37	Preamble to Fundamental Rights	Clarify that section 9 is a preambular provision to the Bill of Rights and not itself an enforceable right.	Accepted	Constitutional amendment proposed	Constitutional amendment by Order in Council
38	Right to Marry	Amend section 20 to state expressly that marriage is between a man and a woman.	Accepted	Constitutional amendment proposed	Constitutional amendment by Order in Council
39	Political Activities of Public Officers	Make no constitutional amendment regarding political activities of public officers and instead revise the Public Service Management Code and guidance.	Accepted	No constitutional amendment proposed	Policy/administrative action (Public Service Management Code revision)
40	Resign to Run (statutory bodies)	Retain the constitutional requirement that public servants must resign in order to contest an election.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council
41	Right to an Education (secondary)	Amend section 22(2) to refer to the progressive realisation of free secondary education up to age 17, subject to available resources.	Not accepted; alternative recommended	No constitutional amendment proposed	Legislation/policy/administration

42	Education for Special Needs Children and Persons	Add an aspirational constitutional provision addressing education for children and persons with special needs.	Not accepted; alternative recommended	No constitutional amendment proposed	Ordinary legislation, policy, and administrative practice
43	Enabling Protection for the Elderly	Insert an enabling constitutional provision allowing the Legislature to make laws promoting the welfare and protection of elderly persons.	Accepted	Constitutional amendment proposed	Constitutional amendment by Order in Council + ordinary legislation
44	Right to Fish and Farm	Do not create a constitutional right to fish and farm, leaving any protections or preferences to legislation and policy.	Accepted	No constitutional amendment proposed	Ordinary legislation/policy
45	Right to Bodily Integrity	Do not add a separate constitutional right to bodily integrity because existing rights already provide sufficient protection.	Accepted	No constitutional amendment proposed	No action required
46	Accessibility of Laws	Insert a constitutional provision requiring free and easy public access to legislation, including an index of laws and regular law revision.	Not accepted; alternative recommended	No constitutional amendment proposed	Ordinary legislation/ administrative measures
47	Cabinet and Cabinet Reform	Modernise Cabinet arrangements by expanding attendance, strengthening the	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council

		Cabinet Secretary's role, and improving coordination through the Cabinet Office.			
48	Pension Fund	Amend section 100 to support transition from Consolidated Fund pension liability to a Pension Fund through transitional legislation.	Not accepted; alternative recommended	No constitutional amendment proposed	Ordinary legislation/policy
49	Qualification Age for Elected Membership (18 years)	Make no constitutional amendment to reduce the minimum age for elected membership from 21 to 18.	Accepted	No constitutional amendment proposed	Existing arrangements retained
50	Defining the Role and Responsibilities of the Premier	Insert an express constitutional duty requiring the Premier to act in accordance with the law and in the best interests of the Territory.	Not accepted; alternative recommended	No constitutional amendment proposed	Legislation/codes/admin instruments
51	Fixed Date for Elections	Make no amendment to establish fixed election dates, but consider moderating early-election timing through a constitutional minimum notice requirement.	Accepted with modifications	No constitutional amendment proposed	Ordinary legislation (if pursued)
52	Run-Off Provisions	Make no constitutional amendment to replace first-past-the-post with run-off voting.	Accepted	No constitutional amendment proposed	Existing arrangements retained

53	Five-Year Election Cycle	Make no constitutional amendment to move from a four-year to a five-year election cycle.	Not accepted; alternative recommended	Constitutional amendment proposed	Constitutional amendment by Order in Council + consequential statutory review
54	Local Government (District Councils)	Amend the Constitution to provide for local government through District Councils, with detailed powers and structures set out in legislation.	Accepted with modifications	Constitutional amendment proposed	Constitutional amendment by Order in Council + ordinary legislation
55	Population Policy	Develop a clear and integrated national population policy through Government policy and legislation rather than constitutional amendment.	Accepted	No constitutional amendment proposed	Policy/administrative action
56	Representative in the UK Parliament	Reserve position on representation in the UK Parliament pending developments in UK constitutional processes, with no immediate constitutional amendment proposed.	Accepted	No constitutional amendment proposed	No action required
57	Proportional Representation	Take no action to replace the current electoral system with proportional representation at this time.	Accepted	No constitutional amendment proposed	Existing arrangements retained

Note: Where a constitutional amendment is recorded as the primary route, supporting ordinary legislation, administrative measures, or transitional provisions may also be required, as detailed in the relevant entry in Part III or Part IV of this report.

Appendix B: Consolidated Alternative Recommendations (Standing Order 14A)

In accordance with Standing Order 14A, where the Committee did not accept a recommendation of the Constitutional Review Commission (CRC), it has recorded an alternative recommendation within this report. For ease of reference, this Appendix consolidates those alternatives, organised sequentially by recommendation number.

Recommendation 1 (Transparency, accountability and public consultation): No constitutional amendment is proposed. Requirements for transparency, public consultation, and reporting compliance should be strengthened through Standing Orders and supporting legislation.

Recommendation 3 (Bicameralism): The Committee recommends a constitutional amendment to establish a Parliament of the Virgin Islands comprising a House of Assembly and a Senate. Core features should be set out in the Constitution, with procedural details addressed through Standing Orders.

Recommendation 5 (Freedom of Information): No constitutional amendment is proposed. Access to information is to be advanced through ordinary legislation and administrative implementation.

Recommendation 6 (Term limits for the Premier): No constitutional amendment is proposed. Existing arrangements for the appointment and tenure of the Premier should be retained without term limits.

Recommendation 7 (Recall provisions): No constitutional amendment is proposed. Misconduct by elected Members should continue to be addressed through existing constitutional, legal, and parliamentary mechanisms, including the Integrity Commission, the House of Assembly's disciplinary powers, and the Commission of Standards.

Recommendation 8 (Grounds to remove Ministers): No constitutional amendment is proposed. Consequences for misconduct **should be addressed** by strengthening ordinary legislation and integrity mechanisms.

Recommendation 11 (Direct or at-large election of the Premier): No constitutional amendment is proposed to alter the selection model. The current parliamentary appointment process should be retained.

Recommendation 13 (Inquiries and hearings): No constitutional amendment is proposed. Oversight practices, including committee inquiries and hearings, should be strengthened through Standing Orders and ordinary legislation.

Recommendation 16 (Integrity Commission): No constitutional amendment is proposed. The Integrity Commission should continue to be established and governed through the existing statutory framework, with any refinements to its powers, procedures, and safeguards pursued through ordinary legislation and implementation measures.

Recommendation 18 (Administrative and financial independence of institutions): No constitutional amendment is proposed. Resourcing and administrative support for independent institutions should be addressed through the established budgetary process, supported by legislation and policy measures where necessary.

Recommendation 19 (Human Rights Commission): No constitutional amendment is proposed. A Human Rights Commission is to be established through ordinary legislation, with the Human Rights Commission Bill providing the primary legislative vehicle for its design, safeguards, and resourcing.

Recommendation 25 (Regulation of election campaign finances): No constitutional amendment is proposed. Election campaign finance regulation should be established through ordinary legislation, with the detailed design of the regime, including thresholds, disclosure formats, reporting timelines, auditing, enforcement mechanisms, and sanctions, determined within the legislative framework.

Recommendation 28 (Declaration of interests: how made): No constitutional amendment is proposed. Declaration procedures, timing, and exemptions should be addressed through ordinary legislation, Standing Orders, and Members' codes of conduct.

Recommendation 29 (Declarations of interests and statutory bodies): No constitutional amendment is proposed. Conflict-of-interest risks should be managed through targeted disclosure and integrity legislation rather than constitutional disqualification.

Recommendation 30 (Relationship between Ministers and departments): No constitutional amendment is proposed. Improvements in the relationship between Ministers and departments should be pursued through administrative protocols and practice without revising section 56(5).

Recommendation 34 (Belonger status): The Committee recommends a constitutional amendment to extend Belonger status by descent to a further generation, allowing descent to be traced through a great-grandparent connection.

Recommendation 41 (Right to an education): No constitutional amendment is proposed. Section 22(2) should remain unchanged, and education policy, resourcing, and programme expansion should continue to be addressed through legislation and implementation.

Recommendation 42 (Education for children and persons with special needs): No constitutional amendment is proposed. Support for special needs should be advanced through education law and policy, alongside the Committee's separate enabling approach for persons with disabilities.

Recommendation 46 (Accessibility of Laws): No constitutional amendment is proposed. Expanding public access to legislation is best achieved through administrative modernisation, supported where necessary by targeted legislative reform.

Recommendation 48 (Pension Fund): No constitutional amendment is proposed. The transition of liabilities should be handled through administrative and legislative measures.

Recommendation 50 (Defining the role and responsibilities of the Premier): No constitutional amendment is proposed to insert a general “best interests” duty. Standards of conduct should be addressed through ordinary law and codes.

Recommendation 53 (Five-Year Election Cycle): The Committee recommends a constitutional amendment to increase the maximum interval between general elections from four to five years, while maintaining the current constitutional power for earlier dissolution.

Appendix C: Procedural Note

Mandate and Framework

The House of Assembly of the Virgin Islands resolved into a Committee of the Whole House, pursuant to Standing Order 14A, to deliberate upon the Report of the Constitutional Review Commission (2022–2023). This Standing Order establishes the formal procedural framework for the House to consider matters of constitutional significance in a committee format, allowing for detailed examination of specific provisions.

Parliamentary Context and General Debate

The general debate on the CRC Report occurred during the Ninth Sitting of the Second Session of the Fifth House of Assembly, which began on 18 September 2025. During this phase, Members articulated their initial positions on the Commission's recommendations and addressed overarching constitutional themes.

Committee Stage Deliberations

Following the general debate, the Committee Stage was conducted in three formal phases from 13 to 27 October 2025; from 22 to 27 January 2026; and on 7 April 2026. Related procedural and drafting meetings also took place during this period. During these sessions, the Committee examined each of the CRC's fifty-seven recommendations in sequence, alongside supplementary constitutional matters raised by Members during deliberations. These Additional Matters, recorded in Part IV of this report, were admitted for consideration on the basis that they were relevant to the coherence and operability of the revised constitutional framework. Each was agreed upon by the Committee and resulted in a proposed constitutional amendment.

Decision-Making and Reporting

Decisions were reached through consensus or majority agreement within the Committee. In keeping with parliamentary tradition, the report is written in a neutral institutional voice and does not attribute specific contributions or positions to individual Members. The positions recorded represent the collective decisions of the Committee and are not presented as the views of any single Member or political affiliation. By leave of the Committee and the House, individual Members were afforded the opportunity to submit formal statements of dissent, which are recorded in Appendix D.

For the avoidance of doubt, where a CRC recommendation contained both a policy objective and a proposed constitutional route, the Committee's procedural classification reflects its final disposition on the recommendation as a whole. Accordingly, some recommendations are recorded as "Accepted with modifications", where the Committee agreed with the policy objective but adopted a different implementation route or constitutional formulation from that proposed by the CRC.

Appendix D: Statements of Dissent

Overview

While the Committee reached its conclusions through majority agreement, Members were afforded an opportunity, by leave of the Committee and the House, to submit concise written statements of dissent for inclusion in the public report. The following statements therefore form part of the formal record accompanying the Committee Stage report. These statements represent the specific positions of the named Members and are presented here as part of the formal record of the Committee Stage deliberations.

Dissenting Position: Recommendation 7 and Recommendation 40

Submitted by: Honourable Myron Walwyn (Representative for the Sixth District) and Honourable Melvin Turnbull (Representative for the Second District).

Recommendation 7 – Recall Provisions for Elected Officials

The denial of a mechanism allowing the electorate to recall their elected representatives before the expiration of a fixed term unjustifiably limits democratic accountability. Where no recall process exists, the electorate is left without a meaningful remedy in cases of a loss of confidence or a failure of representation. An elected official could wilfully neglect his or her constituents for a 4-year period while receiving a monthly income from taxpayers, and they would have no other recourse than to remove him or her during a General Election 4 years and thousands of dollars later.

A carefully regulated recall mechanism would enhance, rather than undermine, democratic stability by reinforcing public trust and ensuring that elected officials remain answerable to those they serve throughout their term in office.

Recommendation 40 – Freedom of Expression and Freedom of Assembly – Public Officers must resign to seek elected office.

The requirement for public officers to resign to seek elected office imposes a disproportionate and unnecessary restriction on political participation. While the preservation of public service neutrality is a legitimate aim, the requirement of resignation exceeds what is reasonably required to prevent conflicts of interest.

Less draconian measures, such as temporary leave, recusal from sensitive duties and matters or clear codes of conduct on this issue, could adequately safeguard the integrity of the public service without penalising public officers for exercising their constitutional right to seek public office. Furthermore, in the Virgin Islands, by virtue of its population size and the already small number of individuals who could seek elected office currently, the resignation requirement deters capable and experienced public officers from standing for election, thereby further narrowing the pool of candidates and undermining democratic choice. A more balanced approach would protect public confidence in the public service while respecting the fundamental political rights of public officers.