



Formal meeting of the Ascension Island Council

16:30 on Thursday 16 January 2025 at the Courthouse

MINUTES

Present:	HE Governor, Nigel Phillips, CBE [remotely] HH Administrator, Simon Minshull Ag Attorney General, Matthew James	Councillor Kerry Benjamin Councillor Alan Nicholls Councillor Laura Shearer
In attendance:	Head of the Administrator's Office, Carl Mackerras Director of Conservation and Fisheries, Dr Tiffany Simpson FCDO Head of Falklands and Ascension Team, Jamie Mansbridge Clerk of Council, Siobhan Stewart	
Apologies:	Councillor Kyla Benjamin [overseas] Councillor Gordon Worthington Director of Resources, Peter Thomas	

1. Welcome

The Administrator welcomed all parties present and those attending remotely.

2. Approval of Minutes

The summary of the informal Council meeting held on 06 November 2024, and published 04 December 2024, was accepted and in accordance with the Council Rules were agreed by Council members.

The minutes of the formal Council meeting held on 04 December 2024, and published on 08 January 2025, was accepted and in accordance with the Council Rules were agreed by Council members.

The summary of the informal Council meeting held on 19 December 2024, and published on 07 October 2024, was accepted and in accordance with the Council Rules were agreed by Council members.

3. Matters arising

Matters arising were addressed via the Action's Tracker:

Pets on the FIRS: The Head of the Administrator's Office [HoAO] explained that confirmation has been received from Defence Supply Chain Operations and Movements [DSCOM] that Military Personnel and MOD Civil Staff are entitled to apply for the movement of pets on the Falkland Islands Resupply Ship [FIRS]. Any applications outside of these criteria will be treated as exceptions and considered on their merits and prioritised accordingly. Kuehne & Nagel have also confirmed that they are accepting pets from civilians on the understanding that Military Personnel and entitled MOD Civilian Staff owned pets will take precedence. The HoAO explained that he has sought confirmation on this policy from the RAF Commander of the Ascension Island Base [CAIB], who is seeking advice from British Forces South Atlantic Islands [BFSAI] to ensure the policy is in line with their understanding also. A further update will be provided to Councillors in due course.

Future Vet Visit Plans: The HoAO confirmed that the AIG are working with the Falkland Islands Senior Veterinary Officer to agree a suitable time for a visit, which is currently projected to take place in by 31 March 2025. Discussion was had regarding logistical challenges.

4. Domestic Abuse Ordinance

The Acting Attorney General [AAG] made note of the memo circulated to Councillors earlier in the day, as well as the draft Ordinance previously provided to Councillors in December 2024. The AAG explained that Ascension currently lacks the specific legal mechanisms to protect people suffering from domestic abuse and therefore now seeks to introduce a Domestic Abuse Ordinance, 2025, adding that as St Helena's Domestic Abuse Ordinance, 2017 was introduced after the cut off date of the St Helena laws application, it does not automatically apply to Ascension. The AAG explained that the draft Ordinance presented to Councillors mirrors St Helena's Domestic Abuse Ordinance, 2017 which ensures any Court Orders are transferrable in their application between Ascension and St Helena. The AAG provided an overview of Domestic Violence Protection Notices [DVPN's] which will provide the Police further powers for immediate protections for victims of domestic abuse, however noted that this will only apply to Ascension, not to St Helena. The Ordinance also provides the necessary legal powers to protect vulnerable adults and children from various forms of domestic abuse, which can extend beyond physical violence to include emotional, psychological, and economic abuse, as well as coercive and controlling behaviour. The AAG explained that prior to the Ordinance being sent to be signed, there will need to be the addition of an Explanatory Note. The AAG clarified that this will not be part of the Ordinance, and will not affect the contents of what Councillors are being asked to consider today however, it is part of the legislative process that will need to be added to the document prior to the Governor signing the legislation into force.

The AAG thanked Councillor Shearer for her comments and feedback which was discussed at the informal meeting of the Ascension Island Council on 19 December 2024. The AAG explained that clarification was requested regarding the definition of domestic relationship and whether reference to a tenant, lodger or boarder is relevant to Ascension. The AAG explained that the reference to tenant, lodger or boarder is required within the legislation as the Ordinance will not only apply to current relationships, it also looks at historical ones where those who have cohabited in those circumstances can also be afforded the same protections. The AAG reported that the question was raised as to whether intimate image abuse would fall under the category of sexual abuse. The AAG explained that whilst intimate image abuse is addressed separately in UK legislation, it is not in Ascension and is not included in the draft Domestic Abuse Ordinance, 2025, partly due to time constraints in drafting and partly due to the fact that St Helena's AG Chambers are looking into this already, whereby anything introduced in St Helena in the coming future can then also apply to Ascension. The AAG explained that in the interim, intimate image abuse could be categorised under emotional and psychological abuse.

The AAG explained that one of the main concerns raised by elected members previously was the low level of fine applied to a person who without reasonable excuse does anything that he or she is prohibited from doing by an Order under this Ordinance which is proposed to be set at £1000.00. The AAG also noted that under S18(2) of the draft Domestic Abuse Ordinance, 2025 the fine is set at £500.00 for anyone who makes public the information contained within any Orders relating to this Ordinance. The AAG acknowledged Councillors feedback and explained that the level of fines within the draft legislation is in-line with the corresponding sentencing guidelines of St Helena. The AAG acknowledged that other offences on Ascension have exalted fines, with fines up to £20,000.00 however, explained that these high fine levels should be seen to be the anomaly and is not directly comparable.

The AAG thanks Councillors for their input and invited any further questions they may have. Councillor Shearer thanked the AAG for the opportunity to discuss the draft Ordinance at length at the most recent informal Council meeting and confirmed that she feels reassured by the fact that whilst the fine levels are low, they can be applied repeatedly on an each offence basis. The AAG highlighted that any fine may also be accompanied by imprisonment for up to five years, as well as a sum of compensation, if awarded by the Court. The AAG explained that the whilst the amount of compensation that can be awarded to a victim by the court is currently capped at £2000.00, work is underway to amend this to make the amount unlimited, as it is currently in St Helena.

The Administrator invited the Governor to make any comments. HE the Governor, Nigel Phillips, CBE, confirmed that he had no comments at this time, noting that clearly much consideration has been applied by elected members and the Ag Attorney General to the matter.

The Administrator invited Councillors to recommend that the draft Domestic Abuse Ordinance, 2025 be made into law, following the addition of the Explanatory Note to the document to HE the Governor, Nigel Phillips, CBE. HE the Governor, Nigel Phillips, CBE, thanked Councillors for their advice and accepted their recommendation.

	Proposal	Councillor Kerry Benjamin	Councillor Nicholls	Councillor Shearer
1	Domestic Abuse Ordinance, 2025 be made into law	Yes	Yes	Yes

5. Sick Leave Provision & subsequent Ordinance

The AAG thanked Councillors for raising issues experienced by their constituents and thanked them for their insights and review of the Policy. The AAG explained that it was felt appropriate to review the provisions of sick leave independently from the Employment Ordinance as a whole because there was no substantive documentary evidence to show that Sick Leave has been considered during the policy consideration for the Employment Ordinance. The AAG explained that the policy has been drafted with UK standards in mind, and noted that the majority of on island employing organisations already have the majority of the minimum standards already in place. Whilst employing organisations sick leave policies were considered when drafting this policy, it was not necessarily curtailed by them, with each employing organisation likely to have to make some adjustments. The AAG highlighted that whilst the policy sets out the minimum standards, employing organisations are encouraged to do their utmost where they can.

The AAG explained that a period of public consultation took place between the 09 to 22 December 2024 whereby the draft policy was shared with all employing organisations on island, and was available on the AIG website. The AAG confirmed that no responses were received. The AAG acknowledged feedback from constituents, via Councillor Shearer, following the end of the consultation period, whereby a less legalistic and formulaic way of presenting the policy was requested. The AAG explained that this would have to be addressed via internal employing organisations employee handbooks, noting that the policy sets out employers’ statutory obligations which required legalistic wording. The AAG suggested that constituents may wish to approach a Lay Advocate regarding any concerns they may have, or someone at their place of employment. The AAG explained that the policy, once enacted into legislation, will guarantee workers the right to take leave when unwell, without fear of repercussion or economic loss.

Councillors Nicholls conveyed his thanks on behalf of constituents to the AAG for drafting the policy, adding that he felt it adequately addressed constituents’ concerns. Councillor Nicholls added that everyone he has spoken with during the period of public consultation agreed with what was set out in the policy. Councillor Nicholls requested that the legislation be prepared as soon as possible following the end of the public consultation period. Councillor Shearer explained that she met with several constituents on the 23 December 2024, who also expressed their support to the introduction of this policy.

The Administrator invited the Governor to make any comments. HE the Governor, Nigel Phillips, CBE, recalled that during his recent visit to Ascension Island, the need to cover this issue was very clearly set out. HE the Governor, Nigel Phillips, CBE, expressed his gratitude for the matter being dealt with, with the haste it has, noting that it is reasonable and right that employees in Ascension receive paid sick leave.

Councillor Nicholls explained that when this issue was originally raised by constituents to Councillors the impact of it was quite traumatic on employees on Ascension. Councillor Nicholls offered his sincere thanks to the AAG for his efforts in creating this policy.

The Administrator invited Councillors to consider whether this change in policy accurately reflects the concerns they raised on behalf of their constituents, and recommend that AIG implement it in Regulations.

	Proposal	Councillor Kerry Benjamin	Councillor Nicholls	Councillor Shearer
1	Change in policy accurately reflects the concerns raised on behalf of their constituents	Yes	Yes	Yes
2	AIG to implement the policy into Regulations	Yes	Yes	Yes

6. National Protected Areas Legislation

The Director of Conservation and Fisheries [DoCF] explained that Ascension is party to the Convention on Biological Diversity [CBD] and is therefore included in the global target to reach 30% of terrestrial and marine habitats within effectively managed Protected Areas by 2030. Ascension currently has 100% protection for marine zones, and 19.5% protection for terrestrial areas. The DoCF reported that this has been achieved by using meaningful research and reviewing boundary lines of the existing terrestrial networks to ensure it offers adequate protection to the protected species within. The DoCF explained that three new Nature Reserves have been proposed alongside extending existing ones and are all based on evidence of species and habitat distribution as well as likely expansion and management feasibility.

A period of public consultation was held from 22 May 2023 to 19 June 2023 and on 06 July 2023 Councillors voted in favour of formally recommended that the policy on the expansion of the National Protected areas network be recommended for adoption to HE the Governor. Management plans for the existing protected areas were also recommended for adoption. The Governor accepted Councillors recommendation, pending final confirmation from a key stakeholder on island. The DoCF confirmed that the legislation to underpin the Policy on the expansion of the National Protected Areas network for biodiversity protection in Ascension has now been drafted, and includes updates to the National Protected Areas Order, 2014, to amend the boundaries of the North East Bay Nature Reserve and change its name to the North Coast Nature Reserve, amend the boundaries of the Letterbox Peninsula Nature Reserve, and designates the South Coast Nature Reserve, Hummock Point Nature Reserve, and the Bat Cave Nature Reserve. This would bring Ascension terrestrial areas up to 29% protected. The DoCF explained that the National Protected Areas Ordinance, 2003, has also been updated to repeal the Green Mountain National Park Regulations, 2014, which has become redundant, and also allows for management plans to be produced for all protected areas. The National Protected Areas Regulations, 2014 are also being proposed for amendment; to clarify new and existing definitions. The AAG added that an amendment to the Harbours Regulation 2010 is also proposed, giving additional protection to the sea bed, and the wildlife that inhabits it, in the Harbour area. It was noted that the Wildlife Protection Amendment Ordinance would be brought before Council at the next formal meeting currently scheduled for 20 February 2025.

Councillor Nicholls asked what the rationale was behind the target of 30% of terrestrial and marine habitats within effectively managed Protected Areas by 2030, set by the CBD, highlighting the importance of meaningful need and not feeling pressured to meet a quota set. The Administrator explained that this was a UK government global initiative. The AAG referred Councillor Nicholls to the Explanatory Note whereby it details the reasoning behind the proposed changes in legislation. The DoCF added that by bringing the management plans into legislation it adds an additional layer of assurance that any objectives and actions are meaningful. Councillor Nicholls requested clarity as to how these terrestrial protected areas will be policed. The DoCF explained that there is an element of community trust, supported with Reserve Warden, Assistant Reserve Wardens and Police Officers. The DoCF noted that no criminal offences were being brought in with the legislation. The DoCF explained that any development within any of the protected areas would need to fall into either the category of conservation or the category of recreation, and be permitted by the Administrator.

The Administrator invited the Governor to make any comments. HE the Governor, Nigel Phillips, CBE, welcomed such a pragmatic approach to protecting Ascension's unique environment.

The Administrator invited Councillors to recommend the amendments to the National Protected Areas Ordinance, 2003, to HE the Governor, Nigel Phillips, CBE. HE the Governor, Nigel Phillips, CBE, thanked Councillors for their advice and accepted their recommendation.

	Proposal	Councillor Kerry Benjamin	Councillor Nicholls	Councillor Shearer
1	Recommendation of the amendments to the National Protected Areas Ordinance, 2003.	Yes	Yes	Yes

The Administrator invited Councillors to recommend the amendments to the National Protected Areas Order, 2014, to HE the Governor, Nigel Phillips, CBE. HE the Governor, Nigel Phillips, CBE, thanked Councillors for their advice and accepted their recommendation.

	Proposal	Councillor Kerry Benjamin	Councillor Nicholls	Councillor Shearer
2	Recommendation of the amendments to the National Protected Areas Order, 2014.	Yes	Yes	Yes

The Administrator invited Councillors to recommend the amendments to the National Protected Areas Regulations, 2014, to HE the Governor, Nigel Phillips, CBE. HE the Governor, Nigel Phillips, CBE, thanked Councillors for their advice and accepted their recommendation.

	Proposal	Councillor Kerry Benjamin	Councillor Nicholls	Councillor Shearer
3	Recommendation of the amendments to the National Protected Areas Regulations, 2014.	Yes	Yes	Yes

The Administrator invited Councillors to recommend that the Harbour (Amendment) Regulation, 2025, be made into law, following the additional of the Explanatory Note, to HE the Governor, Nigel Phillips, CBE. HE the Governor, Nigel Phillips, CBE, thanked Councillors for their advice and accepted their recommendation.

	Proposal	Councillor Kerry Benjamin	Councillor Nicholls	Councillor Shearer
4	Recommendation that the Harbour (Amendment) Regulation, 2025 be made into law, following the addition of the Explanatory Note	Yes	Yes	Yes

7. Any other business

There were three items of other business:

- i. **Red Lion Arch:** Councillor Shearer thanked the AIG team for repairing the arch at Red Lion leading to Garden Cottage, noting the importance of this historical arch to the community. Councillor Nicholls offer his thanks on behalf of the entire Council.
- ii. **Marty Wade Track:** Councillor Shearer offer her thanks to the AIG Plant team for their efforts in repairing the Marty Wade Track that had been damaged during heavy rains. Councillor Nicholls offer his thanks on behalf of the entire Council.
- iii. **Farewell to Senior Crown Counsel:** HE the Governor, Nigel Phillips, CBE, thanked the AAG for his services and dedication to Ascension Island. HE the Governor, Nigel Phillips, CBE, acknowledged the demanding role of the Crown Counsel in Ascension and conveyed his hope that it has been a rewarding one. HE the Governor, Nigel Phillips CBE, conveyed his gratitude to the AAG for stepping up into the role of Acting Attorney General and wished him all the very best for the future. Councillors echoed these thanks also.

8. Proposed dates of next meetings:

Informal Council Meeting – 10:00 06 February 2025
Formal Council Meeting – 16:30 20 February 2025

There was no further business and the meeting ended at 17:10

Siobhan Stewart
Clerk of Council

I certify that this is a true record of the meeting to which it relates.



Simon Minshall

On behalf of HE the Governor, Nigel Phillips CBE