

BVI Constitutional Review Commission

HOA DECISIONS



All 57 CRC Recommendations and 5 Additional Matters
from the House of Assembly's Deliberations - April 2026

BVI Constitutional Review Commission – HoA Decisions



Rec #	Subject	CRC Recommendation Summary	Committee Decision	Outcome and Implementation Route
CHAPTER 1: Legislative Process and Parliamentary Strengthening				
1	Transparency, Accountability and Public Consultation	Amend constitution to strengthen transparency, public hearings, timely publication of Bills and reporting.	Not Accepted	No constitutional amendment. Address through Standing Orders and legislation.
3*	Bicameralism	Do not introduce bicameralism now; consider appointed upper chamber in future.	Not Accepted	Constitutional amendment proposed - establish Parliament with House of Assembly and Senate.
4	Use of Referenda	Do not introduce people-initiated referenda; regulate through legislation.	Accepted	No constitutional amendment. Referenda regulated through ordinary legislation.
5	Freedom of Information	Include constitutional requirement for FOI legislation.	Not Accepted	No constitutional amendment. FOIA to be advanced through legislation.
10	Procedure for a Member to Resign	Clarify resignation procedure including before first sitting and where Speaker unavailable.	Accepted with Modifications	Constitutional amendment - linked to Speaker continuity reforms.
12	Fixed House of Assembly Schedule	Strengthen scheduling through Standing Orders - annual calendar, longer notice periods.	Accepted	No constitutional amendment. Addressed through Standing Orders.
13	House of Assembly Inquiries and Hearings	Strengthen oversight through committee inquiries and presumption of public hearings.	Not Accepted	No constitutional amendment. Strengthened through Standing Orders and legislation.
27	Appointment or Election of the Speaker	Retain flexibility; neutrality expectations addressed through rules not constitution.	Accepted with Modifications	Constitutional amendment - two-thirds threshold for removal; Speaker continues through dissolution.

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CHAPTER 2: Executive Leadership and Ministerial Accountability				
2	Junior Ministers	Review Junior Minister role - remove or broaden and clarify remit.	Accepted with Modifications	Constitutional amendment - office retained as 'Minister of State' with expanded remit.
6	Term Limits for the Premier	Put term limits question to referendum rather than decide in constitution.	Not Accepted	No constitutional amendment. Existing tenure arrangements retained.
7	Recall Provisions for Elected Officials	Establish recall mechanism by legislation; add recall as constitutional ground to vacate seat.	Not Accepted	No constitutional amendment. Existing mechanisms retained.
8	Grounds to Remove Ministers	Add constitutional grounds for removing Ministers for serious misconduct.	Not Accepted	No constitutional amendment. Address through legislation and integrity mechanisms.
9	Disqualification - Convictions or Pending Criminal Matters	Update disqualification rules; pending charges do not disqualify; disclosure of spent convictions.	Accepted	Constitutional amendment proposed.
11	Direct Election of the Premier and At-Large System	Select Premier and Deputy Premier from elected at-large Members.	Not Accepted	No constitutional amendment to leadership selection. Representation addressed under Rec 15.
14	Direct Voting for Ministers	Do not introduce direct public voting for Ministers.	Accepted	No constitutional amendment.
15	Increased Number of Ministers	Increase Ministers by increasing elected Members in line with constitutional ratio.	Accepted with Modifications	Constitutional amendment - two at-large seats added, raising House from 13 to 15 Members.
30	Proper Relationship Between Ministers and Departments	Amend s.56(5) to describe ministerial responsibility as 'general direction and control'.	Not Accepted	No constitutional amendment. Addressed through legislation, codes, and practice.

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CHAPTER 3: Integrity and Independent Institutions				
16	Integrity Commission	Bring Integrity Commission into force and entrench in constitution.	Not Accepted	No constitutional amendment. Governed through existing Integrity in Public Life Act.
17	Contractor General	Bring Contractor General Act into force and entrench office in constitution.	Accepted with Modifications	No constitutional amendment. Strengthened through Contractor General Act 2021.
18	Admin and Financial Independence of Institutions	Amend constitution to guarantee administrative and financial independence of independent institutions.	Not Accepted	No constitutional amendment. Addressed through budget process and legislation.
19	Human Rights Commission	Amend constitution to make Human Rights Commission mandatory.	Not Accepted	No constitutional amendment. Established through Human Rights Commission Bill.
20	Complaints Commissioner	No constitutional change; amend legislation to strengthen referrals to Integrity Commission.	Accepted	No constitutional amendment. Legislative refinement of Complaints Commissioner Act.
21	Elected Attorney General	No constitutional amendment for elected Attorney General.	Accepted with Modifications	Constitutional amendment - Bermuda-style model adopted for AG appointment and status.
22	Elections and Boundaries Commission	Establish independent Elections and Boundaries Commission in constitution.	Accepted with Modifications	No constitutional amendment. Created through ordinary legislation.
25	Regulation of Election Campaign Finances	Amend constitution to require election expense and campaign finance regime.	Not Accepted	No constitutional amendment. Regime to be established through ordinary legislation.
26	Constitutional Consideration for Statutory Boards	No constitutional change; address governance through legislation and administration.	Accepted	No constitutional amendment.
28	Declaration of Interests - How Made	Amend constitution to clarify timing and procedure for declaring contractual interests.	Not Accepted	No constitutional amendment. Addressed through legislation, Standing Orders, codes.
29	Declaration of Interests and Statutory Bodies	Extend constitutional disclosure and disqualification provisions to statutory bodies.	Not Accepted	No constitutional amendment. Managed through integrity legislation and conduct frameworks.

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CHAPTER 4: Reserved Powers and Devolution				
23	Powers Reserved to the Governor	Limited reforms to Governor's powers including stronger consultation and removal of ouster clause.	Accepted with Modifications	Constitutional amendment - broader devolution; internal security, public service, courts devolved; section 81 removed.
24	Transfer of Reserved Powers to Devolved Government	Insert Sewel-style provision requiring UK legislation for VI to be brought to Premier's attention.	Accepted with Modifications	Constitutional amendment - strengthened to express consultation requirement; enabling framework for future power transfers.
CHAPTER 5: Self-Determination and Justice Agencies				
31	Next Steps Towards Self-Determination	Advance self-determination through constitutional education, governance reform, and a referendum mechanism.	Accepted with Modifications	Constitutional amendment - Decolonisation Commission established; mandatory referendum on political status by 31 December 2031; further referenda every 8 years.
32	Judge-Only Criminal Trials	Amend constitution to allow judge-only trials by legislation; either party may apply.	Accepted with Modifications	Constitutional amendment - only accused may elect judge-only trial; legislation to follow wide consultation.
CHAPTER 6: Identity, Belonging and Ancestral Connection				
33	Revision of the Preamble	Update Preamble through minor drafting improvements.	Accepted with Modifications	Constitutional amendment - Preamble amended to first-person collective voice; 'Virgin Islanders' replaced with 'people of the Virgin Islands'.
34*	Belonger Status	No change to constitutional definition of Belonger status.	Not Accepted	Constitutional amendment - Belonger status by descent extended to fourth generation (great-grandparent connection).
35	Ancestral Virgin Islander	Replace 'Virgin Islander' in Preamble; consider Ancestral VI category with 3-generation definition.	Accepted with Modifications	Constitutional amendment - Ancestral Virgin Islander defined as lineal descent from ancestor born in VI on or before 1860; land, residency and citizenship rights attached.
36	Crown Land	Define Crown land constitutionally as held for public benefit; legislation to govern acquisition and disposal.	Accepted with Modifications	Constitutional amendment - 'Crown land' renamed 'Virgin Islands land'; defined as vested in Government in trust for the people.

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CHAPTER 7: Fundamental Rights and Social Protections				
37	Preamble to Fundamental Rights	Clarify that section 9 is a preamble to Bill of Rights, not an enforceable right.	Accepted	Constitutional amendment - section 9 clarified; section 31(1) adjusted accordingly.
38	Right to Marry	Amend section 20 to state marriage is between a man and a woman.	Accepted	Constitutional amendment - section 20 amended to state marriage is between a man and woman of opposite sex at birth.
39	Political Activities of Public Officers	No constitutional amendment; revise Public Service Management Code to reflect case law.	Accepted	No constitutional amendment. Public Service Management Code to be modernised.
40	Freedom of Expression - Resign to Run	Retain constitutional requirement for public servants to resign to contest election.	Accepted with Modifications	Constitutional amendment - central government employees must resign; statutory body employees may contest subject to board policies.
41	Right to an Education (Secondary)	Amend section 22(2) to refer to progressive realisation of free secondary education to age 17.	Not Accepted	No constitutional amendment. Education objectives addressed through legislation and policy.
42	Education for Special Needs Children	Add aspirational constitutional provision on special needs education.	Not Accepted	No constitutional amendment. Addressed through Education Act and disability enabling provision.
43	Human Rights Protection for the Elderly	Insert enabling provision allowing laws to promote welfare and protection of elderly persons.	Accepted	Constitutional amendment - enabling provision inserted.
44	Right to Fish and Farm	Do not create constitutional right to fish and farm.	Accepted	No constitutional amendment. Protections addressed through legislation and policy.
45	Right to Bodily Integrity	Do not add separate right to bodily integrity; existing rights sufficient.	Accepted	No constitutional amendment.
46	Accessibility of Laws	Insert constitutional provision requiring free public access to legislation and regular law revision.	Not Accepted	No constitutional amendment. Addressed through administrative modernisation.

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CHAPTER 8: Cabinet and Executive Administration Reforms				
47	Cabinet and Cabinet Reform	Modernise Cabinet - expand attendance, strengthen Cabinet Secretary role, improve coordination.	Accepted with Modifications	Constitutional amendment - executive authority vests in Premier; Cabinet Secretary recognised as Head of Public Service; Cabinet expanded to 6 Ministers.
50	Defining the Role of the Premier	Insert express duty requiring Premier to act in best interests of Territory.	Not Accepted	No constitutional amendment. Standards addressed through legislation and codes.
CHAPTER 9: Other Governance and Electoral Reform Proposals				
48	Pension Fund	Redraft section 100 to require transitional legislation once Pension Fund established.	Not Accepted	No constitutional amendment. Addressed through legislation and financial policy.
49	Candidacy Age Reduced to 18 Years	Reduce minimum age for elected membership from 21 to 18.	Accepted	No constitutional amendment. Minimum age of 21 retained.
51	Fixed Date for Elections	No fixed election dates; consider minimum notice period for early elections.	Accepted with Modifications	No constitutional amendment. Minimum notice measures may be addressed through ordinary legislation.
52	Run-Off Provisions	No amendment to replace first-past-the-post with run-off voting.	Accepted	No constitutional amendment. First-past-the-post retained.
53*	Five-Year Election Cycle	No amendment to move from four-year to five-year election cycle.	Not Accepted	Constitutional amendment - maximum interval extended from four to five years.
57	Proportional Representation	No action to replace current system with proportional representation.	Accepted	No constitutional amendment. First-past-the-post retained.

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CHAPTER 10: Local Government				
54	Local Government (District Councils)	Amend constitution to provide for District Councils with powers set out in legislation.	Accepted with Modifications	Constitutional amendment - enabling provision for District Councils; activation criteria set by law; not automatic.
CHAPTER 11: Population Policy and Representation				
55	Population Policy	Develop national population policy through legislation and policy, not constitutional amendment.	Accepted	No constitutional amendment. Population policy addressed through executive policy.
56	Representative in UK Parliament	Reserve position pending UK constitutional processes.	Accepted	No constitutional amendment.

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ADDITIONAL MATTERS: Additional Constitutional Matters Raised and Agreed by the Committee				
AM1	Deputy Governor	Not a CRC recommendation.	Accepted with Modifications	Constitutional amendment - Deputy Governor must be Ancestral Virgin Islander and Belonger; automatic acting arrangements when Governor absent.
AM2	Magistracy and Eastern Caribbean Supreme Court	Not a CRC recommendation.	Accepted with Modifications	Constitutional amendment - magistracy realigned within ECSC judicial framework.
AM3	Protection for Persons with Disabilities	Not a CRC recommendation.	Accepted with Modifications	Constitutional amendment - enabling provision for laws promoting welfare and protection of persons with disabilities.
AM4	Ancestral Lands	Not a CRC recommendation.	Accepted with Modifications	Constitutional amendment - ancestral lands recognised as distinct sub-category of Virgin Islands land.
AM5	Fixed-Term Appointments for Constitutional Offices	Not a CRC recommendation.	Accepted with Modifications	Constitutional amendment - specified constitutional offices to hold defined renewable terms.

LEGEND: Accepted Accepted with Modifications Not Accepted Additional Matter

***Please note:** In some cases, the CRC recommended that no change be made. Where the House of Assembly disagreed and decided to make a change anyway, this is recorded as “Not Accepted” - meaning the House did not accept the CRC’s advice to leave things as they were. This applies to Recommendations 3, 34, and 53.