



CGF POINT OF LAW

50TH ANNIVERSARY OF INDEPENDENCE SPECIAL EDITION
E-NEWSLETTER OF CLARKE GITTENS FARMER, ATTORNEYS-AT-LAW





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~ABOUT~

Clarke Gittens Farmer is one of the principal law firms in Barbados. The firm is a commercial law firm, providing legal services for both domestic and international corporate and private clients. The firm strives to provide high quality work in banking, corporate, commercial, business law and commercial litigation. The firm also advises clients on the purchase and sale of residential and commercial property in Barbados and maintains a significant trademark and patent registration practice.

~INTRODUCTION~

We are excited to share with you this themed issue of the e-Newsletter which commemorates the 50th anniversary of Barbados' independence. As a law firm indigenous to Barbados, we are enthusiastic to celebrate with our readers the progress of law in Barbados. In honour of Barbados' self-governance, we have decided that this issue of the e-Newsletter should depart from its usual structure. We have instead garnered the views of several of the attorneys in our firm on just how much the legal landscape in Barbados has developed and taken on its own peculiar character since independence. This newsletter is therefore a tribute to the judiciary, legislative draftsmen, attorneys, legal minds and all other 'Bajans' who have played a role in the advancement of the law in Barbados. We do hope you enjoy this issue's offerings.

HAPPY INDEPENDENCE!

~The e-Newsletter Committee



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Then and Now *Fifty Years of Changes in the Law (1966-2016)* *by Mrs. Rosalind K. Smith Millar, Partner*

The Family in Society

Over the decades since Independence, the law has moved towards a more gender-neutral approach with more robust protection for women and children. Access to justice became an important aspect of the rearrangement of the formerly male-oriented legal system. Here is a snap-shot of some of the important changes:

1974: Age of majority: *The Minors Act Cap. 215* (first enacted in 1958) was amended in 1974 to lower the age of majority from 21 years to 18 years.

1981: Legal aid: From 1981, government-funded legal aid under the *Community Legal Services Act Cap. 112A* has provided the means for citizens, permanent residents and immigrants to Barbados who cannot otherwise afford an Attorney-at-Law, to be represented in specified areas including most serious crimes, matters involving minors or juvenile offenders, family matters (except divorce), matters concerning small-holdings and tenancies, and constitutional matters.

1980: Status of Children: Under *the Status of*

Children Reform Act Cap. 220, children were no longer stigmatised or disinherited if their parents happened not to be the traditional married couple. The Act provided that for the purposes of the laws of Barbados the distinction at common law between the status of children born within or outside of marriage was abolished, and all children would be of equal status. The Act applied to all children whether born before or after the commencement of the Act.

1982: Family Law: *The Family Law Act Cap. 214* was a radical piece of social engineering. No longer were roles in the family, or rights, to be defined by one's gender or parentage. Under the new Act, which repealed and replaced the old *Married Women (Separation and Maintenance) Act*, it was no longer necessary to establish who was at fault if a marriage failed. It was enough that the relationship had broken down irretrievably and, after at least one (1) year of separation, there was no likelihood of reconciliation. Provision was made for counselling and conciliation. The new law recognised the reality of Barbadian society by recognising "unions other than marriage" and that the welfare of the children of the family (even

Then and Now
Fifty Years of Changes in the Law (1966-2016) Cont'd...
by Mrs. Rosalind K. Smith Millar, Partner

if not related by blood) was a paramount consideration in settling the affairs of the adults. The Court also was given express power to alter property rights to achieve equity, recognising indirect contributions to the acquisition, conservation or improvement of property, and the importance of the contribution made in the capacity of homemaker or parent.

1983: Abortion: *The Medical Termination of Pregnancy Act Cap. 44A* reformed the law relating to abortion by permitting medical practitioners to terminate the pregnancy of a woman if, in good faith, he believes the continuance of the pregnancy put her life at risk or would cause grave injury to her physical or mental health, or if the child were born it would suffer such physical or mental abnormalities as to be seriously handicapped. Pregnancy caused by rape or incest is deemed to constitute grave injury to mental health.

1984: Maintenance of children: *The Maintenance Act Cap. 216* also reflected the reality of the results of casual relationships, and allowed single women to apply to a Magistrate for fathers to provide maintenance for their children. Although the Act has

always specifically stated that each parent is liable to maintain his or her child, it was not until 2014, some thirty (30) years later, that the Act was amended to achieve gender neutrality by permitting either parent (whether father or mother) having legal guardianship and custody to apply for a maintenance order.



1992: Domestic Violence: *The Domestic Violence (Protection Orders) Act Cap 130A* (recently updated in 2016) is a very important tool in the fight against domestic violence. This Act allows a person in a domestic relationship, or certain public authorities on their behalf to apply to a Magistrate for protection against the wilful infliction or threat of infliction of harm which may include child abuse, emotional abuse, financial abuse, physical abuse or sexual abuse, stalking and intimidation.

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The alleged perpetrator (the respondent) can be brought before the Magistrate on very short notice, and an interim order may be made before the hearing. Orders may include removal of the perpetrator from the home, and the provision of maintenance for the victim.



Intellectual Property

Treaties and Laws

In the five decades following Independence, Barbados has become party to a large number of multilateral international treaties designed to improve trading relationships; most of these included standardization of levels of protection for intellectual property rights. One of the most important and far-reaching of these treaties is the Agreement on Trade Related Aspects of Intellectual Property (TRIPS, 1995) which set the minimum standards for intellectual property protection to be

provided by each of the 164 members of the World Trade Organization which are party to this Agreement. Subsequent multilateral and bilateral arrangements to which Barbados has subscribed, such as the Economic Partnership Agreement between the European Union, CARICOM and the Dominican Republic (2008) have sought to raise the bar of protection even higher than the TRIPS minimum standards.

Modernisation and New Forms of Protection

These treaty obligations, ostensibly intended to create a level playing field for the protection of intellectual property rights owners regardless of nationality, led to a complete overhaul and modernisation of Barbados' pre-independence and pre-treaty local intellectual property legislation which protected the familiar forms of industrial property, such as trademarks and patentable inventions. Under the new rules, old laws were updated and new laws were created to protect rights owners against unfair competition and to protect the various kinds of intellectual creations of the human mind:

Then and Now

Fifty Years of Changes in the Law (1966-2016) Cont'd...

by Mrs. Rosalind K. Smith Millar, Partner

- Trade and service marks, certification marks; collective marks;
- Patentable inventions;
- Artistic works, broadcasts and cultural industries;
- Industrial designs;
- Geographical indications;
- New plant varieties;
- Lay-out designs of integrated circuits; and
- Undisclosed information including trade secrets and test data.

There is still much work to be done to update the old regulations to match the new substantive laws. Until this is done, the regulations have to be interpreted so as not to conflict with the updated Acts. New treaties mean new obligations, some of which are mandatory and some are 'best endeavour'. As a small island state with limited resources, compliance with the various requirements will take time; existing systems must be up-dated before moving forward to legislative and logistical changes.

Cultural Industries

Barbados has a long and robust cultural heritage in folklore, traditional knowledge, architecture,

design and the visual, literary and performing arts. *The Copyright Act Cap 300* vests the copyright in the country's folklore in the Government for the benefit of our people. All and sundry can partake of the folklore, and no one person or group can monopolise the right to use what is considered to be our national cultural heritage. In recent years, there has been a strong initiative to protect the cultural industries i.e. those enterprises that provide the general public with commercially viable cultural goods and services that are developed for mass audiences in the areas of art and culture, design and media activities. *The Cultural Industries Development Act, 2013-15* (no commencement date has been published) was intended to provide a regulatory framework to facilitate and encourage sustainable growth and development of the cultural industries by providing opportunities for funding and the provision of duty free concessions and income tax benefits in relation to cultural projects.



Buttressing Independence: An Overview of Barbados' Relationship with the CCJ *by Ms. Shena-Ann Y. Ince, Associate*

At the time Barbados obtained independence, its final appellate court was the Judicial Committee of the Privy Council (“**Privy Council**”) which is located in the London, United Kingdom. The Privy Council remained our final court of appeal until 2005 when Barbados acceded to the appellate jurisdiction of the Caribbean Court of Justice (“**CCJ**”).

The CCJ was established in 2001¹ and holds dual jurisdictions: appellate and original. These are derived from the Revised Treaty of Chaguaramas, the agreement which establishes the CCJ and domestically under the *Caribbean Court of Justice Act Cap 117* of the Laws of Barbados.

As a regional court, all members of CARICOM are subject to the court’s original jurisdiction. However, upon the commencement of its operations in 2005, Barbados was one of two member states to accede to the court’s appellate jurisdiction. As an inaugural member, Barbados has had the fortune of receiving the CCJ’s first appellate decision in October 2005².

However, since 2005 more member states have acceded to the appellate jurisdiction and over the last 11 years the CCJ has been very active, rendering over 100 appellate decisions and 19 original jurisdiction decisions.

Notably, the movement towards the CCJ was afoot for many years prior to 2001 for various social, economic and political reasons. One legal luminary frames the importance of the CCJ in the wider context of sovereignty and independence and touts the CCJ as a critical element required for member states to ‘close the circle of independence’. Justice Duke Pollard, a former CCJ judge in his text *The Caribbean Court of Justice (Closing the Circle of Independence)*³ states at pages 126 and 127 as follows:

“The genesis of the jurisdiction of the Judicial Committee of the Privy Council is traceable to the inordinate degree of arrogance associated with the disposition of royal power in the middle ages. ...the Judicial Committee of the Privy

¹ Agreement Establishing the Caribbean Court of Justice dated 14th February 2001

² *Barbados Rediffusion Services v Asha Mirchandani, Ram Mirchandani and McDonald Farms Limited* [2005] CCJ 1 (AJ)

³ Ian Randle Publishers (March 31, 2004)

***Buttressing Independence:
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Council was perceived as an indispensable attribute of empire and the judicial symbol of colonialism.”

We can therefore, look towards Barbados' support and participation in the CCJ as an example of the significant strides which the country has made over the last 50 years to achieve full and effective independence.





The Re-Shaping of the Companies Act since Independence *by Mrs. Olivia N.D. Burnett, Associate*

The Companies Act, Cap. 308 (the “**Companies Act**”) has its origins in English law, quite like a significant number of legislative enactments that have helped to comprise our colonial legal heritage. As Burgess JA noted in his text “Commonwealth Caribbean Company Law: “the company as a legal creature evolved in the Commonwealth Caribbean for over a century in the image of its English progenitor” ¹.

It was only following independence, however, that the provisions of the Companies Act shifted dramatically to adopt legislative provisions from the companies legislation of Canada and its federal provinces (and drafts thereto). The Companies Act, as we now know it, was also shaped by the draft model legislation prepared in 1978 by a working party appointed to conduct a project for the harmonisation of company law within the member territories of the Caribbean Free Trade Association. The Dickerson Report² also helped to fashion the changes to the Companies Act post-independence. Interestingly enough, certain sections of the Companies Act also appear to have ties to

Australian and even Ghanaian companies legislation.

The introduction of this potpourri of legislative influences into the Companies Act post-independence arguably indicates the exercise of autonomy by Barbados in reforming its companies legislation to suit the unique social and economic realities of Barbados as an independent nation and to provide a framework to support business objectives. Indeed, the current state of the Companies Act facilitates cross-border transactions with countries such as Canada and makes Barbados an attractive investment prospect for entities both in the United Kingdom and Canada due to the similarity of laws that govern, among other things, our companies. It is therefore of no surprise that the Companies Act post-independence has formed a basis for model acts throughout the region which has resulted in a number of neighbouring territories adopting legislation ‘remarkably similar in form and substance’ to the Companies Act.³

¹ Andrew Burgess, *Commonwealth Caribbean Company Law* (first published 2013, Routledge 2013) 1.

² Dickerson, Howard and Getz, “Proposals for a New Business Corporations Law for Canada” Vol.1 (1971)

³ Andrew Burgess, *Commonwealth Caribbean Company Law* (first published 2013, Routledge 2013) 11.



Citizenship and Immigration *by Ms. Janet E. Taylor, Associate*

The Immigration Act, Cap.190 (the “**Immigration Act**”) was enacted a decade after Barbados’ independence in 1966, to regulate the entry of persons into Barbados. Subject to the provisions of the Immigration Act, a person may make an application to the Immigration Department for Barbadian citizenship¹, permanent resident status, or immigrant status, for long term and short term work permits, student visas, extensions of stay, entry visas and special entry permits.

Apart from local immigration and citizenship legislation, Barbados has also strengthened its regional linkages and treaty networks. In 1973, Barbados became a party to the *Treaty of Chaguaramas*, which established the Caribbean Community (“**CARICOM**”). In that same year, Barbados also became a Member State of CARICOM, which is an organisation of 15 Caribbean nations, with the main purpose being the promotion of economic integration and cooperation among members. Barbadians enjoy certain privileges as citizens of a Member State of CARICOM. As with many other countries in CARICOM, Barbados’ passports

bear the emblem of the CARICOM organisation. In 2001, Barbados became a party to the Revised Treaty of Chaguaramas (the “**Revised Treaty**”) which established the CARICOM Single Market and Economy (“**CSME**”). Prior to the Revised Treaty, a Barbadian national would have had to apply for and be granted a work permit, if they wished to work in another Member State. Article 46 of the Revised Treaty gives a CARICOM national the right to seek employment in any of the participating CSME Member States² without having to apply for a work permit, provided they fall within the categories of University of the West Indies graduates, artistes, musicians, media workers and sportspersons. A Barbadian national who wishes to work in another participating CSME Member State, or vice versa, must apply for and be granted a CARICOM Skills Certificate.

Recent developments in immigration policies were implemented in Barbados with the introduction of the special entry and reside permit (“**SERP**”) regime for high net worth

¹ The Barbados Citizenship Act, Cap. 186 commenced on November 30, 1966. Barbadian citizenship can be acquired in five ways: citizenship by birth, descent, naturalisation, registration and parliamentary acts.

² Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

Citizenship and Immigration Cont'd...

by Miss. Janet E. Taylor, Associate

individuals (“**HNWI**”) and property owners, in 2013. Under the SERP regime, a HNWI must have net assets of not less than US\$5 million and a property owner must own residential property or have an investment of not less than US\$2 million. The SERP regime entitles a HNWI to reside but not to work in Barbados. A SERP holder who wishes to work in Barbados must make an additional application for a work permit.

As seen above, Barbados has developed significantly as a nation over the past 50 years, by implementing citizenship and immigration legislation to accommodate and welcome visitors to its shores, as well as maintaining its commitment to Caribbean integration to enhance the economic, social and cultural development of its citizens.





A Slice of the Pie *by Mrs. Laverne O. Ochoa-Clarke, Associate*

Before November 1975 the distribution of estates of deceased persons was governed by old common law inheritance rules whereby males were generally preferred to females, and the eldest male child inherited to the exclusion of all other siblings (the rule of primogeniture). A child born out of wedlock could not inherit from his father's estate at law, even if he was first born.

The *Succession Act, Cap. 249*, came into force on 13 November 1975, bringing significant modernization to the rules of inheritance. The new Act was further automatically reformed by the effects of other later and important legislation such as the *Status of Children Reform Act, Cap. 220*, which officially abolished the distinction between the status of children born within and outside of marriage. The most significant changes enacted were:

1. Abolition of the rule of primogeniture – the surviving spouse and all children became entitled to share in the estate;
2. Removal of the gender discrimination – male and

female children became equally entitled to inherit;

3. The creation of the spouse's legal right – regardless of any provisions set out in the deceased's Will, a surviving spouse became entitled to receive half or a quarter of the estate (depending on the number of the deceased's children);
4. Expanded definitions of spouse, brother, sister, father and dependant; and
5. Provision for maintenance of dependants including "the outside man/woman" and minor or disabled children living with or wholly or mainly maintained by the deceased.

The rules of inheritance were clearly specified. Entitlement to inheritance now depends on whether the deceased is survived by a spouse, child, issue (i.e. children grandchildren, great grandchildren etc.), or next-of-kin (mother and father including an adopted father, brothers and sisters, nieces and nephews). Strangely, adopted fathers are included but adopted mothers are not mentioned.

A Slice of the Pie Cont'd...
by Mrs. Laverne O. Ochoa-Clarke, Associate

The new definitions of spouse, child, dependant, father, brother and sister allowed for a more fair division of estates that was in keeping with the trend towards modernization of the laws to reflect the realities of Barbadian family structures.





The Corporate Trust Service Providers Act *by Ms. Joanna M. Austin, Associate*

The Corporate Trust and Service Providers Act, 2015-12 came into force on May 1, 2015 (the “**Act**”) repealing the *International Corporate and Trust Service Providers Act, 2011*. The Act regulates the provision of corporate and trust services¹ by corporate service providers to specified entities².

Section 6(1) of the Act provides that no person shall provide a corporate or trust service except in accordance with a license issued to him. Upon review of the

¹ Section 2 (1) The services listed in sub-paragraph (2) shall be treated as

- (a) corporate services, where provided to a specified entity other than an international trust or a private trust company; and
- (b) trust services, where provided to an international trust or a private trust company.

(2) The services referred to in sub-paragraph (1) are:

- (a) acting as agent for the formation, registration or licensing of a specified entity;
- (b) providing the services of a registered office or otherwise acting as a person authorised to accept service or correspondence for the specified entity;
- (c) filing statutory forms, resolutions, returns and notices on behalf of the specified entity;
- (d) acting as, or fulfilling the function of, or arranging for another person to act or fulfil the function of, an officer, a director or a secretary, alternate, assistant or deputy secretary, of the specified entity or in a similar relationship to the specified entity;
- (e) acting as a shareholder or a quota holder of the specified entity;
- (f) providing other services involving the control of the whole or a substantial part of the assets of the specified entity.

² First Schedule 1 (1) The following entities are specified entities for the purposes of this Act: (a) an international business company, an international society with restricted liability, an international trust, a foreign sales corporation, a foundation, a private trust company; and any other entity which (i) conducts international business ; and (ii) has obtained specific permission from the Exchange Control Authority to deal in foreign currency.

application, supporting documentation and receipt of the BBD\$300.00 application fee the Director of International Business (the “**Director**”) will consider whether the application complies with section 8 of the Act and if so, will grant a licence on receipt of the licence fee of BBD\$2,500.00, which is payable annually.

The Act does not regulate services to domestic companies, domestic societies with restricted liability, insurance companies, banking or financial institutions (except as expressly stated in the Act).

An individual does not require a licence to act as, or fulfil the function of, a director of a specified entity.

The Act reinforces the requirement for service providers to maintain records pursuant to the *Money Laundering and Financing of Terrorism (Prevention and Control) Act, 2011* (the “**MLFT**”) and in addition to maintaining records necessary to establish their financial position and compliance with the Act and the MLFT for 6 years from the date of the maintaining of the record, service providers must also declare gross revenue and assets annually to the Director. Failure to obtain a licence to provide corporate

The Corporate Trust Service Providers Act Cont'd...

by Ms. Joanna M. Austin, Associate

and/or trust services results in a summary conviction of a fine of BBD\$50,000.00 or to imprisonment for 2 years or to both and, where the offence is a continuing one, to a further fine of BBD\$8,000.00 for every day or part of a day during which the offence continues after a conviction is first obtained.

Persons should review the Act or obtain legal advice to determine whether the services they intend to provide are regulated by the Act.





“That is We Culture”

Town Planning’s Role in the Preservation of Barbados’ Cultural Heritage

by Mr.Dario A. Welch, Associate

“Barbados has a rich and varied history expressed through its archaeological sites and attractive heritage buildings and districts.”¹ The importance of the cultural heritage of Barbados has come to the forefront of Barbados’ 50th independence celebrations, and the preservation of the same could not have been successfully done without the aid of local town planning instruments. The purpose of the *Town and Country Planning Development Act Cap 240* (“**the TCPA**”) includes the provision for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof; and the provisions of the TCPA Act evidence governmental policy decisions which underscore the importance of preserving our cultural heritage which is manifested in the built infrastructure of Barbados.

The TCPA makes provision for Building Preservation Orders which allows the Minister responsible for town planning (“**the Minister**”) to make provision for the preservation of any building of special architectural or historic interest in the Island, by making an order restricting the demolition, alteration or extension of

the building². The TCPA further vests the Minister with the power to cause to be compiled lists of such buildings or approve, with or without modifications, such lists compiled by the Barbados National Trust or other persons or bodies of persons, and may amend any list so compiled or approved.³ Therefore, subject to the provisions of the TCPA, so long as a building (not being a building to which a building preservation order applies) is included in a list compiled or approved under Section 29, no person shall execute or cause or permit to be executed any works for the demolition of the building or for its alteration or extension in any manner which would seriously affect its character, unless at least two months before the works are executed notice in writing of the proposed works has been given to the Chief Town Planner⁴.

The Barbados Physical Development Plan (amended 2003) (“**the Development Plan**”) is also important for the purposes of maintaining and conserving the cultural heritage of Barbados, including both the built heritage and

2 section 28(1), TCPA
3 section 29(1), TCPA
4 section 30(1), TCPA.

1 Part 2.4.1.1. of the Development Plan

“That is We Culture”
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by Mr. Dario A. Welch, Associate

areas of archaeological significance⁵. In order to achieve its objective the Development Plan includes policies which promote the preservation of: Archaeological Areas and Monuments; Listed Buildings and Cultural Heritage Conservation Areas. As such, the Chief Town Planner in dealing with applications for planning permission must have regard to the Development Plan and to any other material considerations⁶.

All of the above documents would have played an integral role in allowing for the designation of Bridgetown and its Historic Garrison as a UNESCO World Heritage Site. There is therefore no doubt that they have played and continue to play a vital role in preserving one of our most important resources...our culture.

⁵ Part 2.4.1.1. of the Development Plan
⁶ section 16(1), TCPA





A New Cause of Action: Recent Reforms in the Local Employment Law Regime

by Ms. Shena-Ann Y. Ince, Associate

In the five decades since independence, there has been significant legislative reform in the employment regime in Barbados. The legislative regime spans a variety of areas and includes: health and safety¹, severance², holiday with pay³, maternity leave⁴, national insurance and social security⁵ and employment rights⁶.

However, the *Employment Rights Act 2012-9* ('the Act') has been heralded as one of the most significant labour reforms in recent decades. The Act has codified established labour best practices⁷, created new rights⁸ and established a quasi-judicial tribunal⁹.

While the ambit of the Act is wide ranging, the establishment of a statutory right not to be unfairly dismissed is undoubtedly its most significant feature. This right is set out at Part IV of the Act which addresses issues of fairness¹⁰, contravention of

the right¹¹ and the procedures and terminations which do and do not contravene this regime¹².

Prior to the introduction of unfair dismissal, the major avenue of recourse for aggrieved employees was to the common law principles of the wrongful dismissal. This Act therefore amplifies the causes of action which are available to an aggrieved employee and provides another potential avenue to obtain relief in circumstances where he or she seeks to challenge a termination.

The remedies available under the Act include compensation, re-instatement and re-engagement. However, based on the reported decisions of the Employments Rights Tribunal it appears that the primary remedy being granted is that of compensation as there are no reported orders for re-instatement or re-engagement.

1 Safety and Health at Work Act Cap 356

2 Severance Payments Act Cap 355

3 Holiday with Pay Act Cap 348

4 Employment of Women (Maternity Leave) Act Cap 345A

5 National Insurance and Social Security Act Cap 47

6 Employment Rights Act 2012-9

7 These include the right to statements of employment particulars and itemised pay statement (See generally sections 13- 18 of the Act

8 The new rights created include: a) rights to momentum notice(s 22), b) right of the employee to a certificate of employment record (s 23) c) right not to be unfairly dismissed (s 27) and d) protections for employees in circumstances of lay off or short time

9 See Part III of the Act

10 See s29 of the Act

11 See sections 29 (4) and 30 of the Act as well as the Fourth Schedule

12 See sections 29 and 31 as well as the Fourth Schedule of the Act.



Foundations Act *by Mrs. Sharmila Williams- Nascimento, Associate*

Post-Independence Barbados reflects an era of maturity and competitiveness in the area of international business within the Caribbean region. Barbados maintains its competitive edge for attracting foreign investment and high net worth individuals to its shores by offering new legal products, one of which is a Foundations Act.¹

The Foundations Act 2013-2 of the laws of Barbados (“Act”), recently proclaimed², is expected to add to Barbados’ legislative arsenal supporting its international financial services sector. This Act provides an alternative model for wealth management and asset protection. It simultaneously provides the benefits of both a company and a trust and is particularly useful to clientele in civil law jurisdictions whose legislative framework does not provide for the legal concept of a trust. Foundations are available to both foreign and local residents.

Once established under the Act by paying the prescribed fee, submitting its charter to the Registrar³ and receiving the Certificate of Establishment, the foundation inherits

a legal and independent identity separate from its founder and beneficiaries. Thereafter, it can hold assets of a value not less than BBD\$10,000. The foundation is bound by the confines of its charter and must manage, administer, invest and disburse its assets to the advantage of its beneficiaries and for the attainment of its purposes. A Council is responsible for management of the foundation and must exercise its powers and discharge its duties honestly, in good faith and in the best interests of the foundation, its beneficiaries or its purposes. The members of the Council must also exercise the care, diligence and skill which a reasonably prudent person would be expected to exercise in comparable circumstances⁴.

Under this new vehicle, a beneficiary will not be subjected to Barbados income tax on the amounts distributed to him by the foundation, or to payments of withholding tax under the *Income Tax Act Cap 73* on distributions or other income paid by an international foundation to a person who is a non-resident of Barbados⁵.

1 A. Alleyne, ‘Ten Reasons to Choose Barbados’, International Financial & Business 2016, pg. 17;

2 The Act came into operation on the 7th January, 2016;

3 Registrar at the Corporate Affairs and Intellectual Property

Office;

4 Section 18 of the Act

5 G. Clarke and L. Toppin-Corbin, ‘Building a Solid Foundation: An Overview of the Foundations Act’, pg. 7

Foundations Act Cont'd...

by Mrs.Sharmila Williams- Nascimento, Associate

Foundations are exempt from ad valorem stamp duty except with respect to real estate in Barbados⁶, and from requirements under the *Exchange Control Act Cap 71* and the *Succession Act Cap 249*.





Owning a Piece of the Rock: The Impact of the Tenancies Freehold Purchase Act

by Ms. Annette Y. Linton, Associate

One of characteristics of landholding in Barbados is the concept of the “tenantry”. In 1965 the term was defined by the *Tenancies Control Act, Cap 239* as “any area of land, other than land leased to the Crown or a statutory board, which is now or shall be hereinafter sub-divided into more than 5 lots for the purpose of being let to tenants as sites for chattel buildings used or intended to be used as dwellings”.



This form of landholding was synonymous with the plantations that once dominated the landscape of Barbados. Many of the people who worked on the plantations lived on small rented lots attached to the plantations on which they erected chattel houses. This pattern of land holding also extended outside of the confines of the plantations, with landowners subdividing large parcels of land into small lots

which they then rented out as sites for chattel houses. The traditional Barbadian chattel house was typically a small moveable wooden house designed to be disassembled quickly and moved from one location to another and reassembled.

Prior to independence legislation was enacted which focused primarily on giving tenants some measure of security of tenure. *The Security of Tenure of Small Holdings Act* was enacted in 1955 and followed by the *Tenancies Control Act* in 1965. Both of these acts sought to regulate the manner in which tenants could be evicted from their lots and the *Tenancies Control Act* also sought to regulate rent increases.

However, it was the *Tenancies Freehold Purchase Act, Cap 239B* (“TFPA”) which was enacted in 1980 that brought about the most radical change. The TFPA went beyond merely providing security of tenure; it now granted certain tenants in the tenancies the right to purchase their lots. Section 4 of the TFPA states “notwithstanding any other law or any term or condition of any lease, contract or licence relating to a tenancy, it is a term or condition of every

Owning a Piece of the Rock: The Impact of the Tenancies Freehold Purchase Act Cont'd...

by Ms. Annette Y. Linton, Associate

tenancy within a plantation tenantry or other tenantry, that the tenant, as of right and at his option may, if he is a qualified tenant, purchase the freehold of the lot of which he is a tenant at a price to be determined”.

Under the TFPA a “tenantry” is defined as (1) a plantation tenantry, and (2) an area of land that is subdivided into more than 5 lots for letting as sites for chattel buildings to be used as dwelling houses (what we now generally refer to as “non-plantation tenancies”). Once a tenant met the criteria of a qualified tenant under the TFPA and he gave his landlord notice of his desire to exercise his right to purchase his lot, the landlord was obligated to sell the lot to him. The TFPA went a step further by also prescribing purchase prices for the tenantry lots. In the case of plantation tenancies the purchase price payable by a tenant for a lot is BBD\$1.00 for every square metre with a minimum price of BBD\$300.00. For the non-plantation tenancies, the purchase price payable by the tenant is capped at BBD\$2.50 per square foot; but if the open market value of the lot exceeds BBD\$2.50 per square foot a government subsidy is payable to the landlord for the difference up to 5000 square feet.

The TFPA also made provision for the establishment of a loan scheme to enable qualified tenants to borrow money to assist with the purchase of their lots.

As the effect of the legislation was to compel landlords to sell their property to qualified tenants at fixed prices, the TFPA specifically amended section 16 of the Constitution of Barbados which protected persons from deprivation of property without adequate compensation to ensure the constitutionality of the TFPA and, more importantly, of the right to purchase created.

The right to purchase created under the TFPA was a significant factor in enabling many a Barbadian to own their own “piece of the rock”.





The ICAA: Positioning Barbados as a Hub for International Arbitration

by Ms. Shena-Ann Y. Ince, Associate

In 2009 the *International Commercial Arbitration Act Cap 110B* (“ICAA”) came into

force. The objectives¹ of the ICAA are to:

a) Establish a comprehensive, modern and internationally recognised framework for international commercial arbitration by adopting the UNICTRAL Model Law in International Commercial Arbitration; and

b) Provide the foundation for the establishment in Barbados of an internationally recognised centre for international commercial arbitration.

In furtherance of this objective, the term commercial² is expansively defined under the ICAA and the power of the local Court to intervene is circumscribed by the Act. The integration of the UNCITRAL scheme into our legal system not only makes Barbados a more attractive choice of law jurisdiction for contracting parties, but it also supports the country’s international business sector by providing another avenue for dispute resolution.

Due to the recent vintage of the ICAA, there is limited local jurisprudence under the Act. In October 2012,

the ICAA was considered by our local court in the case of *Auto-Guadelope Investissement S.A. v Columbus Acquisitions Inc. et al* [unreported] C.A. B’dos Civil Appeal No 11 of 2011. Here Chief Justice the Honourable Sir Marston C. D. Gibson, confirmed the purpose of the Act and the court’s limited jurisdiction in relation to matters governed by the Act. In this matter the Court considered an application to stay on-going arbitration proceedings. After reviewing the jurisdiction of the arbitral tribunal and the procedure for challenge, the Chief Justice noted at paragraph 17 as follows:

“What is clear then is that, even where an application is made to set aside an award, the court, rather than stay the arbitrator, may be requested to stay its own proceedings to permit the arbitral tribunal first to take corrective or other action, if so required.”

It is clear therefore that our legislature is committed to ensuring that our local dispute resolution systems develop and adapt to modern requirements. Such commitment is shared by our judicial system which has demonstrated its willingness to uphold the objectives of the ICAA.

¹ See section 4 of the ICAA

² See section 3 of the ICAA



The Reform of the Title Suit *by Ms. Ruth J. Henry, Associate*

Proof of ownership of land requires that one has original “title deeds”. The ability to show a good and marketable title (e.g. the ability to sell the land or use it as security for a mortgage loan) requires that the title can be properly traced for at least 20 years.

In some cases, for example, where a lot is purchased out of a larger development, it is the developer who may hold the original deeds showing at least 20 years’ title to the larger area, but the current owner must still have original deeds proving his ownership of his lot from the date of purchase from the developer.

Until fairly recently, if the original title deeds have been lost or destroyed, or the documents in hand do not establish a good and marketable title, or the owner simply never had title deeds to the property (e.g. inherited property), the owner could initiate a process called the foreclosure suit or the title suit.

Under this process a fictitious mortgage was created between the alleged landowner, as mortgagor/borrower, and another person (usually the clerk of his Attorney-at-Law), as mortgagee/lender. The

mortgagee would then bring a claim in court against the mortgagor alleging default and seeking the remedy of a sale in lieu of foreclosure.

The Court would order the sale of the property by auction; the landowner would buy in at the auction, and the Registrar of the Supreme Court would convey the property to him.

In most cases this meant that the landowner would have had to take out a temporary loan to pay the market value of the property to the Registrar, who would subsequently return the purchase money to him. This inevitably created some hardship for landowners of limited means.

The hardships of this process, along with its fictitious nature, were alleviated by:

1. *The Land (Title Deeds Restoration) Act (“the LTDR Act”) in 1997 and*
2. *The Land (Title Proceedings) Act 2011-7 (“the LTP Act”) in 2011.*

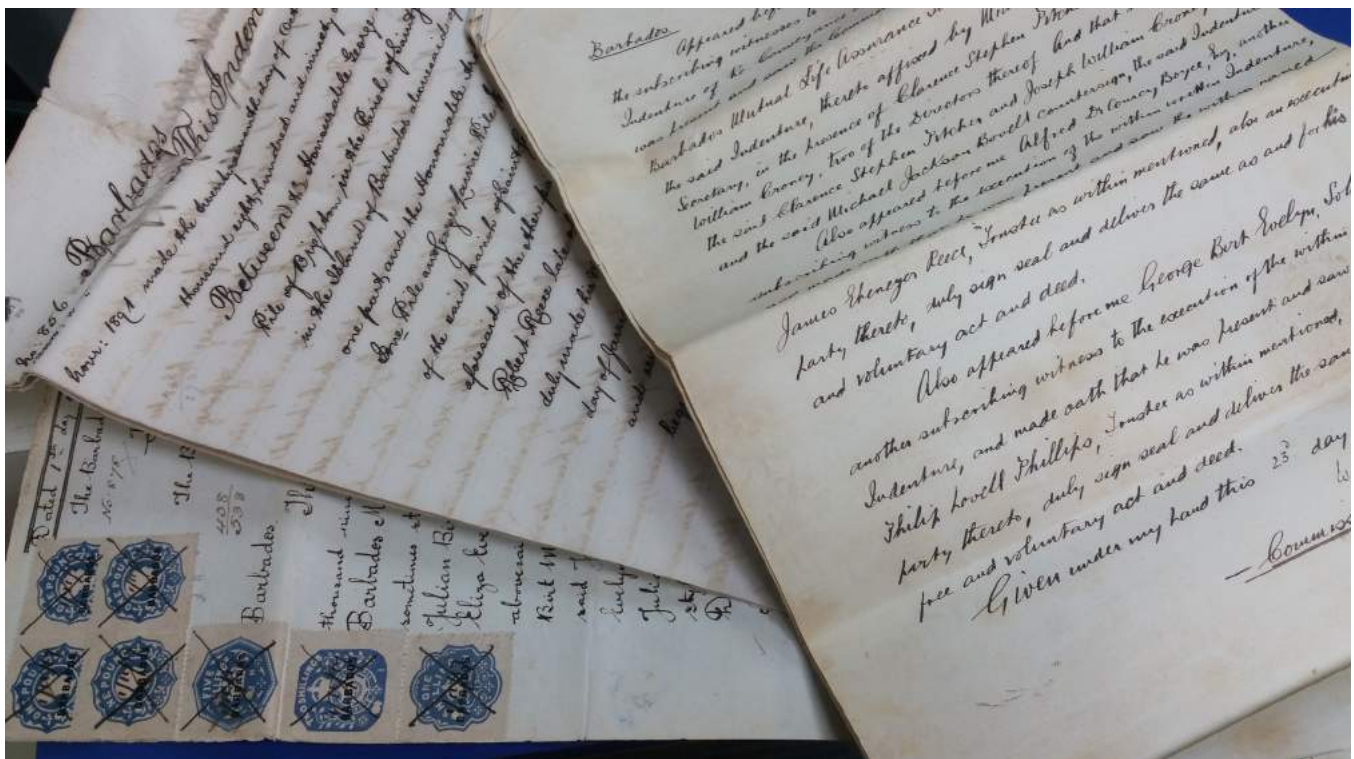
The Reform of the Title Suit Cont'd...

by Ms. Ruth J. Henry, Associate

The LTDR Act empowers the Registrar of Titles to issue new title deeds to property where such title deeds have been destroyed or damaged by disaster or otherwise, lost or stolen.

The LTP Act provides that a person can apply to the court to obtain a declaration of ownership to a property and a certificate of title where: (i) he is in possession of documents of title that do not establish a good and marketable title or (ii) he is not in possession of documents of title but claims ownership of the estate or interest by virtue of inheritance, devise, purchase, adverse possession, prescription or otherwise.

As one still has to go to court, the process of obtaining title under the LTP Act can still be lengthy; however, the costs which are incurred are significantly less and the fictitious nature of titling land is now a thing of the past.





The Financial Institutions Act *by Ms. Joanna M. Austin, Associate*

The Financial Institutions Act Cap 324A commenced on 1st July, 1997 (the “**Act**”). The Act governs the licensing and regulation of financial intuitions defined in the Act to include commercial banks, trust companies, finance companies, merchant banks and brokerage house¹.

Commercial banks must be licensed in accordance with the provisions of Part II of the Act in order to conduct banking business² in Barbados. With the growing emergence of macro finance institutions involved in the provision of short term lending, it is advisable that persons seek legal advice or written confirmation from the Central Bank of Barbados (the “**Central Bank**”) as to whether any aspect of the macro finance business can be considered “banking business”, which requires a license under the Act.

Part III of the Act addresses the licensing and regulation of the business of trust companies, merchant banks,

brokerage houses and other qualifying financial institutions³. While Section 23 (1)(a) of the Act contemplates that licensees under Part III can do banking business, section 23(2) of the Act restricts a trust company, a finance company or a merchant bank from offering chequing facilities.

The Central Bank has delegated power through the Minister of Finance for the licensing and regulation of licensees under the Act. Among some of the regulatory requirements licensees must observe are the maintenance of prescribed compliance with minimum capital and reserve amounts; and the submission of monthly and quarterly reports to the Central Bank.

As financial compliance and reporting requirements continue to evolve it is of note that the Tax Court of Canada in a recently decided case *CIT Group Securities (Canada)*

Inc. v The Queen, 2016 TTC 163 (2016) which

3 Section 23(1) The business of a trust company, a finance company or a merchant bank or similar financial institution is:

- (a) banking business; or
- (b) the business of the acquisition of funds by
 - (i) the acceptance of deposits,
 - (ii) the issue of shares,
 - (iii) the grant of loans,
 - (iv) the collection of premiums, and the investment of such funds.

1 Section 2 (1);

2 Section 2 (1) “banking business” means the business of:

(a) receiving money from the public on current account, deposit account or other similar account and paying and collecting cheques drawn by or over a period by customers, and making advances to customers; or

(b) receiving money on a savings account from the public repayable on demand or after not more than 3 months’ notice and generally the undertaking of any business appertaining to the business of banking provided that such business has not been specifically prohibited by the Central Bank;

The Financial Institutions Act Cont'd...

by Ms. Joanna M. Austin, Associate

involved inter alia an entity licensed under Part III of the Act observed that the regulation of that entity under the Act was ‘both enforced and satisfied’. The court’s decision can therefore be viewed as an acknowledgment of the adequacy of the regulation of licensees under the FIA and by the Central Bank.





Land Registration *by Ms. Nicole S. Mcketney, Associate*

The *Land Registration Act, Cap 229* and the *Land (Adjudication of Rights and Interests) Act, Cap. 228A* (together “**the Acts**”) both came into force in 1988 with the aim of simplifying and expediting the process of registering dealings with title to land in Barbados. At present, only certain areas in Barbados (referred to as registration districts) are subject to these Acts. The Land Registry’s website <http://www.landregistry.gov.bb/> contains a list of the eight registration districts currently in existence.

The principal way the Acts set out to achieve their objectives is by changing how title is established and investigated. Traditionally, under the “common law” or “unregistered land” system, property owners have to safely keep stacks of old original title documents. Replacing lost title documents is a lengthy and expensive undertaking. Attorneys-at-law in a land transaction would review the original deeds to ascertain whether title is good, i.e. that there is an unbroken chain of ownership free from material defect for a period of at least twenty years. The attorneys-at-law are responsible for certifying whether title is good or bad and recourse for errors in certification

is against the attorneys-at-law. Depending on the number of deeds, the title investigation process can prove to be quite lengthy and complex.



By contrast, the title to land registered under the Land Registration Act (called “registered land”) has already been checked by an officer of the State called a Commissioner of Titles. The original title documents and plans are submitted to the Land Registry for safe-keeping in exchange for a single document called a Certificate of Title or, if there is a charge on the land, a Certificate of Charge. If the Certificate is lost, the replacement process is significantly simpler than in the unregistered system.

Land Registration Cont'd...

by Ms. Nicole S. Mcketney, Associate

A register is maintained at the Land Registry for each parcel of registered land and is authoritative as to the state of the title. The register contains important information about the property including the name of the owner and the charges and restrictions affecting the property. Instead of reviewing the original deeds, attorneys-at-law obtain extracts from the register, called “official searches”. A person who suffers loss as a result of an error on the register can apply to the Registrar of Titles for compensation. In this way, it is the State that “guarantees” the quality of title to a registered parcel of land.

At present, the vast majority of land in Barbados still falls under the unregistered land system. It is hoped that as Barbados moves into its next fifty (50) years as an independent nation the number of registration districts will increase so that more Barbadians can benefit from a faster and simpler process of dealing with their land.





Societies with Restricted Liability *by Ms. Janet E. Taylor, Associate*

Since attaining independence in 1966, Barbados has established an attractive environment for international business and foreign investment, which is complemented by the country's extensive network of double taxation and bilateral investment treaties. Thirty years post-independence, Barbados has further expanded its product offerings in the international business sector, by enacting the *Societies with Restricted Liability Act, Cap. 318B* (the “**Act**”) to provide for the organization of societies with restricted liability. The Act provides for domestic societies with restricted liability (“**SRL**”) and international societies with restricted liability (“**ISRL**”).

An SRL like a domestic company under the *Companies Act, Cap. 308*, has limited liability, but issues quotas instead of shares and has members and managers instead of shareholders and directors, respectively. An SRL is an attractive hybrid vehicle which is similar to the limited liability corporation in the United States (“**US**”), and is therefore widely utilised by US investors for tax purposes. An SRL can transact business with residents of Barbados, similar to a domestic company.

An ISRL on the other hand is prohibited from transacting business with residents of Barbados and may not acquire or hold land in Barbados other than land required for its business. Over the years since independence, Barbados has built a reputation as a “low-tax”, well regulated jurisdiction and many investors are attracted to Barbados for these reasons. An ISRL can take advantage of the numerous tax incentives and concessions offered by the Barbados government, in addition, in some cases, to benefiting from the country's tax treaty network.

An ISRL is organised under the Act by filing Articles of Organisation with the Corporate Affairs and Intellectual Property Office and paying the prescribed fee. An ISRL must obtain a licence to transact business under the Act, and as of 2014, all valid licences will be treated as indefinite licences. A prescribed annual fee of BBD\$1,000.00 must be paid by December 31 of the preceding year, to the Ministry of International Business. ISRLs must also maintain accounting books and records in Barbados. If the gross assets or revenue of the ISRL exceed US\$2 million, in any fiscal

Societies with Restricted Liability Cont'd...

by Ms. Janet E. Taylor, Associate

year, audited financial statements must be filed with the Ministry of International Business.

Some of the main benefits of an ISRL are that it is subject to a preferential tax rate of 2.5% to 0.25% depending on the level of profits of the ISRL, no withholding tax on distributions, interest or any other payments made to non-residents or to another ISRL, IBC or exempt insurance company licenced under the *Exempt Insurance Act Cap 308A*, exemption from exchange control and ad valorem stamp duty except in respect of real estate situated in Barbados, and exemption from taxes and duties on plant, machinery, equipment (excluding motor vehicles) and other articles imported into Barbados for use in the ISRL's business. An ISRL's tax and duty exemptions are guaranteed for 30 years.

Barbados continually strives to enact and refine its legislation, making it an ideal jurisdiction to conduct international business in the English speaking Caribbean.





The CPR- A Justice Focused Reform to Practice and Procedure

by Ms. Shena-Ann Y. Ince, Associate

The Supreme Court (Civil Procedure) Rules 2008 (“CPR”) commenced in October 2009. The CPR has (except for limited matters)¹, largely replaced the *Supreme Court (Rules of the Court) 1982* (“the Old Rules”).

The overriding objective of the CPR is to enable the Court to deal justly with cases². As such, the benefits of the regime include:

- a) A court driven as opposed to litigant driven process;
- b) Potentially cheaper and more efficient litigation; and
- c) The integration and promotion of alternative dispute resolution.

There are two features of the CPR which significantly contribute to achieving that objective. These features are the case management system and the use of alternative dispute resolution (“ADR”)

Case Management

Unlike the practice and procedure under the Old Rules, the CPR places a duty and power on the courts to actively manage cases. The rationale for this is to mitigate against delays by litigants in proceedings. Therefore,

¹ See CPR 2.2 for the application of the rules under the CPR
² See CPR 1.1

case management will be initiated by the court either:

- a) At the first hearing of a fixed date claim form; or
- b) On the filing of a defence.

Parts 25-27 of the CPR set out the case management regime and confer a panoply of powers of the courts.

The purpose of this is to facilitate: a) the efficient and effective use of the court’s resources, by streamlining the issues to proceed to trial; b) the summary determination of cases and preliminary issues; and, c) the ability of the court to tailor directions to meet the specific requirements of matters.

ADR

There is scope under the court’s case management powers to integrate ADR. However a recent Practice Direction has buttressed this power by the introduction of Mediation Pilot Project from September 2016 to December 2017. Under this Practice Direction, upon the filing of a Defence, the Judge or Master will generally order that the matter be referred to court annexed mediation unless there is a good and substantial reason for not doing so. In addition, there is scope

The CPR- A Justice Focused Reform to Practice and Procedure *by Ms. Shena-Ann Y. Ince, Associate*

under this Practice Direction for the parties to voluntarily submit to mediation. Based on the experience of other jurisdictions, the operation of the CPR has reaped long term benefits and realised the goals of reduced trials. Therefore, Barbados is poised to enjoy further benefits from the CPR for many years to come.





The International Business Companies Act *by Mrs. Sharmila Williams- Nascimento, Associate*

Over the last 50 years, Barbados has distinguished itself as a premier international business domicile¹. One of the main mechanisms used by foreign investors in the international financial services sector is the incorporation and licensing of an international business company (“IBC”).

Companies operating within the international financial services sector were first incorporated under the *Companies Act Cap 308*, however the *International Business Companies Act Cap 77*, (the “Act”) was enacted in March 1992 to expressly provide for the incorporation and licensing of IBCs and to expand and enhance the legislative framework within which these entities could operate.

An application for an IBC licence must be made to the Minister responsible for International Business, in order to carry on the business of international manufacturing or international trade and commerce from within Barbados. The Act restricts an IBC from carrying on any trade or business with Barbados

residents² except as may be necessary to facilitate the carrying on of its international business.

The Act provides incentives for IBCs by way of preferential tax treatment, exemptions and benefits. The most notable benefit which may be granted is, upon application, that an assurance or guarantee from the Minister responsible for International Business that all or any of the benefits and exemptions permitted under the Act will apply to that company for 15 years on the company becoming a licenced IBC.

The several exemptions available to an IBC include an exemption from taxes under the *Income Tax Act Cap 73* on all dividends, royalties, interest, fees, management fees paid or deemed to be paid by an IBC to a company carrying on international business or to a non-resident person; exemptions from certain provisions of the *Exchange Control Act Cap 71* in respect of international business; no tax on the transfer of any securities or assets of the company³; no consumption tax; and no ad valorem stamp duty.

¹ S. Payne, ‘A bright Future for the International Business Sector’, Barbados International Finance & Business, pg. 7.

² An IBC shall not in the course of its business accept loans from or otherwise transact business, other than holding a bank account, with a bank licensed under the Financial Institutions Act Cap 324A;

³ Other than a transfer of taxable assets as defined in section 15(2) of the Act;

The International Business Companies Act Cont'd...

by Mrs. Sharmila Williams- Nascimento, Associate

Preferential rates of tax are payable on the profits and gains⁴ of an IBC ranging from 2.5% on all profits and gains up to BBD\$10 million to 0.25% on all profits and gains in excess of BBD\$30 million. An IBC may elect to take a tax credit in respect of taxes paid to a country other than Barbados where the election does not reduce the tax payable in Barbados to a rate less than 0.25%.

By providing an attractive business model for foreign investment, the introduction of the Act has played a key role in making Barbados a competitive jurisdiction for the international investor, and the jurisdiction of choice for the establishment of offices through which substantive business is conducted on a truly global scale. Indeed, Barbados' international business and financial services sector has grown robustly since Barbados' Independence.



⁴ In respect of the income year 2013 and each subsequent income year of the company, (i) 2.5 per cent on all profits and gains up to \$10 000 000, (ii) 2 per cent on all profits and gains exceeding \$10 000 000 but not exceeding \$20 000 000; (iii) 1.5 per cent on all profits and gains exceeding \$20 000 000 but not exceeding \$30 000 000; (iv) 0.25 per cent on all profits and gains in excess of \$30 000 000;

Attorney Profile

Mrs. Laverne O. Ochoa-Clarke, Associate

In this issue, we profile Mrs. Laverne Ochoa-Clarke, one of our senior associates in the Property Department.



Mrs. Laverne O. Ochoa-Clarke

Laverne Ochoa-Clarke was called to the Bar both in Barbados and Trinidad and Tobago in 2006. Laverne joined Clarke Gittens Farmer in 2006 and is an associate in the Property Department. Laverne's practice includes advising local, regional and international clients on Barbadian estate law, preparation of wills, obtaining grants of probate, grants letters of administration, resealing of grants issued outside of Barbados, the administration of estates as well as property law matters relating to conveyancing. Laverne has presented at a number of estate planning seminars focusing primarily on the preparation of wills. Laverne is a member of the Clarke Gittens Farmer Staff Committee. The mandate of the Staff Committee is to plan fellowship-building activities and to provide an additional avenue for staff to submit feedback and suggestions on the improvement of their work environment.

CGF NEWS

Congratulations

Our heartiest congratulations are extended to the following individuals:

Mr. Stephen Farmer, who was recently honoured by the Wanderers Cricket Club for his contribution to the sport of cricket in Barbados. The northern end of the grounds at the club's Dayrells Road, Christ Church home is now called the 'Stephen Farmer End'.

Mrs. Sharmila Williams-Nascimento who recently joined the Corporate Department of the firm and was admitted to the Barbados Bar on October 14, 2016 at the Supreme Court in Barbados. Additionally, Ms. Lanasia Nicholas who recently joined the Commercial Department of the firm and was admitted to the Barbados Bar on November 28, 2016 at the Supreme Court in Barbados.

National Walk/Run for Breast Cancer

On Sunday, October 2, 2016, staff members of Clarke Gittens Farmer showed their support for the Breast Cancer Screening Programme of the Barbados Cancer Society by participating in this year's 'Walk for the Cure'. The Walk/Run is one of the activities organised by the Barbados Cancer Society during its Breast Cancer awareness month in October.

International Business Week 2016

As part of the activities of the International Business Week 2016, a conference was held between October 20 and 21, 2016 at the Hilton Barbados Resort. Clarke Gittens Farmer was represented at the conference by members of the Corporate and Commercial Departments. Mrs. Nicola Berry, Partner in

CGF NEWS Cont'd...

the Commercial Department of the firm, presented on “The UK’s Vote to Exit the EU and its Impact on Caribbean IFCs: Storm in a Teacup?” Mrs. Berry’s presentation was well-received and appreciated.



Independence Celebrations

On 25 November 2016, the Staff Committee of Clarke Gittens Farmer held its annual Independence Brunch at our firm's offices. While local Barbadian music played in the background, the staff of Clarke Gittens Farmer was treated to a number of 'Bajan' delicacies including pudding and souse, conkies and fishcakes. Miss Joanna Austin, an associate in the Corporate Department of the firm, was announced as the winner of the first ever CGF “So ya think ya known Buh ba Dus” Competition; a trivia competition created by the Staff Committee which tested the staff on their knowledge of popular locations in Barbados.



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Partners: Managing Partner: Mr. Ramon O. Alleyne. Senior Partner: Mr. T. David Gittens, Q.C. Other Partners: Mr. Stephen W. Farmer, Q.C., Miss Gillian M. H. Clarke, Mrs. Savitri C. B. C. St. John, Ms. Debbie A. P. Fraser, Mrs. Rosalind K. Smith Millar, Mr. Kevin J. Boyce and Mrs. Nicola A. Berry.

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