CGF POINT OF LAW

E-NEWSLETTER OF CLARKE GITTENS FARMER – ATTORNEYS-AT-LAW

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

Welcome to the first issue of our e-Newsletter for 2020. We wish to thank you for your continued interest and support and we hope that you enjoy our offerings for the year ahead.

Our first article examines a common clause included in leases – the break clause. We look at some of the benefits and disadvantages of inserting a break clause and some of the common mistakes to avoid in relation to these clauses.

Growth and development is necessary for the stability of any society and is best propelled through legislative reform. Our second article takes a general look at some of the provisions and guidelines that will be created by the Planning and Development Act, 2019-5 which seeks to promote a more transparent and efficient planning system in Barbados.

Our third and final article discusses the recently passed Medicinal Cannabis Industry Act, 2019-44. This Act speaks to the development of policies, procedures and guidelines in order to establish a medicinal cannabis industry in Barbados in an effort to diversify the Barbadian economy. More importantly the Act encapsulates the regulation and handling of medicinal cannabis and our article will focus primarily on the issuance of licences in relation to the same.

~ We hope you enjoy! **~**

The e-Newsletter Committee

In This Issue

Miss Annette Y. Linton

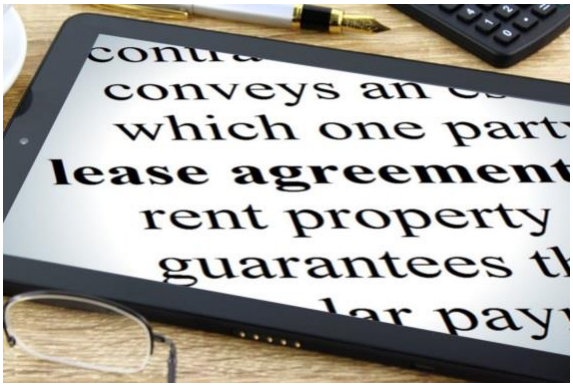
Break Clauses in Leases

By Miss Annette Y. Linton, Senior Associate

A break clause allows a landlord and/or tenant to unilaterally terminate their lease before the end of the agreed term of the lease. For example, a landlord and tenant can agree to enter into a lease for a commercial space for a term of five (5) years but include a break clause in the lease which states that either party can terminate the lease at any time on giving the other party not less than 6 months' notice in writing.

Including a break clause in a lease can be beneficial but can also have its disadvantages. The benefit to the tenant of having a break clause in the lease is that it gives the tenant the ability to terminate the lease if circumstances change and a move becomes necessary or advantageous. This is particularly true in commercial tenancies. The tenant may also wish to have the option to terminate the lease prematurely in the event that his business does not do well or on the other hand if his business flourishes, he may want the freedom to move to a bigger or better location.

For the landlord, having a break clause would allow him to terminate the lease in the event that the tenant, though paying his rent and otherwise complying with the lease, is a difficult tenant that the landlord just does not want to deal with any longer. In addition, the landlord may wish to take advantage of opportunities to further develop or sell his property and may need to terminate the lease early in order to do so.



Without a break clause the tenant would be liable to pay the total rent due to the end of the agreed term of the lease, even if he vacated the property early. While the landlord cannot force the tenant to remain in the premises, he can sue to recover the rent due for the remainder of the lease term. For the landlord, in the absence of a break clause, unless the tenant commits a breach of the lease that would entitle the landlord to retake possession of the property, the tenant has the right to remain in the property for the duration of the agreed lease term.

However, a landlord or tenant may not want to include a break clause in their lease. The landlord may not want the risk of the tenant terminating the lease early and leaving the property unoccupied which could result in both the loss of rental income for a protracted period depending on the rental market and the additional cost of preparing the property for re-letting. From the tenant's perspective, he may want to avoid the risk of disruption to his business and the potential relocation cost that may arise if the landlord is able to terminate the lease early.

The decision whether or not to include a break clause in a lease is one that has to be carefully considered by both the landlord and the tenant.

If the parties agree to include a break clause in their lease, care must be taken in drafting the clause to ensure that there are no disputes or problems later on. Advice should be sought from an experienced property law attorney. These clauses may seem simple, but are often the source of many disputes.

A properly drafted break clause should set out clearly:

- The dates on which the lease may be terminated. The right to break the lease can be exercisable at any time, or alternatively, provision can be made in the lease for the right to be exercisable only on specific dates or only after a specific date.

Break Clauses in Leases...Cont'd

By Miss Annette Y. Linton, Senior Associate

If the lease contains provisions that allow for rent review and/or rent increase, it is typical for a tenant to insist on a break clause which allows the tenant to break the lease at a specific date which usually coincides with the rent review date.

When parties to a lease want to ensure a minimum period of occupation before the lease can be terminated, the break clause can be drafted so that the lease can only be terminated after a certain date e.g. at any time after the end of the first year of the lease.

Both parties must be in clear agreement on the dates and the clause must be drafted to accurately reflect the mutually agreed dates.

- <u>The Notice requirements</u>. The party wishing to terminate early exercises this right by serving notice of their intention to bring the lease to an end on the other party. The lease should outline the manner in which service should be effected i.e. whether by hand, registered post and/or electronic means. It should also state the notice period required, where the notice should be served and who the notice should be served on. Notice requirements are very technical and strictly construed and must be followed to the letter for the exercise of the break clause to be valid.

- <u>Any conditions which must be satisfied in order for a party to exercise the right to break the lease</u>. It is not uncommon for certain pre-conditions to be attached to the right to exercise a break clause. Both parties need to examine any proposed pre-conditions carefully to ensure that they are not vague or too onerous. For example, the landlord may propose a clause which states that the tenant must have paid the rent and all other sums due under the lease and performed and observed the covenants and conditions of the lease as a pre-condition to validly exercising the break clause. This may seem simple enough, but disputes often arise in relation to such a condition given the various sums of money that may be due in addition to the rent (such as default interest, utilities and repair costs for damage caused by the tenant) and the wide range of covenants and conditions that are contained in the lease. Such a broad clause often leaves the door open for the landlord to challenge the tenant's exercise of the break clause.

Even with the most carefully drafted break clause, there are simple steps that landlords and tenants can take to avoid common mistakes in the exercise of their break clauses.

To avoid missing the deadline dates, keep a proper record of the break dates and any required notice period. Plan to review your lease and your circumstances well in advance of the dates stipulated in the lease so that you can take the necessary steps needed to exercise the break clause in time.

If there are pre-conditions to the exercise of the right, keep clear records of your compliance (e.g. receipts for payments made) and written confirmation of any waivers granted. If compliance with covenants is a pre-condition and there was a breach of covenant that was remedied you should get and keep written confirmation from the other party that the breach was remedied to their satisfaction.

It is advisable that the parties make careful note of when the notice has to be served and keep evidence of the service.

Most importantly, seek advice from an experienced property law attorney prior to exercising the right to ensure you comply with all of the requirements.

Miss Jaina O. Colucci

Change Brings Opportunity: Revisiting the Planning and Development Framework of Barbados

By Miss Jaina O. Colucci, Senior Associate

As has happened historically, societal progress often calls for reflected change in governing laws. With the overarching goal of implementing a much needed transformation in Barbados' system of development, the recently passed Planning and Development Act, 2019-5 ("**PAD Act 2019**") not only promises to give greater regard to the potential impact of future developments on the environment, as discussed in our last issue, but seeks to improve transparency and efficiency in the approval process, as well as placing greater focus on cultural heritage protection. Though the PAD Act 2019 has not yet come into operation, in this article we examine four major proposed changes envisioned in the PAD Act 2019.

Efficiency

The PAD Act 2019 may be characterized as an in-depth reform and supports a general presumption in favour of sustainable development. One of the most significant changes is the establishment of the Planning and Development Board ("**the Board**") under section 5[1]. The Chief Town Planner currently acts almost autonomously under the Town and Country Planning Act, Cap. 240 ("**TCP Act**"); under the new governance structure however, a new statutory body corporate will be responsible for implementing policies framed in accordance with the new legislation and also for the ultimate determination of applications for development in accordance with section 32[2] of the PAD Act 2019. However, in accordance with section 10 (1), the Board may (with the prior approval of the Minister) delegate any power or duty of the Board to the Chief Town Planner.

Applications will initially be received by the Planning and Development Department, which among other things, will review and evaluate the applications and all supporting documents, carry out site inspections and coordinate with referral agencies[3]. A statement of recommendation and observations is then submitted to the Board for determination[4]. The aim of this particular arrangement is to aid with meeting delivery targets. Strict timelines are to be imposed and the clock starts running once the Board has received all of the required information and a complete application has been made[5].

Twelve (12) weeks have been allotted for applications where an environmental impact statement must be submitted, ten (10) weeks for complex applications[6] and six (6) weeks for all other instances[7]. In any case these time frames may be extended upon an agreement in writing between the Chief Town Planner and the applicant, giving the applicant recourse to the Appeals Tribunal[8] if the timeline is not met.

Very often delay is encountered when liaising with the various referral bodies for technical advice, but the new legislation intends to circumvent this situation by allowing the Board to disregard the comments of any agency if they fail to respond within the timelines[9]. Thus, the extended wait time previously borne by applicants should be effectively avoided.

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[1] The Board will consist of the Chief Town Planner and twelve other persons – ex-officio members from relevant Government Departments; persons representing professionals involved in development; and members of the legal profession, financial institutions, etc.

[2] To be compared to section 16 of the Town and Country Planning Act. Cap. 240.

[3] "Referral agency" is defined under the PAD Act 2019 as a ministry or department of Government or statutory body to which applications for planning permission are routinely or occasionally referred for technical advice.

[4] Section 32(1) of the PAD Act 2019.

[5] The Board may request additional information within the prescribed time limits and the period for processing the application will only commence when this additional information is received.

[6] First Schedule of the PAD Act 2019.

[7] Section 34 of the PAD Act 2019.

[8] The Appeals Tribunal is established and its functions are set out in Part XI of the PAD Act 2019.

[9] Section 28(3) of the PAD Act 2019.

Change Brings Opportunity: Revisiting the Planning and Development Framework of Barbados, …Cont'd

By Miss Jaina O. Colucci, Senior Associate

Additionally, the new legislation provides for different types of applications such as:

- Applications to determine if permission is required[10];
- Approval in Principle[11];
- Provisional Refusals[12]; and
- Certificates of lawful use or development[13].

The approvals in principle and provisional refusals may prove critical. Approval in principle is not actual permission and does not give an applicant the right to construct nor does it entitle them to any form of compensation. However, it allows for the avoidance of wasted investment up front, where developers are allowed to discover the adequacy of their development concept before any detailed preparation for the proposed development begins. Provisional refusal may also be beneficial to a developer, as a decision of refusal will indicate what revisions are necessary before permission will be granted by the Board, thus lending to more certainty in the application process early on.

Transparency and Inclusion of the General Public

Planning legislation such as the PAD Act 2019, whether intentionally or not, are likely to have a social impact. It is therefore notable that the PAD Act 2019, as drafted, strives to encourage public participation. It provides access to applications and plans for development as public information, creating opportunities for persons or communities to be involved in the decision-making process.

Additionally, public registers will be accessible electronically and in hard copy[14]. Provisions are also made for the Board to consider any objections, representations, concerns or comments made by the general public. This participatory approach is likely to:

- enhance the community's general acceptance and involvement in future development projects;
- offer potential improvement to project design, where knowledge from within the community (such as experience with the topography or water patterns in the area being developed) can be incorporated into designs; and
- ensure more equal distribution of the benefits to be derived from the development.

Stronger Cultural and Heritage Protection

Throughout the Caribbean much emphasis is placed on our tourism industry and countries are tasked with preserving their natural and cultural heritage resources. The TCP Act imposes penalties for non-compliance in limited instances and has been viewed as a poor deterrent, not adequately reflecting the severity of the offence.

Part VI of the PAD Act 2019 lists buildings which fall under its protection and intentionally seeks to address the demolition or alteration of listed buildings, by bringing these types of development processes within the scope of the planning control and requiring consent for the same[15].

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[10] Section 22 of the PAD Act 2019
[11] Section 25 of the PAD Act 2019.
[12] Section 32(4) of the PAD Act 2019.
[13] Section 43 of the PAD Act 2019.
[14] Section 98 of the PAD Act 2019.
[15] Section 53 of the PAD Act 2019.

Change Brings Opportunity: Revisiting the Planning and Development Framework of Barbados, …Cont'd

By Miss Jaina O. Colucci, Senior Associate

With the assistance of heritage interest groups, such as the Barbados National Trust[16], Part VI of the PAD Act 2019 also refines the listing process itself and provision is made for the emergency listing of a building, monument or site to offer interim protection, until it can be formally added to the list[17].

Comprehensive provisions are also made for:

- places of natural beauty or interest, expanding to both sub marine and subterranean areas;
- Tree Preservation Orders;
- Heritage Conversation Areas;
- Preservation of Amenity, where notices can be served on owners of buildings, vacant land or property deemed to be despoiling the amenity of any part of Barbados; and
- more effective provision for penalties and offences for those persons who contravene the restrictions imposed on listed buildings, monuments and sites.

Conclusion

Innovative features such as the approval in principle which allows for pre-consultation, together with the extended discretionary powers of the Board in their decision making, will not only save developers both time and money, but will give way to a more efficient and open system. This is especially so where the new legislation promotes the idea that the Board is guided by a presumption in favour of granting permission. What is more promising are the continued discussions to make Barbados' development and planning framework a possible 'one stop shop' for all developer and planning needs.

[16] Section 5(c) - One of the members of the Board will be appointed by the Minister on the recommendation of the Barbados National Trust, which further encourages the involvement of these types of groups in the approval process and lends further insight into what considerations ought to be given for these areas.

[17] Section 55 of the PAD Act 2019.

Mr. Dario A. Welch

Sugar Cane or Mary Jane: The Story of Barbados' New Medicinal Cannabis Industry

By Mr. Dario A. Welch, Senior Associate

"Some got gold, and oil and diamonds, all we got is Mary J"

"Legalise it, time you recognise it"- Sean Paul

Almost two decades ago the Jamaican and regional artiste Sean Paul released a smash hit called "We Be Burnin' (Legalise It)", and if you listen to the words of the song carefully you would hear it encapsulates a call for the legalisation of cannabis. He posits that there are some economic benefits to be derived from the cultivation of the plant and in fact there may also be medicinal benefits to its use. As he puts it, cannabis can be "good fi di eye sight". Fast forward to present day Barbados and gone are the days where we rely mainly on the products of our sugar cane fields resulting in the government of Barbados passing the Barbados Medicinal Cannabis Industry Act 2019-44 ("**the Act**") in another effort to diversify the Barbadian economy.

While the Act is not yet in operation and will only come into operation on a date to be fixed, it provides for the regulation of the handling of medicinal cannabis in Barbados and the issuing of licences for the handling of medicinal cannabis among other things. According to section 2 of the Act, medicinal cannabis means:

a) cannabis;
b) seeds, immature plants as well as all parts of the plant, along with resin extracted from any part of the plant;
c) every compound, manufacture, salt, derivative, mixture or preparation from cannabis; or
d) cannabis concentrate

that is cultivated, processed, manufactured, distributed, sold, tested or analysed under a licence granted pursuant to the Act.

In order to develop the medicinal cannabis industry, section 30 of the Act provides a wide range of categories for which the Barbados Medicinal Cannabis Licensing Authority[1] ("**the Authority**") is empowered to issue medicinal cannabis licences. A person may therefore apply to the Authority for the following licences pursuant to section 31 of the Act:

a) a Cultivator Licence (Tier 1[2], Tier 2[3], Tier 3[4] or Tier 4[5]) for growing, harvesting, drying, trimming, curing or packaging medicinal cannabis;
b) a Research and Development Licence, for conducting scientific research in order to improve or further develop cannabis for medical, therapeutic or scientific purposes;
c) a Laboratory Licence for conducting tests and analytical services associated with improving or further developing medicinal cannabis;

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[1] The Authority is a body corporate established under section 3 of the Act. The functions of which include but are not limited to:

i. developing policies, procedures and guidelines to establish the medicinal cannabis industry and to ensure that medicinal cannabis is available to patients in a safe and efficient manner;
ii. regulating the handling of medicinal cannabis;
iii. issuing licences in relation to the handling of medicinal cannabis in accordance with the provisions of the Act; and
iv. developing enforcement procedures in relation to the inspection of premises that are operated by a person in order to ensure compliance with the provisions of the Act or any regulations made pursuant to the Act.

[2] For a Tier 1 cultivator licence the area of land utilised must not be more than 1 acre.
[3] For a Tier 2 cultivator licence the area of land utilised must be more than 1acre but not be more than 5 acres.
[4] For a Tier 3 cultivator licence the area of land utilised must be more than 5 acres but not more than 25 acres.
[5] For a Tier 4 cultivator licence the area of land utilised must be more than 25 acres.

Sugar Cane or Mary Jane: The Story of Barbados' New Medicinal Cannabis Industry,... Cont'd

By Dario A. Welch, Senior Associate

d) a Processor Licence (Tier 1[6], Tier 2[7] or Tier 3[8]) for the processing and manufacturing of cannabis material and medicinal cannabis products;
e) a Retail Distributor Licence, for the operation of a therapeutic facility for the dispensing of medicinal cannabis to patients;
f) an Import Licence, for the importation of medicinal cannabis products and planting material from any country where it is legal so to do;
g) an Export Licence, for the exportation of medicinal cannabis or medicinal cannabis products to any country in keeping with the laws of any such country; and
h) a Transport Licence, for the transport of medicinal cannabis.

Of particular note, a successful applicant for a Research and Development or a Laboratory Licence is entitled to receive an import and export licence to be used with reference to the said Research and Development or Laboratory Licence[9]. Additionally, while you may be issued with a Retail Licence under the Act, that does not mean that you may offer medicinal cannabis for sale wherever you so desire as it is an offence to sell, offer for sale or offer for free distribution, medicinal cannabis, cannabis or any derivatives or samples thereof at any convention, trade show or at a public or private event.[10]

As is expected, the Act sets out some eligibility criteria relative to the types of persons who may apply for a licence under the Act. The Act provides for applications to be made by both natural and juridical persons. The criteria[11] stipulates that applicants must:

a) be 18 years of age or older;
b) be a citizen of Barbados;
c) be a permanent resident of Barbados;
d) have immigrant status in Barbados;
e) be a citizen of a CARICOM Member State[12], other than Barbados; or
f) be a company, partnership or co-operative society.

Possibly in an effort to prevent persons who have real and current substance abuse issues from obtaining a licence under the Act; an individual who submits an application for a licence under the Act is required to submit a certificate from a medical practitioner[13] stating that the applicant is not dependent on a controlled drug as defined by section 3 of the Drug Abuse (Prevention and Control) Act, Cap. 131. Similarly where a partnership applies, a certificate from a medical practitioner must be provided which indicates that a member is not dependent on a controlled drug.

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[6] For a Tier 1 processor licence the processing area must be not more than 200 square metres.
[7] For a Tier 2 processor licence the processing area must be more than 200 square metres but not more than 500 square metres.
[8] For a Tier 3 processor licence the processing area must be more than 500 square metres.
[9] Section 31(2) of the Act.
[10] Section 42(1) (a) of the Act.
[11] Section 32(1) of the Act.
[12] In accordance with section 2 of the Act "CARICOM Member States" or "CARICOM" means the countries or territories which are party to the Revised Treaty of Chaguaramas establishing the Caribbean Community, as well as the CARICOM Single Market and Economy, that was signed in the Bahamas on 5th July, 2001.
[13] As defined by the Medical Profession Act, 2011-1.

Sugar Cane or Mary Jane: The Story of Barbados' New Medicinal Cannabis Industry,... Cont'd

By Dario A. Welch, Senior Associate

Notably, in accordance with section 33(4) of the Act, a company, partnership or co-operative society shall not be eligible to apply for a licence unless thirty (30%) of the company, partnership or co-operative society is owned by a citizen, permanent resident, person with immigrant status or is a citizen of a CARICOM Member State. However this percentile ownership requirement does not apply in relation to Research and Development or Laboratory Licences.[14]

In addition to the eligibility criteria set out in the Act, the Authority is empowered to prescribe regulations pertaining to the eligibility criteria for applications for each licence[15] and the Minister is also empowered to make regulations (with the approval of the Authority) which prescribe the category of person who can apply for each type of licence[16]. These regulations would be beneficial to applicants in order to increase the efficiency, speed and transparency of the application licensing process.

Disqualification from eligibility to apply for a licence under the Act is automatic upon the conviction of a person of an offence listed in the Second Schedule to the Act or of any other similar offence in any other country[17]. These convictions include:

a) a conviction under the Anti-Terrorism Act, Cap. 158;
b) a conviction under the Money Laundering and Financing of Terrorism (Prevention and Control) Act, 2011;
c) a conviction for an indictable offence under specified sections of the Drug Abuse (Prevention and Control) Act, Cap. 131;
d) a conviction for an offence under specified sections of the Firearms Act, Cap. 179;
e) a conviction for an offence under specified sections of the Theft Act, Cap. 155; or
f) a conviction for an offence under specified sections of the Trafficking of Persons Prevention Act, 2016.

While no regulations have been published as yet, it seems quite possible that applicants may be required to submit a police certificate of character or some form of sworn evidence indicating that they have not been convicted of any of the specified offences.

In order for the Authority to maintain control and discretion in relation to the types of persons who are issued with licences and to ensure that the requisite vetting processes have been adhered to; licences issued pursuant to the Act are non-transferable[18] and may be subject to conditions which the Minister responsible for Agriculture and Food Security may impose by regulation[19]. These licences will be valid for a period of

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[14] Section 32(5) of the Act.
[15] Section 32(6) of the Act.
[16] Section 43(2) (g) of the Act.
[17] Section 32(3) of the Act.
[18] Section 31(3) of the Act.
[19] Section 33 of the Act. The Minister is empowered by section 43 of the Act to make regulations for any matter that is required or permitted to be prescribed and for carrying out or giving effect to this Act, but such regulations must be approved by the Authority.

Sugar Cane or Mary Jane: The Story of Barbados' New Medicinal Cannabis Industry,... Cont'd

By Dario A. Welch, Senior Associate

five (5) years but a person who holds a licence may re-apply for a new licence and such a re-application must be made no later than three (3) months from the expiration of the then current licence[20]. One should be aware that licences are capable of being suspended or revoked by the Authority where:

a) a person issued with the licence is convicted of an offence under the Act;
b) a person issued with the licence contravenes a term or condition of the licence granted; or
c) the Minister requires the suspension or revocation of the licence in the interest of public health or public safety.

While a person who is authorised to undertake any activity under the Act is protected from criminal liability, to the extent that the activity is authorised by, and conducted in accordance with the provisions of the Act[21]; persons must not cultivate, supply, possess, or obtain medicinal cannabis for any of the purposes specified under the Act, unless that person is the holder of the relevant licence, as failure to do so will result in the person being guilty of an offence and liable on conviction on indictment to a fine of 15 times the value of the medicinal cannabis cultivated, supplied, possessed, or obtained or to imprisonment for a term of ten (10) years or to both.

So what happens if your application is denied? An aggrieved applicant for a licence has the right pursuant to section 39 of the Act to appeal to the Cannabis Appeals Tribunal[22] ("**the Tribunal**") against a decision of the Authority within fourteen (14) days of the date of the decision or within such longer period as the Tribunal may allow in special circumstances. Subsequently, a party to an appeal determined by the Tribunal who is dissatisfied with the determination may appeal to the High Court against the decision in accordance with the rules of the court. The appeal to the High Court must however be made within thirty (30) days after the party is notified of the decision of the Tribunal.

In light of the above, it is fair to say that the Government of Barbados is currently recognising the benefits of cannabis and has made a commitment not to be left behind in the international movement relative to the relaxation of laws relating to cannabis. A caution to all and sundry though is that the Act does not provide a carte blanche decriminalisation of the use of cannabis in Barbados and the development of the medicinal cannabis industry may be deemed a very progressive move by the current government.

It is quite possible that in the near future you may see the establishment of facilities where patients are allowed to use and consume medicinal cannabis for therapeutic purposes, and old Bajan cane fields and plantations transformed to allow for cultivation of what many have termed over the years "Mary Jane".

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[20] Section 34 of the Act.
[21] Section 37 of the Act.
[22] Established by section 38 of the Act.

ATTORNEY PROFILE

Mr. Dario A. Welch, Senior Associate

In this issue we continue our series of profiles of the firm's associates and turn our focus on Mr. Dario A. Welch.

Dario is a senior associate in our property department where he advises local, regional and international clients in the areas of conveyancing, residential, commercial and agricultural leases, secured lending, title suits, asset purchase agreements and condominium developments.

After becoming a Barbados Exhibition winner in 2009, Dario obtained his LL.B from the University of the West Indies, Cave Hill, in 2012 and was designated a UWI Vice Chancellor Alumni Ambassador. Later that same year, through a summer law programme with the Washburn University School of Law in the USA, he pursued courses in global intellectual property enforcement as well as comparative and international taxation.

He joined the firm in 2014, shortly after obtaining his Legal Education Certificate from the Hugh Wooding Law School in Trinidad & Tobago and being called to the Bar in Barbados. While at Hugh Wooding, Dario completed training in the school's mediation advocacy programmes. He also participated in the corporate law specialist clinic at the Trinidadian law firm of Fitzwilliam Stone Furness-Smith & Morgan.

Outside of the firm, Dario currently serves as a member of the Disciplinary Committee of the Barbados Bar Association and is keen on engaging in volunteer work.

Initiative with the Nightingale Children's Home

In the spirit of giving and fostering relationships, our staff committee partnered with the Nightingale Children's Home during the Christmas season to present gifts to the children. Many members of our staff volunteered to take part in our Christmas drive by purchasing a gift for a specific child with the added bonus of winning a prize for the most creatively wrapped present.

Our Ms. Clare Griffith, who won the prize for the most creatively wrapped present, was presented with her prize at our annual Christmas Luncheon.

(Pictured here is our Ms. Janelle Knight presenting a gift to the Nightingale's Children's Home)

Workshop

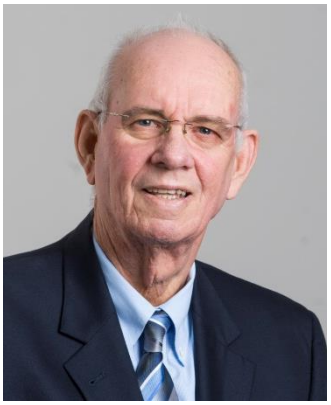
Our Mrs. Rosalind Smith Millar, Partner in our Property and Intellectual Property departments, recently attended the TAIEX-Partnership Instrument Multi-Country Workshop on the EU General Data Protection Regulation in the Caribbean Context from 29 - 30 January 2020 in Barbados, a two-day workshop which examined:

(i) The impact of E-commerce, Data Protection, Privacy Rights and the GDRP on the trade in goods and services in Cariforum states;

(ii) The prevalence and state of play of data protection policy and law in the Caribbean; and

(iii) How to become and stay compliant with GDPR.

Independence Day honour



We congratulate our Mr. T. David Gittens, CHB, Q.C., Senior Partner, for being appointed a holder of the Companion of Honour of Barbados. He was awarded this distinguished national achievement and merit for his outstanding work in the legal profession and public service amongst the list of the National Honours on the occasion of the 53rd Anniversary of Independence of Barbados.

CGF NEWS Cont'd…

Saying Thanks

"Showing gratitude is one of the simplest yet most powerful things humans can do for each other." — Randy Pausch

Our Partners recently honoured four (4) of our staff members who have given so much to us over the years and who continue to serve in humility. These wonderful gems are:

- Frances Tempro: 46 years of service;
- Erith Waldrond: 43 years of service;
- Jennifer Deane: 39 years of service; and
- Rosaline Hayde-Gill: 36 years of service.

(Pictured here from left to right are Mrs. Rosaline Hayde-Gill, Mrs. Frances Tempro, Mrs. Jennifer Deane and Mrs. Erith Waldrond)

Christmas Office/desk decorating competition

Who is the greatest Who in Whoville? Our Mr. Dario Welch and Ms. Ruth Henry, two Senior Associates in our Property Department, dubbed 'Mr. and Mrs. Santa Laws', won our Christmas office/desk decorating competition and were given the wonderful prize of a stuffed Mr. Grinch (pictured below).

(Pictured here are our Dario and Ruth with their prize!)

CGF POINT OF LAW

CGF POINT OF LAW published by Clarke Gittens Farmer is an e-Newsletter for clients, colleagues and friends of the firm. This e-Newsletter provides an overview of notable news and legal developments.

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CLARKE GITTENS FARMER ATTORNEYS AT LAW

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