

## BARBADOS STRENGTHENS RELATIONSHIP WITH CANADA-CARICOM FRIENDSHIP GROUP



Sadie [Dixon](#)

A Central Bank of Barbados delegation, led by the Governor Dr DeLisle Worrell and comprising Mrs Marlene Bayne, Director of the Bank Supervision Department, Mr Anton Belgrave, Deputy Director of Research, Ms Tamara Hurley, Risk Assessment Analyst, Ms Sadie Dixon, Legal Counsel and Dr Don Oliver, Consultant to the Government of Barbados, held fruitful discussions with [Senator Don Meredith](#), the Chair of the Canada CARICOM Friendship Group along with his Vice Chair Senator Tyrone Benskin and several of his parliamentary colleagues in early September 2014. This Group's mandate is to facilitate economic development within CARICOM.

In an effort to maintain and generate more international business from Canada, this country's main international business jurisdiction, a delegation from the Bank travels to that North American country annually to meet with key Canadian government officials, regulators and private sector representatives. The delegation updates the Canadians on the country's economic prospects, reinforces the robustness of the country's financial regulatory standards, and pursues meaningful networking opportunities.

The Governor made a presentation on Barbados' economy and gave an overview of the standard that Barbados has set itself as an international financial services centre. The team fielded questions from the enthusiastic members of the Group on a wide range of topical matters from Barbados' conclusion of an Inter-Governmental Agreement with the USA on FATCA to the economic advantages of maintaining the Barbados dollar peg to the US dollar and Barbados' stance on anti-money laundering measures. Interaction amongst those gathered was robust and there was no doubt that there is interest in continuing Canadian investment in Barbados, but not just in the traditional areas. Much discussion surrounded the alternative energy sector in Barbados and possible investment by Canadians into this sector. This area of investment was under constant and vigorous discussion as the Island tries to find sustainable solutions by using sun and wind power to generate electricity. Partnerships with Canadian interests in this sector would thus be welcomed, the Group heard from the Barbados delegation.

At the conclusion of these talks it was agreed that it was critical to strengthen the relationship between Barbados and this Group and that this was achievable through the maintenance of contacts made at the meeting so that both parties can collaborate on our activities and initiatives. It was also determined vital to create a networking database and an annual event to connect persons with similar and complementary investment interests; and further, it was decided that the Group will, on an ongoing basis, signal to Barbados any opportunities in respect of which Barbados can capitalise.

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*At left: Christmas comes to sunny Bridgetown.*



[Alison Manzer](#)

## ***BARBADOS: KEEPING CANADA IN THE PICTURE***

**T**he credit crisis of 2008 has set off a chain of, essentially worldwide, consequences which are disproportionately continuing to affect the Caribbean region. Barbados is far from isolated from these effects, and must ensure that it clearly recognizes and rises to the challenges presented by economic change that is both persistent and pervasive. Part of the way forward for Barbados could be looking at new connections with Canada, and a different way of focusing the attraction of Barbados as a business environment, in order to minimize the adverse effects of this grouping of relatively recent challenges.

In recent months, there has been a decreasing interest, particularly in the corporate sector, in aggressive tax planning which has been the hallmark of much of the interest in investment in or through the Caribbean. The OECD project on base erosion and profit sharing issued its action plan in July 2013 and produced its first set of recommendations on September 16, 2014, and these are likely to have an adverse effect on the attraction of business to jurisdictions such as Barbados unless it is carefully considered and strategic plans made to deal with its key issues. A permanent establishment, a taxable nexus in a country, and proper valuation of intergroup services such as management fees will be key to continued success in the international business corporate structure arrangements, where Barbados has had some considerable success to date.

Barbados will need to look to its traditional business partners, the Canada-Barbados connection being disproportionately large for both Canada and Barbados, to see the way to further its strategic plans in light of these considerable challenges. Recognizing the fundamental underlying strategic purposes for the attraction of international business allows a refocus of the sectors where Barbados can contribute value, attract interest and present a viable plan for Canadian oriented, headquartered, international corporate groups. With decreasing interest in structures merely designed for tax purposes, other value propositions need to be put forward by Barbados.

Barbados' focus should now shift towards identifying sectors that can be properly, fully, and effectively located anywhere in this global economy, with full technological capabilities of operation and transmission from anywhere. Development in these areas both meets Barbados' interests of improving employment, skills and training and the new challenges which have been put forward both by Revenue Canada's attack on tax structured arrangements without sufficient active business in Barbados, and the Base Erosion and Profit Shifting (BEPS) recommendations to the same effect. Sectors such as health care, pharmaceutical and chemical research, electronically based technology among others can be suitable for development in Barbados. In order to make these attractive offerings Barbados must present itself as a business location, and not strictly a financial and tax structuring jurisdiction.

Support for research and development and access to information and training regarding the sectors of interest will need to be enhanced. Immigration, and other aids to ease of relocation, permitting the establishment of research and development, and fully functioning business units, need to be identified, structured, advertised, and appropriate connections made. In Canada significant technological hubs are developing in the Waterloo and Ottawa regions in Canada, and a careful review of those growing sectors, and the identification of areas where a Barbados location may provide enhanced benefits should be considered. These enhanced benefits can be availability of expert personnel, educated staff, lower cost operations, ease of global immigration (a topic which is of some difficulty in Canada), among other offerings. This changes the offering of Barbados to one of support for research and development, the assembly of globally skilled workforce, and a welcoming work environment rather than promoting the benefits of a lower tax environment for structuring purposes.

Success will require an analysis of emerging areas in Canada where Barbados, with its much smaller economy, can provide niche support in key areas of development. The scientific community in Canada is expressing significant concerns about a lack of support in research and development, the development of

*(continued, Page 6)*

## **SEPT 11 IFCs CONFERENCE LEADS TO RECOMMENDATIONS**

**I**n this fast moving Digital age, Barbados is a unique and quietly successful International Financial Center.

Its uniqueness has helped shelter it, so far, from the worst impacts of Base Erosion and Profit Shifting (BEPS). And this uniqueness is exemplified, for example, by acknowledged Good Governance in its institutions; proven record of continuously improving regulatory oversight; its vast network of double taxation treaties and a democratic country with stable political environment premised on the Rule of Law.



[Sen. Don Oliver](#)

These qualities require constant attention. We are all painfully aware that the Organisation for Economic Cooperation and Development (OECD), G-20 inspired BEPS Action Plan may recommend changes to standards and transfer pricing rules that could materially affect Barbados' uniqueness. So, to ensure that Barbados is out in front and is an integral part of the solution, (and not the problem), Invest Barbados hosted an International conference in September "**IFCs in a Borderless digital economy**," that produced many invaluable safeguards to "The Barbados Advantage".

### **What was recommended, and what is the way forward?**

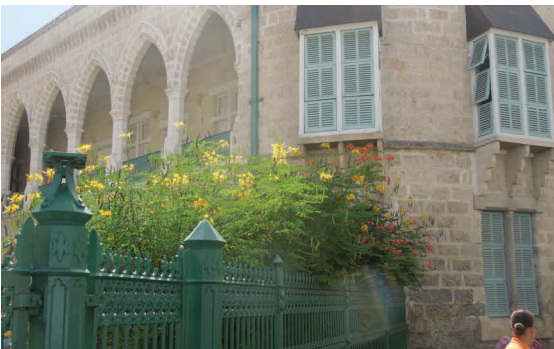
The IFC Conference participants were told that International organizations should focus their energies on regulating "products" rather than countries; that any OECD recommendations must not create any legal uncertainty that could result in IFCs facing double taxation again and that legitimate business transactions, (at the heart of the Barbados Advantage), must be permitted to continue with Barbados as a significant conduit to Global Trade.

We all understand that corporations, particularly those in Barbados, do not exist solely to pay taxes, and they must be seen by the OECD as creators of the resources that permit social development and economic activity. Any new standards flowing from the OECD Action Plan must not impede IFCs ability to help in the creation of new markets.

Barbados must therefore focus on an extension of proven strengths and successes as a buttress against any change in standards and rules of doing business. Barbados wants to remain an innovative IFC leader in the era of the Digital economy.

Going forward into 2015, there are several emerging trends that present vast opportunities for Barbados. Barbados has made great progress in new ITC infrastructure, and has a competitive advantage over others. It should deepen and broaden itself as an expert in international legal advice, and give immediate consideration to enlarging its training facilities for investment advisors skilled in Big Data Analytics. This will help make Barbados a prime destination for digitally advanced Asset Management. Barbados could become a Global centre of excellence for Intellectual Property Law, where advanced research could be conducted on the taxation of "patent boxes", and, perhaps, even the incubator for housing the research arms of Global Institutions.

The way forward for Barbados is bright, exciting and can be transformative.



Two views of the Parliament Buildings: (Left) Dwarf Poinciana, the national flower of Barbados, in full bloom near Parliament's main entrance. (Right) The majestic clock tower of the Parliament Buildings as seen from Independence Square.



## ENJOYING A 50<sup>TH</sup> ANNIVERSARY: THE BARBADOS IBC



[Sir Trevor Carmichael](#)

Anniversaries are generally times for both reflection and introspection, and they also serve as platforms for further progress as well as new policies. In 2015, Barbados celebrates fifty years of a legislative presence in the form of a modern international business marketplace. For the original 1965 International Business Companies Act has not reached that special milestone of regular and rigorous use and acceptance. Indeed, the birth of the legislation and its subsequent use has mirrored the structure and function of Barbados' later financial services development. As a tool for the tax planner, its' transparency has been a critical component of success. For Barbados as a tax treaty jurisdiction has consistently required a piece of legislation which not only attracts tax - albeit a low one - but also carries an imprimatur of certainty and transparency. In this

regard, the licensing regime which was introduced just prior to the thirtieth year of the Act was a deft countervailing measure to the later jurisdictional transparency attacks of the OECD and other regional and international interest groups.

More recently, as a precursor to its 50th year, the licensing regime of the legislation has been made more user friendly and given greater certainty. Hence, on August 25, 2014, The International Business (Miscellaneous Provisions) Act 2014 came in to effect; making provision for an indefinite licence and also introducing a revised fee structure to all international business companies and the later introduced Society with Restricted Liability. The new fees and processes may succinctly be summarised as follows: All currently valid and issued licences of International Business Companies and International Societies with Restricted Liability are now be considered indefinite licences and remain valid unless cancelled. Furthermore, licences are subject to cancellation by the Minister of International Business where, *inter alia*, a licensee fails to comply with a condition of its licence. The licence now specifies that as regards any year, the licensee must pay a prescribed annual fee (**now US\$500.00**) **on or before December 31** of the preceding year. Furthermore, **on or before December 31**, the licensee submits to the Ministry, together with the annual fee, an **annual form** providing whatever information is required by the Minister. On payment of the annual fee and submission of the annual form, a receipt is now issued, a renewal licence is no longer issued by the Ministry.

This new administrative protocol is timely as the international business company legislation reaches its fiftieth year of operation. For it is evident that as the global economy continues to expand exponentially, greater opportunities are presented for the use of the international business corporation. Its' ability to perform an international licensing and franchising role and to receive favourably taxed royalties is legendary. So too is its frequent use in the areas of commodities trading, international product development, international sports promotion, and international human resource and deployment services - which are merely a few examples of its extraordinary versatility.

At fifty years, the IBC will continue to serve a corrective agent as investors and owners seek to employ creative ways of falling and shifting revenues brought about by the contagion of falling oil prices. With an absence of wage growth and the ever present prospect of sliding deflation, many international planners continue to search for ways of cleansing a toxic cocktail where oil has served as a catalyst even if fears are exaggerated. Nevertheless, whatever may be the true reality and its consequences, the IBC as a planning structure continues to assume its own magic, seeking to simplify planning responses and solutions.

Barbados may proudly acknowledge itself as a useful part of the ongoing puzzle, as its IBC legislation at fifty years continues to thrive ..... and to achieve.

**Barbados Treaty Update** (Sources: [Ministry of Foreign Affairs and Foreign Trade](#), and [IFC Review](#))  
**January 10, 2014**—the DTA Protocol signed with Canada became effective.

**April 25, 2014** - The double taxation agreement (DTA) between Singapore and Barbados came into force on April after the completion of ratification procedures by both sides.

**Sept 24, 2014** - Barbados signed an income tax treaty with the United Arab Emirates (UAE); it will come into force after the parties exchange ratification instruments.

**Nov 18, 2014** - Minister Donville Inniss signed the Foreign Account Tax Compliance Act (FATCA) Agreement on behalf of Barbados at the US Embassy; it was co-initialled by Ambassador to Barbados, Dr Larry Palmer.

**Nov 25, 2014** - Barbados and Republic of Colombia signed a Tax Information Exchange Agreement (TIEA). It was signed in Washington by the Ambassador of Barbados to the United States Hon John Beale and the Ambassador of the Republic of Colombia to the United States Honourable Luis Carlos Villegas.

**SIR TREVOR RECEIVES NATIONAL HONOUR FROM MEXICO**

**IBFS NEWS** joins the business community and other well-wishers in congratulating **Sir Trevor Carmichael, Honorary Consul of Mexico in Barbados**, on receiving the order of Aztec Eagle. The highest decoration awarded to foreigners in Mexico, the honour was bestowed by the Minister of Foreign Affairs, José Antonio Meade Kuribreña during the Sixth Mexican Honorary Consuls Meeting held in Mexico City during June of this year.

The award recognises the fact that Sir Trevor has carried out this role in an exceptional and highly professional manner, working to promote business, culture and tourism between the two countries and providing an outstanding level of consular attention to the requirements of the office for over twenty eight years.

Mexico has 160 Honorary Consuls worldwide and approximately 102 of those countries from 57 countries attended the Meeting, during which they met President Enrique Peña Nieto and the Ministers of the Economy, Finance, Tourism and Culture as well as the Director-General of ProMexico (the Mexican agency equivalent to BIDA and Invest Barbados).

In his response, Sir Trevor reflected on the near thirty-year period in which he has served Mexico in Barbados and other parts of the Caribbean. Regarding the experience as an honour and a privilege, he spoke of the satisfying results he has seen, noting two in particular: (1) the realization of visa-free travel between the two countries, and (2) the conclusion of a landmark Double Taxation Treaty which is already reaping mutual benefits in the areas of trade, investment and insurance, involving both private and public sectors in their respective roles.



*The Order of the Aztec Eagle was established in 1933 as Mexico's highest honor for foreign citizens. Recipients have included Sen. Edward M. Kennedy, Nelson Mandela, Bill Gates, Dwight Eisenhower, Queen Elizabeth II, and now Dr. Sir Trevor O. Carmichael, Q.C. of Barbados. Photo and background information courtesy [Brown University](#).*

**RECENT LEGISLATIVE DEVELOPMENTS**

Statute	Purpose	Status
Income Tax Amendment Bill, 2014	To amend the Income Tax Act to include the provision of product warranty services among the range of services in respect of which a person may obtain a tax credit for foreign currency earnings.	Passed by both Houses of Parliament.
Electronic Filing Bill, 2014	To make provision for information, forms and documents to be electronically filed with the Registrar of Companies in respect of a legal person or entity.	Passed by both Houses of Parliament.
Corporate (Miscellaneous Provisions) Bill, 2014	To provide for the strengthening and improvement of the corporate regulatory framework in Barbados by amending multiple enactments.  One of the matters addressed in this Bill is an amendment to the <i>Companies Act</i> to mandate that a record of the beneficial ownership of companies incorporated or registered in Barbados is kept. This is to ensure compliance with the OECD standard on beneficial ownership.	Passed by both Houses of Parliament.

## **BARBADOS NOW ON OECD GLOBAL FORUM STEERING COMMITTEE**

**D**uring the 7th Annual Meeting of the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes, in Berlin from October 28 to 29, Minister of Industry, International Business and Small Business Development, Donville Inniss, was elected to serve as a member and Vice Chair of the Steering Committee of the Organization for Economic Cooperation and Development (OECD) Global Forum.



*Minister Donville Inniss (centre) during the 7th Annual OECD Global Forum meeting in Berlin. Photo courtesy the Barbados Government Information Service.*

Barbados was also represented at the meeting by Advisor to the Ministry of International Business, Francoise Hendy-Yarde, who is based at the Barbados High Commission in London. The 18-member Steering Committee is composed of the Chair (South Africa) and Vice-Chairs (China, Germany and Barbados), along with Chair and Vice Chairs of the Peer Review Group (France and Cayman Islands, India, Singapore and the United Kingdom), Chair of the Automatic Exchange of Information Group (Italy) and nine other members.

The meeting is reported as being highly productive, with a number of major outcomes. Key among them was the delegates' resolve to take tax transparency to a new level and implement the new standard on Automatic Exchange of Information (AEOI) by 2017, or by end of 2018, accompanied by an expression of support for its members (especially developing countries) to participate in the new, transparent EOI environment. The meeting also agreed to adopt, in principle, revisions to the Terms of Reference, to now include a requirement to maintain beneficial ownership information to ensure that the standard on Exchange of Information on Request continues to reflect the dynamic EOI environment. [Click here for a full list of Outcomes from the Berlin meeting.](#)

The Global Forum is the continuation of a forum which was created in the early 2000s in the context of the OECD's work to address the risks to tax compliance posed by tax havens. The original members of the Global Forum consisted of OECD countries and jurisdictions that had agreed to implement transparency and exchange of information for tax purposes.

### **CANADA-CARICOM FRIENDSHIP GROUP** *(Continued from Page 1)*

One refreshing sentiment expressed by [Senator Meredith](#) was that his door is always open to Barbados and that no formality is necessary in approaching him as his *raison d'être* is to ensure constant and meaningful dialogue with his constituents in the Caribbean.

Since these meetings, the dialogue has indeed developed with Consultants engaged in the establishment of the Caribbean Financial Institute being referred to Senator Meredith and his team to outline the proposal for the Institute and to seek assistance from the Group.

There are great expectations that new and diverse investments will be attracted to Barbados as a consequence of this alliance between Barbados and the Canada CARICOM Friendship Group. Long may it live!

### **BARBADOS: KEEPING CANADA IN THE PICTURE** *(Continued from Page 2)*

effective laboratories, and the provision of the means to acquire within Barbados or by immigration to Barbados, suitably skilled scientific and technical personnel which could provide an entirely new focus for Barbados. Thoughts such as these, and this is only one, can give Barbados the means of not only holding its own, but taking over new sectors and rising above the challenges it is now facing. Finding the ways in which Barbados becomes an active participant in the delivery of research and development, niche areas of product delivery, using its resources of a highly educated work force and promoting ease of entry and business operation could be key. This requires Barbados recognizing its challenges, rethinking its needs, and reorienting its approach in business support and the marketing of its value proposition.

## FRUITFUL VISIT TO CANADA FOR BARBADOS DELEGATION

As reported in our last issue, a six-member delegation from Barbados held a successful week of meetings in Toronto and Ottawa back in early September. Led by Central Bank of Barbados Governor DeLisle Worrell, the delegation included Randy Graham, Chief Executive Officer of the Financial Services Commission and others from the Central Bank of Barbados. Some of the key discussion points included:

**Challenges facing our International Business and Financial Services.** Barbados' comparative advantages are its social institutions and infrastructure, as evidenced by our ranking on the Global Competitiveness Index, our network of Double Taxation Agreements, and our good regulatory systems. Barbados offers a good platform for Canadian companies to increase their competitiveness in selling to Latin America, Europe, the Middle East and Asia; this benefits the firms, as well as Barbados and Canada. Our IBFS centre is set to play a small but essential part in the future of globalisation. Constructive discussions examined ways to address the initiatives to avoid tax evasion in Canada, and to attract business of real substance going forward.

**The effects of downgrades by ratings agencies.** Notwithstanding the earlier downgrades, both the Canadian banks and the regulators agreed that funds raised in Barbados dollars should remain in Barbados. Any surplus over private sector requirements which is not re-invested with Government should be left on deposit with the Central Bank.

**The establishment of subsidiaries in Barbados, vs retaining a network of branches.** The Canadian banks with established subsidiaries in Barbados have found it necessary to seek support from their head offices. We are finding there is little merit in having a capitalised subsidiary in Barbados. This matter also affects the resolution plans which Canadian banks are now obliged to develop under OSFI's supervision. Barbados has sought to ensure that, in case of problems in Canada, the local bank will not be abandoned; and that in case of problems with a big borrower in Barbados, local banks can rely on the head office for support. These issues are clearer if the local operations are branches, seen to be the most favourable arrangement.

The group met with Canadian banks, the Office of Supervision of Financial Institutions, the Bank of Canada, the Canadian Ministry of Finance, the Barbados Consulate and High Commission, the Canada branch of the Barbados International Business Association, and representatives of Invest Barbados and the Barbados Tourism Marketing Inc.

### FINANCIAL SERVICES COMMISSION HAS NEW LOCATION

Offices of the Financial Services Commission (FSC) have relocated to the Harbour Industrial Park.

The move necessitated a two-day office closure on December 11 and 12, with the organisation reopening for business on Monday, December 15, 2014 from its new location. Their new address:

**Financial Services Commission  
Suites 301 & 302  
Building 4, Harbour Industrial Park  
Bridgetown, Barbados BB 11142**

The office telephone and fax numbers remain unchanged; the telephone number is (246) 421-2142, and the fax number is (246) 417-6818. For further information, visit [www.fsc.gov.bb](http://www.fsc.gov.bb), or email [info@fsc.gov.bb](mailto:info@fsc.gov.bb).



The Mission of the FSC is *“To promote soundness, stability and transparency within the financial services systems in Barbados, using professional staff to provide effective and efficient supervision and regulation in line with best practices.”*



## Editor's Note

### FEATURED CONTRIBUTORS to this issue

**Sir Trevor Carmichael** is the Founder of [Chancery Chambers](http://Chancery Chambers), a Barbados law firm engaged primarily in international business law, environmental law and the law relating to charities. In November 2013, Sir Trevor Austin Carmichael, K.A., LVO, SCM, Q.C. received the Knight of St. Andrew, Barbados' highest honour in the country's National Independence Honours. He has received numerous national and international awards as a result of outstanding contributions to the financial services sector, international business law practice, and his philanthropic and voluntary activities. He has served as the Barbados Consul to Mexico for the past twenty eight years.

email: [tac@chancerychambers.com](mailto:tac@chancerychambers.com).

**Sadie Dixon** is the Legal Counsel of the Central Bank of Barbados. She is a member of the Joint Policy Working Group and the Central Bank's International Business and Financial Services Committee.

email: [sadie.dixon@centralbank.org.bb](mailto:sadie.dixon@centralbank.org.bb)

**Alison Manzer** Alison Manzer is a partner in the Financial Services Group at Cassels Brock & Blackwell LLP and has been a member of the firm's Executive Committee. Her practice encompasses a broad range of commercial practice focussing on corporate and commercial finance and restructuring, with an orientation to Canada-US cross border and international finance. She has lectured and written extensively on legal matters, particularly dealing with financial institution issues.

email: [amanzer@casselsbrock.com](mailto:amanzer@casselsbrock.com)

**Senator Don Oliver** Donald Oliver retired from the Senate of Canada in November 2013, but his work in advancing the interests of visible minorities in Canada and around the world continues. He is also actively pursuing his entrepreneurial interests in Nova Scotia as the founder and owner of several companies. In addition, he is working with several businesses to promote trade and development in Africa, notably in the mining sector. email: [don@prfarms.ca](mailto:don@prfarms.ca)

Several of this issue's articles focus on the Barbados-Canada relationship, as it is analysed by our contributors from varying angles. We are happy to present a Canadian perspective by Alison Manzer, while Sadie Dixon reports on recent talks between the important Canada-Caricom Friendship Group and a delegation from Barbados which she was included in.



[Laurie Blackman](mailto:laurie.blackman@centralbank.org.bb)

Sir Trevor Carmichael draws our attention to the fact that the Barbados IBC Act, established in 1965, has now reached it's golden anniversary! Is it showing its age? Have the strategic amendments made to it over the years kept it current and effective enough for the dynamic international business climate of present day Barbados? Sir Trevor's responses are all positive. Accompanying his article is the IBFS News update on treaties which have come into effect over the course of the year, and also a table of recent legislative developments of interest. We are also saluting Sir Trevor's most recent accolade— recognition by the government of Mexico for his meritorious service as an Honorary Consul for nearly 30 years.

Rounding out the issue, we present Sen. Don Oliver's report on outcomes of the IFCs conference held in Barbados on September 11, and also provide a link to the outcomes of an OECD meeting in Berlin in October. A significant news item coming out of that meeting for us of course, was the election of Minister Donville Inniss to the Vice Presidency of the Global Forum Steering Committee.



*A number of themed Christmas Trees adorned Independence Square, as a result of a project coordinated by the [Royal Commonwealth Society-Barbados Branch](http://Royal Commonwealth Society-Barbados Branch).*

We continue to welcome relevant submissions from new contributors, and representatives of stakeholder agencies. Please direct your submissions, comments and other feedback to me at: [laurie.blackman@centralbank.org.bb](mailto:laurie.blackman@centralbank.org.bb).

On behalf of the IBFS News Editorial team, Season's Greetings, and let us all face 2015 with a spirit of hope, optimism and determination!

### IBFS News Editorial Team

*Laurie Blackman, Editor*  
[laurie.blackman@centralbank.org.bb](mailto:laurie.blackman@centralbank.org.bb)

*Novaline Brewster, Public Affairs Officer*  
[novaline.brewster@centralbank.org.bb](mailto:novaline.brewster@centralbank.org.bb)

*Harold Codrington, Deputy Governor*  
[harold.codrington@centralbank.org.bb](mailto:harold.codrington@centralbank.org.bb)

*Sadie Dixon, Legal Counsel*  
[sadie.dixon@centralbank.org.bb](mailto:sadie.dixon@centralbank.org.bb)

*Matthew Williams-Rawlins, Website Operations*  
[matthew.williams-rawlins@centralbank.org.bb](mailto:matthew.williams-rawlins@centralbank.org.bb)