



In your court offshore dispute resolution review March 2019

Newsletters - 22/03/2019

The Ogier team continues to be at the forefront of industry developments.

Our lead story is from Brian Lacy and Grant Carroll who successfully represented the applicants in the first ever "soft touch" provisional liquidation in the BVI.

Read our lead article: [The first ever "soft touch" provisional liquidation in the BVI: Constellation Overseas Ltd And Others - insights from the Ogier lawyers involved](#)

Our award-winning global dispute resolution team continues to grow and we were delighted to recently welcome [Damian Evans](#) as counsel in Jersey and [Bryan De Verneuil-Smith](#) as managing associate in Guernsey.

We were also pleased to announce the promotions of [William Jones](#) (Cayman Islands) to counsel, [Sandie Lyne](#) (Guernsey) to managing associate and [Ewelina Clyde-Smith](#) (BVI) to senior associate, and to welcome [Matthew Davies](#) and [Charlotte Ward](#) to our Jersey and Guernsey dispute resolution teams respectively, following their graduation from Ogier's English solicitor training programme.

Our BVI team continues to go from strength to strength, with Ogier now having [more ranked BVI litigators than any other firm in Chambers Global](#).

If you are attending INSOL Singapore next month, [our team looks forward to seeing you there](#).

Enjoy In Your Court - and if you would like to discuss any of the topics covered please don't hesitate to get in touch with any of the contacts on the right.

The latest interpretation of the illegality defence in the Cayman Islands

In the long-awaited decision of Ahmad Hamad Algozaibi and Brothers Company ('AHAB') v SAAD

Investments Company Limited (In Official Liquidation) (SICL) and Others, the Cayman Court dismissed AHAB's claims of fraud alleged against Mr Al Sanea's Cayman companies. In doing so, numerous complex areas of the law concerning commercial fraud and the ability to trace assets through corporate groups and into sophisticated financial products were considered.

Read the briefing from Jennifer Fox: [The latest interpretation of the illegality defence in the Cayman Islands](#)

Further developments in legal privilege: lessons for Jersey

Following the landmark English judgment in *SFO v. ENRC* [2018] EWCA Civ 2006 (as reported in [our previous briefing](#)), there have been two further significant judgments on litigation privilege. These will potentially be persuasive authorities in Jersey in this area, and should be noted by all litigants, including directors of trustees and companies in trust structures.

Read the briefing from Nick Williams and Rebecca McNulty: [Further developments in legal privilege: lessons for Jersey](#)

Not in dispute - Cayman's leading role in cross-border dispute resolution

Each year, legal disputes over assets worth many billions of dollars worldwide are resolved in courtrooms and boardrooms in the Cayman Islands. The jurisdiction has a reputation for dealing with complex financial services and commercial litigation based on the relevance of its legislation, the reliability of its court system, and the experience of the professionals who work here.

Read the briefing from Marc Kish and William Jones: [Not in dispute: Cayman's leading role in cross-border dispute resolution](#)

Guernsey Royal Court rules on prohibition order

In the case of *Y v Chairman of the GFSC*, the Guernsey Royal Court heard how an individual (Mr Y) used his employer's license with the GFSC to carry out company registrations for the clients of his own private accountancy practice. Mr Y's accountancy practice did not have the relevant permission from the GFSC to incorporate companies for clients.

Read the briefing from Alex Horsbrugh-Porter and Michael Rogers: [Guernsey Royal Court issues regulatory decision on prohibition orders, fines and public statements](#)

Jersey Schemes of Arrangement: at a glance guide

Increasing numbers of complex and high-value cross-border M&A deals are being effected by way of scheme of arrangement in Jersey.

Read it: [At a glance guide to Jersey Schemes of Arrangement](#)

About Ogier

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

Disclaimer

This client briefing has been prepared for clients and professional associates of Ogier. The information and expressions of opinion which it contains are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

Meet the Author



[Brian Lacy](#)

Partner

[British Virgin Islands](#)

[Jersey](#)

E: brian.lacy@ogier.com

T: [+44 1534 514493](tel:+441534514493)

Key Contacts



Damian Evans

Partner

Jersey

E: damian.evans@ogier.com

T: +44 1534 514378



Bryan De Verneuil-Smith

Partner

Guernsey

E: bryan.deverneuil-smith@ogier.com

T: +44 1481 752357



Sandie Lyne

Partner

Guernsey

E: sandie.lyne@ogier.com

T: +44 1481 752224



Ewelina Clyde-Smith

Counsel

British Virgin Islands

London

E: ewelina.clyde-smith@ogier.com

T: +44 1534 514187



Matthew Davies

Senior Associate

Jersey

E: matthew.davies@ogier.com

T: +44 1534 514132



Jennifer Fox

Partner

Cayman Islands

E: jennifer.fox@ogier.com

T: [+1 345 815 1879](tel:+13458151879)



Nick Williams

Partner

Jersey

E: nick.williams@ogier.com

T: [+44 1534 514318](tel:+441534514318)



Rebecca McNulty

Partner

Jersey

E: rebecca.mcnulty@ogier.com

T: [+44 1534 514495](tel:+441534514495)



Marc Kish

Partner

Cayman Islands

E: marc.kish@ogier.com

T: [+1 345 815 1790](tel:+13458151790)



Nicholas Burkill

Partner

British Virgin Islands

E: nicholas.burkill@ogier.com

T: [+1 284 852 7372](tel:+12848527372)



Alex Horsbrugh-Porter

Partner

Guernsey

E: alex.horsbrugh-porter@ogier.com

T: +44 1481 752272



Michael Rogers

Managing Associate

Guernsey

E: michael.rogers@ogier.com

T: +44 1481 752264

Related Services

Dispute Resolution

International Arbitration

Legal

Related Sectors

Restructuring and Insolvency