

BVI Commercial Court provides guidance on the new statutory jurisdiction

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The BVI Commercial Court has recently provided guidance on the interpretation of the new statutory jurisdiction to grant free-standing interim relief in support of foreign proceedings. Ogier's David Welford, with Sarah Latham, acted for the successful Applicant.

Claimant X v A TVI Company 2021/0037 was one of the first applications to be brought under section 24A of the Eastern Caribbean Supreme Court (Virgin Islands) Act. Wallbank J granted a free-standing proprietary injunction and ancillary disclosure orders in support of proceedings in England.

On the interpretation of section 24A, Wallbank J adopted the two-stage approach taken by the courts of England and Wales to the application of section 25 of the Civil Jurisdiction and Judgments Act 1982, given the similarity of the two statutory provisions:

Stage 1: consider whether the facts warrant the relief sought, if the substantive proceedings had been brought in the BVI; and

Stage 2: if the answer to that question is in the affirmative, then consider whether the fact that the court has no jurisdiction apart from section 24A makes it 'inexpedient' to grant the relief.

On the question of when granting relief in support of foreign proceedings is 'inexpedient', Wallbank J proceeded on the basis of the English authorities cited by the Applicant.

In this case, the Commercial Court has demonstrated that the BVI will assist foreign courts and that its approach to the grant of free-standing interim relief in support of foreign proceedings is consistent with the approach in England.

[A copy of the full judgment can be found here.](#)

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Meet the Author



David Welford

Partner

Dubai

E: david.welford@ogier.com

T: [+971 4 450 1901](tel:+97144501901)

Key Contacts



Sarah Latham

Managing Associate

British Virgin Islands

E: sarah.latham@ogier.com

T: +1 284 852 7348

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