

Wilberforce Guernsey Conference 2024

Wilberforce
CHAMBERS

Wednesday 25th September 2024

2.0 CPD

The Old Government House Hotel, St Ann's Place, St Peter Port, Guernsey, GY1 2NU



Timetable

3pm **Registration and refreshments**

3.30pm **Opening remarks**

3.35pm **Capacity, undue influence and fraud in the fiduciary context**

Simon Atkinson, Joseph Steadman and Samuel Cathro

- Settlers, donors and other asset-providers: dealing with doubt about intentions and wishes
- Trustees, directors and other fiduciaries: ensuring office-holders are fit for duty
- Beneficiaries, shareholders and other interested parties: ascribing blame and obtaining remedies

4.05pm **The “virtually impenetrable drafting” of the Limitation Act 1980: Was Williams v Central Bank of Nigeria wrongly decided?**

Gilead Cooper KC and Lemuel Lucan-Wilson

- Difficulty in construing the Limitation Act: *De Preval v Adrian Alan Ltd*
- Limitation Act 1980, s.21
- *Williams v Central Bank of Nigeria*
- The two categories of “constructive trust”; *Paragon Finance Plc v DB Thakerar*
- Category 2: “Knowing recipients” and “knowing assisters”. Are they the same for limitation purposes?
- Section 4 of the Limitation Act 1980
- Anomalies arising from the decision of the majority in *Williams*

4.30pm **Trusts & Arbitrability**
Fenner Moeran KC

- The problems with trusts and arbitration
- *FamilyMart* and *Sian Participation Corp* – developments over the past year in arbitrability generally
- *Grosskopf v Grosskopf* – arbitrability of trustee removal and replacement?

4.50pm **Break**

5.20pm **The BHS litigation and the Carillion discontinuance: directors’ duties in the spotlight**
Sri Carmichael and Jamie Holmes

- Falling short?
 - » The “notional director” standard as applied in *BHS*
 - » The “NED duty” abandoned in *Carillion*
- ‘But it wasn’t my fault’: delegation, reliance on professional advice, and causation as applied in *BHS*
- Practical considerations for directors and legal advisors, including corporate minute-taking

5.45pm **Hot topics in trust, tracing receipt and accessory claims**

Jonathan Hilliard KC and Michael Ashdown

- Trust derivative actions (*McGaughey v University Superannuation Scheme*, *ClientEarth v Shell* and how derivative actions work in respect of intermediated securities
- Tracing in complex cases – cherry-picking valuable assets in *Lapome Ltd v Kemp*, backwards tracing, and tracing through civil law jurisdictions
- Knowing receipt after *Byers v Saudi National Bank* – choice of law, purchaser protection, and the advantages of laundering trust assets abroad
- Compensation, causation and directors’ liability in dishonest assistance claims after *Lifestyle Equities CV v Ahmed* and *Hotel Portfolio II UK Ltd v Ruhan*

6.10pm **Closing remarks**

6.15pm **Drinks reception**

Free to attend
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For further information, please email
seminars@wilberforce.co.uk

