

Wilberforce Jersey Conference 2024

Wilberforce
CHAMBERS

Thursday 26th September 2024

2.0 CPD

Radisson Blu Waterfront, St Helier, Jersey JE2 3WF



Timetable

3pm	Registration and refreshments	4.50pm	Break
3.30pm	Opening remarks	5.20pm	The BHS litigation and the Carillion discontinuance: directors' duties in the spotlight Sri Carmichael and Jamie Holmes <ul style="list-style-type: none">• Falling short?<ul style="list-style-type: none">» The "notional director" standard as applied in <i>BHS</i>» The "NED duty" abandoned in <i>Carillion</i>• 'But it wasn't my fault': delegation, reliance on professional advice, and causation as applied in <i>BHS</i>• Practical considerations for directors and legal advisors, including corporate minute-taking
3.35pm	Capacity, undue influence and fraud in the fiduciary context Simon Atkinson, Joseph Steadman and Samuel Cathro <ul style="list-style-type: none">• 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	5.45pm	Hot topics in trust, tracing receipt and accessory claims Jonathan Hilliard KC and Michael Ashdown <ul style="list-style-type: none">• Trust derivative actions (<i>McGaughey v University Superannuation Scheme</i>, <i>ClientEarth v Shell</i> and how derivative actions work in respect of intermediated securities• Tracing in complex cases – cherry-picking valuable assets in <i>Lapome Ltd v Kemp</i>, backwards tracing, and tracing through civil law jurisdictions• Knowing receipt after <i>Byers v Saudi National Bank</i> – choice of law, purchaser protection, and the advantages of laundering trust assets abroad• Compensation, causation and directors' liability in dishonest assistance claims after <i>Lifestyle Equities CV v Ahmed</i> and <i>Hotel Portfolio II UK Ltd v Ruhan</i>
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 <ul style="list-style-type: none">• Difficulty in construing the Limitation Act: <i>De Preval v Adrian Alan Ltd</i>• Limitation Act 1980, s.21• <i>Williams v Central Bank of Nigeria</i>• The two categories of "constructive trust"; <i>Paragon Finance Plc v DB Thakerar</i>• 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 <i>Williams</i>	6.10pm	Closing remarks
4.30pm	Trusts & Arbitrability Fenner Moeran KC <ul style="list-style-type: none">• The problems with trusts and arbitration• <i>FamilyMart</i> and <i>Sian Participation Corp</i> – developments over the past year in arbitrability generally• <i>Grosskopf v Grosskopf</i> – arbitrability of trustee removal and replacement?	6.15pm	Drinks reception

