

Wilberforce BVI Conference & Dinner 2024

Wilberforce
CHAMBERS

2.0 CPD

Tuesday 10th September 2024
Scrub Island Resort



Timetable

3.30pm **Registration and refreshments**

4pm **Opening remarks**

4.05pm **The BHS litigation and the Carillion discontinuance: Directors' duties in the spotlight**
James Man

- Falling short?
 - » The "notional director" standard as applied in *BHS*
 - » The "NED duty" abandoned in *Carillion*
- Delegation, reliance on professional advice, and causation as applied in *BHS*
- Practical considerations for directors and legal advisors, including corporate minute-taking

4.25pm **Tracing after *Byers v Saudi National Bank***
Daniel Petrides

- Mixed accounts, backward tracing, and the need for "co-ordination" in *Federal Republic of Brazil v Durant*
- Choosing the most valuable assets to trace into - can claimants still go "cherry picking" after *Lapome v Kemp*?
- Tracing through non-trust jurisdiction, conflict of laws problems, and third-party claims following *Byers v Saudi National Bank*

4.45pm **What's the matter? What's the remedy? A year of developments in stays and arbitrability**
Fenner Moeran KC

- *FamilyMart, Mozambique and Sian Participation Corp* - ditching the granular approach, and the triumph of pragmatism.
- *Grosskopf v Grosskopf* - arbitrability of trustee removal and replacement?

5.05pm **Break**

5.35pm **Transactions defrauding creditors: recent developments in statutory and conspiracy claims and the claims contrasted**

Tim Penny KC and Graeme Halkerston

- *Invest Bank v El Hussein*
- *Takhar v Gracefield Developments*
- Transfers by companies owned by the debtor
- Transfers of property not owned beneficially by the debtor
- Limitation issues
- Claims based on fraudulent conduct of litigation
- How to plead a statutory transaction defrauding creditor claim
- Adverse inferences

6pm **Accessory liability after *Lifestyle Equities CV v Ahmed* [2024] UKSC 17**

Thomas Lowe KC and Tara Taylor

- What did the Supreme Court decide?
- Implications on directors' liability
- Account of profits: availability and scope of the remedy
- Redrawing the battle lines: knowledge of the "essential facts"

6.25pm **Closing remarks**

6.30pm **Drinks reception and dinner buffet**

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

