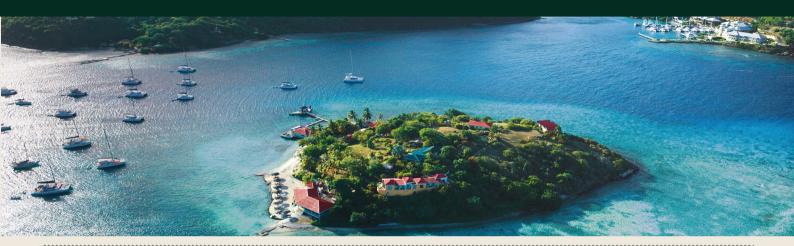
Wilberforce BVI Conference & Dinner 2024



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 Husseini
- 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

