

Chancery Bar Association's

# Gibraltar Conference

**Sunborn Yacht Hotel**

Thursday, 12th October 2017

Registration from 1.45pm –  
Canapé Reception from 6pm

This conference is free for Gibraltar practitioners but booking is essential.

**Please click here to book.**

1.45 pm **Registration & coffee**

2.10 pm **Welcome**

2.15 - 2.30 pm **Keynote Speech**

Chief Justice Anthony Dudley

2.30 - 3.15 pm **Panel Session: [Directors' Duties/Liabilities](#)**

Chair: Michael Gibbon QC

## **Disputes against Directors**

James Potts QC

- *Overview of claims where directors' duties relevant*
- *Directors' duties under the Act - overview*
- *Proper purpose – Eclairs v JKK Oil & Gas Plc*
- *Remedies – correct claimant?*
- *Remedies – unfair prejudice, derivative claims, winding up, claim by company*
- *Company's role in disputes – who is your client, authority, privilege*
- *Directors' information rights*

## **The Duty to Take Account of the Interests of Creditors**

David Eaton Turner

- *When does it arise?*
- *What is the content of the duty?*
- *The application of the duty to the declaration of dividends: BTI 2014 LLC v Sequana S.A. [2016] EWHC 1686 (Ch).*

3.15 - 4.00 pm **Panel Session: [Gibraltar & Brexit](#)**

Chair: Keith Azopardi QC

## **The funds and investment sectors**

Peter Dodge

- *The current position: Alternative Investment Fund Managers (AIFMs) and Undertakings for Collective Investment in Transferable Securities (UCITS)*
- *The role of national private placement regimes (NPPRs)*
- *AIFMs post-Brexit: marketing, management and depositories*
- *UCITS post-Brexit: the marketing of funds*
- *The special position of Gibraltar: might Brexit provide opportunities?*

## **Gibraltar's Status in the EU: GBGA, Fisher and Brexit**

Harriet Brown

- *Gibraltar's status within the EU: the current issues*
- *GBGA2: what difference does this make?*
- *Fisher: where are we now*
- *Brexit and Gibraltar's status*

4.00 - 4.30 pm **Afternoon tea**

4.30 - 5.15 pm

## Panel Session: **Chancery Miscellany**

Chair: Penelope Reed QC

### **Busting trusts and piercing veils: attacking and defending assets in offshore structures**

Kathryn Purkis

- *When may the assets of a company be treated as the assets of its shareholder?*
- *Can the veil of a trust ever be pierced or lifted to enable recovery against a settlor?*
- *Some thoughts about sham.*
- *The potential role of receivers.*

### **The law of capacity: key principles and cases**

William East

- *Testamentary capacity*
- *Lifetime capacity (including gifts and settlements)*
- *The loss of capacity: administration of a person's property and affairs*

5.15pm - 6.00pm

## Panel Session: **The internet bites back**

Chair: Catherine Newman QC

### **Fighting over nothing: cryptocurrency litigation issues**

Leigh Sagar

- *The nature of a digital cryptographic token*
- *Code vulnerability*
- *Pseudonymity*
- *Smart contracts*
- *Causes of action, remedies and enforcement*
- *Self-help*

### **Misinformation and the Internet**

Richard Spearman QC

- *Misinformation is nothing new*
- *But the Internet has drastically increased the opportunities to disseminate misinformation and its capacity to cause harm*
- *There is a range of traditional remedies which might work to combat the problem*
- *Intermediaries are best placed to address the problem, and regulation would be the most effective means of enlisting their help*

6.00pm

## **Drinks and Canapé Reception**