

CHANCERY BAR

# Chancery Bar Association's Cayman Islands Conference

12th - 13th May 2016

Grand Cayman Marriott Beach Resort



## Thursday 12th May

2.00 pm Registration

2.25 pm Welcome by Penelope Reed QC, Chair of the Chancery Bar Association

2.30 pm Walking the tightrope; use and abuse of power

[Michael Todd QC](#) | [Malcom Davis-White QC](#) | [Julia Beer](#)

- Examining the exercise and constraints of powers within a company, including in a potential insolvency situation, by:
  - shareholders
  - classes of shareholders; and
  - the Board
- Focusing on recent cases including the Supreme Court decision in *Eclairs Group* and the Court of Appeal in *Arbuthnott v Bonnyman*

3.30 pm Some Like It Hot: a trust cases roundup  
[Shan Warnock-Smith QC](#)

4.00 pm *Tea Break*

4.30 pm Issues of policy and principle in Cayman insolvency clawback claims - series of panel perspectives (in conjunction with RISA) followed by an interactive case study

[Stephen Atherton QC](#) | [Peter McMaster QC](#) | [Matthew Morrison](#) | [Hugh Dickson](#)

- Should clawback claims be allowed? Against whom?
- How can clawback be achieved in Cayman?
- What can Cayman learn from other jurisdictions?
- The interaction between directors' misfeasance and clawback claims

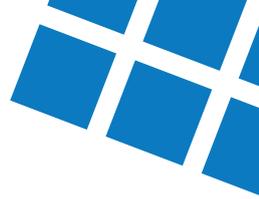
5.30 pm How Deep is the Freeze?  
[Peter Shaw](#)

- Extending the scope of freezing orders
- Applying freezing orders to:
  - Companies under a Respondent's control
  - Trusts of which a Respondent is a beneficiary
  - Review of major recent authorities
- Practical guidance

6.00 pm *Cocktail Reception on the beach*

(For CVs of the speakers, please click on their names)

[www.chba.org.uk](http://www.chba.org.uk)



## Friday 13th May

- 9.00 am Registration
- 9.30 am **Intellectual Property in Transnational Litigation**  
 Quentin Cregan
- . Overview of the major IP areas;
  - . Typical IP/IP asset issues that arise in disputes (whether corporate, trust, insolvency, or otherwise);
  - . Enforcement remedies and some variations related to IP;
  - . Topics to bear in mind in global settlements;
  - . Some recent case law
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- 10.00 am **Mental Capacity Here and There**  
 Barbara Rich
- . Overview of the English law of mental capacity in relation to gifts, settlements and wills
  - . Comparison with position in Cayman
  - . Points for practitioners dealing with cross-jurisdictional donors, settlors, trustees and testators
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- 10.30 am **UK Finance Bill 2016 - the implications for Cayman trust and company structures**  
 Amanda Hardy QC | Stephen Arthur
- . Inheritance Tax and UK real estate - headline changes
  - . Effect on existing/new Cayman structures
  - . Excluded property and non-UK companies
  - . Utilising Cayman trusts and the application of the GAAR
  - . De-enveloping: tax considerations, SDLT/ATED/CGT/IT
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- 11.00 am *Coffee break*
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- 11.30 am **Offshore Trusts and English Divorces - an interactive panel discussion (in conjunction with STEP Cayman)**  
 Eason Rajah QC | Tracey Angus QC | Richard Dew | Andrew Miller
- . The powers of the Family Division to vary nuptial settlements: when do they apply and how are they (ab)used.
  - . Offshore trusts and English assets: the approach after *Prest v Petrodel*.
  - . English procedure and practice: when and how can trustees participate and the effect of their deciding not to.
  - . Trustee application for directions: when to apply and what questions to ask.
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- 1.00 pm Closing Remarks

