

Privy Council upholds Court of Appeal ruling in long-running trusts dispute

Cases - 08/08/2018

Ogier's Nicholas Brookes has been part of the team that successfully defended a high-profile and long-running BVI trusts dispute that was fought all the way to the Privy Council.

The Privy Council's judgment in the Zorin case was issued this week – the court upheld the verdict of the Court of Appeal of the Eastern Caribbean Supreme Court, which had found in favour of the family members that Ogier has been representing, alongside lawyers from Stephenson Harwood, for several years.

The case centres on a dispute between family members over the assets of a discretionary trust established by Mohamed Aly Ragoonwala, who died intestate in 1998 after a successful business career in London and Asia.

Nick said: "This has been a high-profile and complex dispute, and our role over several years has been to advise on the BVI law elements along with our colleagues at Stephenson Harwood, led by Jenny McKeown, and instructed counsel.

"It is pleasing to see that the Privy Council has upheld the Court of Appeal's position in this important case both for trustees and for beneficiaries seeking to establish what assets fall within a trust."

The case was particularly noteworthy for its re-statement of how Courts of equity should approach identifying the interests of parties to gifts.

Helpfully, the Privy Council justices clarified that the courts will look at a broad range of factors, including all relevant evidence as to the intention of the parties to the transfer, when identifying where the beneficial interest truly lies. This is very much a modern approach, recognising that intention is easier to evidence in a world of instant communication and intelligent forensic tools.

Nick practised as a Barrister in London before moving to Ogier in 2014, where he specialises in

trusts disputes and restructuring matters.

Our full briefing on the case, focused on the issue of recovery of foreign lawyers' fees, is [here](#).

About Ogier

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

Disclaimer

This client briefing has been prepared for clients and professional associates of Ogier. The information and expressions of opinion which it contains are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

Meet the Author



[Nicholas Brookes](#)

Partner

[British Virgin Islands](#)

E: nicholas.brookes@ogier.com

T: [+1 284 852 7366](tel:+12848527366)

Related Services

[Private Wealth](#)

[Dispute Resolution](#)

Related Sectors

[Trusts Advisory Group](#)