



In Your Court: Offshore Dispute Resolution Review - May 2021

Newsletters - 28/05/2021

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Demand for offshore Dispute Resolution services continues to grow across many jurisdictions in Asia, with notable demand in the areas of shareholder disputes, valuation disputes, insolvencies, and schemes of arrangement.

Our team members across the globe are well placed to respond to this growth in demand, regularly acting in the most significant BVI and Cayman law cases in the region.

Another noticeable global trend is an increasingly robust approach from regulators, so it remains essential for companies to ensure that governance arrangements, systems and controls remain fit for purpose and, if issues do arise, to engage with the regulator proactively.

Enjoy this edition of In Your Court and please get in touch with your usual Ogier contact or any member of the team if you would like to discuss these topics further.

Meet our global [Dispute Resolution team](#).

Our latest Snapshots: to-the-point summaries of key areas of law

- [Appealing civil judgements in Guernsey](#)
- [Arbitration in the British Virgin Islands for Asia-based parties](#)
- [Notification injunctions in the Cayman Islands](#)

- [Enforcement against real property in Guernsey - Saisie](#)

[Approach to interest and costs in section 238 proceedings confirmed in the Cayman Islands](#)

Jeremy Snead, Shaun Maloney, and Farrah Sbaiti

In the recent judgement of *In the Matter of Qunar Cayman Islands Limited*, the Grand Court of the Cayman Islands confirmed and clarified how interest on awards in section 238 proceedings is to be calculated, and how the costs of such proceedings are to be determined.

[Director disqualification: 12-year disqualification penalty imposed in Guernsey](#)

Alex Horsbrugh-Porter and Michael Rogers

When considering the sanctions imposed on directors of Guernsey companies for misconduct or breaches of the Companies (Guernsey) Law, 2008 (or indeed other applicable regimes which directors must adhere to) arguably the most serious sanction which can be imposed is a disqualification order. Such an order can, at its highest, be career ending for a director, with the maximum period of disqualification being 15 years. In this article, we examine the recent decision of *The Guernsey Financial Services Commission –v- Peter Edward Dawson-Ball* [2020] GRC084.

[Ogier's Hong Kong Dispute Resolutions partners on trends in Asia](#)

Oliver Payne, Justin Davis, and Michael Snape

In this Q&A, head of Dispute Resolution Oliver Payne and partners Justin Davis and Michael Snape share some insights into their professional backgrounds and the market trends they've been seeing.

[Practical guides to avoiding a referral to the JFSC](#)

Daniel Maine

With the JFSC taking - and wanting to be seen to be taking - an increasingly robust approach, many regulated firms are looking for clear guidance on how best to understand and implement

increasingly complex regulatory guidance. In this series of user-friendly guides, our regulatory team walk you through the key topics of how to avoid a referral, what to do if you are referred, how best to identify and manage conflicts of interest and how your firm should approach AML to ensure compliance.

New rules to make commencement of proceedings before the BVI Commercial Court more straightforward

Nicholas Burkill and Nicholas Brookes

The results of the Eastern Caribbean Supreme Court's wide-ranging review of its Civil Procedure Rules were recently distributed to BVI Bar Association members, with proposed changes set to make the commencement of proceedings before the BVI High Court involving defendants not in the jurisdiction significantly more straightforward. One of the review's recommendations is to remove the requirement to obtain the court's permission before court process, including a claim form, may be served out of the jurisdiction.

Short-form mergers - Changyou judgement confirms appraisal rights in the Cayman Islands

Marc Kish, Oliver Payne, Jeremy Snead, Shaun Maloney, Farrah Sbaiti

The Cayman Islands Grand Court has confirmed that shareholders of companies that effect a 'short-form' merger pursuant to section 233(7) of Part XVI of the Companies Act (2021 Revision) (**Act**) are entitled to be paid the fair value of their shares on dissenting from the merger under section 238 of the Act. The eagerly awaited judgment in Changyou.com clarifies an issue, which had previously been the subject of extensive debate and provides welcome certainty to minority shareholders of Cayman Islands companies.

BVI Commercial Court provides guidance on the new statutory jurisdiction

David Welford and Sarah Latham

The BVI Commercial Court has recently provided guidance on the interpretation of the new statutory jurisdiction to grant free-standing interim relief in support of foreign proceedings. *Claimant X v A TVI Company 2021/0037* was one of the first applications to be brought under section 24A of the Eastern Caribbean Supreme Court (Virgin Islands) Act.

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.

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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](#)

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