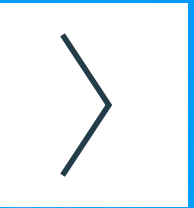
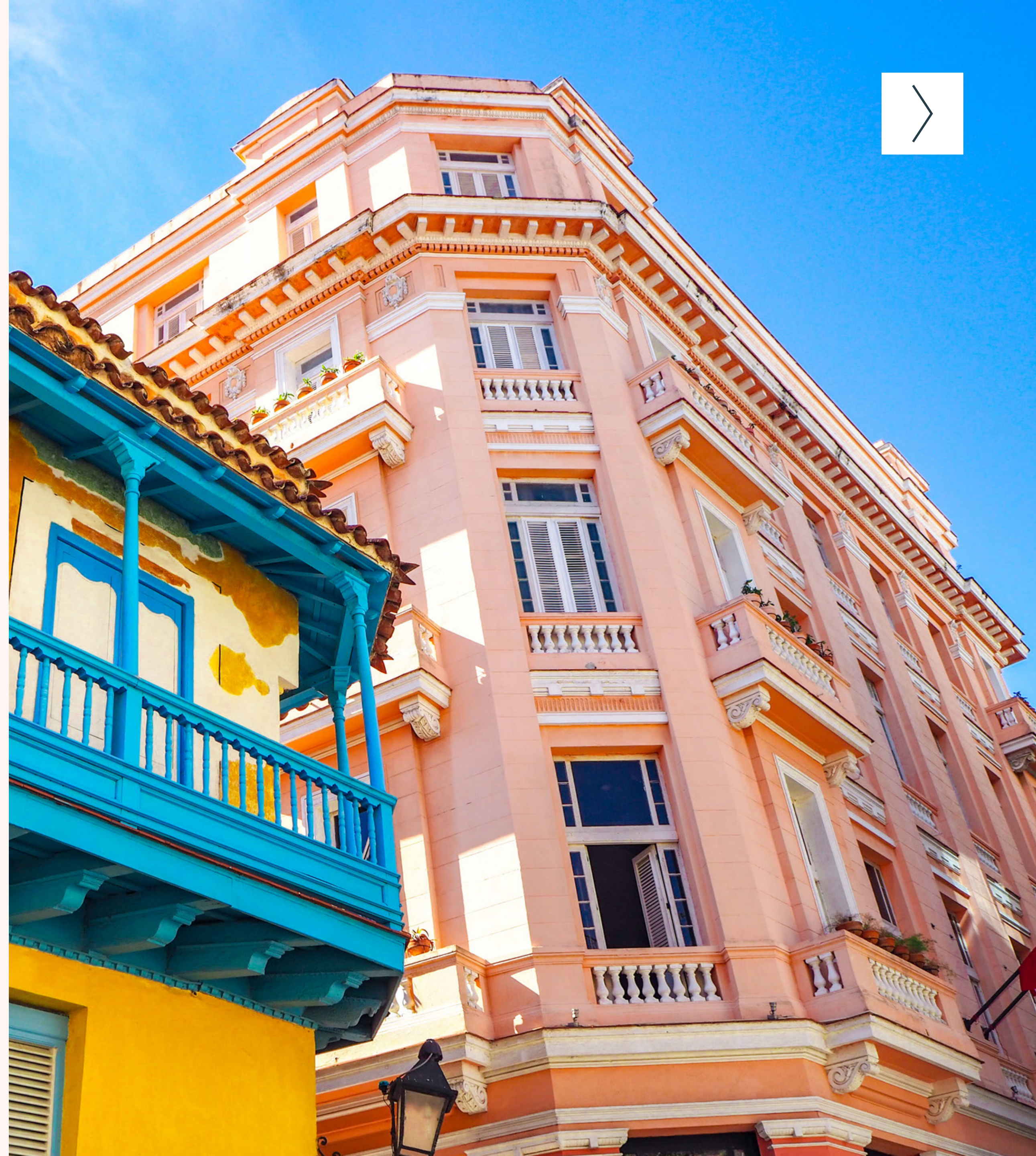


Charles  
Russell  
Speechlys

# Our Caribbean *experience*

[charlesrussellspeechlys.com](http://charlesrussellspeechlys.com)





# Introduction

The Caribbean is constantly changing as island governments look to the digital economy, financial services, sustainable tourism, new transport models and, greater private-sector investment to transform the region.

We have a long history of advising clients throughout the Caribbean. Our multi-disciplinary team provides specialist advice coupled with a strong understanding of the local markets to help you across a range of legal issues.

Our expertise covers several sectors including financial services (both private and corporate), hospitality and leisure, aviation, technology, media & communications, real estate and construction, energy, and natural resources.

Additionally, we are active members of the Caribbean Council, connecting us to leading business figures, regulators and governments across the Caribbean and Central America.





## What we do

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Whatever legal needs you may have, we will work with you to understand what has to be done and then develop practical solutions with our Partner-led approach. Our team have strong relationships with leading local law firms and other professional advisers to provide an ‘on the ground’ service if you require local advice.

### Litigation

We work with our clients on cases involving constitutional and human rights issues in Commonwealth and international law, with a particular focus on Privy Council appeals. We also act in international arbitrations (including investment treaty arbitrations) and major litigation involving commercial transactions, companies, shareholders and directors, engineering and construction; restructuring and insolvency, and international trusts and estates.

### Projects/Commercial

International trade and commerce are at the heart of much of our contract advisory work. Our dedicated infrastructure projects team, our project finance and banking, commercial contracts and public procurement teams will work alongside you, supporting you throughout your project.

### Corporate

We are able to advise you on all aspects of corporate law, including mergers and acquisitions, privatisations, capital markets transactions including IPOs, as well as joint venture/strategic alliances.

### Regulatory

Whether you require advice on liberalising markets, preparation of legislation or advice for government departments and regulators, we understand the regulatory framework in the Caribbean and can advise on all aspects of regulatory reform. We regularly advise on international regulation, including advising both governments and private sector on complying with and influencing standards, such as economic substance requirements, tax requirements from EU and OECD, registers of beneficial ownership, and international blacklists.



## What we do (cont)

### Trusts/Private client

The world is getting smaller as families become increasingly international, with assets in multiple jurisdictions. Such families and individuals require specialist advice on the structuring of their affairs. For our clients we offer a full suite of private client and trusts advice to private individuals and trust companies. We can also advise on UK Estate planning and UK tax issues for Caribbean, US and South American resident families; and UK immigration services. In the event of a trust dispute, our litigation team has the expertise and experience to advise and represent trustees, beneficiaries and/or other interested parties on all aspects of their involvement in such disputes.

### British Virgin Islands (BVI) Cayman Islands

We are able to offer in-house BVI advice through our team of BVI qualified partners and associates and our network of local contacts in the BVI. Alongside our BVI dispute resolution services, we also offer noncontentious services such as preparing and issuing legal opinions (particularly in the context of UK property transactions), advising on the economic substance rules, general BVI corporate structuring and trust advice, and preparing and advising on BVI wills.

We are also able to assist you with issues involving Cayman Islands law.

For local representation in BVI or the Cayman Islands, not having our own local office is an advantage for you – it allows complete freedom of choice and means we can work with any local firm or lawyer that we believe to be best for any given case; while at the same time, it does not preclude local representation by our own practitioners (either remotely or on island).





## Our experience

- The Government of The Bahamas wanted to modernise their communications sector so engaged us to review and re-draft the legislation for the sector, help set up a new regulator and advise them on the privatisation of the monopoly mobile operator, BTC. We were pleased to support The Government of The Bahamas with these projects, as well as the subsequent project to auction a second mobile phone operator licence and the establishment of a 51:49 joint venture between the Government and the successful bidder.
- The Government of The Bahamas also required our litigation and insolvency expertise to help rescue The Baha Mar Project in the Bahamas, a 3.5billion US\$ hotel development put into provisional liquidation.
- Barbados National Oil Company Limited has undertaken many projects that we have been delighted to advise on. This work has included

various oil and gas joint ventures, as well as offshore licensing and renewable energy advice.

- In the case of *Ferguson and Others v The Attorney General and the DPP*, we acted in the case where the Privy Council was asked to uphold a legislative amendment made by the Trinidad and Tobago Parliament.
- The AHAB dispute was a complex litigation focussing on multibillion dollar fraud allegation involving multiple international parties centring on Cayman. We were able to co-ordinate the multi-proceeding legal strategy across 4 jurisdictions, manage litigation logistics including appointing local Counsel, specialist English counsel and third party experts in a multitude of law and non-law specialisms around the world, and develop innovative technical solutions to problems including a vast and chaotic dataset of 2.5million documents and a tracing through a transactional database

spanning 30 years of transactions across myriad accounts in hundreds of local and international financial institutions.

- A majority family-owned Caribbean conglomerate, ANSA McAL, needed advice in connection with the acquisition of Berger Paints (Caribbean) from Asian Paints and other projects such as a wind farm joint venture. On the Berger Paints acquisition we were able to broker the deal between our Caribbean client and the Indian seller, helping to host negotiation meetings in London.
- Leading trust companies and beneficiaries have required advice on issues concerning UK law, including UK tax law, frequently in relation to very high value and complex matters. We have been able to advise on these complex matters, including trust litigation in The Bahamas, Cayman, BVI and Bermuda.



## Our experience (cont)

- A BVI company needed advice on the economic substance requirements applicable to a high-risk IP legal entity, and the subsequent planning to take the entity outside the scope of the legislation. Our team was able to supply the advice needed to ensure this was a success. Similarly we have advised a multinational company on reforming the economic substance requirements.
- A Swiss based multi-family office required a comprehensive review of its BVI trustee engagement letters and terms of business (involving integrated in-house Swiss and BVI law advice). We advised the family office and were able to provide the BVI and in-house Swiss advice needed.
- A victim of the ‘Windrush’ scandal needed legal advice in judicial review proceedings complaining and seeking redress for the inadequate compensation scheme and the injustices process that people are forced to go through to establish their rights in the UK. We were able to support the individual to challenge the complex scheme in order to help them obtain the redress he and others should be entitled to.
- The Government of Jamaica required advice when a lawyers association challenged regulations in the context of financial and money laundering legislation that required members to enquire into Client’s business before acting on their behalf.
- A dispute arose between A&V Oil and Gas Limited v Petroleum Company of Trinidad & Tobago Limited (“Petrotrin”) regarding the termination of a contract for exploration of oil for alleged “missing oil”. We acted for A&V oil during the arbitration and Petrotrin alleged that oil paid for was never delivered. The Tribunal after two weeks of listening to evidence, factual and expert, concluded that they had unlawfully terminated the contract.
- The IFC Forum, the trade body of legal and professional services firms in the British Overseas Territories and Crown Dependencies, required advice on international regulatory policy and politics. Our team were able to advise the IFC due to our expertise in this area.
- A Caribbean Government required advice which we have been able to supply on reforms to its corporate tax system and the future of international tax and regulatory standards.
- We acted for the administrative receivers of a BVI company in effecting their appointment as administrative receivers and in relation to their investigations and actions thereafter to identify and realise assets. This included rebutting various rival claims against the company’s assets including one from a competing secured creditor and another from the holder of a Chabra freezing order.



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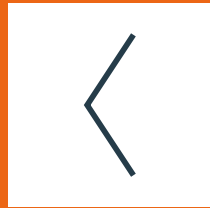
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