COLLAS CRILL

Emerald Bay Worldwide Limited v Barclays Wealth Directors (Guernsey) Ltd et al

AUGUST 2015

The First Guernsey Case to Receive Leave to Appeal to the Privy Council since 2011

Emerald Bay is suing its former directors, Barclays, in respect of breaches of their statutory duties of care on the purchase of a jet aircraft in 2008. There was a two week trial before the Deputy Bailiff in November 2012 when he found that the Barclays directors had been negligent and that their negligence caused Emerald Bay's loss. However, he also found that an indemnity in the company's articles of association was valid and afforded the directors a complete defence.

Emerald Bay appealed the Deputy Bailiff's finding on the indemnity point and the defendants cross-appealed against his findings on causation. They did not appeal against his findings that they had been negligent. The appeal was heard by the Court of Appeal in December 2013, who upheld the Deputy Bailiff's decision on the indemnity point and allowed the cross-appeal in relation to causation.

Emerald Bay sought leave to appeal to the Privy Council and, on 16 July 2014, Her Majesty (acting on advice from the Privy Council) granted leave. The appeal will be heard in Autumn 2015. This will be the first Guernsey case to be heard by the Privy Council since the well-known case of Spread Trustee Company Ltd v Hutcheson in 2011 and is expected to be of wide interest within the legal profession and across the offshore trust and corporate administration industries.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

COLLAS CRILL

For more information please contact:



Gareth Bell

Guernsey Managing Partner (Advocate) | Guernsey

t: +44 (0) 1481 734214 | **e:** gareth.bell@collascrill.com



James Tee

Partner (Advocate)^ | Guernsey

t: +44 (0) 1481 734284 | **e:** james.tee@collascrill.com

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.