



SUMMATIVE (FORMAL) ASSESSMENT: MODULE 5B
BRITISH VIRGIN ISLANDS (BVI)

This is the **summative (formal) assessment** for **Module 5B** of this course and must be submitted by all candidates who **selected this module as one of their elective modules**.

The mark awarded for this assessment will determine your final mark for Module 5B. In order to pass this module, you need to obtain a mark of 50% or more for this assessment.

INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF ASSESSMENT

Please read the following instructions very carefully before submitting / uploading your assessment on the Foundation Certificate web pages.

1. You must use this document for the answering of the assessment for this module. The answers to each question must be completed using this document with the answers populated under each question.
2. All assessments must be submitted electronically in **Microsoft Word format**, using a standard A4 size page and an 11-point Arial font. This document has been set up with these parameters – **please do not change the document settings in any way. DO NOT** submit your assessment in PDF format as it will be returned to you unmarked.
3. No limit has been set for the length of your answers to the questions. However, please be guided by the mark allocation for each question. More often than not, one fact / statement will earn one mark (unless it is obvious from the question that this is not the case).
4. You must save this document using the following format: **[studentID.assessment5B]**. An example would be something along the following lines: 202122-336.assessment5B. **Please also include the filename as a footer to each page of the assessment** (this has been pre-populated for you, merely replace the words "studentID" with the student number allocated to you). Do not include your name or any other identifying words in your file name. **Assessments that do not comply with this instruction will be returned to candidates unmarked.**
5. Before you will be allowed to upload / submit your assessment via the portal on the Foundation Certificate web pages, you will be required to confirm / certify that you are the person who completed the assessment and that the work submitted is your own, original work. Please see the part of the Course Handbook that deals with plagiarism and dishonesty in the submission of assessments. **Please note that copying and pasting from the Guidance Text into your answer is prohibited and constitutes plagiarism. You must write the answers to the questions in your own words.**
6. The final submission date for this assessment is **31 July 2022**. The assessment submission portal will close at **23:00 (11 pm) BST (GMT +1) on 31 July 2022**. No submissions can be made after the portal has closed and no further uploading of documents will be allowed, no matter the circumstances.
7. Prior to being populated with your answers, this assessment consists of **7 pages**.

ANSWER ALL THE QUESTIONS

QUESTION 1 (multiple-choice questions) [10 marks in total]

Commented [JW1]: 9 marks

Questions 1.1. – 1.10. are multiple-choice questions designed to assess your ability to think critically about the subject. Please read each question carefully before reading the answer options. Be aware that some questions may seem to have more than one right answer, but you are to look for the one that makes the most sense and is the most correct. When you have a clear idea of the question, find your answer and **mark your selection on the answer sheet by highlighting the relevant paragraph in yellow**. Select only **ONE** answer. Candidates who select more than one answer will receive no mark for that specific question.

Question 1.1

When is the appointment of a liquidator **deemed to commence**, when there has been a qualifying resolution passed to appoint a liquidator?

- (a) On the date of the order appointing the liquidator.
- (b) On the date the qualifying resolution is passed.**
- (c) On the filing of the application to appoint a liquidator.
- (d) On the advertisement of the application to appoint a liquidator.

Question 1.2

In order to comply with section 156 of the Insolvency Act, **what timeframe** for payment of the debt (or to secure or compound for the debt), must a statutory demand require?

- (a) Within 14 days of the service of the statutory demand.
- (b) Within 21 days of the date of the statutory demand.**
- (c) Within 21 days of the service of the statutory demand.
- (d) Within 14 days of the date of the statutory demand.

Commented [JW2]: incorrect

Commented [JW3]: Correct answer

Question 1.3

Which of the following **is not able** to make an application for the removal of a liquidator?

- (a) A member of the company.
- (b) A creditor.
- (c) The creditors' committee.
- (d) A receiver.**

Question 1.4

Where a receiver exercises a power of sale, the receiver owes a duty to obtain the best price reasonably obtainable at the time of sale. **To which one of the following is the duty owed to?**

- (a) The creditors, the shareholders, persons claiming an interest in the assets and the company.
- (b) The creditors, sureties, the shareholders and the company.
- (c) The creditors, sureties, persons claiming an interest in the assets of the company and the company.
- (d) The creditors, shareholders, sureties and persons claiming an interest in the assets of the company.

Question 1.5

A person is an "eligible insolvency practitioner", able to be appointed over an insolvent BVI company, foreign company or an individual's estate as a trustee in bankruptcy if:

- (a) He or she is a licenced insolvency practitioner; has given written consent to act; is not disqualified from holding a licence; is not disqualified from acting; and there is in force security for the proper performance of his or her functions.
- (b) He or she is a licenced insolvency practitioner; has advertised for his or her role; is not disqualified from holding a licence; is not disqualified from acting; and there is in force security for the proper performance of his or her functions.
- (c) He or she is a licenced insolvency practitioner; has given written consent to act; is not disqualified from holding an appointment; is not disqualified from acting; and there is in force security for the proper performance of his or her functions.
- (d) He or she is a licenced insolvency practitioner; has given written consent to act; is not disqualified from holding a licence; is not disqualified from acting; and there is in force an undertaking for the proper performance of his or her functions.

Question 1.6

Under the Reciprocal Enforcement of Judgments Act 1922, what is the **time period** during which a foreign judgment is registrable in the BVI?

- (a) Within 12 months of the date of judgment.
- (b) Within 3 months of the date of trial.
- (c) Within 6 months of the date of judgment.
- (d) Within 6 months of the date of trial.

Question 1.7

Which one of the below **is not** an effect of the appointment of a liquidator over a company?

- (a) The liquidator has custody and control of the assets of the company.
- (b) The assets automatically vest in the liquidator.**
- (c) The directors remain in office, but cease to have any powers.
- (d) Shares in the company cannot be transferred.

Question 1.8

In a liquidation, what is the **vulnerability period** for an undervalue transaction in the case of a transaction entered into with a connected person?

- (a) Two (2) years prior to the onset of insolvency and ending on the appointment of the liquidator.**
- (b) Two (2) years prior to the appointment of the liquidator.
- (c) Six (6) months prior to the onset of insolvency and ending on the appointment of the liquidator.
- (d) Five (5) years prior to the appointment of the liquidator.

Question 1.9

Which of the following **is not** a resolution that the directors of a company must pass in order to put in place a company creditors' arrangement?

- (a) Stating that the company is insolvent or is likely to become insolvent.
- (b) Approving a written proposal setting out how the creditors' rights will be varied or cancelled.
- (c) Approving a liquidation plan and a declaration of solvency.**
- (d) Nominating an eligible insolvency practitioner to be appointed interim supervisor.

Question 1.10

When does a voluntary liquidation commence?

- (a) When the directors of the company sign a declaration of solvency.
- (b) When the directors of the company sign a liquidation plan.
- (c) When the directors of the company pass the resolution appointing the voluntary liquidator.
- (d) On the date the voluntary liquidator files a notice of appointment with the Registrar.**

QUESTION 2 (direct questions) [10 marks]

Question 2.1 [maximum 2 marks]

Set out the circumstances in which a voluntary liquidator can be appointed over a company, pursuant to Part XII of the Business Companies Act 2004.

According to section 197 of the Business Companies Act 2004. A company can only be liquidated pursuant to Part XII of the Business Companies Act under the following circumstances:

- (a) it has no liabilities; or
- (b) it is able to pay its debts as they fall due.

Commented [JW4]: ½ mark - Section 199 (1) & (2) (subject to section 200) of the BCA 2004 sets out all the circumstances in which a voluntary liquidator can be appointed.

Question 2.2 [maximum 2 marks]

A liquidator is appointed to a BVI incorporated company by the Court. In what circumstances would an officer of that company be deemed to have committed an offence pursuant to the fraudulent conduct provisions? You are required to make reference to the relevant legislation.

According to subsection 289(1) of the Insolvency Act, where a liquidator is appointed to a BVI company under section 159, an officer of the company is deemed to have committed an offence, if the officer committed any type of the following conducts during the period of 12 months prior to the commencement of the liquidation:

- (a) the officer made or caused to be made any gift or transfer of, or charge on, or has caused, permitted or acquiesced in the levying of any execution against the company's assets;
- (b) the officer has concealed or removed any of the company's assets since or within 60 days of the date of any unsatisfied judgment or order for the payment of money obtained against the company.

Further, according to section 289(2) of the Insolvency Act, a director is not guilty of an offence pursuant to the fraudulent conduct provisions, if a fraudulent conduct satisfied the following conditions:

- (a) a conduct constituting an offence under section 289(1)(a) occurred more than 5 years before the commencement of the liquidation;
- (b) the officer has proved that, at the time of the alleged "fraudulent conduct", he or she had no intent to defraud the company's creditors

Commented [JW5]: 2 marks

Question 2.3 [maximum 2 marks]

With reference to the Insolvency Act, what powers are provided to the BVI Court in relation to the orders the Court can make in support of foreign insolvency proceedings?

The section 467 of the Insolvency Act provides for the orders in aid of foreign proceedings. Upon an application for assisting foreign insolvency proceedings, the BVI Court enjoys wide powers in relation to the various contents of orders to be made. According to section 467, the context of the orders includes:

- (a) to restrain the commencement or continuation of any proceedings, execution or other legal process or the levying of any distress against a debtor or any of the debtor's property;
- (b) to restrain the creation, exercise or enforcement of any right or remedy over or against any of the debtor's property without affecting the security right pursuant to section 467(4);
- (c) to require any person to deliver any property of the debtor or the proceeds of such property to the foreign representative;
- (d) to make such order or grant such relief as it considers appropriate to facilitate, approve or implement arrangements that will result in a co-ordination of a BVI insolvency proceeding with a foreign proceeding;

Commented [JW6]: 2 marks

- (e) to appoint an interim receiver of any property of the debtor subject to term and conditions as the court considers appropriate;
 - (f) to authorise the examination by the foreign representatives involved in a BVI insolvency proceeding;
 - (g) to stay or terminate or make any other order as the court considers appropriate in relation to a BVI insolvency proceeding;
 - (h) to make orders or grant other reliefs as the court considers appropriate.
- Moreover, It is also noteworthy that section 468 of the Insolvency Act has listed the matters and elements which should be considered by Court when making decision upon an application under section 467.

Question 2.4 [maximum 4 marks]

Commented [JW7]: 4 marks

With reference to the relevant legislation, set out the circumstances in which a company will be considered insolvent in the BVI.

According to subsection 8(1) of the Insolvency Act, a company or a foreign company will be considered insolvent if one of the following circumstances occurs:

- (a) If the company fails to comply with the requirements of a statutory demand that has not been set aside under section 156 and 157 of the Insolvency Act, the debtor company will be considered insolvent under the BVI law.
- (b) If an execution or other process issued on a judgment, decree or order of a BVI court in favour of a creditor of the company is returned wholly or partly unsatisfied, the debtor company will be considered insolvent under the BVI law.
- (c) balance sheet insolvent. If the value of the company's liabilities exceeds its assets, the debtor company will be considered insolvent under the BVI law.
- (d) cash flow insolvent. If the company is unable to pay its debts as they fall due, the company will be considered insolvent under the BVI law.

QUESTION 3 (essay-type questions) [15 marks in total]

Question 3.1 [maximum 5 marks]

Commented [JW8]: 3 marks - no mention of section 207A -208 BCA 2004 for voluntary liquidation

With reference to the relevant legislation, explain the steps a liquidator must take when preparing to terminate a liquidation.

According to BVI law, It is vital to consider which circumstance should the liquidation proceeding to be terminated under. And the preparation in relation to different ground of termination is different.

Firstly, if the liquidator want to terminate the liquidation on the ground of just and equitable under section 233 of the Insolvency Act, which is available at any time after the appointment of the liquidator, the liquidator can make an application under section 233 to the court. And it is for the court to require the relevant liquidator to file a report with respect to any matters relevant to the application.

Second, if the liquidator wants to terminate the liquidation after completing his or her duties in relation to the liquidation, after the completing of duties, as soon as practicable, the following preparation steps should be taken by the liquidator pursuant to section 234(2):

- (a) prepare the required documents and send to every creditor of the company whose claim has been admitted and to every member of the company, including: (i) final report complying with section 233(3) and a statement of realisations and distributions in respect of the liquidation; (ii) a summary of the grounds upon which a creditor or member may object to the striking of the company from the Register;
- (b) file with the Registrar a copy of the final report and the statement of realisations and distributions sent to the creditors and members of the company.

It also should be noted, according to section 234(4), the liquidator can make an application to the court to exempt he or she from compliance with the document requirements under section 234(2)(a). Upon such application, the court can grant such exemption or modify the documents requirement under section 234(2)(a), on such terms and conditions as it considers just.

Question 3.2 [maximum 5 marks]

Commented [JW9]: 5 marks

Is it possible to make an application to the BVI Court for the appointment of an overseas insolvency practitioner in relation to a BVI company and, if so: (i) in what circumstances might a creditor consider the appointment of an overseas insolvency practitioner; (ii) what is the process for such proposed appointment?

1. A creditor may consider the appointment of an overseas insolvency practitioner where a proceeding needs to deal with property and disputes locating in different jurisdictions. In practice, it is a common practice that a BVI company holds assets, including subsidiaries, locating in other jurisdictions. In these circumstances where assets locating abroad are involved, to appoint an overseas insolvency practitioner will help to dispose of the property more efficiently and reduce the cost in relation to travel and local expertise. Moreover, if a long-run proceeding involves many disputes in different jurisdictions, to appoint overseas insolvency practitioners is also an economical alternative for the debtor.

2. Under the section 483 of the Insolvency Act, an overseas insolvency practitioner can be appointed as a liquidator of a BVI company, but only as a joint appointment with a licensee or the Official Receiver, and the following process should be followed

According to section 483(a), the overseas insolvency practitioner should satisfy the eligibility requirement first, including: (a) he or she has sufficient qualifications and experience to act in the insolvency proceeding in respect of which the appointment is made; (b) he or she has given his or her written consent to act in the prescribed form; (c) he or she is not disqualified from holding a licence under section 477; (d) he or she is not disqualified from acting in the case of a company or a foreign company under subsection 482(2);(e) there is in force such security for the proper performance of his or her functions as may be specified in the 'Regulations';

Further, to appoint an overseas insolvency practitioner, the notification requirements should be satisfied. According to section 483(b), prior written notice of the appointment should be given to the Financial Services Commission (FSC). And FSC is empowered to appear and be heard at the hearing of the application to appoint an overseas insolvency practitioner, for the purpose of objecting to the appointment. Moreover, after receiving notice under section 483(b), FSC is empowered to give the appointer notice under subsection 484(2) about its intention to apply to the Court for an order that the overseas insolvency practitioner should not be appointed. Once the notice under subsection 484(2) is given, the overseas insolvency practitioner only can be appointed under two circumstances of approval:(a) the court approves the appointment at the hearing of FSC's application under subsection 484(2); (b) the FSC approves the appointment.

Question 3.3 [maximum 5 marks]

Commented [JW10]: 4.5 marks- Options to relinquish security interest in all insolvency procedures and can appoint receiver/admin receiver under s.115

Discuss the protections and options provided to secured creditors under the BVI insolvency framework.

Under the BVI insolvency framework, many protections and options are provided for secured creditors, including:

1. The effect of the liquidation proceeding does not apply to secured creditors. Secured creditors have the right to enforce their security out of the insolvency process and to be

satisfied separately. According to section 175(2) of the Insolvency Act, the commencement of the liquidation of a company do not affect the right of a secured creditor to take possession of, realise or deal with assets of the company over which that creditor has a security interest.

2. The secured creditors do not necessarily have to participate in those insolvency proceedings. In general, the secured creditors do not need to make application to commence proceedings against a debtor or prove claims in the insolvency proceedings, unless they surrender their secured interest and to base on an unsecured claim. And notably, the creditors are allowed under the Insolvency Act to apply to the liquidator to amend the value that he or she placed on the security interest in his or her claims at any time. Moreover, even if a secured creditor made an inadvertent failure to disclose his security interest due to an honest mistake, the creditor can make an application for relief pursuant to section 299(2).

3. The discharge in bankruptcy does not affect the secured debts. In the circumstance of bankruptcy discharge, a bankrupt can apply to the court for a discharge of remaining debts pursuant to section 378, the court may make an order to discharge the bankrupt absolutely or make an order to discharge the bankrupt partially subject to certain conditions as it considers fit. However, a discharge does not affect the secured creditors to enforce secured claims.

4. Further, the liquidator also has a duty to give priority effect to the secured debts. In voluntary liquidation, even though a company can be putted into liquidation with security interests registered in the BVI Registrar of Company. According to section 197(2) of the Business Companies Act, the liquidator should give effect to the rights of priority of the claims of a secured creditor.

5. Lastly, most rescue-type proceedings in BVI cannot affect the right of secured creditors. For example, in a company creditor's arrangements, a secured creditor's right cannot be affected unless consent is so provided in writing as well.

In summary, in the BVI insolvency framework, secured creditors rights are generally not affected by the insolvency proceedings, unless consents are given pursuant to the law. And even if the secured creditors have participated in such proceedings, their priority interests are protected by law, unless they consent to surrender such interests.

QUESTION 4 (fact-based application-type question) [15 marks in total]

Question 4.1 [maximum 6 marks]

In September 2020 Pinforth Holdings Limited, a company incorporated in England, brought a claim against Expat Properties Limited, a company incorporated in the BVI, in the English High Court. Expat Properties did not attend the hearing and Pinforth Holdings was awarded judgment in the sum of USD 4,500,000.

Expat Properties has significant assets in the BVI. Giving reasons, with particular reference to the Reciprocal Enforcement of Judgments Act 1922, what options should Pinforth Holdings be advised to consider in order to enforce its foreign judgment debt?

In BVI, a party can rely on Reciprocal Enforcement of Judgments Act 1922 or common law to apply for the recognition of foreign judgements. For Pinforth Holdings, to enforce its foreign judgment debt under Reciprocal Enforcement of Judgments Act 1922 is a more suitable option.

The rules to enforce foreign judgment debt under the Reciprocal Enforcement of Judgments Act 1922, are as followed. Firstly, the prerequisite that the judgment debtor must have assets in the BVI, must be satisfied. Secondly, only judgments from prescribed countries, including the High Court of England and Wales, can be registered in BVI. Thirdly, the time requirement that, the qualified judgments must be registered within 12 months of the date of the judgment to be effective, unless the longer period is granted by a BVI court, must be satisfied. Lastly, the section 3(2) of the 1922 Act has provided certain exceptional circumstance in which the court will not grant order to register a foreign judgement. And if all the requirements have been

Commented [JW11]: 4.5 marks - did not include all of the condition required under REJ 1922.- Claim was more than 12 months but question does not state when judgment awarded and Expat did not attend hearing so not registrable but in common law remedy under doctrine of obligation action as specified sum or summary judgment then liquidation under section 162 IA2003

satisfied, a foreign judgement registered under the Reciprocal Enforcement of Judgments Act 1922 will have the same force and effect as the original judgment made by a BVI court, and all remedies under Civil Procedure Rules 2000 are available.

In this case, Expat Properties has properties in BVI, and the monetary judgment was made by England, hence the judgment in question is qualified to be registered. However, as the date of the judgment is not mentioned in the fact, Pinforth Holdings Limited should be advised that the judgement should be registered within 12 months of the date of the judgment to be effective, or otherwise to obtain an extension granted by a BVI court. More specifically, in order to register its judgment, Pinforth Holdings Limited can make an application under the prescribed conditions pursuant to CPR Part 72. However, Pinforth Holdings Limited should also consider whether its judgment belongs to one of the exceptional circumstances provided in section 3(2). If one of the prescribed exceptions apply, then the court will not grant orders to register the judgement. As the fact given in this case, since Expat Properties had never attended the hearing in that proceeding, Pinforth should focus on the following issues, *inter alia*: whether the High court of England did act with or without jurisdiction; Whether Expat Properties was or was not properly served in the process of that case and that why Expat Properties did not appear; Whether Expat Properties was carrying on business or ordinarily resident within the jurisdiction of the England court; and whether in that case, Expat Properties did not voluntarily appear or submit to the jurisdiction of the High court of England.

If one of the exceptions apply, then the judgement in questions of Pinforth Holdings Limited is not registrable in BVI.

Question 4.2 [maximum 9 marks]

Abbeydale Limited, a company incorporated in England, and Dendoncker Limited, a company incorporated in the BVI, entered into a loan agreement for the purchase of a property on Necker Island in the BVI. Under the terms of the loan agreement, Abbeydale transferred USD 12,000,000 to Dendoncker and Dendoncker successfully purchased the property. Subsequently, Dendoncker failed to make any of the loan repayments pursuant to the repayment clauses. As a result of this failure, Abbeydale made a demand for immediate repayment in full, as it was entitled to do under the agreement. Dendoncker failed to make any repayments in full or in part.

Providing reasons, with particular reference to the Insolvency Act, what options should Abbeydale Limited be advised to consider in order to enforce the debt owed to it by Dendoncker Limited?

In order for Abbeydale Limited to enforce its claims against Dendoncker Limited, the following options should be considered.

1. Ordinary civil and enforcement proceedings. It should be noted, in this case, Abbeydale Limited do not hold any security interests over Dendoncker's assets. Hence, as a normal practice, Abbeydale Limited should try to enforce its claims by ordinary civil and enforcement proceedings first, as the insolvency proceeding is collective in nature and may not be the best choice for Abbeydale Limited whose claims were unsecured. In this case, since Dendoncker Limited hold valuable properties in BVI, Abbeydale Limited can try to use the preservative or interim measures against the properties of Dendoncker Limited, and may have a good chance to collect its claims at least partially.

2. Statutory demand. As an alternative, if the Abbeydale Limited considers the ordinary civil and enforcement proceedings are too time-consuming and costly, it can serve a statutory demand in the prescribed written format, which should be signed by the creditor, to force Dendoncker Limited to make payments. Failure to comply with the statutory demand is a statutory ground to prove insolvency and commence insolvency proceedings.

On the other hand, after receiving the statutory demand, Dendoncker Limited is empowered make an application to set aside the demand under section 156 and 157 within 14 days. If to

Commented [JW12]: 4 marks

First issue: is A secured or unsecured creditor?

If secured? registered charge/ debenture/ legal charge/equitable charge - have to see the loan document. Options under IA2003: Receiver /Administrative Receiver / Out of Court Receiver. If unsecured: Breach of contract – damages and obtain judgment from English Court in its favour – may be delay and costly; or obtain judgment in English court – recognised in BVI Court under IA 2003; or serve statutory demand under s155 IA2003 and then if unpaid application to the Court for liquidation under Section 162 for appointment of liquidator by the Court - winding up will only be made if insolvent - provisional Liquidation under 170 if assets at risk of dissipation.

Commented [JW13]: This is not stated in the question- it may have security interest

Commented [JW14]: What are these interim measures?

Commented [JW15]: What does partially mean? If an unsecured creditor will rank will all or nay other creditors equally - pari passu.

set aside the statutory demand is of little possibility, the Dendoncker Limited may voluntarily pay its debts owed to Abbeydale Limited to avoid falling into liquidation. As mentioned above, even if Dendoncker Limited still fails to pay its debts, the failure to pay in compliance with a statutory demand will be a solid ground for Abbeydale Limited to make a liquidation application against Dendoncker Limited.

3. Direct application to liquidate Dendoncker Limited. However, if there is any urgent risk of Dendoncker Limited's assets being transferred, impaired or enforced, a direct application to liquidate Dendoncker Limited may be a proper option. However, as the fact given, it is not practical for Abbeydale Limited to make such an application basing on the "balance sheet insolvency" test. Instead, it can make a liquidation application basing on the "cash flow insolvency" test under subsection 8(c)(ii), as Dendoncker Limited is unable to pay its debts as they fall due. it is a matter. No matter on which grounds, once a liquidation proceeding is commenced against Dendoncker Limited, the interim relief under section 307 will be available to protect the assets of Dendoncker Limited from other parties. And if any of the transaction, including the purchase of properties in this case, constitutes an undervalued transaction, then the liquidator can bring actions to avoid the transaction for the benefit of all the creditors of Dendoncker Limited. Further, as BVI Insolvency law provide equal protection for foreign creditors. After filing its claims in the proceeding, Abbeydale Limited will be paid *pari passu* according to the order of priority as an ordinary unsecured creditor.

4. Rescue-type proceedings in BVI. In certain circumstances, Abbeydale Limited should also consider to apply for rescue-type proceedings against Dendoncker Limited, especially where Dendoncker Limited are continuing to operate its business and its going concern value exceed its liquidation value. According to BVI law, creditors can apply to initiate the scheme of arrangement pursuant to Business Companies Act (2020). However, as mentioned above, if Dendoncker Limited is submitted to commit fraud or undervalue transaction, liquidation may be the more proper choice because the avoidance rules can apply in liquidation but not in scheme of arrangement.

5. Lastly, Abbeydale Limited may be rewarded judgments or commence insolvency proceedings in England Courts and seek recognition from BVI courts. Since BVI has not yet effectively adopted the Model Law, the proceedings commenced in England can be recognised and given effect under Part XIX, and judgments issued by England courts can be registered and given effect according to Reciprocal Enforcement of Judgments Act 1922 and Foreign Judgments (Reciprocal Enforcement) 1964 to have the same force and effect.

*** End of Assessment ***

Commented [JW16]: This is a bankruptcy section - for individuals not corporate entities

Commented [JW17]: BCA 2004, as amended in 2020

Commented [JW18]: Not an Insolvency Act 2003 procedure