

# Tim Prudhoe

## Description

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[tim@spcaribbean.com](mailto:tim@spcaribbean.com)

With a background in practice at the English Bar across a wide range of court work, Tim has been a court advocate across the Caribbean for over twenty years; appearing in every level and type of court, including before the Judicial Committee of the Privy Council. Both his offshore and onshore includes sanctions issues. He heads up the firm's cross-border practice, including the Guyana office.

He has deep experience in the strategic aspects of preparing for, running, winning and sometimes simply *avoiding* "bet-the-company" disputes. As part of the firm's leadership, he understands the need to deliver a commercial approach to busy co-counsel and end-user clients.

Tim has given expert evidence many times in a wide range of onshore jurisdictions on trustee issues, choice of law and jurisdiction provision, corporate insolvency issues, directors' duties, confidentiality legislation and judgment enforcement.

His "big ticket" insolvency experience includes his also being a licensed Insolvency Practitioner. Tim is also an INSOL Fellow.

His public law work has covered a wide range of judicial review and constitutional issues. Tim relishes that which is describes as "pointy-end" court work and related litigation.

## Select Engagements

- Successful claims for declarations of breach(es) of the Turks and Caicos Islands Constitution as to protected rights (Section 9, private and family life; Section 16(3) protection against discrimination on the grounds of sexual orientation) in respect of immigration exemption refusal for same sex spouse of TC Islander. Also resulting appellate instructions
- Wide-ranging dispute between largescale employer and sub-contractors relating to terms of engagement and conditions of work; forfeit of share options in the context of allegations of dishonesty (Bermuda and other jurisdictions)
- Constitutional claims on behalf of same-sex couple seeking immigration recognition (Turks and Caicos Islands)
- Judicial reviews on behalf of 13 rejected Islander Status applicants (Turks and Caicos Islands)
- Judicial review of suspension of passports granted to economic citizens, including damages claim

for resulting loss of business due to impeded travel (St. Kitts)

- Judicial review of banking regulators of St. Kitts and Nevis and related civil claims resulting from regulatory steps taken against a bank
- Judicial review of regulator's grant and intended renewal of extraction licence – petroleum (Guyana)
- *Habeas corpus* proceedings arising from unlawful detention during the COVID-19 pandemic (Turks and Caicos Islands)
- False imprisonment claims for 13 unlawfully detained illegal entrants (Turks and Caicos Islands)
- Obtaining the first 8 grants of asylum (1 from the Minister, 7 on appeal to The Governor) in the history of the Turks and Caicos Islands
- Extradition proceedings (Belize, to Mexico)
- Acting for corporate claimant (fraud victim) in respect of recovery of development land (42 related proceedings and 39 parties). Issues of legal standing, corporate capacity, vicarious liability for the fraud of government officials and evidence on commission (Montserrat)
- Russian sanctions, advising in respect of applicability and effect of same in the context of a finance structuring involving a share pledge in favour of a sanctioned lender; British Virgin Islands and several onshore jurisdictions involved
- Insolvency proceedings for liquidators variously in the British Virgin Islands, Trinidad and Tobago, Dubai DIFC (on behalf of British Virgin Islands' liquidator)
- Receivership and trustee advice in the context of judicial dissolution of a Nevis entity as migrated from elsewhere and facing possible judgment enforcement issues from onshore proceedings
- Belize litigation and corporate advisory (economic substance and common reporting standards issues; onshore regulatory enquiries)
- Anguilla corporate and related cross-border lending security and corporate capacity issues in the context of sanctions
- Defending proceedings in the British Virgin Islands Commercial Court against an investment fund for misrepresentation and unfair prejudice of shareholders
- Proceedings brought by beneficiaries relating to discretionary trust (Monaco and Hong Kong)
- Defending proceedings brought by the trustee against a beneficiary in respect of disclosure for onshore proceedings (Turks and Caicos Islands)
- Defending registered status of bank security in respect of valuable beachfront and counterclaims for declaratory relief on the basis of proprietary estoppel ("monies-had-and-received") (Turks and Caicos Islands)
- Anti-suit proceedings in the insolvency context (Nevis)
- Expert witness (including deposition and court evidence) in various onshore proceedings

### Credentials

- Anguilla
- Belize
- Bermuda
- British Virgin Islands
- Dubai, DIFC
- England & Wales

- Gibraltar
- Grenada
- Guyana
- Jamaica
- Montserrat
- St. Kitts & Nevis
- St. Vincent & the Grenadines
- Trinidad & Tobago
- Turks & Caicos Islands

## **Education**

Manchester University, LLB

London University, Queen Marys, LLM

Eugene Dupuch Law School, The Bahamas, Legal Education Certificate (from the Council of Legal Education)

INSOL, Global Insolvency Practice Course

## **Professional & Community Involvement**

Society of Trusts and Estates Practitioners (fiduciary structures: trusts and foundations)

Commonwealth Lawyers Association

INSOL, Fellow

COMBAR

Chancery Bar Association

Chartered Institute of Arbitrators, Fellow

Company Law Advisory Committee, Turks & Caicos Islands

OECS Bar Association

Human Rights and Rule of Law Committee, Commonwealth Lawyers Association

Recent writing and speaking engagements:

Co-presenter, STEP BVI, “*Case Update in the Era of Sanctions Sledgehammer*”, 28 September 2023

September 2023 – Counsel magazine (pages 46-49): “*The Sri Lanka 7*” [covering issues of *habeas corpus*, false imprisonment, refugee designation, asylum and constitutional protections] [Counsel September 2023 \(windows.net\)](#)

March 2023 – Gore Browne on Companies, Special Release: “*Stranger than fiction: the FTX cross-border insolvency saga*”

March 2023 – Commonwealth Law Conference (Commonwealth Lawyers Association), Goa, India: “*Refugee rights after COVID – do they still exist?*”

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