

BRITISH VIRGIN ISLANDS COURT OF APPEAL

Igors Kippers et al -v- Stanford International Bank Limited (In Liquidation)

COMPANIES - INSOLVENCY - WINDING UP ORDER
- PROCEDURE FOR CHALLENGE

This Appeal brought under S. 11 of the *Eastern Caribbean Supreme Court (Antigua and Barbuda) Act* concerned the jurisdiction of the Master to raise an issue and pronounce on the validity of claims brought after Stanford International Bank was placed into compulsory liquidation.

The Court held, *inter alia*, that in the absence of local statutory provisions and rules regulating the practice and procedure for challenging a winding up order made pursuant to Section 304 of the *International Business Act* or relating to proceedings during the pendency of the winding up proceedings against or on behalf of the Company in liquidation, The Third Group of Parts: Part V11 in the English Insolvency Rules 1986 as amended relating to the Court Procedure and Practice Direction PD5 relating to the Distribution of Business of the Companies Court in England applied.

This decision has far reaching implications for the British Virgin Islands because Section 11 of the *Eastern Caribbean Supreme Court (Antigua and Barbuda) Act and Practice Direction* are identical to the corresponding provision in the BVI which means that the English Insolvency Rules will apply to challenges to winding up orders in BVI as well as in connection with bringing claims in the liquidation.

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