



serle court

clerks@serlecourt.co.uk
+44 (0)20 7242 6105

Ruth Jordan

Year of Call: 2001

"She is very creative and industrious, as well as very knowledgeable. She works very hard to achieve clients' objectives." "She is very intelligent, very hard-working, and has a great understanding of the landscape applied to English law."

Chambers & Partners

rjordan@serlecourt.co.uk
clerks@serlecourt.co.uk



Practice Overview

Ruth is involved in litigation and advisory work domestically and offshore in commercial, trusts and property matters. She has expertise and wide experience across the areas of trusts, tax litigation, company disputes, charities, insolvency and public law and often where these areas intersect. She appears frequently on these matters (led and unled) in the High Court, Tax Tribunals, Court of Appeal and Privy Council. Ruth has a strong offshore practice and in addition to her commercial chancery practice has been heavily involved in a long-running series of judicial review, contempt and constitutional proceedings in The Bahamas.

Ruth's government work is predominantly in the areas of tax and trusts: she appeared for HMRC in the landmark Supreme Court appeals in *Pitt v Holt* and *Futter v Futter*; in a series of matters on appeal to the Court of Appeal on the application of transfer pricing rules to shareholder transactions and the meaning of 'loss' for corporation tax purposes; and, currently, on a series of tax appeals relating to the validity of remuneration trusts.



Areas of Expertise

Civil Fraud

TG Investments Ltd, Tom Gonzales v New Hope Holdings Ltd, Preben Olesen & others. Advised the plaintiffs in an action to recover \$32.8m in loans and a \$12m investment in the Port Lucaya Marina development (in receivership) The Bahamas.

Advising in relation to trustee removal proceedings and in potential unjust enrichment, debt, breach of fiduciary duty claims against a Cayman trust and Cayman company in relation to unauthorised transactions.

Central Bank of Ecuador v Conticorp SA [2015] UKPC 11; [2016] 1 B.C.L.C. 26; [2015] Bus. L.R. D7. Acted in the Privy Council for the defendants to an action brought in the Bahamas by the Central Bank of Ecuador against an Ecuadorian company and its principal shareholders and officers for dishonest assistance in relation to transactions for the transfer to the defendant company of loans and shares in an Ecuadorian bank in return for global depository receipts which subsequently proved to be valueless.

Harding v Thomas [2009]. Acted for the Claimant in Chancery Division breach of trust, dishonest assistance and knowing receipt claim. Obtained freezing injunction and passport order; and summary judgment.

Mackinnon v The Regent Trust Company Limited [2006]. Obtained an interim injunction preventing the removal of trust assets from the jurisdiction in the context of Jersey trust litigation; disclosure application; scope of and exercise of discretion under CPR r. 31.14.

SGI Group v Wijsmuller & Ors [2005]. Advised Plaintiffs in substantial cross-border fraud and international trust case involving injunctive and other relief in Jersey and Anguilla (with Victor Joffe QC).

Central Parking System v Lawrenson & Ors [2005]. Acted for Claimant in Chancery Division claim involving allegations

of fraud, breach of fiduciary duty and accessory liability; and obtaining freezing injunction (with Hugh Norbury).

Company

Advised the plaintiff in unfair prejudice action in The Bahamas relating to redemption of shareholding in an asset management business/partnership (breach of quasi-partnership agreement; unlawful conspiracy; and unfair prejudice). Raised issues of date of fair valuation of insolvent company. Resulted in confidential settlement.

TG Investments Ltd, Tom Gonzales v New Hope Holdings Ltd, Preben Olesen & others. Advised the plaintiffs in an action to recover \$32.8m in loans and a \$12m investment in the Port Lucaya Marina development in The Bahamas.

Union Castle Mail Steamship Co Ltd v Revenue and Customs Commissioners [2020] EWCA Civ 547; [2018] UKUT 316 (TCC) and [2016] UKFTT 536 (TC) Acted for HMRC in appeal about the use of the derivative contract rules to engineer £39m in tax deductible losses. Issues included the definition of 'loss' and 'arise from' and the decision of the Upper Tribunal is notable as it widens the application of transfer pricing rules to certain shareholder transactions (bonus share issues).

Central Bank of Ecuador v Conticorp SA [2015] UKPC 11; [2016] 1 B.C.L.C. 26; [2015] Bus. L.R. D7 Acted in the Privy Council for the defendants to an action brought in the Bahamas by the Central Bank of Ecuador against an Ecuadorian company and its principal shareholders and officers for dishonest assistance in relation to transactions for the transfer to the defendant company of loans and shares in an ecuadorian bank in return for global depository receipts which subsequently proved to be valueless.

Ardagh Group SA v Pillar Property Group Ltd [2013] EWCA Civ 900 and [2012] EWHC 3649 (Ch). Issue of construction of a share sale agreement entered into for capital gains tax planning purposes (led by Robert Miles QC in Chancery Division and Court of Appeal).

Mercury Tax Group (In Administration) [2010] EWCA Civ 1379; [2010] S.T.I. 3242; Times, January 19, 2011 (Court of Appeal). Acted for Claimant in successful appeal against chairman's decision not to admit HMRC's claims for voting purposes. Appeal turned on construction of Insolvency Rules 2.38 and 2.39 (unled in High Court; led by George Bompas QC in Court of Appeal).

Re Stakefield (Midlands) Ltd [2010] EWHC 2518 (Ch); [2011] Bus. L.R. 457 and [2010] EWHC 3175 (Ch). Acted for Secretary of State in 3 week directors disqualification trial and in successfully resisting application to strike out proceedings on first day of trial on Art 6 HRA (right to a fair trial) grounds (led by Malcolm Davis-White QC).

Re Paulista Ltd (2010-2013). Advised the defendants in a multi-million dollar minority shareholder dispute and derivative claim relating to ownership of a Brazilian bank being litigated in the Bahamas. Involved in an appeal to the Privy Council on the issue of right to bring common law derivative action.

Re A Charity Ltd [2013]. Acting for the Charity Commission in charity proceedings being brought against directors of the charity and others for, inter alia, breach of fiduciary duty, knowing receipt and dishonest assistance in a breach of trust.

Vago v ACP Capital Ltd [2008]. Advised the plaintiff in Jersey proceedings relating to the exercise of share options. Settled.

Re City Truck Group Limited, Secretary of State for Trade and Industry v Gee & Ors [2007] EWHC 350 (Ch); [2007] All ER (D) 343 (Feb); [2008] B.C.C. 76. Acted for the DTI in company directors disqualification trial involving allegations of invoice discounting fraud (with Lance Ashworth QC).

Dominion Employee Benefit Trustees Ltd v Sochos [2007]. Advised Defendants in Jersey action for restitution arising out of a mistaken payment.

Split capital investment trusts [2003 – 2004]. Engaged by the Financial Services Authority in its investigation into alleged collusion and mis-selling by fund managers and brokers within the split capital investment trust sector which culminated in settlement with 18 of the firms who contributed to a £194 million compensation package for investors.

Insolvency

TG Investments Ltd, Tom Gonzales v New Hope Holdings Ltd, Preben Olesen & others. Advised the plaintiffs in an action to recover \$32.8m in loans and a \$12m investment in the Port Lucaya Marina development (in receivership) The Bahamas.

Mercury Tax Group (In Administration) [2010] EWCA Civ 1379; [2010] S.T.I. 3242; Times, January 19, 2011 (Court of Appeal). Acted for Claimant in successful appeal against chairman's decision not to admit HMRC's claims for voting purposes. Appeal turned on construction of Insolvency Rules 2.38 and 2.39 (unled in High Court; led by George Bompas QC in Court of Appeal).

Re Stakefield (Midlands) Ltd [2010] EWHC 2518 (Ch); [2011] Bus. L.R. 457 and [2010] EWHC 3175 (Ch). Acted for Secretary of State in 3 week directors disqualification trial and in successfully resisting application to strike out proceedings on first day of trial on Art 6 HRA (right to a fair trial) grounds (led by Malcolm Davis-White QC).

Re City Truck Group Limited, Secretary of State for Trade and Industry v Gee & Ors [2007] EWHC 350 (Ch); [2007] All ER (D) 343 (Feb); [2008] B.C.C. 76. Acted for the DTI in company directors disqualification trial involving allegations of invoice discounting fraud (with Lance Ashworth QC).

Sisu Capital Fund Ltd v. Tucker and others [2006] BPIR 154; [2006] 1 All ER 167. Acted for two of the four KPMG respondents in the expedited trial of a challenge by certain minority creditors to CVAs in respect of a high-profile failed energy group; probably one of the largest cases ever to deal with an application to set aside a CVA; issue as to whether officeholders could recover costs in relation to the time spent by them and their staff on the case (with Michael Briggs QC, John Machell QC and David Drake).

Re Plummer [2004] BPIR 767. Acted for the Supervisor in a challenge to the validity of an IVA.

Property

Frequently instructed to advise and act for strata owners and strata corporations in the Turks & Caicos Islands and condominium owners and associations in The Bahamas in disputes as to the governance, management and funding structure of resorts owned under these forms of property ownership. Also advising in recreational easement disputes arising in relation to leasehold ownership of property in luxury holiday resorts in The Bahamas.

Dodds v Proprietors of Ocean Club West [2018]. Appeared in Supreme Court of TCI for Plaintiffs action re construction of the legislation governing ownership and management of luxury resort complexes in the Turks & Caicos Islands.

Chaffe & Ors v The Proprietors, Strata Plan No. 43 Villa Renaissance CL/89 of 2012. Appeared for the successful Plaintiffs in the Supreme Court of the Turks and Caicos Islands in an action re construction of the legislation governing ownership and management of luxury resort complexes in the TCI.

O'Connor v Proprietors of The Pinnacle [2012]. Acted for proprietors.

Ongoing instruction in relation to other property litigation in the Turks and Caicos (relating to land registration, specific performance etc.)

Metaxides v Swart, Silver Point Condominium Apartments [2015] UKPC 3. Case about the validity of a consent order settling proceedings in relation to the governance of a condominium association. Preliminary issue went to Privy Council on issue of validity of the order where there is a non-existent defendant or where defendant not party to the proceedings. Appeared for Respondents in Privy Council. Also advised successful Plaintiffs in main action in Supreme Court and Court of Appeal of The Bahamas and successfully resisted an application for leave to appeal to the Privy Council.

Oceania Heights v Willard Clarke Enterprise Ltd (2013) UKPC 3. Appeared in the Privy Council on appeal from the Court of Appeal of The Bahamas for the successful Appellants where the issue was whether a registered agreement for the sale of land took priority over a subsequent unregistered conveyance even where the conveyance was executed pursuant to an unregistered contract entered into before the relevant agreement.

Private Client Trusts and Probate

Frequently instructed on trusts matters domestically and offshore.

Currently instructed in an action in The Bahamas to enforce a \$250m judgment obtained elsewhere against Bahamian property held in a trust structure in Barbados.

Advising in relation to trustee removal proceedings and in potential unjust enrichment, debt, breach of fiduciary duty claims against a Cayman trust and Cayman company in relation to unauthorised transactions.

CIA Insurance Services Ltd v HMRC [2022] UKFTT 144 (TC). Instructed by HMRC on trusts arguments in tax appeal relating to validity of contributions to a remuneration trust.

Marwaha v Singh [2013]. Advised the Attorney General in relation to the appeal which concerned the circumstances in which the court will interfere with a discretion given to charity trustees under the governing documents of a charity.

Re A Charity [2013]. Acted for the Charity Commission in charity proceedings being brought against charity trustees and former employees for, inter alia, breach of fiduciary duty, knowing receipt and dishonest assistance in a breach of trust. Mediated settlement.

Pitt v Holt and Futter v Futter [2011] EWCA Civ 197; (2011) 108(12) L.S.G. 19. Acted for HMRC in Supreme Court and Court of Appeal in its landmark challenge to the so-called rule in Hastings-Bass and equitable jurisdiction to set aside a voluntary disposition for mistake (led by Philip Jones QC).

C v Mackinnon [2007]. Advised counter-claimant in professional negligence counterclaim in Jersey arising out of Jersey trust litigation relating to sham trusts; including forum non conveniens challenge in Jersey Court of Appeal.

Mackinnon v The Regent Trust Company Limited [2006]. Obtained an interim injunction preventing the removal of trust assets from the jurisdiction in the context of Jersey trust litigation; disclosure application; scope of and exercise of discretion under CPR r. 31.14.

In Re the Estate of Wilfred Samuel Lamb Deceased, Shuck v Loveridge (a child) (2005) [2005] EWHC 72 (Ch); [2005] All ER (D) 306 (Jan). Acted for the successful defendant in a challenge to the validity of a codicil on the ground of lack of knowledge and approval.

Cromwell v Copley [2004] All ER (D) 339 (Feb) acted for the settlor claiming rectification of a declaration of trust.

Administrative and Public Law

Frequently instructed in UK and Caribbean to advise and act in relation to judicial review challenges to large-scale developments and infrastructure projects. Particular interest in climate change litigation and costs in public interest litigation.

Responsible Development of Abaco Ltd v Prime Minister of The Bahamas and others [2023] UKPC 2. Acted for the Appellant in Privy Council in relation to an appeal against a security for costs order in public interest litigation (arising in the course of a challenge to a \$300m development). Appeal concerned the proper approach to applications for security for costs by defendants to public interest environmental judicial review claims and in particular by developers joined as additional defendants.

Currently instructed in a \$200m arbitration in the Bahamas that engages public law issues.

Douglas Ngumi v Attorney General of The Bahamas [2023] UKPC 12. Acted for the Appellant in an appeal to the Privy Council relating to the proper construction of provisions relating to detention for the purposes of effecting deportation in the immigration legislation, and the proper approach to the assessment of damages for a lengthy period of unlawful detention.

Waterkeeper Bahamas v Minister for the Environment, Bahamas Petroleum Co Plc and others (2021). Admitted to the Bar of The Bahamas to act for the applicant in a judicial review challenge to an exploratory offshore oil drilling project. and challenge to oil exploration licences granted to BPC plc.

Coalition to Protect Clifton Bay v The Prime Minister of the Commonwealth of The Bahamas and others [2013-2018] and Coalition to Protect Clifton Bay v Hon Jerome Fitzgerald MP and another [2017]. Advised the applicants in 4 high-profile judicial review challenges to various 'no action' decisions by the Bahamian government in relation to unauthorised land reclamation activities in the Bahamas and in ongoing related refusal, committal and enforcement proceedings.

Save The Bays & another v. (1) Hon. Frederick Mitchell (Minister of Foreign Affairs and Immigration) (2) Hon. Jerome Fitzgerald (Minister of Education, Science and Technology), and (3) Attorney General of The Bahamas, 2016/PUB/con/00016 Advised (with Prof Dan Sarooshi QC) the applicants in constitutional action resulting in a finding the Government and a Member of the Cabinet in the Bahamas in breach of the Constitution by referring in parliament to the applicant's private correspondence. Raised important issues of supremacy of the Constitution over Parliament specifically parliamentary privilege.

Bimini Blue Coalition Ltd v The Prime Minister of the Commonwealth of The Bahamas and others [2014] UKPC 23. Acted (unled) for the Appellants in two appeals before the Privy Council in relation to (i) the Court of Appeal of The Bahamas' decision to release developers of a cruise ship terminal from an undertaking preventing them from dredging coral reef; in which the PC granted the Appellants an injunction; and (ii) the Supreme Court of the Bahamas' decision to release the injunction.

Re Earth Ltd v Minister for Marine Resource, Prime Minister and others (2014) Advised applicants in successful challenge to decisions to allow an \$8million dolphin facility to be constructed and operated and to grant dolphin import licences contrary to international conventions and domestic law on marine mammal protection. Succeeded in having international conventions applied.

Responsible Development of Abaco Ltd v Prime Minister of the Commonwealth of The Bahamas and others [2012]. Advised the successful applicants a in judicial review challenge to decisions to permit a bunker C oil burning power

station to be constructed and operated in area of environmental importance. Resisted application for permission to appeal to the Privy Council.

Save Guana Cay Reef Association Limited v The Minister Responsible for Crown Lands and the Treasurer of the Bahamas and Ors [2009] UKPC 44. Acted (unled) for the Appellants in a 3 day hearing before the Privy Council of an appeal against the Court of Appeal of the Bahamas' rejection of the Appellants' judicial review challenge to the Bahamian government's decision to approve a \$500m development in the Bahamas. Obtained an injunction in the PC on the same case in 2005.

Tax

CIA Insurance Services Ltd v HMRC [2022] UKFTT 144 (TC). Instructed by HMRC on a number corporate remuneration trust tax appeals relating to validity and consequences of contributions to a remuneration trust.

Currently instructed in relation to a tax appeal before the Tax Appeal Commission in The Bahamas that tests the scope of recent changes to the VAT Act.

Union Castle Mail Steamship Co Ltd v Revenue and Customs Commissioners [2020] EWCA Civ 547; UKUT 316 (TCC) and [2016] UKFTT 536 (TC). Acted for HMRC in appeal about the use of the derivative contract rules to engineer £39m in tax deductible losses. Issues included the definition of 'loss' and 'arise from' and the decision of the Upper Tribunal is notable as it widens the application of transfer pricing rules to certain shareholder transactions (bonus share issues).

Norquil Ltd v HMRC and Ladbroke's Betting & Gaming Ltd v HMRC. Acting for HMRC in two appeals relating to two similar tax avoidance schemes which exploit loan relationships using a bonus share issue to produce deductible losses of £84m and £94m respectively.

Stagecoach Group Plc and Stagecoach Holdings Ltd v Revenue and Customs Commissioners [2016] UKFTT (TC) 120. Instructed by HMRC in appeal in relation to whether the loan relationship regime in the Corporation Tax Act 2009 Pt 5 applied to a parent company's scheme to recapitalise its subsidiary.

Ardagh Group SA v Pillar Property Group Ltd [2013] EWCA Civ 900 and [2012] EWHC 3649 (Ch) Issue of construction of a share sale agreement entered into for capital gains tax planning purposes (led by Robert Miles KC in Chancery Division and Court of Appeal).

Pitt v Holt and Futter v Futter [2011] EWCA Civ 197; (2011) 108(12) L.S.G. 19. Acted for HMRC in Court of appeal and Supreme Court in landmark challenge to the so-called rule in Hastings-Bass and equitable jurisdiction to set aside a voluntary disposition for mistake (led by Philip Jones KC).

M R Klincke v Revenue & Customs Commissioners [2009] UKFTT 156 (TC) [2009] S.F.T.D. 466; [2009] S.T.I. 2421. Acted for successful HMRC in appeal on the construction of s.132(3) of the Taxation of Chargeable Gains Act 1992 (whether the cancellation of a currency right amounted to a conversion of loan notes within the meaning of s.132(3)) (led by Michael Gibbon KC).

Drexler & Ors v HMRC instructed by HMRC in a tax appeal on whether holding and selling artworks and wines constitutes "making or holding investments" for the purposes of business property relief.

West Bromwich Albion FC v HMRC [2009]. Acted for HMRC in a tax appeal re construction of s.30 of the Capital Allowances Act 2001 relating to tax relief for a new stand for a football stadium (led by Timothy Brennan KC). Settled.

Harding v HM Revenue & Customs [2008] EWCA Civ 1164; [2008] S.T.C. 3499; 79 T.C. 885; [2008] B.T.C. 772; [2008]

S.T.I. 2322 represented the successful respondent in resisting an appeal in the Court of Appeal on the construction of s.117(1)(b) of the Taxation of Chargeable Gains Act 1992 relating to the definition of qualifying corporate bonds where foreign exchange provisions have lapsed (led by Michael Furness KC).

Smith & Commissioners for HM Revenue & Customs [2007] EWHC 2304 (Ch); [2008] S.T.C. 1649; 78 T.C. 819; [2007] B.T.C. 8010; [2008] W.T.L.R. 147; [2007] S.T.I. 2560; (2007) 157 N.L.J. 1506. Successfully represented HMRC in a Chancery Division appeal from the Special Commissioners on the interpretation of s.263 of the Inheritance Tax Act 1984.

HM Revenue & Customs v X plc [2007]. Acted for HMRC in transfer pricing claim against global multinational which subsequently settled (with Philip Jones KC and Charles Flint KC).

Charities

Frequent advice to charitable bodies in relation to charity proceedings and disputes.

Re a University [2021]. Advised a university in relation to corporate restructuring, Office for Students regulations and charity commission investigation.

Marwaha v Singh [2013]. Advised the Attorney General in relation to the appeal which concerned the circumstances in which the court will interfere with a discretion given to charity trustees under the governing documents of a charity.

Re A Charity [2013]. Acted for the Charity Commission in charity proceedings being brought against charity trustees and former employees for, inter alia, breach of fiduciary duty, knowing receipt and dishonest assistance in a breach of trust. Mediated settlement.


Pitt v Holt and Futter v Futter [2011] EWCA Civ 197; (2011) 108(12) L.S.G. 19. Acted for HMRC in Supreme Court and Court of Appeal in its landmark challenge to the so-called rule in Hastings-Bass and equitable jurisdiction to set aside a voluntary disposition for mistake (led by Philip Jones QC).

Chancery

Currently instructed in an action in The Bahamas to enforce a \$250m judgment obtained elsewhere against Bahamian property held in a trust structure in Barbados.

Advising in relation to trustee removal proceedings and in potential unjust enrichment, debt, breach of fiduciary duty claims against a Cayman trust and Cayman company in relation to unauthorised transactions.

Fernie v Wincrest Capital Ltd (2021). Instructed by plaintiff in asset management shareholder dispute.

TG Investments Ltd, Tom Gonzales v New Hope Holdings Ltd, Preben Olesen & others. Advised the plaintiffs in an action to recover \$32.8m in loans and a \$12m investment in the Port Lucaya Marina development (in receivership) The Bahamas. 

CIA Insurance Services Ltd v HMRC [2022] UKFTT 144 (TC). Instructed by HMRC in tax appeal relating to validity of contributions to a remuneration trust.

Pitt v Holt and Futter v Futter [2011] EWCA Civ 197; (2011) 108(12) L.S.G. 19. Acted for HMRC in Supreme Court and Court of Appeal in its landmark challenge to the so-called rule in Hastings-Bass and equitable jurisdiction to set aside a voluntary disposition for mistake (led by Philip Jones KC).

Central Bank of Ecuador v Conticorp SA [2015] UKPC 11; [2016] 1 B.C.L.C. 26; [2015] Bus. L.R. D7. Acted in the Privy Council for the defendants to an action brought in the Bahamas by the Central Bank of Ecuador against an Ecuadorian company and its principal shareholders and officers for dishonest assistance in relation to transactions for the transfer to the defendant company of loans and shares in an Ecuadorian bank in return for global depository receipts which subsequently proved to be valueless.

Ardagh Group SA v Pillar Property Group Ltd [2013] EWCA Civ 900 and [2012] EWHC 3649 (Ch). Issue of construction of a share sale agreement entered into for capital gains tax planning purposes (led by Robert Miles KC in Chancery Division and Court of Appeal).

SGL Group v Wijsmuller & Ors [2005]. Advised Plaintiffs in substantial cross-border fraud and international trust case involving injunctive and other relief in Jersey and Anguilla (with Victor Joffe KC).

Central Parking System v Lawrenson & Ors [2005]. Acted for Claimant in Chancery Division claim involving allegations of fraud, breach of fiduciary duty and accessory liability; and obtaining freezing injunction (led by Hugh Norbury KC).

International and Offshore

Currently instructed in an action in The Bahamas to enforce a \$250m judgment obtained elsewhere against Bahamian property held in a trust structure in Barbados.

Currently instructed in a \$200m arbitration in The Bahamas.

Fernie v Wincrest Capital Ltd (2021). Instructed by plaintiff in asset management shareholder dispute.

TG Investments Ltd, Tom Gonzales v New Hope Holdings Ltd, Preben Olesen & others. Currently advising the plaintiffs in an action to recover \$32.8m in loans and a \$12m investment in the Port Lucaya Marina development (in receivership) The Bahamas.

Responsible Development of Abaco Ltd v Prime Minister of The Bahamas and others [2023] UKPC 2. Acted for the Appellant in Privy Council in relation to an appeal against a security for costs order in public interest litigation (arising in the course of a challenge to a \$300m development). Appeal concerned the proper approach to applications for security for costs by defendants to public interest environmental judicial review claims and in particular by developers joined as additional defendants.

Waterkeeper Bahamas v Minister for the Environment, Bahamas Petroleum Co Plc and others (2021). Admitted to the Bar of The Bahamas to act for the applicant in a judicial review challenge to an exploratory offshore oil drilling project. Security for costs.

Dodds v Proprietors of Ocean Club West [2018]. Appeared in Supreme Court of TCI for Plaintiffs action re construction of the legislation governing ownership and management of luxury resort complexes in the Turks & Caicos Islands.

On to Protect Clifton Bay v The Prime Minister of the Commonwealth of The Bahamas and others [2013-2018] and Coalition to Protect Clifton Bay v Hon Jerome Fitzgerald MP and another [2017]. Advised the applicants in 4 high-profile judicial review challenges to various 'no action' decisions by the Bahamian government in relation to unauthorised land reclamation activities in the Bahamas and in ongoing related refusal, committal and enforcement proceedings.

Save The Bays & another v. (1) Hon. Frederick Mitchell (Minister of Foreign Affairs and Immigration) (2) Hon. Jerome Fitzgerald (Minister of Education, Science and Technology), and (3) Attorney General of The Bahamas,

2016/PUB/con/00016. Advised (with Prof Dan Sarooshi QC) the applicants in constitutional action resulting in a finding the Government and a Member of the Cabinet in the Bahamas in breach of the Constitution by referring in parliament to the applicant's private correspondence. Raised important issues of supremacy of the Constitution over Parliament specifically parliamentary privilege.

Central Bank of Ecuador v Conticorp SA [2015] UKPC 11; [2016] 1 B.C.L.C. 26; [2015] Bus. L.R. D7. Acted in the Privy Council for the defendants to an action brought in the Bahamas by the Central Bank of Ecuador against an Ecuadorian company and its principal shareholders and officers for dishonest assistance in relation to transactions for the transfer to the defendant company of loans and shares in an Ecuadorian bank in return for global depository receipts which subsequently proved to be valueless.

Metaxides v Swart, Silver Point Condominium Apartments [2015] UKPC 3. Case about the validity of a consent order settling proceedings in relation to the governance of a condominium association. Preliminary issue went to Privy Council on issue of validity of the order where there is a non-existent defendant or where defendant not party to the proceedings. Appeared for Respondents in Privy Council. Also advised successful Plaintiffs in main action in Supreme Court and Court of Appeal of The Bahamas and successfully resisted an application for leave to appeal to the Privy Council.

Bimini Blue Coalition Ltd v The Prime Minister of the Commonwealth of The Bahamas and others [2014] UKPC 23. Acted (unled) for the Appellants in two appeals before the Privy Council in relation to (i) the Court of Appeal of The Bahamas' decision to release developers of a cruise ship terminal from an undertaking preventing them from dredging coral reef; in which the PC granted the Appellants an injunction; and (ii) the Supreme Court of the Bahamas' decision to release the injunction.

Oceania Heights v Willard Clarke Enterprise Ltd (2013) UKPC 3. Appeared in the Privy Council on appeal from the Court of Appeal of The Bahamas for the successful Appellants where the issue was whether a registered agreement for the sale of land took priority over a subsequent unregistered conveyance even where the conveyance was executed pursuant to an unregistered contract entered into before the relevant agreement.

Re Paulista Ltd (2010-2013). Advised the defendants in a multi-million dollar minority shareholder dispute and derivative claim relating to ownership of a Brazilian bank being litigated in the Bahamas. Involved in an appeal to the Privy Council on the issue of right to bring common law derivative action.

Re Earth Ltd v Minister for Marine Resource, Prime Minister and others (2014). Advised applicants in successful challenge to decisions to allow an \$8million dolphin facility to be constructed and operated and to grant dolphin import licences contrary to international conventions and domestic law on marine mammal protection. Succeeded in having international conventions applied.

Chaffe & Ors v The Proprietors, Strata Plan No. 43 Villa Renaissance CL/89 of 2012. Appeared for the successful Plaintiffs in the Supreme Court of the Turks and Caicos Islands in an action re construction of the legislation governing ownership and management of luxury resort complexes in the TCI.

Responsible Development of Abaco Ltd v Prime Minister of the Commonwealth of The Bahamas and others [2012]. Advised the successful applicants a in judicial review challenge to decisions to permit a bunker C oil burning power station to be constructed and operated in area of environmental importance. Resisted application for permission to appeal to the Privy Council.

Save Guana Cay Reef Association Limited v The Minister Responsible for Crown Lands and the Treasurer of the Bahamas and Ors [2009] UKPC 44. Acted (unled) for the Appellants in a 3 day hearing before the Privy Council of an appeal against the Court of Appeal of the Bahamas' rejection of the Appellants' judicial review challenge to the Bahamian government's decision to approve a \$500m development in the Bahamas. Obtained an injunction in the PC on the same case in 2005.

Mackinnon v The Regent Trust Company Limited [2006]. Obtained an interim injunction preventing the removal of trust assets from the jurisdiction in the context of Jersey trust litigation; disclosure application; scope of and exercise of discretion under CPR r. 31.14.

SGI Group v Wijsmuller & Ors [2005]. Advised Plaintiffs in substantial cross-border fraud and international trust case involving injunctive and other relief in Jersey and Anguilla (with Victor Joffe QC).

Recommendations

Offshore (*The Legal 500*, 2019-2024)

Insolvency (*The Legal 500* 2009-2024) Offshore (*Chambers & Partners*, 2021-2024) Insolvency (*Chambers Global*, 2021-2023) Offshore (*Chambers Global*, 2021, 2022)

Restructuring/Insolvency (*Chambers & Partners* 2009-2021)

Quotes

"Ruth is highly organised and provides extremely clear and practical advice. She has huge technical expertise." (Legal 500 2024, Insolvency)

"Ruth is thorough and conscientious with a strong understanding of public law." (Legal 500 2024, Offshore)

"Ruth Jordan offers noteworthy expertise in a range of offshore commercial work, including investment disputes and litigation arising out of environmental proceedings." (Chambers and Partners 2024, Offshore)

"Ruth is an extremely personable and approachable barrister. She's easy to get on with." (Chambers and Partners 2024, Offshore)

"Ruth Jordan offers noteworthy expertise in a range of offshore commercial work, including investment disputes and litigation arising out of environmental proceedings. She is particularly adept at handling litigation in the Bahamas. Ruth Jordan is a very good lawyer and has a lovely courtroom manner. She is a strong advocate." (Chambers Global 2023)

"She is a brilliant tactician who never loses sight of the overall strategy" (Chambers and Partners 2022, UK Bar and Global, Offshore)

"Responsive, decisive and commercial" (The Legal 500 2022, Offshore)

"She is very prompt, commercial and concise - she gets to the point." (Chambers and Partners 2021, Insolvency/restructuring)

"Ruth is very thorough, extremely diligent and efficient. Her work is always high quality and always on time." (The Legal 500 2021, Insolvency)

"Always well-prepared, she knows her area of law well." (The Legal 500 2021, Offshore)

"She's exceptionally bright." (Chambers and Partners 2020, Insolvency/restructuring)

"She is meticulous in her review of papers." "She works incredibly hard and doesn't miss anything. She has a great

ability to make connections in different jurisdictions." (Chambers and Partners, 2020 Offshore)

"Very personable, a forthright advocate and a very able lawyer." (The Legal 500 UK Bar 2020, Offshore)

"Her conclusions and advice take into account the commercial realities facing clients and provide sensible suggestions." (The Legal 500 2020, Insolvency)

"She is very creative and industrious, as well as very knowledgeable. She works very hard to achieve clients' objectives." *"She is very intelligent, very hard-working, and has a great understanding of the landscape applied to English law."* (Chambers & Partners, 2019)

"Practical, commercial and collaborative, she works very well with instructing solicitors." (The Legal 500, 2019)

"She's technically excellent, very able, reliable and an excellent all-round advocate." (Chambers & Partners, 2018)

"Ruth is a clear-headed and intellectual advocate." (Chambers & Partners, 2017)

"Very creative and industrious, she works hard to achieve clients' objectives." (The Legal 500, 2017)

"An accomplished advocate, who is able to deal with complex law with ease" (The Legal 500, 2016)

"Ruth is a clear-headed and intellectual advocate", "notable strength in matters containing financial services and fraud elements." (Chambers and Partners, 2016)

"Bright and thorough" (The Legal 500, 2015)

"She is extremely hard-working and very reliable" (Chambers and Partners, 2015)

"Sources single her out as being an astonishingly thorough and user-friendly advocate".

"Her grasp of factual information is incredible." (Chambers and Partners, 2014)

"A very safe pair of hands." (The Legal 500, 2014)

"terrifically good on tax-related insolvency matters" (Chambers & Partners 2012)

"wins full market approval...winning the trust of solicitors "she really thinks round the issues, and has the ability to know where things might be going in a case." (Chambers & Partners 2010)

"tipped for the top...."an intelligent operator who provides an objective judgement on knotty issues." (Chambers & Partners 2009)

"commercial and effective" (The Legal 500 2010/11)

Education & Qualifications

BA (First Class) Trinity College Dublin

M Phil Christ's College, Cambridge

Ph D Christ's College, Cambridge

PgDL, City University

Appointments

Junior Counsel to the Crown (C Panel) (2007).

Junior Counsel for the DTI in Directors' Disqualification directions hearings (2003-2006).

Admitted ad hoc to the Bar of the Turks and Caicos Islands (2012 and 2017).

Special Admission to the Bar of the Bahamas (2020).

Memberships

Chancery Bar Association

Commercial Bar Association
