



Martin Kenney & Co.

Solicitors

PREFERRED AREA OF PRACTICE: *International Fraud and Asset Recovery*

P.O. Box 4740
Third Floor
Flemming House
Road Town, Tortola, VG1110
British Virgin Islands

T +1 (284) 494-2444
F +1 (284) 494-3313
www.martinkenney.com

What does the Covid-19 crisis mean for victims of fraud?

Country: British Virgin Islands

THE MOST CRITICAL PHASE OF THE CRISIS

As long as measures to prevent the spread of Covid-19 restrict freedom of movement: What are the effects of the Covid-19 crisis on civil justice?

Is there special legislation on the effects of the crisis on civil justice?

No special legislation has been introduced relating to civil justice during the crisis.

Does the crisis have an effect on court hearings?

The British Virgin Islands is currently in 24-hour lockdown until 20th April 2020. During this time all residents are required to stay at home (save for those working in essential services). However, the Commercial Court which deals with all fraud and insolvency matters is hearing matters by video-link during this time. In the first instance the courts are attempting to deal with applications on paper however if it is felt that a hearing is required then arrangements will be made for the hearing to take place by video-link.

After 20th April 2020, if restrictions are reduced, we expect that the courts will return to dealing with matters as they were prior to the 24-hour lockdown period. In these circumstances all matters will be dealt with by the Commercial Court via video-link unless the judge deems that the hearing should take place in person.

Does the crisis have an effect on deadlines (of procedural and substantive law)?

Are deadlines of ongoing proceedings affected?

Such deadlines are not affected. In the British Virgin Islands documents are filed in the Commercial Court electronically and continue to be so.



Are deadlines for bringing actions affected (limitation periods)?

Such deadlines are not affected given that documents are filed electronically in the Commercial Court.

Does the crisis have an effect on enforcement?

As set out above the Commercial Court remains fully functional and there should be no effect on enforcement proceedings.

How do courts work during the crisis?

Are courts closed?

As set out above the Commercial Court remains open and hearings take place by video-link.

Can courts / judges be contacted?

Yes, the Commercial Court is fully functional, and arrangements can be made for an urgent application to be heard.

Are documents served?

Yes. A practice direction has been issued permitting service on a legal practitioner by electronic means. Arrangements can be made to serve registered agents of BVI companies.

How do lawyers work during the crisis?

All lawyers are currently working remotely until 20th April 2020. We expect that restrictions will be relaxed after that date permitting lawyers to return to working from their offices.

How do banks work during the crisis?

All banks are currently closed until 20th April 2020. Banks are expected to re-open once restrictions are relaxed although residents are encouraged to do as much banking as possible electronically.

Does the crisis have an effect on insolvency law?

As described above the Commercial Court is fully operational and there should be no effect on insolvency matters. No new legislation has been introduced to amend insolvency law at this time.



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FORECAST: AFTER THE CRISIS AND LONG-TERM EFFECTS

What are the consequences of the Covid 19 pandemic once the pandemic has abated, in the gradual return to a new normality and what are the long-term effects?

Which measures introduced during the crisis will be withdrawn immediately?

The British Virgin Islands currently only has 3 reported cases of the virus. We expect that the government will begin to relax restrictions after the 20th April 2020. We expect that the commercial sector will be permitted to return to work from their offices soon after the 20th April 2020. We expect however that the majority of hearings will continue for the time being to be heard via video-link. We expect the borders to remain closed until at least 7th May 2020.

Will enforcement of economic crime, including corruption matters be weakened due to the lack of financial resources?

We do not expect the enforcement of economic crime to be weakened due to the lack of financial resources as the offshore financial sector forms a critical part of the British Virgin Island's economy.

Do you expect a rise of new anti-corruption prosecutions after the crisis?

As with any global recession we expect there will be a rise in fraud and insolvency litigation in the British Virgin Islands.

Martin Kenney/Andrew Gilliland

Martin Kenney & Co. Solicitors

PO Box 4740, Road Town

Tortola

British Virgin Island, VG 1110

Tel: +1284 4942444

Email: mkenney@mksolicitors.com/agilliland@mksolicitors.com