

## No Reflective Loss In Guernsey Mourant Ozannes

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*No Reflective Loss In Guernsey*

the question of whether the rule against reflective loss formed part of Guernsey law and, if so, whether it applied to cases where the losses have been suffered by a company owned by a discretionary trust.

*No reflective loss in Guernsey - Mourant Ozannes*

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Comment. In Guernsey, the extent to which the rule against reflective loss is part of Guernsey law is still uncertain following the judgment of Lieutenant Bailiff Marshall in *Jefcoate v Spread Trustee Company Limited* 42/2014 (which concerned losses to a company owned by a discretionary trust). In Jersey, the Royal Court affirmed that the reflective loss principle set out in *Prudential Assurance* forms part of Jersey law (*Freeman v Ansbacher* 2009 JLR 1).

*Clarification of the rule against reflective loss in the ...*

No Reflective Loss in Guernsey? In *Jefcoate v Spread Trustee Company Limited* the Royal Court of Guernsey considered, for the first time, the question of whether the rule against reflective loss formed part of Guernsey law and, if so, whether it applied to cases where the losses have been suffered by a company owned by a discretionary trust.

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The rule of reflective loss The rule of reflective loss emerged in the early 1980s in the case of *Prudential Assurance v Newman Industries (No. 2)* 1 Ch 204, and prevents claims by shareholders where their loss merely reflects the loss suffered by the company.

*A Fresh Glance At Reflective Loss And Shareholder Remedies ...*

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The “no reflective loss” rule The origins of the rule come from the decision in Prudential Assurance v Newman Industries (No. 2) 1 Ch 204, in which the court said: “what [the shareholder] cannot do is to recover damages merely because the company in which he is interested has suffered damage.

*Shareholder claims and the “no reflective loss” rule ...*

The rule of reflective loss The rule of reflective loss emerged in the early 1980s in the case of Prudential Assurance v Newman Industries (No. 2) 1 Ch 204 and prevents claims of shareholders (and now creditors) where their loss merely reflects the loss suffered by the company.

*A quick glance at reflective loss and shareholder remedies ...*

It was introduced by the English Court of Appeal (CoA) in the decision in Prudential Assurance Co. Ltd. v Newman Industries Ltd. and Others (No. 2) [1982] AC 204 (‘Prudential’), which held that the claimant shareholder could not recover a sum equal to the diminution in the market value of his shares or dividend because such a loss was merely a reflection of the loss suffered by the company.

*Reflective Loss: the Unprincipled Principle - South Square*

rule against reflective loss was part of Guernsey law, though she commented that she was 'far from entirely satisfied that it needs or ought to be'. Instead, she held that, even if it was part of Guernsey law, it was not necessarily applicable to this case because: No reflective loss in Guernsey - mourant.com

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If Marex were allowed to pursue its claim there may be a double-recovery which infringed the reflective loss principle. The rule against reflective loss finds its modern origin in Prudential Assurance Co Ltd v Newman Industries Ltd (No 2) [1982] Ch 204. The Supreme Court, in a decision given by Lord Reed, outlines the limited ratio of that case.

*The Supreme Court rules on Reflective Loss | Morton Fraser ...*

The court considered two issues: first, whether the no reflective loss rule applied in the case of claims by company creditors, where their claims were in respect of loss suffered as unsecured...

*Reflective loss | Law Report | Law Gazette*

In United Kingdom company law, reflective loss is the loss of individual shareholders that is inseparable from general loss of the company. The rule against recovery of reflective loss states that

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there should be no double recovery, so a shareholder can only bring a derivative action for losses of the company, and may not allege suffering a loss in a personal capacity for a personal right.

### *Reflective loss - Wikipedia*

Principle of reflective loss: what is it ? Per Lord Bingham in Johnson v Gore Wood [2002] 2 AC 1 at 35E (1) "Where a company suffers loss caused by a breach of duty owed to it, only the company may sue in respect of that loss. No action lies at the suit of a shareholder suing in that capacity and no other to make good a

### *CLAIMS AGAINST TRUSTS WITH UNDERLYING COMPANIES How do you ...*

In the Guernsey case of Jefcoate v Spread Trustee Company Limited [2014], the Court left open whether the rule was part of Guernsey law. Summary Whilst the Supreme Court's decision means that the rule against reflective loss continues to apply to shareholders, it no longer applies to non-shareholder claims against third parties, such as those brought by creditors and those between trustees and beneficiaries.

### *The Supreme Court takes on reflective loss in Sevilleja*

A minority of the Court, which still agreed that the appeal should be allowed, held that the reflective loss principle as stated in Prudential was "a flimsy foundation on which to build" and considered that the principle should no longer survive even in relation to shareholders who can prove, as a factual matter, the existence of loss separate from that suffered by the company. This may signal ...

### *Snapshot: reflections on loss | Ogier*

The purpose of this article is to examine, in the light of the very recent Guernsey judgment of Her Honour Lt Bailiff Hazell Marshall QC in Jefcoate v Spread Trustee, 1 the so-called rule against the recovery of 'reflective loss' so far as it applies to claims for breach of trust by beneficiaries against their trustee, where the loss has been suffered by a company directly or indirectly owned by the trust.

### *In the looking glass: holding companies and reflective loss*

Introduction. In its recent judgment of Sevilleja v Marex Financial Ltd [2020] UKSC 31, the Supreme Court of the United Kingdom ("Supreme Court") restated the rule against reflective loss ("No Reflective Loss Rule"). It held that the No Reflective Loss Rule would only bar the claims made by shareholders against wrongdoers who committed wrongs against and caused loss to the company, which in ...

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