

JANUARY 2026



THE MB&H CIRCULAR

News & Views from McKinney, Bancroft & Hughes

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McKINNEY, BANCROFT & HUGHES' VISION FOR THE YEAR AHEAD.

As one of The Bahamas' oldest and largest law firms, McKinney, Bancroft & Hughes has spent more than eight decades advising clients through periods of legal, economic, and regulatory change.

Looking ahead to 2026, we expect continued focus on regulatory compliance, cross-border transactions, dispute resolution, and risk management; particularly for clients operating in increasingly complex international and domestic environments.

With offices in Nassau, Lyford Cay, and Freeport, and as The Bahamas member firm of Lex Mundi, we are well positioned to support clients navigating both local developments and global legal considerations.

Our approach for the year ahead remains consistent: delivering clear, commercially focused advice informed by deep industry knowledge and practical experience.



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Client Focused. World View.

McKINNEY, BANCROFT & HUGHES is one of the largest and oldest firms in The Bahamas and conducts an extensive international and domestic practice from its offices in the cities of Nassau and Freeport.

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Member

ABOUT MB&H

McKinney, Bancroft & Hughes was built on a philosophy of delivering superior service through industry specialization. That philosophy continues to guide our practice today.

Originally established as a corporate and commercial firm, we now provide full-service legal representation across a broad range of practice areas.

As a member of Lex Mundi, a global association of leading independent law firms, we are able to support our clients' legal needs not only in The Bahamas but across key markets worldwide, while maintaining the highest professional standards.

PRACTICE AREAS

ADMIRALTY,
SHIPPING &
AVIATION

IMMIGRATION

COMPETITION
LAW

LABOUR &
EMPLOYMENT

CORPORATE &
COMMERCIAL

LITIGATION &
DISPUTE
RESOLUTION

FAMILY LAW

REAL ESTATE

FINANCIAL
SERVICES &
REGULATION

TAX & TRADE

FOREIGN &
LOCAL
INVESTMENT

TRUSTS &
PRIVATE CLIENT

Meet Our Executive Team



Senior Partner **John Fritzgerald Wilson K.C.** is an accomplished commercial litigator who is renowned for his problem-solving skills and ability to advocate effectively for his clients.



Partner **Sean N. C. Moree K.C.** is an experienced attorney who specializes in litigation and arbitration, particularly in regards to matters that involve trust, corporate, commercial, and insolvency issues.



Partner **April N. Turner** is the appointed Chief Operations Officer of MB&H Corporate Services Ltd, where she leads a result-oriented and enthusiastic team of corporate secretaries.





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ATTORNEY HIGHLIGHT

Consultant **Justice G. Diane Stewart (Ret.)** was recently featured on ZNS News as a special guest, alongside veteran reporter Julian Reid, in observance of the Opening of the Legal Year 2026. During the broadcast, Justice Stewart drew on her experience as a former Supreme Court judge to provide valuable insight into the judicial process and how matters are adjudicated before the courts.

She offered a clear and informative explanation of how court hearings are conducted, delivering expert legal commentary throughout the discussion. Justice Stewart also highlighted the role of technology in advancing legal practice, noting how modern tools have improved efficiency within the justice system.

Emphasizing the significance of the Opening of the Legal Year, Justice Stewart underscored that the occasion “isn’t just for show,” explaining that it is a formal requirement under the Supreme Court Act, which mandates that the courts officially commence each year on the second Wednesday with an official sitting.



Consultant G. Diane Stewart





Discussion on Recent Amendments to the Property (Execution of Deeds and Documents) Amendment Act 2025, Conveyancing and Law of Property Amendment Act 2025, and The Requirement for a Provisional VAT Invoice pursuant to DIR Guidance Note #20

By: Alexander M. B. Christie
McKinney, Bancroft & Hughes

Partner **Alexander M.B. Christie** recently led an educational seminar on VAT compliance in real estate transactions, highlighting critical considerations for attorneys, lenders, and purchasers.

Key points included the importance of timely recording of conveyances and deeds, obtaining provisional VAT invoices prior to execution, and the potential liability faced by attorneys for assessed VAT.

The session also addressed best practices for ensuring VAT is properly verified, paid, and reflected in completion statements, underscoring the need for immediate submission of conveyances and deeds for recording.



Partner Alexander Christie



PRIVY COUNCIL REFUSES SPECIAL LEAVE IN VOLPI ARBITRATION APPEAL.


By Senior Partner John F. Wilson K.C.



The Judicial Committee of the Privy Council has refused applications for special leave to appeal made by Gabrielle Volpi (“GV”) and Delanson arising out of long-running challenges to arbitral awards in the Volpi proceedings, finally bringing a decisive end to GV and Delanson’s ongoing challenges to the Phase 1 Awards. The Board held that the proposed appeals, from the Bahamian Court of Appeal’s dismissal of the appeals from the decision of Klein J dismissing all challenges to the Awards, had **no prospect of success**.

Matteo Volpi was represented before the Privy Council by Senior Partner **John F. Wilson KC** who acted as lead counsel in resisting the appeal and defending the integrity and finality of the arbitral process. The Board’s decision in refusing leave represents a significant reaffirmation of core arbitration principles, particularly the limited scope for appellate intervention where parties have chosen arbitration as their dispute-resolution mechanism.

The applications before the Board sought to challenge decisions of the Supreme Court and the Court of Appeal of The Bahamas, both of which had concluded that they lacked jurisdiction to entertain appeals on alleged errors of law arising out of the arbitral awards. Central to the dispute was the interpretation of **section 91 of the Arbitration Act 2009 (now amended)**, which required all parties agreement before an appeal on a point of law could proceed.



In submissions advanced on behalf of Matteo Volpi, Mr. Wilson KC emphasized that the statutory framework deliberately imposes strict limits on appeals from arbitral awards, reflecting the legislature's intention to promote finality, efficiency, and certainty in arbitration. The courts below were correct, he argued, to treat the refusal of leave by Klein J as determinative, leaving no residual jurisdiction in the Court of Appeal—or the Privy Council—to reopen matters, matters for which Parliament had intentionally vested the gate keeping function in the Supreme Court to grant or refuse leave.

The Privy Council accepted that analysis. It rejected the suggestion that the refusal of leave could itself be appealed, endorsing long-standing authority that where leave is required as a condition precedent, a refusal to grant it is not appealable. The Board further agreed that, even if jurisdiction had existed, the proposed grounds raised no issue of general public importance and disclosed no arguable error of law.

GV and Delanson also sought to rely on subsequent legislative developments and broader notions of the court's supervisory jurisdiction, including arguments that common-law rights to challenge errors of law survived the Arbitration Act. These arguments were firmly refuted by Mr Wilson KC, who pointed to the express statutory language which excluded such challenges and argued that the submissions were misconceived and speculative, and that later legislative amendments could not retrospectively undermine rights already determined by final judgments. The Board essentially agreed with Mr. Wilson KC on these arguments.

The outcome of the Volpi challenges is of wider significance for commercial parties and practitioners. It underscores that arbitration in The Bahamas is intended to be a final and binding process, with tightly controlled avenues of recourse to the courts. Parties who contract for arbitration cannot expect to re-litigate the merits through successive appeals framed as jurisdictional or legal challenges.

For Matteo Volpi, the refusal of special leave hopefully brings an end to extensive proceedings pursued across multiple appellate levels challenging the Phase 1 Awards. For the arbitration community, the decision provides welcome clarity and reassurance that the Bahamian courts—and the Privy Council—will robustly uphold the statutory limits on appellate intervention.

MB&H congratulates **John F. Wilson KC**, who was assisted by Berchel Wilson and the team from Candey in London on this significant result.