

Simon Davenport KC acts in Ellis Richards and others v The State of Trinidad and Tobago

Judgment was handed down in Ellis Richards and others v The State of Trinidad and Tobago in which [Simon Davenport KC](#) led Carsten Zatschler SC, Eamon Courtenay SC, Dr Kenny Anthony (the former prime minister of Saint Lucia), Gregory Pantin of Hamel Smith and Prof Happold. Simon was instructed by Miguel Vasquez of Hamel Smith.

The case was heard in the Caribbean Court of Justice, under its originating application jurisdiction considering consumer protection provisions in the revised treaty of Chaguaramas. The case has been recognised as the largest and most significant case it has ever considered in its near 25 year history.

The case considered the insurance company subsidiaries of the financial conglomerate, CL financial, and the consequences to policyholders across the entire region of a series of measures including assumption of control of CLICO investment bank and British-American insurance company Trinidad Ltd and provision of liquidity support, injection of funds and the purchase of the rights of some policyholders to mitigate the effects of the collapse on policyholders in the wider Trinidad and Tobago economy. The court considered two questions – whether the actions of the state of Trinidad and Tobago constituted breaches of provisions of the act and were discriminatory. The court reviewed and reconsidered the law relating to competition policy and consumer protection within chapter 8 of the treaty. The court also reviewed its ability to depart from its own previous decisions. The court further clarified the law on discrimination pursuant to article 7 of the treaty.

[View judgment here.](#)