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“Good Arguable Case”
A cruise around the fringes of the
test following
Tatneft v Bogolyubov & Ors

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The fringes of.....?

PJSC Tatneft v Bogolyubov
[2017] EWCA Civ 1581

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Kremenchug Oil Refinery

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A good arguable case?

“...a case which is more than barely capable of serious argument, and yet not necessarily one which the judge believes to have a better than 50% chance of success.”

Mustill J in *The Niedersachsen*

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Imbalance in argument?

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The Jurisdiction

Section 37 of the Senior Courts Act 1981:
The High Court may by order (whether interlocutory or final) grant an injunction or appoint a receiver in all cases in which it appears to the court to be just and convenient to do so.



How strong?

“...the strength of the plaintiff's case is relevant in two distinct respects...”



Threshold

“(1) the plaintiff must have a case of a certain strength, before the question of granting Mareva relief can arise at all. I will call this the 'threshold'.”



The balance

“(2) even where the plaintiff shows that he has a case which reaches the threshold, the strength of his case is to be weighed in the balance with other factors relevant to the exercise of the discretion.”

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The Claimant's balance



Defendant's strategy?

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Questions?

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