



## Andrew Brown

Call: 2014

### Barrister

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#### RECOMMENDATIONS

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#### MEMBERSHIPS

- The Honourable Society of Lincoln's Inn
- Chancery Bar Association

**Andrew Brown's** practice covers a broad range of chancery work, including: insolvency, commercial disputes, private client, and charities. Andrew regularly appears as sole advocate in the High Court and County Court, and has twice appeared as junior counsel before the Privy Council. He holds a D.Phil in Ancient Greek History from the University of Oxford.

#### INSOLVENCY AND COMPANY

Andrew regularly appears in the High Court and County Court in all aspects of corporate and personal insolvency. He has experience in High Court claims involving high-value allegations of misfeasance and reviewable transactions in corporate and personal insolvency. Andrew regularly appears in extensions to administration orders and other matters related to the conduct of voluntary arrangements and liquidations. He has made numerous appearances in applications to set aside statutory demands, orders for the sale of property, annulment of bankruptcy, income payment orders, applications to enforce compliance with office-holders, public and private examinations, and all other insolvency and company applications. He regularly handles winding-up and bankruptcy petitions.

Significant cases include:

- *Peter Herbert Fowlds v Sean Bucknall & Mark Roach (As Trustees in Bankruptcy of Peter Fowlds)* [2020] EWHC 329 (Ch): Andrew successfully appeared for the respondent trustees in bankruptcy in his high court appeal against an income payment order.
- *Re Christopher Hill (A Bankrupt)* [2020]: Andrew successfully appeared on behalf of trustees in bankruptcy in an application seeking to challenge their conduct in admitting a high-value debt in the

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## **POLICIES AND OTHER DETAILS**

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Read Andrew's [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#).

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bankruptcy.

- *Andalusian Stone (In Liquidation) v MGMC & Others* [2019]: In this High Court claim involving allegations of misfeasance, Andrew successfully struck-out a claim alleging a dishonest breach of fiduciary duty against his client following a two-day hearing.
- *Ingram v Singh & Ors* [2018] EWHC 1325 (Ch); [2018] BPIR 1343 – Appearing (led by Jeremy Cousins QC) as junior counsel for the respondents in this ten-day trial, which concerned allegations of de facto directors, misfeasance, preferences, and an account arising from the liquidation of a cash-and-carry business.
- *Viscountess St Davids v Chiron Partners FZE & Sigma 8 Ltd* [2018] EWHC 3097 (Ch) – Acting successfully for the respondents in dismissing a high-value application to set-aside a statutory demand involving matters of bridging finance and the duty of mortgagees in selling secured property.

## **COMMERCIAL**

Andrew accepts instructions in all aspects of commercial law including urgent injunctions. He has appeared in multiple trials concerning contractual disputes, debt claims, and the sale and supply of goods and services. Andrew recently appeared before the Privy Council on issues of Escrow and Pre-Incorporation contracts.

An illustrative example of his work includes:

- *Andalusian Stone (In Liquidation) v MGMC & Others* [2019]: In this High Court claim, Andrew successfully obtained substantial security for costs for his defendant clients in claims involving allegations of misfeasance and breach of contract.
- *Rolle Family & Company Limited v Ena Louise Rolle* [2017] UKPC 95; [2018] A.C. 205; [2018] 2 W.L.R. 1 – Appearing before the Privy Council as junior counsel for the appellant (led by Tom Dumont). The appeal was from the Bahamas, and concerned pre-incorporation contracts and contracts of escrow as they relate to the sale of land
- *Plant Handling Ltd v Universal Classic Cars Ltd* [2017] – Acting as sole counsel for the claimant in a multi-track trial concerning commercial contracts and the sale of goods and services
- *Hatfield v Probert* [2017] – Acting in a successful appeal against a first-instance decision dismissing a strike-out application involving issues of limitation and unjust enrichment.

## **PRIVATE CLIENT AND PROBATE**

Andrew advises on all areas of private client work. He has a particular interest in issues related to resulting and constructive trusts, and has experience with claims under the Inheritance Act 1975.

- *Snook v Snook* [2018] – Defending the claim in a two-day trial regarding a constructive trust of joint-owned property, he successfully proved the parties owned the property in equal shares despite the claimant claiming full beneficial interest.

- *Smith (Personal representative of Hugh Smith (Deceased)) v Molyneux (BVI)* [2016] UKPC 35; [2017] 1 P&CR 7 – Appearing before the Privy Council as junior counsel for the respondent (led by David Di Mambro). The appeal was from the BVI, and concerned adverse possession of land and unilateral licences of occupation.
- Acting in a three-day anonymised trial in 2017 in the Court of Protection as sole-counsel for the attorneys of a protected party which involved extensive cross-examination. Andrew successfully proved actual undue influence against one party, and a lack of capacity to revoke an enduring power of attorney by the protected party.

## **PUBLICATIONS AND SPEAKING**

Andrew often contributes to seminars in his practice areas both internally and externally. Andrew also regularly judges undergraduate moots. He has written a number of publications as illustrated below:

- ‘Headhunting: The Legal Aftermath of the Battle of Trafalgar and the case of *El Rayo*’ (link: <https://www.linkedin.com/pulse/head-hunting-legal-after-math-battle-trafficar-case-el-andrew-brown/>)
- ‘History v the modern world:’ the latest on e-filing and administrators’ appointments, Corporate Rescue and Insolvency (June 2019)
- “Annulment of Bankruptcy,” Chapter 16 in *Insolvency Litigation: A Practical Guide* 2nd Ed. (2018)
- “Litigating against Insolvent Entities,” Chapter 26 in *Insolvency Litigation: A Practical Guide* 2nd Ed.
- A Note of Caution: S.873 and extensions of time to register legal charges under the Companies Act 2006
- Unbending the Insolvency Rules 2016, Recovery (Spring 2017)
- Unbending the Insolvency Rules 2016 – part 2 Recovery (Summer 2017)