



Andrew Brown

Call: 2014

Barrister

CONTACT

Email
abrown@radcliffechambers.com

Email Clerk
clerks@radcliffechambers.com

Telephone
020 7831 0081

ADDRESS

11 New Square
Lincoln's Inn
London WC2A 3QB

DX: 319 London
Telephone: 020 7831 0081
Fax: +44 (0)20 7405 2560

Andrew Brown's practice centres on commercial chancery work focusing on insolvency and commercial disputes, with specific experience in asset recovery in complex insolvency claims, energy company insolvencies, commercial disputes, injunctions, and CIS matters. Andrew regularly appears as sole counsel in the High Court, has successfully appeared as leading counsel in the Court of Appeal, and junior counsel before the Privy Council. Andrew is recognised as a leading junior by *Legal 500* in the field of Insolvency Law. He holds a D.Phil in Ancient Greek History from the University of Oxford.

INSOLVENCY AND COMPANY

Andrew regularly appears in all aspects of litigation concerning corporate and personal insolvency. He has extensive experience in High Court claims involving high-value allegations of misfeasance and reviewable transactions in both 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, annulments of bankruptcy, income payment orders, applications to enforce compliance with office-holders, public and private examinations, and all other insolvency and company applications. Some highlights of his experience are:

- Khan v Singh-Sall & Habib Bank [2023] EWCA Civ 1119: Andrew (leading Dan Thorpe) successfully appeared on behalf of the respondent bank to this second appeal against a refusal to annul a bankruptcy, which concerned whether a judge had a discretion to refuse annulment even where the initial requirements for an annulment were met.
- Re Utility Point Ltd & Others [2022] EWHC 2826 (Ch), (led by Matthew Weaver KC): Andrew and Matthew appeared on behalf of administrators of an insolvency energy supplier in their capacity as intervenors in this multi-million pound energy insolvency directions trial concerning the provability of various statutory debts.
- Khan v Singh-Sall & Habib Bank PLC [2022] EWHC 1913 (Ch): Andrew appeared on behalf of the respondent in this appeal against a judge's exercise of their discretion to refuse to annul a bankruptcy where the bankrupt had proven the petition debt was disputed.

- Re Rossi [2022] EWHC 1053 (Ch): Andrew appeared on behalf of the Nominee of a proposed IVA that was not approved by creditors in this challenge against the Nominee's decision not to admit a debt for voting purposes, which was alleged to be a material irregularity.
- Re De Weyer Ltd, Kelmanson v Gallagher & De Weyer [2022] EWHC 395 (Ch): Andrew appeared on behalf of the liquidators of a company in this multi-day High Court trial seeking orders for preferences under s.239 Insolvency Act 1986 and misfeasance under s.212 Insolvency Act.
- Re ASGB Ltd [2022]: Andrew appeared on behalf of the liquidator of a company defending against a strike-out application seeking restitution for a void disposition under s.127 Insolvency Act 1986
- Re Acres, Atkinson v Acres & Dhillon [2021]: Andrew appeared on behalf of a trustee in bankruptcy in this multi-day trial concerning allegations of forgery of a trust deed disposing of the bankrupt's interest in the marital home.
- Williams v Nilsson [2021] EWHC 3184 (Ch): Andrew appeared on behalf of the trustees in bankruptcy responding to an appeal concerning an alleged common intention constructive trust over a bankrupt's share of the marital home.
- Re Fowlds, Bucknall v Wilson [2021] EWHC 2149 (Ch), [2022] 1 WLR 61: Andrew (led by James Morgan KC) appeared on behalf of the trustees in bankruptcy in this High Court appeal against refusal to grant relief where a preference had been found at trial.
- Re Manorwood [2020]: Andrew appeared for the Liquidators of a company in the multi-day High Court trial of a claim for misfeasance and unpaid director loans .
- Peter Herbert Fowlds v Sean Bucknall & Mark Roach (As Trustees in Bankruptcy of Peter Fowlds) [2020] EWHC 329 (Ch) [2020] BPIR 541: Andrew appeared for the respondent trustees in bankruptcy in his high court appeal against an income payment order.
- Re Christopher Hill (A Bankrupt) [2020]: Andrew appeared on behalf of trustees in bankruptcy in an application seeking to challenge their conduct in admitting a high-value debt in the bankruptcy.
- Andalusian Stone (In Liquidation) v Barratt & MGMC Ltd [2019]: In this High Court claim involving allegations of misfeasance, Andrew struck-out a claim alleging a dishonest breach of fiduciary duty against his client following a two-day hearing.
- Lygoe v Hunt [2019] EWHC 327 (Ch). [2019] BPIR 650: Andrew appeared on behalf of the appellant appealing against refusal of a strike-out of a trustee in bankruptcy's claim.
- Re MSD Cash & Carry Ltd [2018] EWHC 4033 (Ch) Andrew appeared (led by Jeremy Cousins KC) in this matter concerning when interest can be awarded in reviewable transaction claims and the rate of interest where the primary debt in an insolvency is unpaid VAT.
- Ingram v Singh & Ors [2018] EWHC 1325 (Ch); [2018] BPIR 1343 - Appearing (led by Jeremy Cousins KC) 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) - Acted 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 numerous trials concerning contractual disputes, debt claims, restitution, breaches of fiduciary duties, and the sale and supply of goods and services. A sample of his cases are as follows:

- Scotbeef v D&S Storage (In Liquidation) [2022] EWHC 2434 (TCC): Andrew appeared on behalf of the claimant in this High Court trial concerning the

incorporation of standard terms and conditions, amendments to contract, and the applicability of a contractual limitation period.

- H Stoll AG & CO KG v Unity Trade Capital Ltd [2021]: Andrew appeared on behalf of the claimant in a High Court application for summary judgment involving letters of credit and international shipping contracts.
- Safari v Barrett & MGMC Ltd [2021]: Andrew appeared on behalf of the claimant and part 20 defendants in this seven-day trial concerning restitution, breach of contract, and breaches of fiduciary duty.
- Larkfleet Ltd v Ecotecworld Ltd [2021]: Andrew appeared on behalf of the claimant defending against a summary judgment application issued against the claimant's claim for breach of contract in the international supply of solar panels.
- Andalusian Stone (In Liquidation) v MGMC & Others [2019]: Andrew appeared on behalf of part 20 defendants seeking substantial security for costs in claims involving allegations of misfeasance and breach of contract.
- Snook v Snook [2018] - Andrew appeared on behalf of the defendant in this multi-day trial regarding a constructive trust of joint-owned property.
- 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-day trial concerning commercial contracts and the sale of goods and services.
- 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.
- Hatfield v Probert [2017] - Acting in an appeal against a first-instance decision dismissing a strike-out application involving issues of limitation and unjust enrichment.

PUBLICATIONS AND SPEAKING

Andrew contributes to seminars in his practice areas both internally and externally, and a number of his seminars on insolvency law can be found on chambers' YouTube archive. He is editor of the Radcliffe Chambers annual insolvency review, and regularly publishes written articles and chapters on insolvency law and recent cases, a sample of which is as follows:

Book Chapters

- Chapter 57 Gore-Brown on Companies, "Voluntary Liquidation"
- "Reviewable Transactions in Corporate Insolvency," Chapter 14 in Insolvency Litigation: A Practical Guide 3rd Ed. (2022)
- "Reviewable Transactions in Personal Insolvency," Chapter 15 in Insolvency Litigation: A Practical Guide 3rd Ed. (2022)
- "Annulment of Bankruptcy," Chapter 16 in Insolvency Litigation: A Practical Guide 3rd Ed. (2022)
- "Applications to Extend or End Administrations," Chapter 26 in Insolvency Litigation: A Practical Guide 3rd Ed. (2022)
- "Litigating against Insolvent Entities," Chapter 27 in Insolvency Litigation: A Practical Guide 3rd Ed. (2022)

QUALIFICATIONS

- 2000 - 2005 BA, History, University of Washington
- 2000 - 2005 BA, Classical Studies, University of Washington
- 2005 - 2007 M.phil, Ancient History, University of Oxford (Wadham College)
- 2007 - 2012 D.phil, Ancient History, University of Oxford (Wadham College)

- 2012 – 2013 GDL, Oxford Brookes University
- 2013 – 2014 BPTC, BPP

Prior to coming to the Bar Andrew earned a Masters and Doctorate in Ancient Greek History at the University of Oxford. He also lectured on Ancient History and Numismatics at Oxford before finding his calling as a barrister. Andrew was awarded the Lord Denning Scholarship by Lincoln’s Inn for the study of the BPTC. Andrew is a keen rower, and has coached rowing in both the United Kingdom and the United States at university and club level. He recently coached the novice squads at Furnivall Sculling Club.

ARTICLES

- “A Darkness at the Edge of Town: Bad News for Litigation Funders?” (with Jamie Cockfield), *Insolvents’ Row* (v.1), (Autumn 2022)
- “Sharpening the Corporate Restructuring Tool,” (with David Moyhuddin KC), *Recovery* (Winter 2021)
- “One year of the profession’s new power tool: restructuring plans,” (with David Moyhuddin KC), *Recovery* (Summer 2021)
- “Litigating American Elections: *Coleman v Franken* (2008) and the case of the Lizard People” (link: <https://www.linkedin.com/pulse/litigating-american-elections-coleman-v-franken-case-lizard-brown/>)
- “Headhunting: The Legal Aftermath of the Battle of Trafalgar and the case of El Rayo” (link: <https://www.linkedin.com/pulse/head-hunting-legal-aftermath-battle-traffic-ar-case-el-andrew-brown/>)
- “History v the modern world: the latest on e-filing and administrators’ appointments,” (with Tina Kyriakides) *Corporate Rescue and Insolvency Journal* (2019) vol.12(3)
- “Unbending the Insolvency Rules 2016,” *Recovery* (Spring 2017)
- “Unbending the Insolvency Rules 2016 – part 2,” *Recovery* (Summer 2017)
- A Note of Caution: S.873 and extensions of time to register legal charges under the Companies Act 2006 (link: <https://www.linkedin.com/pulse/note-caution-extensions-time-register-legal-charges-under-brown/>)

CASE NOTES

- “*Kireeva v Kedzhamov*,” *Corporate Rescue and Insolvency Journal* (2022) vol.15(1)
- “*Official Receiver v Deuss & Goknur v Aytacli*,” *Corporate Rescue and Insolvency Journal* (2021) vol.14(5)
- “*Re Tokenhouse VB Ltd*,” *Corporate Rescue and Insolvency Journal* (2020) vol.13(6)
- “*Burden Holdings UK Ltd v Fielding*,” *Corporate Rescue and Insolvency Journal* (2019) vol.12(4)

MEMBERSHIPS

- The Honourable Society of Lincoln’s Inn
- Chancery Bar Association
- COMBAR
- R3

POLICIES AND OTHER DETAILS

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