



Emma Loizou

Call: 2018

Barrister

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Emma has a broad chancery practice with a particular focus on private client and insolvency litigation. She is frequently instructed in matters concerning trusts, wills and estates, general commercial, personal and corporate insolvency disputes. Emma regularly appears as sole advocate in the County Court and High Court as well as having a busy drafting and advisory practice.

PRIVATE CLIENT

Emma's private client practice covers wills, trusts and estates disputes. In 2022, she was seconded to a leading South East law firm where she worked on several contentious trusts and probate matters.

Emma is currently instructed on a number of cases involving will challenges on various grounds including undue influence, forgery, lack of testamentary capacity and want of knowledge and approval. She also has experience of claims under the Inheritance (Provision for Family and Dependants) Act 1975, claims concerning the administration of estates and removal of personal representatives.

Her recent advisory and court work includes:

- Advising and representing parties challenging the formal and substantial validity of wills.
- Representing the personal representative in successfully obtaining the court's approval of estate accounts.
- Advising a beneficiary in relation to a claim against will drafters for professional negligence.
- Advising the personal representative of an estate in relation to avoiding a contract on grounds of unconscionable bargaining and undue influence.
- Advising beneficiaries on the revocation of a will in circumstances where there were issues of domicile and conflicts of law.
- Advising on the construction and rectification of wills.
- Advising in relation to an insolvent estate.
- Advising and representing parties in claims brought under the Inheritance (Provision for Family and Dependants) Act 1975.
- Advising and representing parties in TOLATA claims.
- Advising in relation to disputes involving co-ownership following a relationship breakdown including claims relating to constructive trusts and

proprietary estoppel.

INSOLVENCY AND COMPANY

Emma regularly appears as sole advocate in the High Court and County Court in personal and corporate insolvency matters, in particular in contested winding up and bankruptcy petitions. She acts for debtors, petitioners and insolvency practitioners. Emma is also a contributor to *Insolvency Litigation: A Practical Guide, 3rd Ed.*

Emma's recent work includes:

- Acting for the successful petitioning creditor in *Re A Company* [2022] EWHC 943 (Ch). The case concerned whether the coronavirus test under the Corporate Insolvency and Governance Act 2020 was satisfied and whether the petition debt was bona fide disputed or subject to genuine and serious cross-claims.
- Acting for the trustee in bankruptcy in advising, drafting proceeding and appearing at hearings in relation to the trustee's claims for relief in connection with several properties. The claims include transactions at an undervalue and transactions defrauding creditors.
- Acting for the successful trustee in bankruptcy before the First-tier Tribunal in securing a restriction at the Land Registry over a property held in the names of the bankrupt and a relative where there were arguments concerning sham trusts.
- Acting for the petitioner, the personal representative of a deceased's estate, in securing an insolvency administration order, where there were issues of jurisdiction and domicile.
- Acting for the debtor in a contested bankruptcy petition which involved arguments over lack of consideration, duress and regulated agreements under the Consumer Credit Act 1974.

Emma has experience of a range of insolvency applications including:

- Setting aside statutory demands.
- Annulment of bankruptcy orders.
- Possession and sale of a bankrupt's former home.
- Validation orders.
- Winding up petitions on the just and equitable ground.
- Administration orders.
- Extensions of administration.
- Income payment orders.
- Re-use of a company name.
- Office-holders' remuneration.
- Challenging antecedent transactions.

Emma is also developing a broad company law practice. She is familiar with applications to extend time to register a charge with Companies House, applications to rectify the register as a result of a mis-statement, applications to restore dissolved companies to the register and applications to the court to convene a company meeting.

PROPERTY

Emma advises on and represents clients in property-related disputes, in particular where they overlap with her trusts practice.

Emma's recent work includes:

- Acting for the successful trustee in bankruptcy before the First-tier Tribunal in securing a restriction at the Land Registry over a property held in the names of the bankrupt and a relative where there were arguments concerning sham trusts.
- Advising in relation to disputes involving co-ownership following a

relationship breakdown including claims relating to constructive trusts and proprietary estoppel.

- Advising and representing parties in TOLATA claims.
- Drafting proceedings for a vesting order under the Trustee Act 1925.
- Attending the hearing of a final charging order in relation to a judgment worth almost £1 million.

COMMERCIAL

Emma has experience advising and settling proceedings in a variety of commercial matters including contractual disputes and the sale and supply of goods and services.

Emma has recently advised on issues concerning jurisdiction and governing law in a contractual dispute concerning parties based in different jurisdictions.

Emma is regularly instructed to represent clients in commercial disputes at trial or at interim hearings. She is familiar with applications for extensions of time, default judgment, strike out, summary judgment and relief from sanctions.

QUALIFICATIONS

- BPTC at the University of Law (2017-2018)
- BCL at Wadham College, University of Oxford (2016-2017)
- Law with Study in Continental Europe at the University of Bristol (2010-2014)

Emma graduated from the University of Bristol with a First. She was awarded the prize for coming top of her year in the trusts exam. During her undergraduate degree, Emma spent a year studying law at Università degli Studi di Siena, Italy.

Before coming to the Bar, Emma worked as a research assistant at the Law Commission on the charity law reform project.

PRIZES AND SCHOLARSHIPS

- 4 Stone Buildings Prize for joint best performance in Civil Litigation, Evidence and Remedies, The University of Law (2018)
- Lord Denning Scholarship, Lincoln's Inn (2017)
- Hardwicke Entrance Award, Lincoln's Inn (2017)
- South Square Chambers Scholarship to study the BCL, University of Oxford (2016)
- Herbert Smith Freehills Prize for best performance in trusts, University of Bristol (2014)
- Winner of the Herbert Smith Mooting Competition, University of Bristol (2011)
- Winner of the Field Shield Mock Trial, University of Bristol (2011)

MEMBERSHIPS

The Honourable Society of Lincoln's Inn.

The Chancery Bar Association.

POLICIES AND OTHER DETAILS

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