Radcliffe Chambers



# Tina Kyriakides

Call: 1984

## Barrister


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**Tina Kyriakides** is a leading practitioner specialising in company, insolvency and commercial, including fraud, and has been recommended in the major directories as a leading junior for company law, insolvency law and commercial litigation for many years. She has acted for a wide range of both professional and lay clients, including multinationals, and is often instructed in complex cases. She sits as a Deputy Insolvency and Companies Court Judge in the High Court in London and is a contributor to *Gore-Browne on Companies*, a pre-eminent book on company law. She is also a consulting editor of Corporate Recovery & Insolvency and is a regular contributor to Westlaw's Practical Law (which has a wide readership) where she provides answers to company law questions.

### COMPANY

She has a well-known reputation for advising on company and commercial matters, both litigious and non-litigious. Her expertise includes:

- Formation of companies
- Corporate governance and procedure
- Directors' duties and liabilities
- Fraud and recovery of corporate assets, including accessory liability
- Shareholder disputes, including section 994 petitions, derivative claims, winding up petitions claims, disputes relating to shareholders' agreements and articles of association of a company
- Shares and membership, including issue and allotment of shares, registration of shares, cancellation, rectification of the share register, class rights, pre-emption rights and drag and tag provisions;
- Share sale agreements
- Maintenance of capital, including the purchase by a company of its own shares, financial assistance, distributions to shareholders and capital reductions
- Striking off of companies and dissolution
- Restructuring and insolvency of companies

Her recent experience includes:

- Successfully defending a shareholder against claims for rectification of the

register of members based on an alleged invalid exercise of drag along rights
- Advising a Delaware company on whether it was under a duty to prepare and file historic accounts with the registrar of companies and if so, of the consequences of not doing so
- Acting for a well-known UK group in relation to the successful restoration to the register of several former companies in the group and stays of their liquidations
- Advising a substantial property investment company on a proposed reconstruction
- Acting and obtaining a substantial settlement in relation to a section 994 petition and cross-petition involving allegations of fraud
- Advising on the validity of an agreement to acquire shares in a company and on whether a call on shares and forfeiture of shares were valid
- Acting in a section 994 petition where there issues concerning misappropriation of funds, exclusion from the management of a company, breaches of articles, breaches of a shareholders' agreement and breaches of duties by directors (settled)
- Acting in an arbitration claim made by liquidators of a Bermudan company which included issues of breaches by the directors of their duties and breaches of a company's articles of association (settled)
- Advising on an Offer Letter for the purchase of shares and whether the shares included bonus shares issued between the date of the Offer Letter and the Date of Acceptance and whether under the Terms of the Offer the offer was revocable
- Acting for the former officeholders of 28 companies who successful resisted applications for their restoration to the register on the grounds that the applicant liquidators did not have locus to make the applications
- Advising on whether a proposed rights issue to raise funds would be valid, whether it was a breach of a shareholders' agreement and, if so, whether a non-consenting shareholder could stop the rights issue from taking place
- Advising an estate of a deceased shareholder on the construction of pre-emption rights in a company's articles of association and the construction of a shareholders' agreement relating to the removal and appointment of directors
- Advising on the construction of a shareholders' agreement and, in particular, what effect, if any, a declaration of trust had in relation to the exercise of certain rights by a shareholder under that agreement and whether he had assigned his rights under that agreement to the beneficiary
- Acting for a defendant in successfully resisting a shareholder claim for rectification of the register under section 125 of the CA 2006
- Advising a director and shareholder of a Hong Kong company of various issues, including the proper law of trusts in, and derivative claims concerning, a foreign company and whether a sale of assets of the company by the director was a breach of his fiduciary duties
- Advising on whether or not there had been a valid purchase by a company of its shares pursuant to Part 18 of the CA 2006, including whether or not there had been a valid resolution approving the purchase, whether the Duomatic principle could be applied if there was not a valid resolution and whether the Duomatic principle could be applied in respect of other formal defects
- Advising on who the members of a company were from the date of its incorporation, which involved considering whether there had been a valid redesignation of shares, whether other classes of shares had been validly issued and allotted, the effect of a contract to allot shares, whether such a contract could be, and was assigned, whether certain classes of shares still existed, whether there had been a valid exercise of a share option agreement, whether new articles of association had been approved and construing a badly drafted share purchase agreement
- Advising on whether a certain arrangement amounted to payment of a share premium and, if not, whether shares had been validly issued, whether redeemable shares had been issued and validly redeemed,

whether other shares had been validly cancelled and whether shares of a certain class had been validly issued and allotted

## INSOLVENCY

Tina is a recognised expert in the insolvency field (both corporate and personal) and has extensive experience (both of an advocacy and advisory nature) of most insolvency matters. Her expertise covers:

- Administration
- Receivership
- Individual and corporate voluntary arrangements
- All aspects of corporate and personal insolvency, including statutory demands, petitions, provisional liquidators, applications relating to the adjustment of prior transactions, misfeasance claims (including claims against officeholders), wrongful and fraudulent trading, public and private examinations
- Fraud and asset recovery, including claims for interim relief
- Cross-border issues
- Directors' disqualification.

Her recent experience includes:

- Acting for high-net-worth former directors on complex claims made against them by liquidators which were in excess of £27 million;
- Acting for a director in respect of complex claims made against him by liquidators for sums in excess of £58 million;
- Acting for a company in resisting a winding-up petition presented against it for a sum in excess of £4.6 million and seeking to set aside a provisional liquidator order;
- Advising office-holders on whether they were liable to return substantial remuneration drawn down by them
- Acting for a shareholder in seeking a separate class meeting in respect of a proposed restructuring plan
- Advising UK companies on whether an order obtained in Canada protecting all UK, Canadian and US companies in a group pending a proposed restructuring of the group would be recognised in the UK respect of the UK companies and subsequently advising administrators on difficult issues arising in the administration of the UK companies
- Acting for administrators in relation to the validity of their appointment
- Advising administrators on an urgent basis on whether the company in administration had acquired title to large and expensive battery units manufactured in China, then sold to a supplier in the UK and onward sold to the company

## COMMERCIAL DISPUTES

Tina has a wide experience of general commercial law, including contractual disputes, misrepresentation claims, sale of goods, guarantees and indemnities, charges, debentures and other security interests, commercial and other agents, hire-purchase, leasing and other finance agreements, civil fraud and interim remedies such as freezing orders.

Her recent experience includes:

- Acting for a well-known multinational in a multi-million pound claim
- Acting for a well-known multinational in relation to substantial contractual claims
- Acting and obtaining a substantial settlement in relation to a section 994 petition and cross-petition involving allegations of fraud
- Successfully defending a shareholder against claims for rectification of the register of members based on an alleged invalid exercise of drag along rights.

## RECOGNITION

Tina has been recommended as a leading junior by both *Chambers UK Bar* and *The Legal 500 UK Bar* in the fields of company and insolvency. *The Legal 500 UK Bar* also recommends her as a leading junior in commercial litigation. The directories highlight the following:

- *"Tina is a technically brilliant lawyer and is an excellent advocate."* (Insolvency, *Legal 500 UK Bar 2026*)
- *"Tina is an excellent lawyer and her knowledge and experience on trusts is incredible. Tina is tenacious, she does not give up."* (Commercial Litigation, *Legal 500 UK Bar 2026*)
- *"Tina Kyriakides stands out for the legal and academic knowledge she has. She's prepared to roll up her sleeves and is someone who will fight hard for her clients."* (Company, *Chambers UK Bar 2026*)
- *"Tina is fantastic. She has been an integral part of our team and has handled things very well."* (Company, *Chambers UK Bar 2026*)
- *"She's just a very down to earth, practical and effective barrister."* (Restructuring/Insolvency, *Chambers UK Bar 2026*)
- *"She has a incredible depth of understanding and is an incredibly balanced barrister."* (Restructuring/Insolvency, *Chambers UK Bar 2026*)
- *"Tina is very responsive, highly innovative and good in court."* (Company, *Chambers UK Bar 2025*)
- *"Tina is omniscient and tenacious on her feet, yet also humble and a pleasure to work with. She is also blessed with encyclopaedic knowledge of company law and procedure."* (Company, *Chambers UK Bar 2025*)
- *"Tina is excellent in complex cases and she has great attention to detail."* (Restructuring/Insolvency, *Chambers UK Bar 2025*)
- *"Tina is very responsive, clear in her advice, and has a brilliant balance of technical and commercial approaches."* (Restructuring/Insolvency, *Chambers UK Bar 2025*)
- *"Tina has encyclopaedic knowledge of company law and procedure, and her judicial work gives her an advantage over her competitors, especially tactically."* (Company, *Legal 500 UK Bar 2024*)
- *"Tina is clearly an expert in her field and has a sharp mind. She knows insolvency law exceptionally well. She is practical and a joy to work with."* (Insolvency, *Legal 500 UK Bar 2024*)
- *"Tina fights her client's corner like nobody else. She is a very gentle but assertive advocate, and very much a team player with her instructing solicitors, which contributes to a much more productive process."* (Commercial Litigation, *Legal 500 UK Bar 2023*)
- "A quite exceptional teammate and advocate. Her focus on tactics and strategy sets her apart from other barristers." (Company, *Chambers UK Bar 2024*)
- "Tina is extremely experienced and thoughtful." (Company, *Chambers UK Bar 2024*)
- "She is approachable and fiercely intelligent, has very good attention to detail and has a wealth of knowledge." (Restructuring/Insolvency, *Chambers UK Bar 2024)*
- "Her ability to pick up and condense the important issues in a very short period of time was impressive." (Restructuring/Insolvency, *Chambers UK Bar 2024)*
- "She is an excellent advocate." (Restructuring/Insolvency, *Chambers UK Bar 2024)*
- *"Never lets you down when you need realistic advice on very complex issues."* (Company, *Chambers UK Bar 2023*)
- *"To use a sporting metaphor, Tina "leaves everything on the field". No barrister will prepare harder or argue more passionately for their client's case."* (Company, *Legal 500 UK Bar 2023*)
- *"Extremely thorough in preparation – gets into all the detail – but but can still see the bigger picture. A very accomplished advocate in court."* (Commercial Litigation, *Legal 500 UK Bar 2023*)
- *"Tina's detail focused and commercial approach is brilliant to work*

*with."* (Insolvency, *Legal 500 UK Bar 2023*)

- *"She is really good – you can trust her judgement and she's very user-friendly."* and *"A very experienced insolvency barrister."* (Restructuring/Insolvency, *Chambers UK Bar 2022)*
- "*Tina has a wealth of knowledge on insolvency issues and is very responsive.*" (Insolvency, *Legal 500 UK Bar 2022*)
- "*A great talent – a great brain and very helpful and user friendly."* (Commercial Litigation, *Legal 500 UK Bar 2022*)
- *"She's able to get to the bottom of a complicated set of facts in a very short period of time, and she gives clear, pragmatic and insightful advice."* (Company, *Chambers UK Bar 2021*)
- *"She is extremely user-friendly, while also being very thorough and knowledgeable. She is also really, really good on strategy and steps into the client's shoes when giving advice."* (Restructuring/Insolvency, *Chambers UK Bar 2021*)
- "*Attention to detail, detailed knowledge of legal principles and always willing and eager to assist*." (Commercial Litigation, *Legal 500 UK Bar 2021*)
- "*Excellent with the most complex of cases (and difficult of clients).*" (Insolvency and Company and Partnership, *Legal 500 UK Bar 2021*)
- *"Tina is fantastically knowledgeable and great with clients."* (Company, *Chambers UK Bar 2020*)
- *"She is very careful and detail-oriented." "She's a go-to barrister for difficult insolvency matters. She has fantastic knowledge and is great with clients." "She always goes the extra mile and is very good on her feet."* (Restructuring and Insolvency, *Chambers UK Bar 2020*)
- *"She has an encyclopaedic knowledge of the law and is remarkably calm under pressure."* (Commercial Litigation, *The Legal 500 UK Bar 2020*)
- *"Powerful, authoritative and commanding."* (Company and Partnership, *The Legal 500 UK Bar*)
- *"Very approachable and hardworking, thorough and focused."* (Insolvency, *The Legal 500 UK Bar*)
- *"She is a phenomenal advocate who is very good with paperwork, very approachable and very able in complex fraud disputes. Her knowledge of insolvency is first class." "She is extremely thorough, personable and good on her feet." "She is excellent in complex cases which require great attention to detail."* (Restructuring/insolvency, *Chambers UK Bar 2019*)
- *"Very pragmatic and forthright in her advice, she displays great attention to detail and grasps complex ideas. She's also very easy to work with and approachable."* (Company, *Chambers UK Bar 2019*)
- *"Excellent in court."* (Insolvency, *The Legal 500 UK Bar 2019*)
- *"Powerful, authoritative and commanding."* (Company and Partnership, *The Legal 500 UK Bar 2019*)
- *"A formidable advocate – very approachable, hardworking, thorough and focused."* (Commercial Litigation, *The Legal 500 UK Bar 2019*)
- *"She is supremely thorough, clever and reliable. She is diligent and attentive to detail and always impresses clients with her approach, client-handling skills and intelligence." "She is an extremely user-friendly and highly experienced junior – she is very sensible and commercially sound."* (Restructuring/Insolvency, *Chambers UK Bar 2018*)
- *"She's someone you want in your corner as she's tenacious, clear-thinking and someone with good analytical skills."* (Company, *Chambers UK Bar 2018*)
- *"A fantastic person to work with."* (Insolvency, *The Legal 500 UK Bar 2017*)
- *"She has an encyclopaedic knowledge of company law and is therefore fantastic."* (Company and Partnership, *The Legal 500 UK Bar 2017*)
- *"Relates well to the client and their expectations."* (Commercial Litigation, *The Legal 500 UK Bar 2017*)
- *"She's extremely thorough, personable, tenacious and excellent on her feet."* (Restructuring/ Insolvency, *Chambers UK Bar 2017*)
- *"She has an encyclopaedic knowledge of company law procedure."* (Company, *Chambers UK Bar 2017*)
- *"Tenacious, thorough and knowledgeable, and a very good team*

*player."* (Commercial litigation, *The Legal 500 UK Bar 2016*)
- *"Diligent, calm and thorough, she always seems to find an answer to a difficult position."* (Company, *Chambers UK Bar 2015*)
- *"She is very good at handling a difficult appointment, and has a very user-friendly approach."* (Insolvency, *Chambers UK Bar 2015*)
- *"Highly praised for her solid pleadings."* (Commercial litigation, *The Legal 500 UK Bar 2014*)
- *"Knowledgeable in her chosen fields, approachable, friendly and highly responsive."* (Company, *The Legal 500 UK Bar 2014*)
- *"Very knowledgeable and thorough."* (Insolvency, *The Legal 500 UK Bar 2014*)
- *"She is effective, personable, sensible and very thorough on the law." "Knowledgeable, approachable and highly responsive."* (Company, *Chambers UK Bar 2014*)
- *"She is a tenacious litigator, who never gives up." "A great advocate, who is extremely thorough and hard-working."* (Restructuring/Insolvency, *Chambers UK Bar 2014*)

## POLICIES AND OTHER DETAILS

- Read Tina's Privacy Notice, Data Protection Policy and Disposal Policy