

Amanda Hadkiss

Call 2014

ahadkiss@maitlandchambers.com



Amanda specialises in commercial chancery litigation. She acts for corporate clients and private individuals in commercial, company, property, offshore, intellectual property and insolvency disputes.

Amanda is a strong advocate and is regularly instructed to represent clients in cases in the Business and Property Courts of England and Wales and in the County Court, working both as sole counsel and as part of a larger counsel team.

Amanda provides practical and strategic legal advice and represents clients from a broad range of industries and sectors that are involved in commercial and chancery disputes. From within the financial sector, she is frequently instructed by major banks and lenders, and has acted for clients such as a leading accountancy firm and a major hedge fund group. From within the media and entertainment sectors, she has acted for clients such as the BBC, major record companies, a theatre production company, a well-known fashion designer, a global publishing firm, and a leading contemporary artist. Amanda has experience of acting for clients in the energy sector (both oil and gas and renewable) and several major high street retailers. She also acts frequently for private individuals involved in business and property disputes, including shareholders, landlords, tenants, and property owners.

Amanda was called to the Bar of the Eastern Caribbean Supreme Court (BVI) in 2018. She has undertaken secondments at a leading offshore law firm in both the BVI and the Cayman Islands and holds a current practising certificate to practise as a legal practitioner in the BVI.

Commercial litigation

Amanda advises on a wide range of both domestic and international commercial disputes. Her recent instructions include:

- Acting (led by Olivier Kalfon) for the claimants/defendants to counterclaim in a dispute concerning alleged fraudulent breaches of share purchase agreement warranties in which the defendants are counterclaiming damages of over £5 million
- Instructed, unled, by a sole trader defending a claim for damages of £4 million for the alleged conversion of multiple high-performance cars
- Acted as part of the counsel team for Grant Thornton UK LLP in the multi-million-pound conspiracy claims brought by Robert Tchenguiz in the Commercial Court
- Acted as part of the counsel team representing a group of hedge funds in a claim against a leading financial institution for market abuse and other wrongs
- Acted as part of the counsel team for a bank defending a multi-million-pound claims for alleged mis-selling of an interest rate swap and alleged LIBOR manipulation

- Instructed as sole counsel on behalf of a global publishing firm in relation to a six-figure dispute concerning the carriage of goods by road
- Instructed to advise a theatre production company on claims relating to the transfer of a theatre operating contract
- Instructed by the BBC as part of the counsel team in a claim brought against the BBC for alleged breach of confidence
- Advised a former partner of a private asset management firm in relation to contractual claims for unpaid commission
- Acted for a bank at the trial of a claim for an alleged breach of an insurance contract
- Instructed by an IT services provider defending a claim for alleged breach of contract and alleged breaches of fiduciary duties relating to the provision of IT services
- Instructed by two Maltese companies defending claims by an accountancy services provider for unpaid fees
- Settled proceedings for a sports management company seeking to enforce a guarantee against an individual for payment of a debt
- Advised on a potential claim against a life coach for misrepresentation and breach of contract
- Acted for a company defending a claim for breach of contract for supplying allegedly faulty heating units to a care home
- Advised a postal services firm on its contractual obligations under an introducer's fee agreement
- Advised a toy manufacturer on possible defences to a claim for alleged breach of a distribution agreement
- Instructed by an oil and gas financing broker to assist with evidence in relation to a claim for unpaid commission fees
- Acted for a bakery company in the trial of a claim for damages for conversion and injunctive relief

Company

Amanda has experience advising on and representing clients in a wide range of company and shareholder matters, including unfair prejudice petitions, claims for breach of duty against directors, and applications brought under the Companies Act.

- Instructed (led by Catherine Newman QC) on behalf of a director and shareholder bringing an unfair prejudice petition concerning their exclusion from the management of a company operating in the food industry
- Instructed on behalf of shareholders of a renewable energy company responding to an unfair prejudice petition brought for *inter alia* alleged exclusion of the petitioner from management and alleged expropriation of shares
- Advised a minority shareholder of a boutique fashion business on potential derivative claims and remedies for unfair prejudice
- Instructed by a minority shareholder in a family property company to advise on potential claims for unfair prejudice
- Advised an asset management firm on a proposed rectification of the Articles of Association of an Enterprise Investment Scheme qualifying company in order to retain the EIS status of the company's shares

Intellectual property

- *Warner Music UK Ltd & Ors v TuneIn Inc* [2019] EWHC 2923 (Ch); [2019] EWHC 3374 (Ch): acting (led by Edmund Cullen QC) for the claimant record companies in a test case brought against an online internet radio service regarding breaches of the right of communication to the public

Insolvency

Amanda is instructed to advise in a variety of insolvency related matters and appears regularly in the High Court and the County Court in both corporate insolvency and bankruptcy proceedings.

- Instructed in respect of various applications brought under the Insolvency Act 1986 (including applications for vesting orders and validation orders, applications to set aside statutory demands, and applications for permission to act as a director of a company with a prohibited name)

- Instructed by a petitioning creditor in a disputed debt winding up petition presented against a motor insurance agent (and resisting a subsequent application for permission to appeal: *ERS Syndicate Management Ltd v Larksway Investments Ltd* [2018] EWHC 2420 (Ch))
- Advised the supervisors of a CVA on a petition for the company to enter into compulsory liquidation
- Advised the purchaser of a high-performance car on their rights after the seller entered into administration
- Regularly represents both creditors and debtors in bankruptcy petitions
- Regularly instructed to advise on matters relating to company winding up petitions and to appear on behalf of both petitioners and debtors in the Companies Court Winding Up List

Offshore

Amanda has extensive offshore legal experience. She was admitted to practice as a legal practitioner in the Eastern Caribbean Supreme Court (BVI) in 2018 and undertook a secondment at Ogier BVI. In 2019 she completed a secondment at Ogier in the Cayman Islands and worked on a wide variety of offshore matters, including applications relating to *Berkeley Applegate* relief, retrospective *Beddoe* applications, applications for the *cy-près* reformation of trusts, applications relating to the appointment of joint provisional liquidators, sanction applications brought by liquidators, and disputes relating to distribution mechanisms within multi-jurisdictional insolvencies.

Recent instructions include:

- Acting (led by Richard Morgan QC) in a claim in the BVI High Court (Commercial Division) concerning the disputed ownership of a BVI sports marketing company
- *In the matter of Constellation Overseas Limited and others* BVIHC (COM) 2018/0206 (The Eastern Caribbean Supreme Court (BVI)): worked (while on secondment at Ogier BVI) on the first ever successful application for the appointment of “soft touch” provisional liquidators in the BVI
- Instructed (while on secondment at Ogier BVI) to oppose injunctive relief over high value shares sought by a shareholder for alleged breaches of a shareholders’ agreement

Property

Amanda has a broad property practice. She advises clients on matters of real property and frequently advises lenders in relation to mortgage litigation. She acts on behalf of commercial and residential landlords and tenants in possession claims, claims for breach of covenant, service charge disputes, and claims relating to LPA receivers. Her cases include:

- *Perkins v Nieuwenhuizen* [2018] EWHC 918 (Ch): acted in an application for permission to appeal in a case involving disputed rights of way and the abandonment of easements
- Advised the Competition and Markets Authority in relation to its investigation into the leasehold housing market and potential leasehold mis-selling, including whether leasehold contractual terms are onerous and unfair
- Instructed (led by John McGhee QC) on a dispute relating to the termination of a limited partnership joint venture for the development of a hotel in the City of London
- Instructed (led by John McGhee QC) on a case concerning whether an agreement for lease for a large retail premises contained onerous conditions
- Instructed (led by Thomas Grant QC) by a client seeking a declaration as to their beneficial interest in a residential property and restitution for sums expended on the property
- Acted in the trial of a possession claim for rent arrears and breach of an assured tenancy agreement by sub-letting a property through Airbnb
- Instructed by a landlord in a claim to set aside a prior judgment on the basis that it was procured through fraud and/or the trial judge was deliberately misled at trial

- Acted on behalf of a bank in an application to strike out a claim by a former mortgagee for damages for the alleged conversion of personal possessions
- Settled proceedings for a mortgagee in a claim seeking rectification of the register in order to remove an allegedly forged charge
- Acted for a bank defending a claim brought by a borrower seeking injunctive relief and damages relating to the actions of LPA receivers appointed over a property
- Instructed by a mortgagee seeking a possession order against a mortgagor who disputed the validity and enforceability of the mortgage on grounds including purported administrative errors in a transfer of title and an assignment
- Advised a company on matters relating to a purported succession by an individual to a tenancy alleged to be protected under the Rent Act 1977
- Instructed on behalf of a lender to resist an application in which the claimant sought injunctive relief to prevent the sale of a secured property
- Instructed in relation to a dispute between local residents and a winery in relation to breaches of planning and licensing conditions
- Advised a freehold management company on issues relating to the level of service charge attributable to a proposed airspace development that had arisen as the result of a collective enfranchisement
- Advised a firm of solicitors on the legal ramifications of a conveyancing mistake
- Instructed by the claimant in a boundary dispute between two neighbouring properties
- Acted for a freeholder applying to alter the terms of an injunction obtained against multiple defendants relating to the use of a boatyard
- Acted for a landlord seeking to strike out a disrepair claim brought by a tenant for non-compliance with various court orders
- Instructed by a bank making and resisting interim applications in a high value possession action
- Regularly instructed to draft, advise on, and appear in possession proceedings (including mortgage proceedings, landlord and tenant proceedings, and claims against trespassers)

Background and experience

Amanda graduated with a first class degree in History from Queens' College, University of Cambridge in 2012. Gray's Inn's awarded her its top scholarships for both the Graduate Diploma in Law and the Bar Professional Training Course. After graduating from Cambridge she undertook an internship at the Texas Defender Service in Austin, during which she assisted attorneys representing defendants facing the death penalty. Alongside her legal studies she taught debating skills to prisoners through the Gray's Inn "Vocalise" programme, acted as a pro bono legal adviser at two legal advice centres, and volunteered as a trainee duty advisor representing defendants to possession proceedings in the County Court at Willesden. Prior to commencing pupillage she worked as a Legal Researcher at Peters & Peters Solicitors LLP, specialising in EU sanctions and extradition matters.

Education

Bar Professional Training Course, Outstanding, Kaplan Law School
Graduate Diploma in Law, Commendation, The City Law School
MA (Cantab), History, First Class

Awards

Gray's Inn Bedingfield Scholarship (2013)
Kaplan Law School Advocacy Scholarship (2013)
Gray's Inn David Karmel Award (2012)
Queens' College Bachelor Scholarship (2012)

Languages

German (conversational)

Memberships

COMBAR

Chancery Bar Association

Insolvency Lawyers' Association

Asset Recovery Next Gen

Female Fraud Forum

Young Fraud Lawyers Association

Instructions

Amanda's clerks would be happy to discuss the terms on which Amanda will act. In the absence of express agreement in writing to the contrary, Amanda accepts instructions on the basis of the Standard Contractual Terms for the Supply of Legal Services By Barristers to Authorised Persons 2012 (updated for the GDPR in 2018) published by the Bar Council.