

Andrew Ayres QC

Call 1996

Silk 2015

aayres@maitlandchambers.com



- **Commercial Disputes and Arbitration**
- **Banking & Financial Services**
- **Fraud & Asset Recovery**
- **Company (including directors and shareholders)**
- **Insolvency & Restructuring**
- **Trusts & Offshore**
- **Conflict of Laws and Private International Law**
- **Partnership & LLPs**
- **Real Estate**
- **Professional Liability**
- **Regulatory**
- **Chancery**

Andrew appears before all Courts and Tribunals including the following Courts and Lists of the Business and Property Courts of England and Wales: Commercial and Admiralty Courts, Circuit Commercial Courts, Technology and Construction Court, Financial List, Company and Insolvency List and Trusts and Probate List, together with the balance of the Queen's Bench Division, the Administrative Court and the higher Appellate Courts.

Andrew also appears at international and domestic arbitrations (including LCIA, ICC, SIAC, DIAC, ICSID, LMAA, UNCITRAL rules and ad hoc). He is a DIFC advocate.

Andrew takes appointments as arbitrator.

Over time, he has been recommended in the legal directories in the following areas: Commercial Litigation, Chancery Commercial, Banking and Finance, Fraud, Company, Partnership and Real Estate.

Andrew appears at mediations and other forms of ADR. He also advises professional firms as to their own positions in relation to potential conflicts of interest and related matters, and advises global GCs on their litigation management strategies.

Andrew's breadth of expertise is as diverse as Aviation, Banking and Finance, Construction and Engineering, Energy and Natural Resources, Fraud and Asset Tracing, Regulatory, Compliance and Investigations, International Trade, Joint Ventures, Media and Entertainment, Professional Liability and Risk, Structured Products and Derivatives, TMT, and Wills, Trusts and Trustees.

Andrew also specialises in urgent injunctive relief, including freezing, search orders and provisional liquidators.

International experience: Andrew's international and offshore work has involved cases in the EU, the Channel Islands, the Isle of Man, the USA and North America, the Caribbean, Russia and the CIS, the Gulf and the Middle East, India, West Africa, Singapore, Hong Kong, Japan, and Australasia. Andrew's skill set allows him to work on disputes which involve trusts, estate and corporate wrangles in multiple jurisdictions.

Memberships:

- Commercial Bar Association
- Chancery Bar Association
- Commercial Fraud Lawyers Association
- London Court of International Arbitration
- Insolvency Lawyers Association
- Financial Services Lawyers Association
- Association of Contentious Trusts and Probate Specialists
- Accredited Advocate at the Dubai International Financial Centre
- Bar Pro Bono Unit
- South Eastern Circuit Bar Mess

Recommendations: see panel on the right and below.

Languages:

- French (working knowledge)
- Arabic (some)
- Russian (some)

Seminars: Andrew speaks at seminars and delivers lectures on a wide variety of topics.

Scholarships and Awards: Oppidan Scholarship, Karmel Award (Gray's Inn), Prince of Wales Scholarship (Gray's Inn) and Pegasus Scholarship (Inner Temple).

Recent work includes:

Banking and Finance and Financial Services

- *National Infrastructure Development Co Ltd v Banco Santander SA*: instructed by the defendant bank in an arbitration-related claim about the enforceability of standby letters of credit (2016 – 2017) (leading James Kinman)
- *Islamic Investment Company of the Gulf (Bahamas) Limited v Mehta & ors*: instructed by the claimant bank in relation to the impact of a delinquent solicitor on civil litigation and subsequent enforcement action (2014 – 2016) (leading Thomas Munby, with Mark Cunningham QC)
- *AB Bank Ltd (Offshore Banking Unit) v Abu Dhabi Commercial Bank PJSC*: instructed by the claimant Bangladeshi bank in a *Norwich Pharmacal* claim against a UAE bank; the case considered the extra-territorial reach of *Norwich Pharmacal* proceedings (2016) (leading Rachel Toney)
- Various bank and FS misselling and related claims
- Various OTC derivatives cases
- Various issues arising in Noteholder claims

- *Novus Aviation Limited v Alubaf Arab International Bank*: instructed by the defendant bank in an aircraft financing dispute (2016) (leading Narinder Jhittay)
- ICC Arbitration and Commercial Court proceedings relating to an international funds transfer dispute (2015) (leading Duncan McCombe)
- *Lehman Brothers Bankhaus AG v CMA CGM*: instructed by Lehman in a claim arising out of the settlement of a 2008 ISDA trade (2014) (leading James Sheehan, Oliver Phillips and Hannah Ilett)
- *Nomad International Shipping Corp v DST Shipping Group SA*: instructed by the claimant in this guarantee and ship management claim arising out of a ship-owning joint venture (2013) (leading James Sheehan and Duncan McCombe)
- *IBRC v Kempin*: instructed by the defendant in a guarantee claim arising out of the credit crunch and the collapse of Anglo Irish Bank (2012)
- *Tallington Holdings Limited & anor v Lloyds TSB Bank plc*: instructed by Lloyds in a commercial banking dispute relating to the length of the loan facilities granted (2012)
- *State Street Bank & Trust Co v Sampo Japan Insurance Inc*: instructed by State Street, as trustee, in relation to the interpretation of a UK/US Collateralized Debt Obligation (2010)
- *Habib Bank AG v Citibank NA*: instructed by Habib in a disclosure application relating to a corporate bond and the Financial Collateral Arrangements (No. 2) Regulations (2010) (leading James Sheehan)
- Numerous claims arising out of the global financial crisis
- Funds litigation (particularly Hedge Funds and Funds of Hedge Funds)
- FCA: former secondee to the FCA; all aspects of regulatory and compliance and FCA injunctions
- Consumer credit and FS claims management

Commercial litigation and Arbitration

- *Bowman Risk Management Limited v Africintel (Pty) Limited*: instructed by the defendant in a jurisdiction and service challenge in relation to Botswanan government contracts (2017)
- *Cwrt Malle Limited v Mole Valley Feed Solutions Limited & anor*: instructed by the claimant in a case of allegedly contaminated dairy herd feed (2016)
- *Wilmington v SpiceJet*: instructed by the claimant in a claim for recovery of 3 Boeing 737-800 aircraft (2015)
- *MTRM Realty LLC & anor v Neveq Capital Partners Limited & ors*: instructed by the defendants in an international private equity investment management dispute (2016) (leading Narinder Jhittay)
- LCIA arbitration relating to a major Ukrainian property development (2015) (leading Duncan McCombe)
- LMAA arbitration relating to shipbuilding contracts (2013) (leading Duncan McCombe)
- *Dar Al Arkan Real Estate Development Company & anor v Majid Al-Refai & ors*: instructed by the claimants in a conspiracy, breach of confidence and defamation claim (2013) (with Anthony Trace QC, Rosanna Foskett and Narinder Jhittay)
- *Carter International Ltd v DRC Polymer Products Ltd*: instructed by the claimant in a claim about industrial polymer mixing (2013) (leading Oliver Phillips)
- *EnviTec Biogas AG v Greenland Biogas Limited*: instructed by the New Zealand-based defendants in a methane production, engineering and licensing dispute (with EU competition issues) (2013) (leading Narinder Jhittay)
- An air freight claim arising out of the eruption of the Eyjafjallajökull volcano (2012)
- *Arqiva Ltd & ors v Everything Everywhere Ltd & ors*: instructed by Orange Holdings (UK) Limited in a wireless telegraphy/TMT dispute about merger and consolidation in the UK mobile phone industry (2011)
- *Bodilsen A/S v Argos Limited*: instructed by the Danish claimant in a claim for unpaid goods (2011) (leading Rosanna Foskett)
- *Islamic Investment Company of the Gulf (Bahamas) Ltd v Mehta & ors*: guarantee claim; instructed by the claimant in relation to enforcement and oral examination (2010) (led by Anthony Trace QC)

- *BexBes LLP v Beer & anor*: instructed by the claimant in a dispute about corporate finance advisory fees (2008)
- *Photolibary Group Ltd & ors v Burda Senator Verlag GmbH & anor*: instructed by the German defendants in a contractual terms and bailment dispute (2008) (leading Thomas Munby)
- Various share and asset sale disputes and warranty claims
- Various jurisdiction battles
- Various confidential commercial arbitrations
- Letters of Request and gathering evidence for use in foreign courts
- Confidential Information
- Expert determination
- Enforcement

Fraud

- *Autogas (Europe) Limited v Ochocki & ors*: instructed by two of the defendants in this MTIC fraud case (2015 – 2017) (leading Thomas Munby)
- *Hilton & ors v D IV LLP & ors*: instructed by a large professional services firm alleged to have been mixed up in film finance wrongdoing (2015)
- *Borgman v Borgman & ors*: instructed by the claimant in an asset recovery claim (2015)
- *Fern Advisors Limited v Burford & ors*: instructed by Fern to deal with various enforcement aspects of this fraud claim (2014)
- *Liberty Limited & Liberty Retail Limited v Tang & ors*: instructed for Liberty in relation to an alleged employee fraud (2013)
- *Amber Foods Limited & anor v Wilkinson & ors*: instructed by the offshore corporate defendant in an alleged film finance fraud (2012) (leading Rosanna Foskett)
- *Re D* (2012)
- *Toronto Dominion Bank v Naqui*: instructed by the claimant bank in an alleged senior derivatives trader fraud (2010) (led by Andrew Green QC)
- *Petromaxx/Tagore v Montague-Moore*: instructed by the claimant in relation to a C.E.O. fraud arising out of the construction of a Bulgarian oil refinery; enforcement issues in bankruptcy (2010)
- *Chris Evans v The Great Car Company Limited*: instructed the DJ Chris Evans in his recovery action in respect of a fraudulently obtained loan (2009)
- *Lebanon & Gulf Bank SARL v Bank of Scotland (Ireland) Ltd*: instructed by the claimant bank in an alleged letter of credit fraud (2003) (led by Bernard Eder QC)

Company LLPs and Partnership

- A minority shareholder claim relating to a household name in the retail sector (2017)
- *Kadim v Mayr*: instructed for the Claimant in a private equity and partnership dispute relating to a healthcare investment management business (2014)
- *F&C Alternative Investments (Holdings) Limited v Barthelemy & anor*: instructed by F&C in relation to unfair prejudice petitions and put option claims (led by Catherine Newman QC); leading Court of Appeal case on Part 36, costs and interest (2012) (led by Simon Browne QC)
- *Raqib Shaw v Yoko Hand*: instructed by the famous artist Raqib Shaw in his own partnership dispute (2012) (leading Laurie Scher)
- The Liquidating Partners of the Arthur Andersen partnerships: instructed by the Liquidating Partners of Arthur Andersen in an application in relation to the final winding up of the businesses of these partnerships (2011)
- *Dover Street Capital*: limited partnerships (2008)

- Shareholder disputes and unfair prejudice petitions
- Directors' duties
- Partnership accounts and inquiries

Insolvency and Restructuring

- Applications arising under the Cross-Border Insolvency Regulations and section 426
- Various claims arising out of corporate administrations and liquidations
- *The bankruptcy of Asil Nadir*: instructed by Mr Nadir on the application before the Chief Registrar to secure his discharge from bankruptcy after 17 years (2012) (with Philip Jones QC)
- *The bankruptcy of John Scurr*: instructed by the trustee in bankruptcy in various claims arising out of the personal insolvency of the heart surgeon, John Scurr (2012)
- *Barlow Clowes International Ltd (In Liquidation) v Henwood*: instructed by the claimant in relation to the Court of Appeal decision relating to domicile in the context of personal insolvency (2008) (led by Geoffrey Vos QC)

Trusts and Trustees

- Numerous cases involving family complaints against trustees, both onshore and offshore, in relation to Estates, private trusts and commercial trusts, much of which is by nature confidential
- *Davies v Watkins*: instructed by the personal representative in relation to a Beddoe application (2012) (with Jonathan Russen QC)
- *Re Kettell*: instructed by the personal representatives in a challenge to due execution (2012)
- *State Street Bank & Trust Co v Sampo Japan Insurance Inc*: instructed by State Street, as trustee, in relation to the interpretation of a UK/US Collateralized Debt Obligation (2010)
- *Habib Bank AG v Citibank NA*: instructed by Habib in a disclosure application relating to a corporate bond and the Financial Collateral Arrangements (No. 2) Regulations (2010); this case involved the attempted application of the English bona fide purchaser rule to dematerialized corporate bonds settled through European clearing houses (leading James Sheehan)
- Court of Protection and Inheritance Act claims

Real Estate Litigation

- *Sauchiehall Street Properties 1 Ltd v EMI Group Ltd*: instructed by the claimant in relation to a claim on a tenant guarantee (2016)
- *Osborne (Bournemouth) Limited & anor v Bournemouth Borough Council*: instructed by the claimants in a dispute arising out of a series of development agreements (2015)
- Property LCIA arbitration (2015) (leading Duncan McCombe)
- *Woodford Land Ltd v Persimmon Homes Ltd*: instructed by Persimmon in relation to rectification and other claims arising out of a put and call option for a large development site in Doncaster (2011) (led by Christopher Pymont QC)
- *New Century Reversions (No 1) Limited v Kodak Pension Plan*: instructed by the claimant in a claim relating to the sale of Friary Court in the City of London (2011) (leading Thomas Munby)
- *CBRE v TFL*: adjudication
- *Mount Anvil Group Limited & ors Volans Management Limited & anor*: instructed by the claimant in relation to the interpretation of a suite of development agreements (2009) (led by Christopher Pymont QC)
- *Great Bear Management Limited v Aviva Investments Global Services Limited & anor*: instructed by the Aviva defendants in a restitution claim arising out of property management and development (2009) (with Christopher Pymont QC and Laurie Scher)

- Berkeley Homes Collective: formerly appointed as standing Counsel

Professional Liability

- Limitation issues arising on professional liability claims: instructed both for and against the largest professional service companies
- Including lawyers, accountants, surveyors, architects, insolvency professionals, investment managers and bankers

Qualifications:

MA (Oxon)

Other notable cases:

- *Vadim Lediaev v Dimitry Vallen* (2009)
- *Berkeley Community Villages Ltd v Pullen* (2007)
- *Godfrey v Torpey & ors* (2006)
- *Polly Peck International Plc (in administration) v Nadir & ors* (2006)
- *Littman & anor v Aspen Oil (Broking) Ltd* (2005)
- *Farlin Timbers PTE Ltd v Jubilee International Inc* (2005)
- *Less & ors v Benedict* (2005)
- *Bathurst (as Administrator of the Estate of Michael David Bathurst Deceased) v Scarborough* (2004)
- *Jenkins v Holy* (2004)
- *Australia & New Zealand Banking Group Ltd v National Westminster Bank Plc & ors* (2002)
- *Cantor Index Ltd v Lister* (2002)
- *Secretary of State for Trade and Industry v Rayna & anor* (2001)
- *Leyvand v Barasch* (2000)
- *Public Trustee (as Executor of the Estate of Priscilla Gordon Deceased) v Williams & ors* (2000)

Publications:

- (2017) 7 JIBFL 408
- Civil Fraud: Law, Practice & Procedure (2017) Grant and Mumford ed.
- QC Corner - Andrew Ayres QC



Recommendations

Chambers UK

Chancery: Commercial

"He is everything you would expect from a QC at a top set. He's got an unrivalled eye for detail, commercial awareness and he's as good as it gets on his feet in court - he's just an absolute natural." (2020)

"Shows sensitivity and handles things very nicely and courteously. He is very effective in terms of identifying the concerns the tribunal will have, and dealing with them appropriately." (2019)

"His advocacy is much admired, particularly by solicitors, who admire his calmness under fire." (2019)

"Just unbelievably aware of the client dynamics and relationships, and technically brilliant. Clear, concise, technically excellent, bullish but not worryingly bullish, he gets the commercial position and he's very, very sensitive to the client's needs." (2018)

"He is a real team player. He understands the dynamics of a case and has the emotional intelligence to comprehend the different pressures the client is under. He does a fantastic job in terms of drafting, analysis and advocacy." (2017)

Fraud: Civil

"He has a genuine talent for communicating complex strategic thoughts and concepts in simple terms." "A real team player - he listens to everyone's views and allows them the opportunity to speak." (2020)

"An excellent advocate who is very good with clients, very responsive and a pleasure to work with." "Polished, efficient and effective." (2019)

"Polished, efficient and effective." "Meticulously prepared, very effective at cross-examination and an able tactician." (2018)

"He is someone who inspires confidence and can be trusted with whatever's at hand." (2017)

"He is very clever and has a very good manner with clients." (2017)

Banking & Finance

"A highly intelligent man, who presents his cases in a calm, measured and sensible manner, free of histrionics." (2020)

"Has the ability to make complex matters seem straightforward, and also has excellent emotional intelligence which enables him to read a room perfectly and present in a way that gets the best out of everyone." (2019)

"Andrew is an excellent advocate, who inspires confidence. As well as being on top of the law, he is very commercial and does not hesitate to give a view." (2019)

"... quickly picks up on any team pressures as well as the dynamics within the group and acts in a manner that plays to everybody's strength." (2016)

"Andrew is a tenacious fighter who really wants to win. He is willing and able to gain a clear and unambiguous view on the merits, which really impressed our client." (2016)

"Praised for his calmness in challenging circumstances and ... regarded as a team player." (2015)

"Excellent, very easy to work with and academically sound." (2015)

"Great emotional intelligence and a great radar for unspoken issues ... easily gets to grips with the personalities around the conference table ... shows commitment and has a team-player mentality." (2015)

"A solid banking junior with corresponding strength in civil fraud." (2015)

"A highly polished draftsman who is a pleasure to work with at all times." "User-friendly, he's very responsive ... innovative strategies." (2014)

"A highly versatile, efficient and canny operator ... particularly impressive on trade finance and banking-related fraud." (2013)

Legal 500 UK

Banking & Finance

"Very precise in his written work and works well with the team." (2020)

"A tremendous support and a real team player on financial markets litigation." (2019)

"Commercially very acute and a complete pleasure to work with." (2015)

"Likeable ... a clear thinker, with an excellent brain." (2014)

"An expert in his field, and is able to steer his clients through choppy waters with an enviable cool." (2013)

Legal 500 UK

Property Litigation

"An up-and-coming silk." (2020)

"Happy to roll up his sleeves with strong technical skills and good judgement." (2019)

"Particularly well regarded for property-related international arbitrations." (2017)

"His cross-examination is exceptional, and he is extremely approachable and thoroughly pleasant to work with." (2016)

"He always takes a calm approach, and is decisive while remaining collaborative." (2015)

Legal 500 UK

Commercial Litigation

"Extremely eloquent and one of the best advocates I've seen." (2020)

"Exceptional in terms of how he manages clients, even in the most difficult disputes." (2019)

"Really smooth and judges love him." (2017)

"...very bright, great with clients and well liked by judges." (2015)

"An excellent choice for commercial litigation." (2014)

Legal 500 UK

Company & Partnership

"He has an elegant style." (2020)

"He is calm, assured and a real gentleman." (2019)

"Highly recommended for breaches of directors' duties claims." (2017)

"A strong analyst." (2016)

"Tenacious and a good source of support, with strong drafting skills." (2015)

"Huge brain and very calm court presence, which commands the respect of peers and judges alike." (2012)

"Intellectually first-rate." (2011)

Legal 500 UK

Fraud: Civil

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"Leaves no stone unturned." (2020)

"Clients love his road maps to success; the judge always seems happy to be guided by him." (2019)

"Exceptionally bright and excellent in court; he fully deserves his silk appointment." (2015)

"An invaluable contact for highly technical advice." (2014)

"Can turn his hand to anything, but is a genuine asset-tracing and fraud expert." (2013)

"Rolls up his sleeves and fights as hard as he can for his client." (2012)

"Persuasive courtroom manner." (2011)

"Polished and diligent." (2010)