

## Andrew Westwood

Call 1994

[awestwood@maitlandchambers.com](mailto:awestwood@maitlandchambers.com)



Andrew is experienced in a broad range of chancery and commercial matters, with a particular emphasis on the areas of specialisation mentioned below. He has extensive experience of conducting litigation and has appeared in the full range of domestic courts, in specialist tribunals and in offshore jurisdictions.

Andrew has consistently been recommended in the legal directories and has been described in Legal 500 as “quite simply one of the brightest juniors at the Bar” and by Chambers UK Bar Guide as having “an evident talent for cross-examination”.

For many years Andrew was one of the Junior Counsel to the Crown and he has acted for and advised a number of government departments in a variety of fields.

Andrew is also called to the Bar of the Eastern Caribbean Supreme Court (British Virgin Islands) and advises and appears in litigation there.

### Particular areas of specialisation

#### Insolvency/ restructuring

All aspects of both corporate and personal insolvency, including technical issues under the insolvency legislation, transaction avoidance claims, proceedings by and against insolvency practitioners and cross-border issues.

Reported cases include:

*Stichting Shell Pensioenfondsv Krysz* [2014] UKPC 41, The Times, 1 January 2015

*Re Metrocab Ltd* [2010] EWHC 1317 (Ch), [2010] 2 BCLC 603

*Official Receiver v Pyman* [2007] All ER (D) 25 (Mar)

*Barca v Mears* [2005] 2 FLR 1, [2005] BPIR 15

*Chauhan v Inland Revenue* [2004] BPIR 862

*Egleton v Commissioners of Inland Revenue* [2004] BPIR 476

*O'Brien v Commissioners of Inland Revenue* [2000] BPIR 306

#### Company

Andrew advises and acts in a wide range of company law matters, including shareholders' rights and the duties of directors. He has particular expertise in the field of directors' disqualification and has appeared in many contested cases, including those arising out of a number of high profile corporate failures. Andrew was a contributor to *Mithani on Directors' Disqualification* for many years and is now Advisory Editor.

Cases include:

*Maria Puzitskaya & Ors v St Paul's Mews* [2017] EWHC 905 (Ch)

*Caldero Trading Ltd v Beppler Jacobson Ltd* [2012] EWHC 1609 (Ch)

*Re Luton Town Football Club Limited* [2011] (acted for the Secretary of State in disqualifying four former directors of Luton Town FC)

*Secretary of State for Business Enterprise and Regulatory Reform v Aaron* [2009] Bus LR 809, [2009] 1 BCLC 55

*Secretary of State for Business, Enterprise and Regulatory Reform v Amway (UK) Ltd* [2009]

*Re Mea Corporation Ltd* [2007] 1 BCLC 618

*Re Vintage Hallmark plc* [2007] 1 BCLC 788

*Secretary of State for Trade and Industry v Goldberg* [2004] 1 BCLC 597 (disqualification in relation to Crystal Palace Football Club)

*Re J A Chapman & Co Ltd* [2003] 2 BCLC 206

*Re Promwalk Services Ltd* [2003] 2 BCLC 305

*Re Phioneer Ltd* [2002] 2 BCLC 241

*Re Britannia Home Centres Ltd* [2001] 2 BCLC 63

### Civil fraud

Bringing and defending claims based on fraud, conspiracy and dishonesty, often involving applications for interim relief, including freezing orders, search orders and *Norwich Pharmacal* relief. Andrew is currently instructed by the liquidators of a number of Madoff feeder funds in connection with various pieces of litigation arising out of the largest Ponzi scheme in history.

He recently acted for the liquidators of a number of companies in their successful multi-million pound claim against accessories based on dishonest assistance, conspiracy and unlawful trading. He has also acted for H.M. Revenue & Customs in connection with a substantial number of matters concerning Missing Trader Intra-Community Fraud.

### Reported cases include:

*Bilta (UK) Ltd (In Liquidation) v SVS Securities Plc & Ors* [2017] EWHC 135 (Ch)

*MFT Communications Ltd v HMRC* [2014] UKFTT 248 (TC)

*HMRC v Purple Telecom Ltd* [2013] UKUT 49 (TC), [2013] STC 1276

*Ixes (UK) Ltd v HMRC* [2011] UKFTT 586 (TC)

*Business Management Concepts Ltd v HMRC* [2011] UKFTT 520 (TC)

*HMRC v Begum* [2010] EWHC 1799 (Ch)

*Procomm Ltd v HMRC* [2010] UKFTT 561 (TC)

*Emblaze Mobility Solutions Ltd v HMRC* [2010] UKFTT 410 (TC)

*Life Enterprises Ltd v HMRC* [2009] UKFTT 340 (TC)

### Commercial Chancery

In addition to the particular areas of specialisation above, Andrew has wide experience in all aspects of commercial chancery work, including business disputes (both contractual and non-contractual), partnership, fiduciary obligations and equitable remedies. He has been described by Chambers & Partners as maintaining “*an exceptional commercial chancery practice*”.

### Offshore

Andrew is called to the Bar of the Eastern Caribbean Supreme Court (British Virgin Islands) and has appeared before both the High Court and the Court of Appeal there on numerous occasions in relation to insolvency and commercial matters. He has also advised in relation to such matters in the Cayman Islands. In particular, Andrew has considerable experience of investment funds and has been instructed by the liquidators of a number of feeder funds in connection with various aspects of the fallout from the Madoff fraud and the conduct of the liquidations. He has recently appeared in the Privy Council in appeals concerned with clawback claims against redeeming investors and anti-suit injunctions.

### Cases include:

*Stichting Shell Pensioenfonds v Krys* [2014] UKPC 41, The Times, 1 January 2015 (anti-suit injunctions in insolvency)

*Fairfield Sentry Ltd v Migani* [2014] UKPC 9, The Times, 1 May 2014 (clawback claims against redeeming investors)

*Fairfield Sentry Ltd v Farnum Place LLC* (litigation arising out of the sale by liquidators of a claim under the US Securities

Investor Protection Act)

## Charities

Andrew has been recommended in the legal directories for a number of years for his expertise in charity law. He has been described in Chambers UK as having “*an outstanding grasp of charity law and corporate know-how*” and as being “*extremely practical and clear-thinking*”. As well as advising and acting for individual charities on a whole range of issues, both contentious and non-contentious, Andrew has also acted for the Attorney General and the Charity Commission on charity matters. In addition, he has lectured and spoken on aspects of charity law and is a member of the Charity Law Association.

Cases include:

*Human Dignity Trust v Charity Commission for England and Wales*, 2014 (acting for charities interested in Human Dignity Trust’s appeal against the Commission’s refusal to enter it on the register of charities)

*Attorney General v Charity Commission for England and Wales* [2012] UKUT 420 (acting for a number of charities in relation to the Attorney General’s Reference relating to charities for the relief of poverty)

*Dunsfold Church of England School Trust*, 2011 (proceedings in the Charity Tribunal relating to a scheme made by the Commission)

## Trusts and Estates

Andrew has substantial experience in connection with all aspects of contentious trusts and estates, including offshore trusts. His experience in this field includes trusts in a commercial setting (both express and remedial/ constructive), particularly in the context of fraud and/ or insolvency.

## Notable Cases

*Bilta (UK) Ltd (In Liquidation) v SVS Securities Plc & Ors* (2017)

*Maria Puzitskaya & Ors v St Paul’s Mews* (2017)

*Stichting Shell Pensioenfonds v Krys & Anor* (2014)

*Fairfield Sentry Ltd v Migani & Ors* (2014)

*Caldero Trading Ltd v Beppler & Jacobson Ltd & Ors* (2012)

*Attorney General v Charity Commission for England and Wales & 10 Ors* (2012)

*Nigel Grogan v Revenue & Customs Commissioners* (2010)

*In The Matter Of Metrocab & In The Matter Of Frazer Nash Technology v Revenue & Customs* (2010)

*Erste Group Bank AG (London) v JSC (VMZ Red October) & Ors* (2013)

*E-Clear (UK) Plc v Elias Elia & Ors* (2013)

*Gel P Grogan v Revenue & Customs Commissioners (TC00187)* (2009)

*Secretary of State for Business, Enterprise & Regulatory Reform v Charter Financial Solutions Ltd*

*Secretary of State for Business, Enterprise & Regulatory Reform v Amway (UK) Ltd* (2009)

*Secretary of State for Business Enterprise & Regulatory Reform v Aaron* (2008)

Secretary of State for Business Enterprise and Regulatory Reform v Aaron (2008)

Re Vintage Hallmark PLC; Secretary of State for Trade & Industry v Grove

Re Mea Corporation Ltd; Secretary of State for Trade & Industry v Aviss

Barca v Mears (2004)

Secretary of State for Trade & Industry v Goldberg

Re J A Chapman & Co Ltd

Ashworth Frazer Ltd v Gloucester City Council

Khazanchi v Faircharm Investments Ltd : McLeod v Butterwick (1998)

## Qualifications

MA (Oxon)



## Recommendations

### Chambers UK

### Charities

"Pragmatic, knowledgeable and accessible." (2019)

"Very, very user-friendly, and happy to be pragmatic about things. He's a very knowledgeable barrister, who doesn't stand on ceremony and has a really client-friendly and easy-going attitude" (2018)

"His quality of advice and commitment to service are outstanding and they engender absolute confidence in the client and those instructing him." (2017)

"Maintains an exceptional commercial chancery practice with a prominent focus on charity law issues."

"He has been consistently helpful, both in terms of drafting and in his presentation to ourselves and the clients."

"He demonstrates sound judgement when deciding on the strategy in a case." (2015)

"Noted for his considerable expertise in charity law."

"He's just very responsive, diligent and creative in his approach." (2014)

"Works with a number of charities, providing a broad range of charity law advice." (2013)

"He produces excellent opinions and has a fine court manner." (2012)

### **Legal 500 UK**

#### **Charities**

"Very knowledgeable about the case law and the principles in this area." (2018/19)

"A highly rated practitioner." (2017)

"Recommended for general Chancery work and his experience in religious charity cases." (2016)

"Pleasant to deal with and responsive." (2014)

"Recommended" (2013)

"Very bright and user-friendly." (2012)

### **Legal 500 UK**

#### **Insolvency**

"Thoroughly decent" is "quite simply one of the brightest juniors at the Bar." (2011)

### **Legal Experts, 2012**

#### **Charities**