

Siward Atkins QC

Call 1995

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Siward acts and advises on disputes about

- Civil Fraud
- Commercial Agreements
- Companies
- Insolvency
- Partnerships
- Real Estate
- Trusts and Estates
- Professional negligence involving lawyers, accountants, surveyors and IFAs.

The width of his practice means that he is often instructed on cases with mixed elements, for example a civil fraud or property case with an insolvency angle, or a commercial dispute with a company point, in which he has more to offer than counsel specialising in just one area.

As an advocate most of his work is in the High Courts, although he also appears in County courts across the country and the various property tribunals. He has had more than 20 years' experience in trials and interim applications of all kinds, including applications for freezing orders (domestic and worldwide), stop orders, search orders, specific disclosure and other kinds of interim relief.

He also appears as a representative in mediations.

Commercial Litigation

Siward deals with disputes about commercial agreements of most kinds except shipping contracts, including:

- Contracts for the sale and development of land, options, lock-out agreements, rights of first refusal, overage and development agreements
- Joint venture agreements for all purposes
- Guarantees and indemnities
- Debentures and other security agreements
- Franchise agreements
- Finance and subordination agreements
- Factoring agreements

Company Litigation

Siward has particular expertise in the following kinds of company dispute:

- Claims against directors for self dealing and breach of fiduciary duty plus associated claims against third parties for dishonest assistance and knowing receipt, tracing and following claims
- Shareholders' disputes, unfair prejudice and just and equitable winding up petitions
- Derivative claims
- Acting for directors on disqualification claims and applications for permission to act when disqualified

Insolvency Litigation

Siward is regularly instructed on both corporate and personal insolvency disputes and court applications. These include:

- Applications to set aside statutory demands and to restrain winding up petitions
- Contested administration, winding up and bankruptcy petitions, including public interest winding up petitions
- Applications to appoint provisional liquidators
- Applications to set aside preferences and transactions at an undervalue
- Misfeasance applications against administrators, liquidators and trustees in bankruptcy
- Disputes about IVAs and CVAs, including the conduct of meetings and the payment of dividends

Partnership Litigation

Siward has acted in a variety of partnership disputes and has recently developed an expertise in dissolution accounting. Most recently his cases have involved:

- Issues about whether a partnership has arisen informally
- Disputes about the meaning and scope of clauses in partnership deeds
- Claims by third parties against firms where a non-partner has been held out as a partner
- The proper valuation of the partnership business when it is wound up years after the survivors started to carry it on

Property Litigation

Siward has been recommended as a leading junior for Property Litigation in *Chambers UK*.

He has experience in most kinds of property dispute, including:

- Claims for the rescission of property contracts for misdescription, fraud and mistake
- Disputes about registration and title
- Issues about the scope and liability of restrictive covenants affecting freehold land
- Contested applications to rectify the register
- Co-ownership claims based upon instruments, resulting or constructive trusts or proprietary estoppel
- Adverse possession claims
- Disputes about boundaries and easements
- Commercial and residential leasehold disputes of every kind, including service charge disputes, rent review arbitrations, applications for relief from forfeiture, disputes about withheld consents, dilapidations and other breach of covenant claims, 1954 Act applications and leasehold enfranchisement claims
- Mortgage claims and disputes, including possession claims and claims against mortgagees for sales at undervalue

Trust and Estate Litigation

Siward has experience in the following kinds of dispute:

- All kinds of contentious probate
- Claims to set aside wills, trusts and other instruments for undue influence and other unconscionable conduct
- Disputes about the meaning and effect of clauses in trust deeds

- Claims against trustees for breach of trust (innocent, deliberate and fraudulent) plus associated claims against third parties for dishonest assistance and knowing receipt, tracing and following claims

Professional Negligence

Although not a specialist professional negligence barrister, Siward is often instructed on professional negligence cases in which his expertise in other areas of law, particularly property law, is of value. He acts on claims against:

- Solicitors
- Barristers
- Accountants
- Surveyors
- IFAs

Notable Cases

Christopher Paul Reynard v Nigel Fox (2018)

Michael Tuke v JD Classics Ltd (Formerly JD Classics Holdings Ltd) (2018)

Christopher Paul Reynard v Nigel Fox (2018)

Koza Ltd & Anor v Akcil & Ors (2018)

Darius Khakshouri v (1) Anthony Jimenez (2) Kevin Cash (2017)

(1) Koza Ltd (2) Hamdi Akin Ipek v Mustafa Akcil & 5 Ors (2017)

Ivey v Genting Casinos (T/A Crockfords Club) (2017)

(1) Koza Ltd (2) Hamdi Akin Ipek v Mustafa Akcil & 5 Ors (2017)

Koza Ltd v Mustafa Akcil (2016)

Phillip Ivey v Genting Casinos UK Ltd (t/a Crockfords Club) (2016)

Lord Chancellor v John Blavo & MSP Capital (2016)

Hampton Capital Ltd v Elite Performance Cars (2015)

Ernst Hrabalek v Christian Hrabalek (2015)

Philip Ivey v Genting Casinos UK Ltd (T/A Crockfords Club) (2014)

Michael Wilson & Partners Ltd v Sinclair & Ors (2013)

Quick Draw LLP v Global Live Events LLP & Ors (2012)

In The Matter Of Frontsouth (Witham) Ltd (In Administration) (2011)

Routledge & Anor v Brazzo & Ors (2011)

Mission Capital PLC v Sinclair (2008)

Bonham v Fishwick (2008)

Collier v P & MJ Wright (Holdings) Ltd (2007)

Bonham v Fishwick (2007)

Bonham v Blake Laphorn Linell (2006)

Airey v Cordell (2006)

Cabvision Ltd v Feetum (2005)

Elite Business Systems UK Ltd v Price (2005)

Nexus Communications Group Ltd v Lambert (2005)

Daido Asia Japan Co Ltd v Rothen (2001)

Meara v Fox (2001)

Yelland v Chaffin-Laird (1999)

Murray v Guinness Guinness (1998)

Memberships

Chancery Bar Association & COMBAR

Qualifications

MA (Edin), PhD (Cantab)



Recommendations

Legal 500 UK

Fraud: Civil

"Able to deliver advice to all sorts of clients and his pleadings are second to none." (2020)

"Calm and clear – he identifies issues very early and is good on his feet." (2018/19)

"A very good senior junior for fraud cases." (2017)

"An excellent advocate, who has a modern approach to working with solicitors." (2016)

Property Litigation

"Recommended for title disputes, covenants and adverse possessions." (2018/19)

"Top-drawer." (2017)

"Well liked by clients." (2016)

"Very hardworking, good with clients and very responsive." (2014)

Chambers UK

Chancery: Commercial

"He's a classic chancery barrister who is able to lend his hand to all chancery matters." (2020)

Chambers UK

Real Estate Litigation

"Very incisive and hugely enthusiastic" "a stout performer." (2011)

"Always seems in tune with client requirements." "Fine performer." (2010)