

EDLYN LIVESEY

CALL: 2020



OVERVIEW

Edlyn has a thriving commercial chancery practice and accepts instructions across all of Chambers' practice areas, including commercial, civil fraud, company, partnership, insolvency, real estate and private client. She has appeared regularly led and unled in the High Court and the County Court.

Edlyn had a six-year career at Rolls-Royce prior to her legal training from which she has deep commercial understanding and experience beyond her Call of complex strategic decision-making. This is of particular value to clients in large-scale commercial disputes. Her non-legal experience includes roles in the aviation, shipping and energy industries; international work including secondments in Singapore and the USA; and latterly, as a Commercial Manager, negotiating Rolls-Royce's flagship contracts for supply to Hinkley Point C nuclear power station, the first new-build nuclear power station in the UK for a generation, and managing the commercial aspects of these contracts in delivery.

Edlyn read English Language and Literature at Balliol College, Oxford. She completed her GDL and BPTC at City, University of London, and taught Contract Law on the City GDL course. She was called to the Bar as a Stephen Chapman Scholar, the Inner Temple's second most prestigious award.

EXPERTISE

COMMERCIAL LITIGATION & ARBITRATION

Commercial litigation is a core part of Edlyn's practice and she is instructed regularly (led and unled) in large-scale disputes and in smaller matters. Examples include:

- Currently instructed in an LCIA arbitration dealing with a shareholders' dispute including wide-ranging commercial issues (led by **Andrew Westwood KC** and **Rebecca Page**).
- Assisted with a two-week trial in the BVI concerning the construction of a New York law agreement to purchase shares in a Caribbean energy company (led by **David Mumford KC**).
- Successfully defended a major national charity at trial against a claim alleging breach of contract (unled).
- Represented a national league football club at two interim hearings in a contractual claim against the club's former sponsors (unled).
- Appeared for a classic car dealership at an interim hearing to determine whether a claim alleging unreasonable refusal of consent to an assignment should proceed by way of Part 7 or Part 8 (unled).
- Advised on and drafted particulars of claim against an FCA-regulated investment firm to recover the unpaid proceeds of a securities transaction (unled).
- Represented various high street banks in claims by or against individuals, including under the Consumer Credit Act 1974 and to recover sums credited incorrectly under the Direct Debit Guarantee Scheme (unled).

Edlyn has appeared many times unled in procedural hearings, mainly in a commercial context, including on summary judgment, strike out, setting aside default judgment, amendment, addition of parties, extension of time, adjournment, costs budgeting, directions, specific disclosure and an injunction to restrain the use of certain documents.

CIVIL FRAUD

Many of Edlyn's cases include a civil fraud element. She has acted for clients making and defending serious allegations, including of breach of fiduciary duty, fraudulent breach of trust, unjustified dissipation, bribery, duress, undue influence, forgery and shams, and has advised and/or appeared on applications for interim relief based on this type of allegation (including on an urgent basis). Examples include:

- Acted for a member of the Al-Sanea family, a prominent Saudi family, to assist with preparing grounds of appeal from the decision in *Al-Subaihi v Al-Sanea* [2021] EWHC 2609 (Comm) including on issues of breach of fiduciary duty, duress, undue influence and contractual interpretation (led by **James Aldridge KC** and **Duncan McCombe**).
 - Appeared in the long-running Koza litigation at three hearings, including a heavy two-day return date opposing amendments to an interim regime for the management of the company and anti-suit and disclosure orders (led by **Siward Atkins KC**).
 - Advised (pro bono; unled) on an urgent basis on varying a without notice freezing injunction which had been obtained shortly before the start of a one-week trial to enable her client to release sufficient funds to pay for legal representation at trial (which her client then won).
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COMPANY & PARTNERSHIP

Company and partnership work is a significant part of Edlyn's practice. Examples of her experience include:

- Represented the claimant in a dispute over a family partnership which had run a number of pubs and off-licences in south London, including appearing (unled) at a successful half-day hearing in the High Court dealing with the provisions of PD 57AD and issues of privilege and waiver, at which she obtained wide-ranging disclosure orders and an injunction restraining the use of certain documents.
 - Shareholders' disputes, including the long-running Koza litigation (**led by Siward Atkins KC**) and, currently, an LCIA arbitration (led by **Andrew Westwood KC** and **Rebecca Page**).
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INSOLVENCY & ASSET RECOVERY

Edlyn is often instructed in insolvency matters. Her experience includes:

- Appearing for the applicant shareholders on an urgent application to rescind or stay winding up orders against 21 group companies involved in the development of the Royal Albert Dock in London (led by **Siward Atkins KC**).
 - Bankruptcy annulment.
 - Corporate winding up.
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OFFSHORE & TRUSTS

Edlyn welcomes instructions to assist with offshore work. Her experience includes assisting with cases in the BVI and/or involving BVI law, including a two week trial led by **David Mumford KC**.

REAL ESTATE

Edlyn has acted on a range of real estate matters including possession proceedings; 1954 Act lease renewals; dilapidations; and claims for rent arrears and damages. She also has experience from her pupillage of leasehold covenants; freehold covenants; proprietary estoppel; constructive trusts over land; rent charges; professional negligence in conveyancing; and injunctions against persons unknown.

PRIVATE CLIENT

Edlyn's experience includes:

- Removal / replacement of personal representatives under s.50 Administration of Justice Act 1985 and s.116 Senior Courts Act 1981.
- Dealing with difficult issues of capacity, including appearing on an urgent application to adjourn a one week trial on the basis that her client might lack capacity and assisting with arranging a capacity assessment and appointing a litigation friend (unled) and appearing for an equity release finance provider opposing allegations that a trust deed was void or should be set aside because the deceased settlor had allegedly lacked capacity and/or had been unduly influenced (unled).

MEMBERSHIPS

- Chancery Bar Association
- COMBAR
- Property Bar Association
- Professional Negligence Bar Association
- Contentious Trusts Association

QUALIFICATIONS

- MA (Oxon) English Language and Literature
- GDL (Distinction)
- BPTC (Outstanding)

AWARDS

Stephen Chapman Scholarship, Inner Temple (2019)

GDL Exhibition Award, Inner Temple (2018)