MAITLAND

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# SIWARD ATKINS KC

**CALL:** 1995 **KC:** 2020
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## OVERVIEW

Siward acts in disputes about companies, commercial agreements, trusts, insolvencies, civil fraud and real estate. The width of his practice means that he is often a one stop shop for any case with a mix of these elements.

He has appeared in many of the most important commercial and civil fraud cases in the last fifteen years, including Ablyazov, WT Air, Koza and the landmark case of ***Ivey v Genting***. He has combined this with a variety of nimbler cases, many of which have gone to trial and the Court of Appeal.

As an advocate most of his work is in the High Court, although his real estate work also takes him to the County Court and Upper Tribunal. He has had more than 25 years' experience in hard fought trials and applications of all kinds, but his friendly style and commercial common sense make him a popular advocate in mediations and other forms of ADR as well.

He is admitted to the Bar of the Eastern Caribbean Supreme Court (BVI).

## EXPERTISE

### COMMERCIAL LITIGATION & ARBITRATION

Siward acts in disputes about commercial agreements of all kinds except shipping, including:

- SPAs, with a particular expertise in breach of warranty claims
- Contracts for the sale and development of land, options, lock-out agreements, rights of first refusal, overage and development agreements

- JVAs of all kinds and for all purposes
- Guarantees and indemnities
- Debentures and security agreements of all kinds
- Franchise agreements
- Finance and subordination agreements
- Factoring agreements

## CIVIL FRAUD

Siward has expertise in the following:

- Claims for deceit, conspiracy, inducement and unlawful interference
- Applications for proprietary and ***Mareva*** type freezing injunctions
- Applications for ***Anton*** Piller, ***Norwich*** Pharmacal and other sorts of application for pre-action disclosure, evidence preservation and gathering

## COMPANY & PARTNERSHIP

Siward has expertise in the following kinds of company dispute:

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

Siward has expertise in the following kinds of partnership dispute:

- Disputes about the meaning and effect of LLP and partnership deeds
- Issues about whether a partnership has arisen informally
- Holding out, apparent authority and warranty of authority claims
- Exit and dissolution accounting

## INSOLVENCY & ASSET RECOVERY

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

- Application to set aside statutory demands and to restrain winding up petitions
- Contested administration, winding up and bankruptcy petitions, including public interest petitions

- Applications to appoint provisional liquidators
- Applications set aside preferences, transactions at undervalue and other transactions vulnerable in insolvency
- Misfeasance applications against administrators, liquidators and trustees in bankruptcy
- Disputes about IVAs and CVAs, including conduct of meetings and payment of dividends

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## REAL ESTATE

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

- Claims for rescission of property contracts for misdescription, fraud and mistake
- Disputes about title and registration, including applications to rectify the register
- Issues about scope and liability on freehold restrictive covenants
- Adverse possession
- Co-ownership disputes based on instruments, resulting or constructive trusts and proprietary estoppel
- Disputes about boundaries and easements
- Commercial residential leasehold disputes of all kinds, including service charge disputes, rent review arbitrations, applications for relief from forfeiture, disputes about 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 and receivers for sales at undervalue

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## PROFESSIONAL NEGLIGENCE

Siward acts on claims against:

- Solicitors
- Barristers
- Accountants
- Surveyors
- IFAs

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## PRIVATE CLIENT

Siward has experience in the following kinds of dispute:

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

## DIRECTORY QUOTES

*"Siward is at the top of his game. He is someone who will always go the extra mile and who sees the bigger picture much more than others."*

**Chambers UK Chancery: Commercial (2027)**

*"My go-to barrister on complex commercial and trust litigation. One of the best legal minds out there without any of the pomposity. An absolute pleasure to work with."*

**Legal 500 UK Commercial Litigation (2027)**

*"Siward reads the papers inside out, cuts through the issues and gets to the heart of the matter. He is very quick to appreciate what the dispute is about and the commercial drivers behind it. Extremely energetic and very honest in his advice, he gives you the answers you need."*

**Chambers UK Chancery: Commercial (2027)**

*"Siward is in a whole category to himself. He is everything you expect a KC to be but without the pomp. A brilliant tactician, he is intellectually fierce and a subject matter expert."*

**Chambers UK Chancery: Commercial (2026)**

*"An incredible tactician who generates great confidence in his instructing lawyers and the client. A pleasure to work with and a real team player on any complex commercial case."*

**Legal 500 Commercial Litigation (2026)**

*"Siward is incredibly user-friendly and robust. Clients appreciate his directness and his ability to quickly grasp complicated factual patterns in order to provide practical advice from the outset."*

**Chambers UK Chancery: Commercial (2026)**

*"Siward is an extremely clear thinker who's very strategic in advice and a good advocate. He really leads the team well and gives clients confidence."*

**Chambers UK Chancery: Commercial (2026)**

*"Siward is great and a pleasure to work with. He is all over the detail and an absolute go-to for chancery matters."*

**Chambers UK Chancery: Commercial (2025)**

*"Siward is absolutely brilliant. He is pragmatic, honest with the judge and very smart about the strengths of a case – he doesn't try to paper over any weaknesses."*

**Chambers UK Chancery: Commercial (2025 )**

*"He's fantastic. Great to work with, very smart, and someone who knows company law intricacies very well. He has an encyclopaedic knowledge of the background to any matter he's presented with."*

**Chambers UK Chancery: Commecial (2024)**

*"A very able and effective advocate. Siward is very pleasant to work with."*

**Chambers UK Commercial Chancery (2023)**

*"Commercially astute, he provides sound strategic advice and is able to think outside of the box. He is great with clients. Go to counsel for heavyweight disputes."*

**Legal 500 UK Fraud: Civil (2022)**

*"A barrister with a lively intellect, who comes up with clever ways to deal with issues and get around problems.*

**Chambers UK Chancery: Commercial (2022)**

*"He is a consummate team player, and is flexible in his approach, very prepared to engage in debate and consider other points of view."*

**Legal 500 UK Fraud: Civil (2021)**

*"He is a very persuasive and attractive advocate"*

**Chambers UK Chancery: Commercial (2021)**

*Able to deliver advice to all sorts of clients and his pleadings are second to none*

**Legal 500 Fraud: Civil (2020)**

## MEMBERSHIPS

- Chancery Bar Association
- COMBAR

## QUALIFICATIONS

- MA (Edin)
- PhD (Cantab)
- Dip Law (City)
- BVC (ICSL)

## AWARDS

**Princess Royal Scholar of Inner Temple**

**Ede & Ravenscroft Prize winner**

## NOTABLE CASES

- *Akcil & Ors v Koza Ltd & Anor (2019)*
- *(1) Koza Ltd (2) Hamdi Akin Ipek v Mustafa Akcil & 5 Ors (2019)*
- *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)*
- *Ivey v Genting Casinos (T/A Crockfords Club) (2017)*
- *(1) Koza Ltd (2) Hamdi Akin Ipek v Mustafa Akcil & 5 Ors (2017)*
- *(1) Koza Ltd (2) Hamdi Akin Ipek v Mustafa Akcil & 5 ors (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)*
- *Bonham v Fishwick (2008)*
- *Mission Capital PLC v Sinclair (2008)*
- *Collier v P & MJ Wright (Holdings) Ltd (2007)*
- *Bonham v Fishwick (2007)*
- *Bonham v Blake Lapthorn 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)*