

SIWARD ATKINS KC

CALL: 1995 KC: 2020



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
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CIVIL FRAUD

Seward 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
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COMPANY & PARTNERSHIP

Seward 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

Seward 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
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INSOLVENCY & ASSET RECOVERY

Seward 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

Seward 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

Seward acts on claims against:

- Solicitors
 - Barristers
 - Accountants
 - Surveyors
 - IFAs
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PRIVATE CLIENT

Seward 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

"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