

Insolvency Insight

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Chambers UK 2020



This is the first of a regular insolvency insights bulletin from the insolvency specialists at Quadrant Chambers. It is a short at a glance guide to the latest insolvency legislation changes and key cases, all cases link to the relevant judgments.

Legislation

- » [Administration \(Restrictions on Disposal etc. to Connected Persons\) Regulations 2021 \(SI 2021/427\)](#) came into effect on 30 April 2021. These Regulations will mean a greater level of independent scrutiny for pre-pack administrations (specifically pre-pack sales to connected persons).

Case law

- » [Re One Blackfriars Ltd](#) [2021] EWHC 684 (Ch): the administrators involved in the sale of the One Blackfriars development site in London were cleared of misfeasance.
- » [Mitchell v Al Jaber](#) [2021] EWHC 912 (Ch): the witness immunity rule does not apply to section 236 examinees. Permission to appeal granted.
- » [Gategroup Guarantee Limited](#) [2021] EWHC 775 (Ch): the Court sanctioned a restructuring plan under part 26A CA 2006.
- » [Re Virgin Active Holdings Ltd & Ors](#) [2021] EWHC 911: a group of creditors sought their costs of the convening hearing on the basis their arguments had assisted the Court. The Court considered the relevant principles but declined to make a final determination until after sanction.
- » [Riverside CREM 3 Limited v Virgin Active Health Clubs Limited](#) [2021] EWHC 746 (Ch): the Court granted a stay of creditor action brought by a landlord, to enable a debtor to implement a restructuring plan under part 26A CA 2006.
- » [Lazari Properties 2 Limited v New Look Retailers Limited](#) [2021] EWHC 1209 (Ch): a challenge to a company voluntary arrangement which provided for different treatment for a group of landlord creditors, brought on the basis that it was not within the jurisdictional scope of IA 1986 part 1, section 1(1), that it was unfairly prejudicial, and that there was material irregularity, was dismissed.
- » [Windhorst v Levy](#) [2021] EWHC 1168 (QB): the Court refused to set aside registration of a German judgment under the Judgments Regulation (Council Regulation (EC) 44/2001 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters) when the judgment debt had later been included in a binding insolvency plan which was recognised under the Insolvency Regulation (Council Regulation (EC) 1346/2000 on Insolvency Proceedings).

MEET THE AUTHORS



Nicola Allsop's practice encompasses all aspects of corporate and personal insolvency from voluntary arrangements to liquidations, administrations and bankruptcies. She advises and represents office-holders, individuals, directors, and insolvent companies. Her insolvency work covers domestic and international cases and she has been retained in a number of high profile liquidations during her career. Nicola is particularly adept at dealing with complex cases spanning multiple disciplines thanks to her expertise in civil fraud, company law and property law.

"Well-respected in the market." (Legal 500, 2021)

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Emily Saunderson has broad experience advising and acting for both liquidators and creditors across a variety of matters ranging from asset recovery and actions against directors to applications to restrain the presentation and/or advertisement of winding up petitions, and obtaining validation orders. Her commercial fraud experience is particularly valuable in the context of actions against directors of insolvent companies.

"A very strong technical lawyer who has a clear sense of the commercial practicalities of a case." (Chambers UK, 2021)

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