

LOUIS DOYLE QC

Year of call: 1996
Year of silk: 2020

Clerked by: Gary Young Harry Young

AREAS OF EXPERTISE:

Banking & Finance Commercial Litigation Company
Insolvency International & Offshore Partnership Professional
Negligence Sport



Insolvency

Profile

Louis Doyle QC has a busy and eclectic practice developed over more than two decades in all aspects of insolvency, credit, security, company law and finance litigation (including commercial fraud). He has appeared in over forty reported cases, five in the Court of Appeal, and is co-author, with Professor Andrew Keay, of *Insolvency Legislation: Annotations & Commentary*, now in its eighth edition (2019, LexisNexis) and is a contributing editor of the leading loose-leaf, *Gore-Browne on Companies*. Ranked as a leader in his field in various subject areas by both Chambers & Partners and the Legal 500 since 1999, he has huge commercial experience and a reputation that precedes him in terms of his technical knowledge and abilities as an advocate.

One commentator noted that *"he is fantastic on his feet, with judges and with opponents, well read, technically excellent and clients love him"*.

Examples of Louis's recent work include:

- Re Moss Groundworks Limited [2019] 3079 (Ch) (HHJ Eyre QC; administration order made on application adjourned before Snowden J to facilitate pre-pack sale of business; the judgment includes a penetrating analysis of the court's concerns and approach to such urgent cases following Re Hellas Telecommunications (Luxembourg) II SCA (2009) and Re Kayley Vending Ltd (2009))
- Advising the audit sub-committee of the board of a multi-national on the fiduciary implications of an inter-group write-off exercise amounting to £178m in value.
- Acting for Indian creditors in relation to the winding-up in the Isle of Man of an infrastructure holding company. The case involved complex issues of proof and subrogation, proceedings in the UK, the Isle of Man and the Supreme Court of India, and substantial assets in those jurisdictions, Bosnia, the US and the BVI.
- Re *Smooth Financial Consultants Ltd (in liquidation)* [2018] WLR(D) 592 (seven-day High Court director disqualification trial).
- Acting for three insolvency practitioners defending (successfully) misfeasance and conspiracy claims pleaded at circa £30m.
- Advising lead creditor consortium on contractual disputes arising out of complex basket-currency denominated revolving-credit and subordinated debt agreements.
- Acting for defendants in significant multi-million-pound misfeasance claim arising out of high-profile collapse of UK-based financial planning business.
- Re *Dent* [2017] Ch 422 (Norris J). Acting for successful creditor, Lady Lynne Morrison, in claim involving marshalling of securities, subrogation, the interaction between partnership law and bankruptcy and the Agricultural Credits Act 1928.
- Acting for four of nineteen defendants in heavy commercial fraud proceedings involving alleged misappropriation of seven figure sums and associated alleged laundering.

Apart from his very broad insolvency practice on both the corporate and personal sides, litigious and advisory, and his financial litigation and company law work, Louis has extensive experience of trial and interim application work and mediation. He is much sought out as a practitioner in relation to high value and complex financial disputes and has experience of unexplained wealth, risk money and proceeds of crime.

His cases include;

- Re Moss Groundworks Limited [2019] 3079 (Ch) (see above)
- WTA Global Holdings Ltd (In Liquidation) v Lombard North Central Plc (Commercial Court) [2019] EWHC 277 (Comm) [2019] 2 WLUK 702 (HHJ Klein, civil procedure, banking and finance, alleged misconduct by bank global restructuring group, breach of contract, limitation periods, measure of damages, non-compliance, striking out, summary judgments, unless orders)
- Re Smooth Financial Consultants Ltd [2018] 8 WLUK 84 ((HHJ Halliwell client money, misuse, level of knowledge applicable, obligation to resign as a director, director disqualification orders, disqualification periods)
- Inform CPI Ltd v Tower Hamlets LBC (Commercial Court) [2018] EWHC 2730 (Comm); [2018] 6 WLUK 692 (HHJ Hodge QC, information technology, local government, burden of proof, interpretation, software licensing agreements, non-domestic rates and savings therein relating to business hereditaments)

- Re Pappy Ltd (In Liquidation) [2017] 8 WLUK 344; [2018] B.P.I.R. 1451 (Directors, intra-group transfers, preferences claims in liquidation)
- Raithatha v Baig [2017] EWHC 2059 (Ch); [2017] 7 WLUK 583; [2018] B.P.I.R. 743 (Chief Insolvency & Companies Judge Briggs, issues of quantification of loss and causation in context of misfeasance as regards failure of directors of Halal monitoring company to register company for VAT on professional advice)
- Safier v Wardell [2017] EWHC 20 (Ch); [2017] Bus. L.R. 564; [2017] 1 WLUK 147; [2017] B.P.I.R. 504 (HHJ Behrens; successfully established that, on bankruptcy annulment, monies paid by third party into Insolvency Services Account not susceptible to Secretary of State levy)
- Re Dent (In Administration) [2016] EWHC 2650 (Ch); [2017] Ch. 422; [2017] 3 W.L.R. 198; [2016] 10 WLUK 599; [2017] BPIR 164 (Norris J, equity, administration, Agricultural Credits Act 1928, marshalling, partnerships, subrogation, trustees-in-bankruptcy)
- Barclays Bank plc v Registrar of Companies [2015] EWHC 3140 (Ch) (Norris J, backdating of winding-up petitions)
- Hunt v Withinshaw [2015] EWHC 3072 (Ch) (Morgan J; ss.315 and 318 of the Insolvency Act 1986, vesting orders)
- Hunt v Conwy County Borough Council [2014] 1 WLR 254 (Sir William Blackburne; leading case on bankruptcy disclaimer)
- Appleyard v Wewelwala [2013] 1 WLR 752 (Briggs J; trustee's remuneration and call for amendment to insolvency legislation)
- Linfoot v Adamson [2012] BPIR 1033 (applicable test on objection to treatment of proof by voluntary arrangement supervisor)
- Stericker v Horner [2012] BPIR 845 (proprietary estoppel, undue influence and scope of Court of Appeal's decision in McGuinness v Norwich & Peterborough Building Society on statutory demand set aside)
- Re MTB Motors Ltd (in administration) [2012] BCC 601 (retrospective administration orders)
- Rehman v Chamberlain [2012] BCC 770 (Court's approach to alleged part consideration and s.245 avoidance of floating charge)
- Re A Block Transfer Order by Kaye [2010] BPIR 602 (block transfer of large number of IVAs; expenses of creditors' meeting and associated formalities; jurisdiction of court to interfere with approved arrangements where costs caps met)
- Re Power Builders (Surrey) Ltd, Power v Petrus Estates Ltd [2009] 1 BCLC 250 (Lewison J; creditors' meetings; liquidation; proof of debt; voting rights; proper approach to admission of proofs under r.4.70 and equivalent provisions)
- Revenue and Customs Commissioners v Cassells [2009] BPIR 284 (Morritt C; annulment; discretionary powers in annulling under s.282 and reviewing under s.375)
- Simpson v Bowker [2008] BCC 781; [2007] Costs LR 850 (Court of Appeal; creditor claims; company voluntary arrangements; costs; debtors; fees; funding arrangements)
- Stanley J Holmes & Sons Ltd v Davenham Trust plc [2007] BCC 485 (Court of Appeal; administration; proper basis for valuation of third party goodson application for sale by administrators under Schedule B1, para 71)
- Kingsley IT Consulting Ltd v McIntosh [2006] BCC 875 (Mr Terence Mowschensen QC; directors' duties; secret profits; quantification of director's liability to account to complainant company)
- Smurthwaite v Simpson-Smith [2006] All ER (D) 368; [2006] BPIR 1469 (IVA; meaning of "reputed wife"; treatment of creditor by chairman; setting aside of arrangement; personal costs liability of office-holder, including various interim applications for specific disclosure and s.375 review before Warren J and the late Laddie J)
- Re Ultramotorhomes International Limited [2006] All ER (D) 227 (Patten J; EC Regulation on Insolvency Proceedings; applicable law; proper construction of CVA; effect of German security; delivery up of arrangement assets)
- Akhtar v Rafiq [2006] 1 FLR 27 (Bodey J; appearing for the Crown (Queen's Proctor); effect of fraud/defective service in Middle Easton court process)
- Oakley v Ultra Vehicle Design Ltd (In Liquidation) [2006] BCC 115; noted also at [2005] IL4P 55 (Lloyd LJ, sitting as a High Court judge; appropriate jurisdiction; conflict of law; EC Regulation; English court to deal with dispute subject to German law)
- Rio Properties Inc v Amer Mouaffac Al-Midani [2003] BPIR 128 (bankruptcy; whether \$2.8m gaming debt incurred in US capable of founding English bankruptcy petition)
- Commissioners of Customs & Excise v Allen [2003] BPIR 830 (first reported disputed block transfer order)
- Palgrave Brown v Stinnes Logistics AG [2002] All ER (D) 241 (Court of Appeal following five day trial in the Mercantile Court; interpretation of contractual agreement; liability of vendor to meet due diligence costs of prospective purchaser)
- Doyle v Saville [2002] BPIR 947 (successful appeal to High Court overturning findings of transactions-at-undervalue and preferences below)
- Re Salmat International Ltd (in administration) [2001] BCC 796 (Blackburne J; ranking of office-holder's remuneration as expense in administration where shortfall)
- Industrial Diseases Compensation Ltd v Marrons [2001] BPIR 601 (charging orders; setting aside; scope of CPR r.40.9)
- Harris v Gross [2001] BPIR 586 (IVAs; standing of supervisor to petition for bankruptcy after expiration of fixed-term arrangements)
- Re Julie O Sullivan [2001] BPIR 534 (jurisdiction of court to interfere with nominee's fee as fixed by creditors; subsequent appeal to the Court of Appeal aborted)
- Fuller v Cyracuse [2001] 1 BCLC 187 (Mr Peter Leaver QC; striking out just and equitable winding-up petition in the face of complex offer to buy-out petitioner)
- Cork v Rawlins [2001] 3 WLR 300, CA (Court of Appeal; bankruptcy; vesting of contractual claim)
- Ord v Upton [2000] Ch 352 [2000] 2 WLR 755, CA (Court of Appeal; bankruptcy; nature of cause of action; vesting of personal injury claim)
- Lombard North Central plc v Brook [1999] BPIR 710 (CVA; liquidated damages/ penalty clause; treatment of creditor for voting purposes)
- National Westminster Bank plc v Caldeira [1999] CLY 3225 (bankruptcy; charging orders)
- Kelly v Pilgrim [1998] CLY 399 (automatic directions; joinder)

Year of Call: 1996

Areas of Expertise

Banking & Finance

Commercial Litigation

Company

Insolvency

International & Offshore

Partnership

Professional Negligence

Sport

Memberships

Insolvency Lawyers Association (full member) R3 (full member)

Chancery Bar Association

Northern Chancery Bar Association

Committee Member, Northern Commercial Bar Association Professional Negligence Bar Association

Bar Pro Bono Unit

Appointments

Provincial Panel, Treasury Counsel (Civil Litigation) (primarily disqualification and Revenue work) (Appointed 2000, re-appointed 2003, retired 2007)

Publications

Insolvency Legislation: Annotations & Commentary (8th edn, 2019, LexisNexis) (with Professor Andrew Keay and Professor Gerard McCormack)

Contributing editor to Gore-Browne on Companies (looseleaf, LexisNexis)

Insolvency Litigation (1997, Sweet & Maxwell)

Administrative Receivership: Law & Practice (Sweet & Maxwell)

Over the last thirty years Louis has published various articles in refereed and academic journals on all aspects of insolvency, as well as commercial law issues as diverse as the legal regulation of investment by trustees (Trust Law International), the legal status of contracts for difference and derivatives (New Law Journal), common law and statutory liability for public offering documents (The Company Lawyer) and the independence requirements for trustees of pension schemes on scheme failure (Company & Insolvency Review). Some of his work is cited in leading textbooks.

Previously a member of the editorial board of Insolvency Intelligence and The Insolvency Lawyer.

Qualifications

Degree: LLB (CNA), LLM (Birmingham)

Admitted as a solicitor in 1994

Year of Call: 1996 (Lincoln's Inn)

Recommendations

Louis has been ranked as a leading junior variously in insolvency, chancery and commercial litigation in both the Legal 500 and in Chambers UK guides to the legal profession since 1999. Those recommending him suggest:

Legal 500 2020

"His practice includes company law, insolvency and financial litigation."

Chambers UK 2020

"He is very accessible and always really helpful. If it's a tricky contentious insolvency case, Louis is a go-to." "He doesn't sit on the fence and gives very robust opinions. He presents his client's case in the strongest way possible."

"He is a leading practitioner for insolvency-related chancery work." "He has a very relaxed advocacy style which is very effective and he backs that with fabulous intellectual knowledge."

Chambers UK 2019

"He knows the insolvency law and rules very well, he's very authoritative and he's a very energetic advocate."

"An excellent, well-informed barrister. A pleasure to instruct." "Extremely able and an excellent advocate."

Legal 500 2019

"Excellent on his feet."

Chambers UK 2018

"Particularly good on contentious matters, he is well known and respected in the industry."

"He is a very intelligent guy with a good knack for looking at cases from new angles." "He has an excellent range of experience, provides commercially sound advice and represents good value for money."

Legal 500 2018

"An insolvency expert."

Chambers UK 2017

"I rate his advocacy skills and technical knowledge very highly." "Both clients and judges seem to absolutely love him."

Legal 500 2017

"A first-class barrister."

Chambers UK 2016

"A well-known and very well-regarded barrister, strong on insolvency issues."

"He is an excellent, well-informed counsel. He's a pleasure to instruct."



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