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Corporate insolvency: case law update

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Investigations and examinations:

Re Comet Group Ltd (In Liquidation) [2018] EWHC 1378 (Ch)

Mitchell v Al Jaber [2021] EWHC 912 (Ch) – Joanna Smith J.

Mitchell v Al Jaber [2021] EWCA Civ 1190

Administration – void/defective appointments:

Re Euromaster Ltd [2012] EWHC 2356 (Ch)

Re ARG Mansfield Ltd [2020] EWHC 1133 (Ch)

Re Arlington Infrastructure Ltd [2020] EWHC 3123 (Ch)

Re Tokenhouse VB Ltd [2021] EWHC 3171

Re NMUL Realisations Ltd [2021] EWHC 94 (Ch)

Administration – pre-packs/early substantial disposals:

The Administration (Restrictions on Disposal etc. to Connected Persons) Regulations 2021 (SI 427 of 2021)

In force 30.4.21

New requirement to seek approval of creditors or obtain qualifying report

Administration – other:

Moulds Fencing (Torksey) Ltd & Ors v Butler & Ors [2020] EWHC 2933 (Ch)

Re Mederco (Cardiff) Ltd [2021] EWHC 386 (Ch)

Wessely & Anor (Zoom UK Distribution Ltd v Rubra & Ors [2021] EWHC 800 (Ch)

Re Arboretum Devon (RLH) Ltd [2021] EWHC 1047 (Ch)

CVAs -challenges:

s.6(1)(a) – “unfair prejudice” and s.6(1)(b) “material irregularity”

Discovery (Northampton) Ltd v Debenhams [2020] BCC 9

Re TXU Ltd, 2 March 2021 (Ch)

Lazari Properties 2 Limited & Ors v New Look Retailers Ltd & Ors [2021] EWHC 1209 (Ch) – Zacaroli J.

Carraway Guildford (Nominee A Ltd) & Ors v Regis UK Lts and Ors [2021] EWHC 1294 (Ch)

Huntley v Collier & Another [2021] EWHC 1091 (Ch)

Young v Nero Holdings Ltd & Ors [2021] EWHC 1453 (Ch) and [2021] EWHC 2600 (Ch)

Winding up – coronavirus test:

Re A Company (Application to Restrain Advertisement of a Winding Up Petition) [2020] EWHC 1551 (Ch)

Re PGH Investments Ltd [2021] EWHC 533 (Ch)

Re A Company [2021] EWHC 2289 (Ch)

Winding up –other:

Macclesfield Town Football Club Ltd (In Liquidation) [2020] EWHC 2605
(Ch) – retrospective validation order

Schemes of arrangement/restructuring:

Part 26/26A of Companies Act 2006

Virgin Atlantic Airways Ltd [2020] EWHC 2191 (Ch)

Pizza Express Financing 2 Plc [2020] EWHC 2873 (Ch)

Re Port Finance Investment Ltd [2021] EWHC 378 (Ch)

Schemes of arrangement/Restructuring:

Virgin Atlantic Airways Ltd [2020] EWHC 2191 (Ch)

Pizza Express Financing 2 Plc [2020] EWHC 2873 (Ch)

Gategroup Guarantee Ltd [2021] EWHC 304 (Ch)

Smile Telecoms Holdings Ltd [2021] EWHC 685 (Ch)

DeepOcean 1 UK Ltd [2021] EWHC 138 (Ch)

Re Virgin Active Holdings Ltd & Ors [2021] EWHC 1246 (Ch)

Re Amicus Finance Plc [2021] EWHC 2255 (Ch0)

Assignment of causes of action:

Re Oasis Merchandising Services Limited [1998] Ch 170

s.246ZD IA 1986 (inserted by Small Business, Enterprise and Employment Act 2015)

Re Cage Consultants Ltd [2020] EWHC 2917

Re Taunton Logs Ltd (In Liqn) [2020] EWHC 3480 (Ch)

Manolete Partners Plc v Hayward and Barrett Holdings Ltd [2021] EWHC 1481 (Ch)

Edengate Homes (Butley Hall) Ltd (In Liquidation) [2021] EWHC 2970 (Ch)

Causes of action - other:

Hugh James Involegal LLP (as assignee of Transform Medical Group CS Ltd) v (1) Berrymans Lace Mawer LLP (2) Jonathan Waite [2020] EWHC 3402 (QB) – champerty and maintenance and the Norgen exception

Directors' powers and duties:

Hunt v Michie [2020] EWHC 54 (Ch)

PSV 1982 Ltd v Langdon [2021] EWHC 2475 (Ch)

Brown (Liquidator of Shahi Tandoor Restaurant Ltd) v Bashir [2021] EWHC 337 (Ch)

Charity trustee/directors: Re Keeping Kids Company [2021] EWHC 175 (Ch)

Bronia Buchanan Associates Ltd (In Liquidation) [2021] EWHC 2740 (Ch)

Office holder's duties:

PJSC Uralkali v Rowley & Another [2020] EWHC 3442 (Ch)

Re Comet Group Ltd

Other (alleged) duties:

Stamford International Bank Ltd (In Liquidation) v HSBC Bank Plc
[2021] EWCA Civ 5

Proof of debts:

Rule 14.11 Insolvency Rules 2016

In the Matter of Paragon Offshore Plc (In Liquidation): Hammersley v
Edwards

Miscellaneous:

- Practice Direction 57AC – no general application to applications under IA 1986 etc
- DOES apply to just and equitable w/u petitions under s.122(G) IA 1986
- DOES apply if Court directs it to apply

Thank you for listening and watching