

# Aidan Reay

Year of call 2011

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Aidan Reay joined Chambers in 2013 having undertaken pupillage with Kings following completion of his legal studies at Oxford, Cambridge and Paris II (Panthéon-Assas) and having completed a five-month research traineeship at the ECJ (as it then was).

Aidan has rapidly developed his practice, specialising exclusively in **commercial and chancery disputes** (including insolvency).

With regular appearances in both the County Court and High Court conducting applications, CCMCs, trials and appeals, Aidan has a broad range of advocacy experience. Aidan is also often instructed in a range of advisory and drafting work.

Aidan's practice includes the following areas:

- Business rates disputes
- Corporate and commercial disputes
- Corporate and personal insolvency matters
- Jurisdictional matters
- Partnership disputes
- Possession actions
- Property disputes (including common intention constructive trusts and ToLATA 1996 matters)

Outside of work, Aidan is a keen cricket fan, a developing squash and tennis player and a lapsed golfer.

Having studied in Paris and worked in Luxembourg, Aidan speaks and writes excellent French.

## Expertise

### Banking & Finance

Aidan is regularly instructed in a range of banking and finance claims. Aidan has particular expertise in secured lending and in the interrelation between secured lending and insolvency, as well as experience dealing with a range of guarantees and other debt instruments. Aidan regularly appears in both High Court and County Court in banking and finance matters and has extensive experience in drafting and advising on disputes in the financial sphere.

Aidan is also highly familiar with regulated finance work including consumer credit- and FSMA-related matters.

## Notable Banking & Finance cases

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Tubelike Limited (in liquidation) and Others v Visitjourneys.Com Limited

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## Commercial Litigation

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Aidan is regularly instructed to represent and advise clients with commercial disputes, including the sale of goods, agency agreements and guarantees. He also provides non-contentious advice on contracts, something which businesses find particularly advantageous in advance of contract renewal discussions.

Aidan has also advised on jurisdictional issues including forum, choice of law and the enforcement of foreign judgments in England & Wales.

## Company

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Aidan regularly acts in relation to company disputes including shareholder disputes, share purchase disputes and directors' duties providing both advice and representation in the High Court.

### Notable Company cases

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Securing an interim injunction in an unfair prejudice petition to restore the Petitioner to a role within the company pending the determination of the petition

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Advising in relation to the effects of striking off an entity incorporated under the Industrial and Provident Societies Acts

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Advising in relation to allegations of breach of duty by the director of a company where the director had resigned to start a competing business

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Acting in relation to a share purchase dispute regarding the sale of dental practices

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Advising in respect of deadlocked companies

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Acting (led by Mark Harper KC) in a shareholders' dispute heard at trial in the Chancery Division in Manchester over 7 days

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## Insolvency

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Aidan is regularly instructed in respect of personal and corporate insolvency cases for office-holder, creditors, debtors and directors.

Aidan's insolvency practice includes the contentious and the technical.

Aidan's advice is often sought in respect of complex technical points relating to corporate and personal insolvencies and he has extensive experience in dealing with substantial misfeasance claims against directors.

Aidan also has considerable experience acting for directors in directors' disqualification proceedings.

Aidan sits on the R3's regional committee for the Midlands.

## Partnership

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Aidan is regularly instructed on a range of partnership disputes and has particular experience dealing with partnership disputes arising in connection with dental practices, general medical practices and farming partnerships.

In dealing with partnership disputes, Aidan recognises that the relationships involved are often personal and always seeks to engage constructively with

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instructing solicitors and lay clients to look for a way through the litigation to the end solution.

## Professional Negligence

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Aidan is a member of Kings' Business and Property Group with a particular interest in professional negligence. Aidan acts on behalf of claimants, defendants and insurers in professional negligence actions against a range of professionals including financial advisors, solicitors, accountants and construction professionals. With extensive experience of conducting trials and hearings in the High Court, County Court and the Court of Appeal, Aidan is regularly instructed as an advocate in professional negligence matters as well as undertaking drafting and advisory work on complex professional negligence claims.

## Real Estate Litigation

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Aidan's real estate practice primarily focuses on cases concerning non-domestic rates (or, colloquially, business rates). He acts both for ratepayers and has experience in respect of a number of different rates mitigation schemes, including those relating to heliculture.

Aidan's expertise in corporate and insolvency matters of particular benefit to clients dealing with rates cases.

Aidan undertakes both Magistrates' Court work and judicial review work in respect of rates cases.

## Sport

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Aidan accepts instructions with sports connections across his range of commercial, corporate and insolvency expertise.

## Technology & Construction

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Aidan has extensive experience dealing with a range of construction disputes from consumer contracts for domestic building work to complex disputes in respect of industry standard form contracts and relating to the enforcement of adjudication awards.

Recent instructions have included successfully opposing a CPR part 11 application to stay proceedings pursuant to the terms of an NEC3 contract where the issue was whether clause W2 had been incorporated into the contract between the parties where there was ambiguity in the drafting of the contract data.

## Significant Cases

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Appearing as sole counsel for the respondent in *Singh v Dass* [2019] EWCA Civ 360. Aidan successfully represented the respondent on appeal before McCombe, Moylan and Haddon-Cave LJ. The case concerned a long-running building dispute where the respondent had won at a trial of a preliminary issue on limitation and the appellant sought to introduce a new argument on appeal based on s.29(5) of the Limitation Act 1980. Aidan successfully argued that it was not and should not be open to the appellant to raise a new argument at this late stage which was not supported by the findings made at trial.

Representing Kirklees Borough Council in relation to a business rates avoidance scheme. Aidan successfully represented the local authority in a business rates dispute where the landlord claimed to have granted a lease of an office building to a newly-formed company that in turn claimed to be exempt from business rates because it was engaged in snail farming on the basis of a number of boxes of snails being placed in the building. The court held that the lease was not properly executed and was a sham. The judge found that the tenant "manifestly does not operate a snail farm any more than putting matchbox toy cars on the floor of the Property would constitute the operation of a car sales business".

Representing the applicant in a successful claim for an injunction to restrain presentation of a winding up petition in the High Court in Manchester on the basis that

there was a bona fide and substantial dispute that the debt was owed.

Representing the claimants (led by Mark Harper KC) in *McConomy & Anr v ASE plc & anr* [2017] EWHC 92 (Ch) in an 8-day trial in the High Court in Manchester concerning a joint venture, shareholders' agreement and directors' duties.

## Memberships

- Northern Circuit Commercial Bar Association (Committee Member)
- Gray's Inn

## Qualifications

- B.A., First Class, Law with Law Studies in Europe (University of Oxford, Brasenose College)
- LL.M. (University of Cambridge, Clare College)
- BPTC, Outstanding (City University (formerly the Inns of Court School of Law))
- Certificat supérieur en droit français (Université Paris II)

## Appointments

- Beddingfield Scholarship (Gray's Inn's top scholarship for Bar school)
- Reid Scholarship (one of only four senior scholarships awarded by Gray's Inn for pupillage)

## Recommendations

### Legal 500 2023

"Aidan has exceptional knowledge of relevant case law and attention to detail. He has a highly effective litigation strategy and he is very responsive, personable and easy to deal with."

### Chambers UK 2022

"He is excellent at responding to arguments on his feet, which is a very good asset at the Bar. He is a very straightforward and very responsive barrister." "Aidan is very analytical and responsive, and his written advocacy is persuasive."

### Legal 500 2022

"I find Aidan particularly client-friendly. The advice Aidan gives is always commercial and measured. I would often go to London if Aidan were not available and I consider him to be one of the standout junior barristers at the commercial bar in Manchester."

### Chambers UK 2021

"He is very strong on his advice, can relate to clients very well and gets a handle on the key issues very quickly." "He is an excellent advocate." "He is incredibly bright and astute."

#### Legal 500 2021

‘Aidan balances a commercial and practical approach with razor sharp technical skills. He is an excellent advocate, who always performs well on his feet.’

#### Chambers UK 2017

“He’s very personable and you’d be comfortable giving him more weighty jobs – beyond his years of call.” “Tactically astute, he is also really good on technical contractual issues, explaining them so the court can deal with the matter properly.”

## Accreditations

