



James Ayliffe QC

Call: 1987

QC: 2008

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Clerks' Details

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Qualifications and Appointments

- First in Philosophy Politics & Economics
New College, Oxford
- Distinction in Diploma of Law.
City University, London

“Superb at anything”

Chambers & Partners 2014

Publications

- [Hill and Redman's Law of Landlord and Tenant](#) (2014)
Specialist Editor

Memberships

- Chancery Bar Association
- COMBAR
- Commercial Fraud Lawyers Association
- Insolvency Lawyers Association
- Professional Negligence Bar Association
- Property Bar Association
- Member of the Bar of the British Virgin Islands

Practice Overview

James is a highly experienced QC with a broad commercial/financial practice.

He provides advice and advocacy services across a range of fields including banking, company, insolvency, financial services, civil fraud and asset tracing, joint venture/partnership, professional negligence, real estate and contentious trust matters.

His practice is marked by determination to achieve the best outcome for his clients, mental agility, attention to detail and sound practical judgment.

Much of his work has an international flavour, involving jurisdictions as diverse as the BVI, Cayman Islands, Channel Islands, Cyprus, South Africa, Isle of Man, Gibraltar, New York and Ukraine.

His work also includes acting as an arbitrator, mediator or expert.

He has been recommended for many years in the legal directories (*Chambers & Partners*, *Chambers Global* and/or *The Legal 500*) for:

- Commercial Dispute Resolution (Chancery)
- Banking & Finance
- Real Estate Litigation
- Professional Liability
- International & Offshore.

Among the comments that have been made of him in the directories are: *"superb"*, *"excellent"*, *"a fine barrister with a charming manner"*, *"very good with clients"*, *"a first rate intellect with a user-friendly manner that engenders confidence"*, *"has the ability to digest information and advise coherently on the most complex of legal arguments"*, *"an excellent communicator who provides supremely intelligent advice"*, *"very confident in implementing the advice he gives"*, *"a real specialist"*, *"his advocacy is fantastic and he is able to sway the judge's mind"*, *"a great guy to work with"*, *"fantastic"*, *"dynamic"*, *"level-headed and focused"*, *"easy to deal with"*, *"always on top of his cases"*, *"a splendid understated style"*, *"held in high regard"*, *"widely respected"*, *"meriting the most notable compliments"*, *"a team player"*, *"intellectually tough"*, *"will stand up to anyone"*, and *"a star of the commercial Bar"*.



Commercial

James' commercial practice covers the following main areas:

- Banking & Finance
- Company
- Insolvency
- Civil fraud & Asset tracing
- Commercial contracts.
- Financial services.
- Joint ventures & Partnership.
- High-value trust disputes.
- International & Offshore.

Commercial contracts

James regularly deals with issues and disputes concerning the validity, interpretation and enforcement of rights under commercial, financial or business contracts.

Some representative cases include:

- acting for well-known FTSE 100 company in LCIA arbitration concerning operation of complex £2bn re-financing arrangements;
- acting for printing company defending multi-million pound Commercial Court claim by government agency for breach of contractual duties to protect confidential material from theft;
- acting for hotel owner in multi-million pound LCIA arbitration relating to alleged breaches of operating and management agreement in respect of a major hotel in Saudi Arabia;
- advising Russian investment bank in relation to claim by executive recruitment firm for fees for alleged services in connection with the recruitment of top executives;
- representing provider of share and bond trading services in multi-million pound dispute with IT suppliers;
- representing licensor in defence of US\$80m LCIA arbitration regarding alleged breach of international licence agreement governing use of well-known brand and trademark in connection with sale of handbags;
- advising manufacturer of street cleaning vehicles on contractual claim against company responsible for the cleaning of London boroughs;
- acting for international financial services group facing £20m claim for alleged fraudulent misrepresentation in relation to the sale of insurance business;
- representing vendors of air conditioning business in claim for deferred consideration for sale of shares;
- advising local health authority in relation to issues arising under complex contractual outsourcing arrangements;
- acting for licensor in US\$20m claim for alleged repudiation of international licence agreement relating to use of brand in connection with sale of watches.



Commercial continued

Financial services

James has wide experience of financial services, including:

- perimeter, compliance and enforcement issues under FSMA;
- advice and 'misselling' claims;
- investment mismanagement claims;
- issues relating to collective investment schemes;
- life assurance;
- with profits.

Some representative cases include:

- advising Independent Expert appointed in relation to Royal London's introduction of a new form of with profits product ('profit share accounts');
- advising trustees of employee benefit trusts regarding claims against investment advisers in relation to losses on failed Lehmans fund;
- acting for Policyholder Advocate appointed to represent the interests of policyholders of Commercial Union and Norwich Union (both now part of Aviva) in relation to reattribution of a £5bn inherited estate;
- advising Channel Islands financial regulator regarding issues relating to trading of overseas firms through use of serviced offices and other facilities;
- acting for Equitable Life in high-profile litigation regarding 'guaranteed annuity rates' culminating with the House of Lords decision in *Equitable Life v Hyman*;
- advising 'nationalised' bank regarding financial services issues arising from the impact of a collapse in its share price on staff incentive arrangements;
- acting for wealthy investor on multi-million pound claim in respect of losses arising from investment in capital redemption contracts;
- advising ACD regarding exposure to claims from mismanagement of ICVCs;
- acting for pension fund trustees on multi-million pound claim for mismanagement of core fund investment;
- acting for investors seeking to recover investments following the collapse of the Bahamas-based Imperial Consolidated Alpha Plus Fund;
- advising on claims arising from the mis-selling of split capital investment trusts;
- acting for custodian trustee of Docklands property enterprise trust in a successful defence of claims by investors.

James also regularly acts on cases in the pensions field. See further under "Pensions" section of CV.



Commercial continued

Joint ventures & Partnership

Much of James' work is concerned with disputes and issues between partners in joint ventures of one form or another (whether corporate, contractual, partnership, limited partnership, LLP, LLC or otherwise).

Some representative cases include:

- representing member of LLP in £10m claim for damages for breach of fiduciary and other duties and recovery of 'secret profit' made by partner;
- advising property developer facing claim for account of millions of pounds of profits made from alleged joint venture for acquisition and development of land in north of England;
- representing corporate vehicle for investment of Euro 60m in shopping malls in Eastern Europe in defence of multi-million pound claim by one of investors;
- acting for one of two 50/50 shareholders in dispute relating to joint venture for sale of agricultural equipment in the former CIS;
- advising investor in joint venture for establishment of a private jet hire business in dispute with other investors.

High-value trust disputes

James is frequently involved in high-value trust disputes, many of which are of a highly commercial nature. See further under "Trusts, Tax, Probate & Estates" section of CV.

International & Offshore

James is frequently instructed on matters with substantial international, off-shore or cross-border elements and is ranked in *Chambers & Partners* and *Chambers Global* for such work.

Some representative matters include:

- see representative high-value trust cases mentioned above, many of which have substantial international, offshore or cross-border elements;
- acting for Russian joint venture partner in successful defence of BVI proceedings for alleged misrepresentations in relation to establishment of joint venture vehicle and appeal before Eastern Caribbean Court of Appeal;
- acting for Dubai and Brunei investors in LCIA arbitration concerning alleged breaches of hotel management agreement in respect of hotel in Saudi Arabia;
- acting for defendant to US\$30m claim by Cayman- and Netherlands Antilles-based hedge fund vehicles;
- advising Jersey financial regulator regarding responsibility of overseas firms operating through serviced offices and other facilities in Jersey;
- advising in relation to alleged misappropriation of Ukrainian media interests and enforcement of US judgment against Cypriot company (owned by Channel Islands trust) to which such interests had been transferred.

James is also a member of the Bar of the British Virgin Islands.