



John Martin QC

Call: 1972

QC: 1991

jmartin@wilberforce.co.uk

Clerks' Details

Fraser Geddes +44 (0)20 7306 0102
Andrew Barnes tcsqc@wilberforce.co.uk
Luke Farmer
Nick Redmond

Qualifications and Appointments

- Head of Chambers
- Deputy High Court Judge since 1993
- Judge of the Courts of Appeal of Jersey and Guernsey since 2007
- Justice of the Court of Appeal of the Cayman Islands since 2013
- MA (Cantab)

“Highly regarded for his wisdom and superb advocacy”

The Legal 500, 2014

Memberships

- Chancery Bar Association
- COMBAR
- Professional Negligence Bar Association

Practice Overview

John Martin is an exceptionally experienced and effective advocate in a very wide range of commercial chancery and business disputes. He is adept at leading a team of specialists in complex litigation, whether within or without his own specialties.

He has a particular expertise in contentious trust cases, in company and insolvency matters, in contract disputes of all types (often with a complex technical background) and in tort (particularly the economic torts, having appeared for the successful party in the leading modern House of Lords case on unlawful means conspiracy, HMRC v Total Network [2008] 1 AC 1174).

He deals also with professional liability disputes in these and other commercial chancery areas. His practice is both domestic and international: Overseas, he has dealt with matters originating in Hong Kong, Singapore, the US, Australia, Canada, Russia, Switzerland, Italy, Bermuda, Gibraltar, Netherlands Antilles, Nevis, the Cayman Islands and the Channel Islands among others, and has appeared in the courts of many of these jurisdictions.

He is a (part-time) appeal court judge in Jersey, Guernsey and the Cayman Islands and has been a deputy High Court judge for over 20 years; and he is an experienced arbitrator in international and domestic disputes. He is also a qualified mediator.

John Martin QC is listed in the **Who's Who Legal: UK Bar 2015** for Private Client.

John Martin QC has been consistently recommended in the legal directories, Chambers & Partners 2015 describe him as *"an enormously impressive man"* with *"tremendous gravitas"* and *"who is terrific on his feet"*. Previous editions note his *"great attention to detail"* and *"superb advocacy"*. He is also commended as being *"prescient in his advice and has an incredible willingness to be part of the team. He doesn't pontificate from afar, and provides invaluable analysis"*.

Chambers & Partners 2016 further describe him as a seasoned member of the Chancery Bar who takes on, inter alia, instructions on matters concerning trusts, property and charity issues. He also regularly acts as a mediator. *"He has been around a long time, and he knows it all."*



Commercial

Company and Insolvency

John Martin has particular expertise in company and insolvency litigation as both advocate and judge. The following are examples:

Administration

- *Re Propinvest Group Ltd* (Nov 2011; unreported). Question of appellate court's jurisdiction to grant a stay of administration pending hearing of an appeal against the order.
- *Gaardsoe v Optimal Wealth Management Ltd* [2013] 2 WLR 550; [2013] BCC 53. Question of court's jurisdiction to make an order under Insolvency Act 1986 Sch B1 para 43(6) authorising commencement or continuation of proceedings against a company in administration after administration had ceased and company had gone into creditors' voluntary liquidation.
- *Re Plymbridge Distributors Ltd* (2004; unreported). Application to terminate administration to enable company to go into creditors' voluntary liquidation.

Creditors' voluntary arrangements

- *Re Zebra Industrial Products Ltd* [2005] BCC 104. Application by liquidator for determination of question whether funds were held by him for the benefit of creditors generally or only those creditors who were bound by the CVA.

Derivative claims

- *Reeves v Sprecher* [2008] BCC 49. Application for permission to continue a derivative claim in relation to a company incorporated in Nevis where one of the issues was whether the English court had jurisdiction to grant permission in relation to the internal management of such a company.

Directors' duties

- *G Attwood Holdings Ltd v Woodward* [2009] EWHC 1083 (Ch)
- *British Midland Tool Ltd v Midland International Tooling Ltd* [2003] BCLC 523.

Both of these cases concerned the circumstances in which directors' duties are breached when they make preparations while directors to set up a competing business after their resignation.

Financial assistance

- *Anglo Petroleum Ltd v TFB Mortgages* [2007] BCC 407. Complex issues concerning whether the giving of security involved the giving by the company of financial assistance for the purpose of the acquisition of its own shares or to reduce a liability incurred for that purpose contrary to the Companies Act 1985 s151.

Misfeasance proceedings

- *Liquidator of Wendy Fair (Heritage) Ltd v Hobday* [2006] EWHC 5803 (Ch). Claim against directors to contribute to the assets of a company in liquidation on the basis that they continued to trade after they should have concluded that there was no prospect of avoiding an insolvent liquidation.

Provisional liquidation

- *Re Secure Recovery Limited* (2004; unreported). Secretary of State's application for provisional liquidator on ground of good prima facie case of fraudulent trading.

Unfair prejudice

- *Liberal Catholic Church Corporation v Palmer* (2005; unreported). Dispute over prejudicial conduct of splinter non-conformist sect.
- Confidential Arbitration – dispute over veto rights conferred by shareholders' agreements affecting affairs of major international commodities producer
- Dispute originating in Singapore over majority ability to modify pre-emption rights contained in Articles and in shareholders' agreement.