



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

“The epitome of the modern QC”

Chambers & Partners

Publications

- [Transaction Avoidance in Insolvencies](#), OUP (2012)
- [Hill and Redman's Law of Landlord and Tenant](#) (2016) Specialist Editor

Memberships

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

Practice Overview

James is an experienced QC providing advice and advocacy services across a wide range of commercial fields, including business and financial contracts, banking, company, insolvency, financial services, civil fraud, professional negligence, real estate and contentious trust matters.

Disputes and issues arising, directly or indirectly, from the ownership or exploitation of real property assets feature particularly prominently in James's work.

Much of James's work has an international dimension with cases involving jurisdictions as diverse as BVI, Cayman Islands, Channel Islands, Cyprus, South Africa, Netherlands, Isle of Man, Gibraltar, New York and Ukraine.

James is currently ranked in the legal directories (Chambers & Partners, Chambers Global and/or Legal 500) in the following fields:

- Commercial (Chancery)
- Financial Services
- Real Estate Litigation
- Professional Liability
- International & Offshore.

Recent editions of the directories describe him as (among other things): "very, very good to work with", "very user-friendly", "extremely good in court", "very good at reading judges and anticipating what they will say", "a fantastic mind", "very knowledgeable", "good strategically", and giving "concise advice which saves time and instils confidence" (Chambers & Partners 2019); "great with clients", "strong strategically", having an "excellent advocacy style", "very commercial", and "pro-active and hardworking" (Legal 500 2019); "exceptionally intelligent" with a "brilliant ability to analyse contractual situations", providing "very balanced and measured advice", "excellent" advocacy and written work, and "a very safe pair of hands" (Chambers & Partners 2018); "a very talented individual" with a "good client manner" (Legal 500 2017).

Comments in past directories include: "the epitome of the modern QC"; "an excellent legal brain"; "a real team player" who "works alongside everyone to achieve the right result"; "always adopts a practical commercial approach"; "superb at anything", "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



Practice Overview continued

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", "intellectually tough", "will stand up to anyone", and "a star of the commercial Bar".

James also acts as an arbitrator, mediator and expert.

Banking & finance

James experience of banking and finance matters includes:

- loan agreements;
- mortgages and charges;
- guarantees and other forms of security (e.g. bills of sale, performance bonds);
- appointment of receivers;
- bondholder disputes;
- syndication disputes;
- investment management disputes;
- disputes and issues arising out of settlement and clearing services;
- claims against professional advisers in the banking context.

James has a particular familiarity with banking disputes concerning real estate – eg disputes regarding the creation, interpretation or enforcement (by way of sale, receivership or otherwise) of mortgages and charges over land.

Some representative cases include:

- acting for court-appointed representative noteholder in proceedings brought by security trustee of £1bn mortgage securitisation structure;
- acting for borrower under £60m investment loan facility in dispute arising out of alleged breaches of LTV covenants;
- acting for bank on claim to recover losses on a property development loan facility
- acting for UK property group on a multi-million pound claim against its principal bankers for duress and intimidation arising out of withdrawal of £100m loan facilities;
- advising borrowers on interest rate swap and other hedging instrument 'misselling' claims;
- advising Irish bank regarding issues arising out of the winding up of its deposit-taking business;
- acting on a dispute regarding the priority of equitable charges in favour of different lenders;
- acting on successful strike out of high profile claim arising out of allegedly wrongful enforcement of a mortgage over the largest stately home in England;
- acting for defendant to £50m claim arising out of financing arrangements in respect of the development of a shopping centre;
- advising bank regarding enforceability of 'shared appreciation mortgages' (SAMs); and
- advising department store regarding £100m claim against bank in respect of breaches of agreement regarding branded store and credit cards.