



Daniel Lewis

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Clerks' Details

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Qualifications and Appointments

- BA (Modern History) St Catherine's College, Oxford
- BA (Law) Downing College, Cambridge

“He is just as alive to the commercial aspects of litigation as he is to the technical position.”

Chambers & Partners 2022

Memberships

- Commercial Bar Association
- London Common Law & Commercial Bar Association
- Chancery Bar Association
- R3: Association of Business Recovery Professionals

Practice Overview

Daniel practices in the fields of restructuring and insolvency, company law and commercial dispute resolution, including arbitration.

In both the insolvency and company law fields he is highly experienced in bringing and defending claims against directors, including claims for misfeasance / breach of duty, asset recovery cases and disqualification proceedings. He regularly acts on claims against directors arising from participation in tax schemes and tax evasion.

His insolvency practice has a particular emphasis on cases with an international element, particularly offshore asset recovery cases.

In the company law field, he is frequently instructed on cases concerning minority shareholders' rights and disputes over the control of companies (including petitions under section 994, just and equitable winding up and derivative actions).

He undertakes a broad range of commercial litigation, with experience of arbitrations under the LCIA, HKIAC and SCC Arbitration Rules.

He has particular experience advising and acting in cases engaging issues of compliance with FCA (and equivalent offshore regulators) requirements, including advising upon collective investment schemes, claims management companies, debt management companies and the regulation of investor funds.

He is a member of the R3 Fraud Group Committee which makes recommendations for reform and helps R3 respond to government consultations on fraud issues.

Recent cases include:

- *Hunt v. Financial Conduct Authority* (Re Total Debt Relief Ltd (In Liquidation)) [2019] EWHC 2018 (Ch) - approval of distribution plan for FCA regulated debt management business.
- *Re DCL Hire Ltd* (In Liquidation) [2019] EWHC 2086 (Ch) - appeal on relief from liability of directors.
- *Devon Commercial Property Ltd v. Barnett* [2019] EWHC 700 (Ch) - defending claim against receivers alleged to have conflict of duty.
- *Brewer v. Iqbal* [2019] B.C.C. 746 - defending claim against liquidator alleged to have sold television channels at an undervalue.



Practice Overview continued

- In the matter of H S Works Limited [2018] EWHC 1405 (Ch) - resolves the question of the extent to which the provisions of Part 7 of the Insolvency Rules apply to Insolvency Applications.

Recent directories quotes include:

Chambers and Partners 2021

Highly popular in the market for his advocacy style and personable manner. He undertakes wide-ranging insolvency work with a particular emphasis on claims arising from participation in tax avoidance schemes. He is also well regarded for his handling of professional negligence claims both for and against insolvency office holders. He is noted for his expertise in international insolvency matters.

"He's a very charming advocate who is well liked by courts and is very user-friendly. He's very much a team player and is very commercial."

Chambers and Partners 2020

"He inspires confidence in his ability and is a very good advocate."

"He is excellent in his drafting, his advice is extremely helpful and he is excellent on his feet in court. He is very effective in winning the sympathy of the court and is very hands-on."

"He is very client-savvy and good at explaining complex issues to clients and cutting to the chase on complex issues. He inspires confidence in his ability and is a very good advocate."

"He has a wealth of knowledge in the field of insolvency."

Chambers and Partners 2019

"He is very pleasant but resilient with a sharp intellect."

"He has a wealth of knowledge in the field of insolvency."

"He is intelligent, sure-footed and excellent to work with."

Chambers and Partners 2018

'He is very easy to work with and a great asset to the team. He is bright, technically able and clients like working with him.'

'He is an exceptional junior - very smart and commercial'

The Legal 500 2021

'Works extremely hard and gets to grips with the detail.'

The Legal 500 2020

'His pleadings are persuasive and thorough, and his advice is clear and concise.'

The Legal 500 2018

'A charming and forceful advocate.'

Insolvency

Claims against Directors

- *Re DCL Hire Ltd (In Liquidation)* [2018] EWHC 3457 (Ch) - Acting for the liquidators on the trial of a misfeasance claim against a company director alleged to have dissipated the company's assets. The respondent applied unsuccessfully for the striking out of the claim. At trial the respondent was found partially liable for the losses under section 212(3) of the IA96 and section 1157 of the CA2006. Appeared for the liquidators on the appeal where the director was held to be liable for the whole of the loss resulting from his conduct ([2019] EWHC 2086 (Ch)).
- *Re HS Works Ltd* [2018] EWHC 1405 (Ch) - Successfully defending application to strike out misfeasance proceedings served more than four months after the issue of the insolvency application, concerned the extent to which the provisions of Part 7 of the CPR apply to insolvency applications.



Insolvency continued

Defending Office-Holders

- *Devon Commercial Property Ltd v. Barnett* [2019] EWHC 700 (Ch) – Successfully defended a claim against receivers alleged to have placed themselves in a position of conflict and to have acted in bad faith when they sold the land pursuant to their power of sale to a company connected with the mortgagee.
- *Brewer v. Iqbal* [2019] B.C.C. 746 – Defending a claim against liquidator alleged to have sold television channels at an undervalue.

Tax Schemes

- *Re Vining Sparks UK Ltd (In Liquidation)* [2020] S.T.C. 410 – Acting for the liquidators in respect of a misfeasance claim against the directors of the company for a £1.5 million debt to HMRC arising from the company's participation in an employee benefit trust tax avoidance scheme.
- *Ecology Support Services Ltd v Hellard* [2017] EWHC 160 (Ch) – Opposing an appeal against an adjudication on a proof of debt for a loan entered into as part of a tax mitigation scheme.

Injunctions to restrain advertisement / presentation

- *Colt Technology Services v SG Global Group SRL* [2020] EWHC 1417 (Ch) – Representing the respondent on an application to restrain presentation of a winding up petition against its customer which refused to pay for telecommunications services received by it on the basis that to do so would require it to act illegally under Italian law, relying upon *Ralli Bros v Compania Naviera Sota y Aznar* [1920] 2 K.B. 287 (ongoing).
- *GBM Minerals Engineering Consultants Ltd v Michael Wilson & Partners Ltd* [2018] EWHC 3401 (Ch) – Acting for the applicant for an injunction to restrain presentation of a winding up petition for sums claimed to be due under a settlement agreement, concerning the test for a genuine cross-claim and whether the payment of instalments to solicitors was securing or compounding for the debt for the purposes of s.123(1)(a).

Applications to set aside statutory demands and appeals against adjudications

- *Parker v Nicholson* [2016] B.P.I.R. 346 – Opposing application by trustee in bankruptcy for a decision as to whether to admit a contested proof of debt, which the Court found to be a misuse of the power to seek directions under s.303(2) of the IA86.
- *Black v Sale Services and Maintenance Ltd* [2018] B.P.I.R. 1260 – Appeal against dismissal of application to set aside statutory demand on the basis of procedural unfairness.

International / Cross-Border

- *Alfred Schefenacker v Horvat* [2020] EWHC 506 (Ch) – Acting for the judgment debtor in respect of an application under CPR Part 71 to require the judgment debtor to attend court, concerning the jurisdiction of the court to make such an order in respect of a foreign judgment.
- *Advalorem Value Asset Fund Ltd (in special administration) v Gregory Hugh Colin King* (2017) – Acting for the applicant in the Gibraltar Supreme Court for a bankruptcy order against a former director involved in the Heather Capital fraud, said at the time to be the largest bankruptcy of a Scottish national (also acted on applications for associated freezing orders).
- *Edgar Lavarello and Adrian Hyde (as representatives of the firm of Marrache & Co and/or as trustees) v Jyske Bank (Gibraltar) Ltd* (2016–2017) – Acting for the liquidators of a law firm on the trial of a claim in the Gibraltar Supreme Court against the firm's bank for dishonest assistance and knowing receipt arising from the fraud of the firm's partners. Also appeared on appeal in the Gibraltar Court of Appeal.
- *Baha Mar* – acting for a creditor of Bahamas resort in Chapter 11 proceedings in Delaware Bankruptcy Court (2015).



Company

- *Hamilton v Brown (Re C.&M.B. Holdings Ltd)* [2017] B.C.C. 457 – acting for the petitioners on the trial of a petition claiming relief under section 994 of the Companies Act 2006, and alternatively just and equitable winding up. As well as granting the relief sought, the decision concerned the standing of trustees in bankruptcy to present a minority shareholder's petitions when the shares had vested in them automatically by the making of the bankruptcy order.
- *Findmyclaims.com Ltd v Playle* – trial of claim for breach of fiduciary duty against director for receipt of secret profits through companies under his control (2019).

Commercial

- *Avenesov* – application for Chabra freezing relief in support of the enforcement of judgment debts by the BVI receiver of shares in judgment debtor's company (2016).
- *Woolett v The Islamic Republic of Iran* – acting for the families of deceased and injured US service personnel in enforcing judgments against Iran.
- Advising Premiership rugby club on claims for compensation arising from breaches of the Salary Capping Regulations.
- Advising on the enforcement of a judgment in Latvian matrimonial proceedings in Jersey (2020).

Regulatory

- *Hunt v. Financial Conduct Authority (Re Total Debt Relief Ltd (In Liquidation))* [2019] EWHC 2018 (Ch) – Advising upon and obtaining court approval for a distribution plan on the winding up by the FCA of a regulated debt management business.
- *Shepherd Cox Hotels* – acting for the applicants seeking administration orders in respect of the insolvency of a group of hotels, which were alleged to have been marketed as a collective investment scheme (2020).
- *Signature Shankly Limited* – administration application in respect of a hotel room collective investment scheme (2020).

International Arbitration

- Acting as lead advocate in an arbitration under LCIA Rules claiming payment for the provision of telecommunications services to an offshore telecommunications provider, where variations to the contract were alleged to have been procured by misrepresentation by the respondent (2020).
- Acting as junior advocate in an arbitration under HKIAC Administered Arbitration Rules on a claim for professional negligence against a firm of solicitors arising from their role in the flotation of a Chinese manufacturing company on AIM (2020).
- Acting as junior advocate for a high-profile Russian individual in an arbitration under the LCIA Rules against his former lawyer alleging collusion with his competitors in selling his shares at an undervalue and for personal profit (2015-2017).
- *Naibu Global International Co Plc v Daniel Stewart and Co Plc* [2020] EWHC 2719 (Ch) – resisting application for a stay pursuant to section 9 of the Arbitration Act 1994, where the claimant was found to not to be a "person claiming under or through" another party to the arbitration agreement.