



serle court

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Amy Proferes

Year of Call: 2012

“Intelligent and commercially astute, she is very good at papers, an excellent advocate and approachable with lay clients and those instructing alike.”

Client

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Practice Overview

Amy has a broad commercial Chancery practice and appears regularly in the County Courts and High Court, primarily unled. She has particular interests in property, wills and probate, and civil fraud, and is experienced in dealing with cases where these areas overlap. She is ranked as a leading junior in Private Client: Trusts and Probate by Legal 500.

Before coming to the Bar, Amy worked at a mergers and acquisitions advisory firm specialising in aerospace and industrials, following postgraduate studies in History & Middle Eastern Studies at Harvard University.

Amy is an advocacy tutor at Lincoln's Inn and also helps run the Inn's debating society.

Areas of Expertise

Company

Re UK Meds Direct Limited: acting for the Petitioners in an unfair prejudice claim.

Aston Risk Management v Jones & Ors [2023] EWHC 603 (Ch): Represented a defendant former director in a claim alleging breaches of duty, transactions at an undervalue, and preferences. The claim settled against Amy's client on the first day of trial.

Acted for a director in a claim for the removal of a fellow director and orders under s125 of the Companies Act 2006.

Acted for a director/shareholder seeking to wind up a deadlocked company on the just and equitable ground.

In *Fischer d'Alton v Bathurst & Others*, obtained summary judgment for two defendants (the personal service company of a former director of the claimant and the former director's mother). The claims brought included unlawful means conspiracy, dishonest assistance, knowing receipt, and transactions contrary to s423 of the Insolvency Act 1986.

Represented the defendants to an application for permission to continue a derivative claim and for a costs indemnity. Permission was granted but limited to disclosure only; the costs indemnity application was refused.

Advised a minority shareholder on possible remedies for unfairly prejudicial conduct, following an unfair prejudice petition in which the court dismissed his claim for an order that the majority shareholders sell their shares to him.

Assisted Liz Jones QC and Simon Hattan on the appeal of *Al-Hamrani v Al-Hamrani and Ors* in the Eastern Caribbean Court of Appeal and the Privy Council. The dispute concerned the ownership of a BVI company and, in particular, whether shares in that company had been included under the terms of a sale agreement.

Assisted Daniel Lightman on cross-applications for security for costs in *Apex Global Management Ltd v Fi Call Ltd* [2014] EWHC 779 (Ch), a substantial shareholder dispute in which both principal shareholders presented unfair prejudice petitions. The ruling confirmed the principle set out in *Crabtree (Insulation) Ltd v GPT Communication Systems Ltd* [1990] 59 BLR 43 that an order for security for costs will be inappropriate where the parties are cross-claiming on substantially the same facts.

Assisted Lance Ashworth QC during the trial of *Khoshkhou v Cooper* [2014] EWHC 1087 (Ch), an unfair prejudice petition brought by a minority shareholder seeking to buy out the majority shareholders.

Assisted Daniel Lightman, Thomas Elias and Paul Adams on *Sukhoruchkin v van Bekestein* [2014] EWCA Civ 399, in which the Court of Appeal ruled that the existence of a possible defence based on the no reflective loss principle

should not lead to the discharge of a worldwide freezing injunction.

Assisted Daniel Lightman and Thomas Elias on *Abouraya v Sigmund* [2014] EWHC 277 (Ch), which confirmed that double derivative actions could be pursued at common law despite the provisions of the Companies Act 2006.

Assisted Ruth den Besten and Gareth Tilley during the trial of *Re Quiet Moments Ltd* [2013] EWHC 3806 (Ch), on the proper construction of a shareholders' agreement and the appropriate share entitlement resulting.

Insolvency

Appears regularly on insolvency matters, including winding up and bankruptcy petitions, applications to appoint administrators, and applications to extend administrations.

Acted for a Libyan-registered company seeking to recover funds which it asserts are held under a *Quistclose*-style trust from a company in liquidation.

Represented an insolvent limited partnership and connected entitled throughout a complex winding-up process.

Re SJM: successfully opposed an application to set aside a statutory demand for a debt arising from unpaid rent and service charges under two mixed commercial and residential leases. The applicant argued that the leases were shams and she occupied the premises on an assured shorthold tenancy.

Instant Access Properties Ltd (In Liquidation) v Rosser [2018] EWHC 756 (Ch): acted for first defendant during pre-trial stage. The claims brought by liquidators seeking contributions totalling £35m under s213 of the Insolvency Act 1986 were dismissed at trial.

Commercial Litigation

NOCN v CITB: acted for the Defendant in a multimillion pound claim alleging misrepresentation and breach of contract.

Toner v Telford Homes: acting for the First and Second Defendants in a claim alleging fraudulent misrepresentation, breach of contract, and harassment. An application for summary judgment/strike out successfully ended a number of other heads of claim ([2021] EWHC 516 (QB)). The First and Second Defendants have been granted permission to appeal that judgment and a subsequent application to strike out ([2022] EWHC 634 (QB)).

Provided expert evidence in proceedings in Singapore in relation to the validity of various powers of attorney in English law.

Capreon (UK) Ltd v. Winnersh Holdings LP [2018]: acted for an asset management company in the Noé Group in Commercial Court claims for £12 million from the vendor of the Winnersh Triangle business park for breaches of its obligations of good faith, of reasonable endeavours in assisting the Claimant's due diligence, and of exclusivity relating to the Claimant's intended acquisition of the business park.

Oakfield (Foods) Limited v Nogueira Rivelli Irmaos Ltda: successfully challenged the jurisdiction of the English courts to hear a claim for breach of contract brought by an English claimant against a Brazilian defendant.

Defended a major port at the trial of claims in bailment, negligence and breach of contract.

Worked on the group litigation relating to RBS's £12bn rights issue in 2008.

Property

Amy has a particular interest in property. She regularly advises on and appears in relation to matters such as restrictive covenants, easements, applications to alter or rectify the Register, boundary disputes, and possession actions.

Dyer v Webb [2023] EWHC 1917 (KB), [2023] EWHC 2651 (KB): successfully defended a pre-action injunction application seeking to prohibit the Respondents from, amongst other things, objecting to the Applicants' planning applications. The Respondents were awarded their costs on the indemnity basis and the application was recorded as being totally without merit.

Toner v Telford Homes: acting for the First and Second Defendants in a claim in relation to the sale of an off-plan property, alleging fraudulent misrepresentation, breach of contract, and harassment. An application for summary judgment/strike out successfully ended a number of other heads of claim ([2021] EWHC 516 (QB)). The First and Second Defendants have been granted permission to appeal that judgment and a subsequent application to strike out ([2022] EWHC 634 (QB)).

Kendall v Norton (unreported, July 2022): represented the Defendants in a hotly contested boundary dispute. The judgment is an interesting example of how the court may find a boundary which neither side has argued for, as well as the relevance of hedging covenants.

Poundland v Toplain Limited (unreported, April 2021): acted for a 1954 Act tenant seeking to change certain terms in the renewal lease, including introducing so-called 'Covid clauses'.

Relentless 3 v de Rin: acted for the defendant in a claim for return of a deposit on the basis of alleged fraudulent misrepresentation. The claim was discontinued following the defendant's application for summary judgment.

Marlborough Knightsbridge Management v Fivaz & Willis (LON/00AW/LBC/2019/002): acted for two defendants who had replaced the doors to their flats, in a claim for breach of covenant. The case turned on the question of whether a door was properly defined as a landlord's fixture.

HT Investment 10 v Stone & Ors (QBD): represented 7 defendants to an interim injunction obtained by a property investor which prohibited most of the residents of a small village from posting notices or communicating with potential purchasers of adjoining land, with underlying claims in unlawful means conspiracy and conspiracy to injure. After the start of submissions at the return date hearing, the claimant agreed to discontinue all claims and to pay the defendants' costs on the indemnity basis.

Re SJM: successfully opposed an application to set aside a statutory demand for a debt arising from unpaid rent and service charges under two mixed commercial and residential leases. The applicant argued that the leases were shams and she occupied the premises on an assured shorthold tenancy.

Capreon (UK) Ltd v. Winnersh Holdings LP [2018]: acted for an asset management company in the Noé Group in Commercial Court claims for £12 million from the vendor of the Winnersh Triangle business park for breaches of its obligations of good faith, of reasonable endeavours in assisting the Claimant's due diligence, and of exclusivity relating to the Claimant's intended acquisition of the business park.

The Old Canal Company Limited v Bowles (REF/2016/0321): acted for the Claimant in a claim for alteration or rectification of the Register based on the rights granted to a canal owner by an 1812 Act of Parliament.

Drummond v Bastow [2018] UKUT 8 (LC): obtained substantial monetary compensation for the objectors to an application for modification of a restrictive covenant, in the context of a scheme of development.

Hampshire v Brown: acted for Claimant in claim for determination of a boundary and entitlement to use of a private

drain, with issues arising under the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

Advised, in relation to ongoing proceedings in Jersey, on the position in English law of the caveat emptor doctrine as a defence to misrepresentations in pre-contractual enquiries.

The Old Canal Company Limited v Tate [2017] UKFTT 0624 (PC): acted for the Claimant in a claim for rectification of the Register based on the rights granted to a canal owner by an 1812 Act of Parliament.

Advised the trustees of an offshore trust on a claim for proprietary estoppel in relation to London property.

Obtained an Interim Possession Order removing 70 trespassers from an industrial park.

Advised on the enforceability of consent covenants following the death of the covenantee, as well as whether a scheme of development existed which would make the covenants mutually enforceable within the area.

Ullah v Ullah: acted for the defendant at trial of a claim for a constructive trust over a family home registered in his sole name. The court ruled that the defendant's parents, who had contributed to the purchase price and occupied the property since it was acquired, had a license to occupy but no beneficial interest in the house.

Henry Clare v Hawkins: represented the defendant in a claim regarding the correct interpretation of various easements and covenants on an industrial estate. The case raised issues around the modern interpretation of the principle of benefit and burden, as well as what ancillary rights may be implied from a right of way.

Advised on a claim for implied reservation of easements, in the context of the renewal of a commercial lease.

Assisted Andrew Francis in advising on whether historic restrictive covenants would affect the potential development of a plot of land.

Assisted Matthew Morrison on a claim for damages resulting from the wrongful seizure of tools of trade and children's possessions during the execution of a writ of control and possession.

Partnership and LLP

Advised a wife in matrimonial proceedings as to the nature and effect of a family partnership in which the husband asserted she was a partner.

Re Mindspace: Represented an insolvent limited partnership and connected entities throughout a complex winding-up process.

Acted for an executor and beneficiary under a will who had been in partnership with the testator, in a case involving interesting questions about the use of Land Capital Accounts within partnerships.

Singh v Singh: Obtained a substantial interim payment and an account and enquiry on behalf of a partner who had been denied the benefits of the partnership's assets.

Assisted Jennifer Haywood on *Kingston Smith v Morrey*, on abuse of process and the proper construction of a partnership agreement.

Specialist contributor to *The Law of Limited Liability Partnerships* (4th and 5th editions)

Professional Negligence

Jomast Property & Finance Limited v Muckle LLP: Acting for a defendant solicitors' firm in a claim alleging that the drafting of a contract resulted in losses of over £100 million (led by Philip Jones KC).

Advised on potential claims against solicitors and accountants where significant tax liabilities arising from a historic Employee Benefit Trust were discovered following the acquisition of a company.

Advised a Bahamian developer as to possible negligence and breach of contract, where a lender relied on an incorrect valuation and failed correctly to ascertain the sums necessary to complete the development.

Assisted Simon Hattan in advising a charitable foundation as to whether losses to its portfolio were due to negligent investment management.

Assisted Daniel Lightman in *Gladstar v Layzells* [2014] EWHC 1449 (Ch), a claim regarding a breach of solicitor's undertaking, on whether amendments to statements of case should be allowed where a proposed new defence relied on illegality and where the claimant had failed to comply with a court order.

Private Client Trusts and Probate

Amy is ranked as a leading junior in Private Client: Trusts and Probate by Legal 500. She acts regularly in probate and administration matters and claims under the Inheritance (Provision for Family and Dependents) Act 1975, as well as landlord and tenant issues arising in a probate context. She is undertaking the ACTAPS Associate Membership course.

Obtained order setting aside a deed of variation of a will on the basis of equitable mistake.

Amnir v Bala: Acted for a disabled adult child of the deceased who lacks capacity in procedurally complex litigation involving multiple Inheritance Claims.

Radwan v al-Sultan: Acting for the Claimant in a dispute between members of a Saudi family as to the beneficial ownership of various assets under an informal family arrangement giving effect to a Letter of Wishes (led by Richard Wilson KC).

Acted for two trustees of a family trust in a claim seeking removal of the third trustee/settlor, where the sole trust assets were shares in a company of which the third trustee was the sole director.

Acted for an executor seeking to remove her brother as co-executor, in a case involving interesting questions about the use of Land Capital Accounts within partnerships.

County Air Ambulance v Pearman: acted for a charity which successfully obtained an order pronouncing against the validity of an alleged will and revoking the grant of probate on the basis of forgery (led by Richard Wilson KC). The Defendant conceded the Claimant's summary judgment application following the purported attesting witnesses pleading guilty to perjury.

Acting for the defendants in a claim brought under the Inheritance (Family and Dependents) Act 1975 by the widow of the deceased, who died intestate having committed suicide shortly after making large transfers of cash to family members. The claimant seeks to reverse the transfers under the anti-avoidance provisions of the 1975 Act.

Schumacher v Clarke [2019] EWHC 1031 (Ch): acted for one of the executors of the estate of Dame Zaha Hadid in his claim for replacement of his co-executors (led by Richard Wilson KC).

Provided expert determination on expenses incurred by an attorney/beneficiary prior to the testator's death, which the executors sought to deduct from his share of the estate.

Acted for two adult child claimants under the Inheritance (Provision for Family and Dependents) Act 1975, in a claim involving capacity and historic abuse.

Advised on the effect of a settlement believed to have been made under the Settled Land Act 1925, where the trust instrument and court order had been lost and the deceased trustee had attempted to dispose of the land in her will contrary to the trust terms.

Advised an executor and beneficiary on the effects of mutual wills only discovered after the testatrix's death.

Advised professionals named as executors on appropriate steps where the main beneficiary under a will had been arrested on suspicion of defrauding and abusing the testatrix and the residual beneficiaries disputed the validity of the will.

Advised executors on potential liabilities under Bahamian law where the deceased died domiciled in England but left property in the Bahamas.

Advised on various probate matters, including grants of administration, in relation to a foreign national who died intestate in England.

Civil Fraud

Acting for the Claimant in a claim alleging deceit and transactions defrauding creditors and seeking to trace the Claimant's funds into property held by the Defendants, in the context of a purported investment scheme.

In *Fischer d'Alton v Bathurst & Others*, obtained summary judgment for two defendants (the personal service company of a former director of the claimant and the former director's mother). The claims brought included unlawful means conspiracy, dishonest assistance, knowing receipt, and transactions contrary to s423 of the Insolvency Act 1986.

In *HT Investment 10 v Stone & Ors* (QBD): represented 7 defendants to an interim injunction obtained by a property investor which prohibited most of the residents of a small village from posting notices or communicating with potential purchasers of adjoining land, with underlying claims in unlawful means conspiracy and conspiracy to injure. After the start of submissions at the return date hearing, the claimant agreed to discontinue all claims and to pay the defendants' costs on the indemnity basis.

Instructed by the Claimants in *Glenn v Watson* [2018] EWHC 2016 (Ch), which involved claims to rescind loan agreements of over £100m on grounds of fraudulent misrepresentation and for secret profits made in breach of fiduciary duty. Currently instructed in international proceedings related to the enforcement of the judgment.

Junior counsel for the claimants in *Republic of Djibouti v Boreh* [2016] EWHC 405 (Comm), an international fraud claim heard over ten weeks in the Commercial Court in autumn 2015 (led by Lord Falconer and Philip Brook Smith QC).

Obtained Norwich Pharmacal orders against two defendant banks, in order to secure details of accounts believed to be linked to a 'boiler room' fraud.

Advised a company which had suffered losses due to online banking fraud on the prospects of a claim against its bank, with particular reference to the Payment Services Regulations 2009.

Assisted Lance Ashworth QC and Matthew Morrison in advising on an alleged complex fraud with regard to IT procurement at a university.

Assisted Matthew Morrison in advising on a claim by liquidators seeking contributions under s213 of the Insolvency Act 1986, in respect of alleged fraudulent evasion of tax related to a property scheme.

Private International Law

Município de Mariana & Ors v BHP Group plc & Ors: acted for the claimants in their mass tort claim regarding to the 2015 Fundão dam disaster.

In *Oakfield (Foods) Limited v Nogueira Rivelli Irmaos Ltda*, successfully challenged the jurisdiction of the English courts to hear a claim for breach of contract brought by an English claimant against a Brazilian defendant.

Chancery

Court of Protection

Successful application to the CoP for a statutory will.

Successful application to the CoP for approval of gifts made by an attorney.

Recommendations

Legal 500: Private Client: Trusts and Probate

Quotes

"Amy's main strengths are clarity of thought which translates into very clear and persuasive drafting, and speed of turnaround." Legal 500, 2024

Client Testimonials

"Intelligent and commercially astute, she is very good at papers, an excellent advocate and approachable with lay clients and those instructing alike."

Publications

[A Long Lease Breach? Be Specific!](#) - New Law Journal - 16 September 2020

Court of Appeal Judgment in [Kingsley v Kingsley \[2020\] EWCA Civ 297 \(Ch\)](#)

[Subscribe on the Dotted Line](#) - New Law Journal - 20 July 2018

[Land registration: the meaning of mistake](#) - New Law Journal - 1 April 2018

The meaning of 'mistake': the inevitable lot of mankind? - New Law Journal - 30 March 2018

The mirror crack'd from side to side: overriding interests, overreaching, and the 'registration gap' - New Law Journal - 26 May 2017

Above the Local Law: Dispensing Powers in Schemes of Development - New Law Journal - 8 July 2016

Dispensing modern justice - Commercial Dispute Resolution - 22 April 2016

Pop-up Courts: 'Hearings in pubs' story was a storm in a pint glass - Solicitors Journal - 29 March 2016

Specialist contributor to *The Law of Limited Liability Partnerships* (4th edition) by John Whittaker and John Machell QC - 27 January 2016

Driven to the Edge - New Law Journal - 25 September 2015

Prizes

Wolfson Scholarship, Lincoln's Inn

Hardwicke Award, Lincoln's Inn

Pearson Publication Prize for best overall result in LLB, Birkbeck

Foreign Language and Area Studies Fellowships during doctoral work, US Department of Education

Winner, Atkin's Court Forms Moot, 2012 (judged by Lord Neuberger)

In the Press

Mentioned in Daily Mail article: '[GP and three village pensioners accused of harassing multi-millionaire neighbours are sued for £1.3M](#)', May 2023

'[A long lease breach? Be specific!](#)' article for New Law Journal, 25 September 2020

'[Farming inheritance battle urges farmers to ensure will preparation](#)' article for Farmers Guardian, 22 May 2020

Education & Qualifications

Birkbeck, University of London: Accelerated LLB (First)

City University: BPTC (Very Competent)

Harvard University: Doctoral work in History & Middle Eastern Studies

Harvard University: MA Middle Eastern Studies

School of Oriental and African Studies, University of London: MA Islamic Art and Archaeology (Merit)

Harvard University: BA Sociology (cum laude)

Memberships

Chancery Bar Association

Property Bar Association

Young Fraud Lawyers Association

Liberty
