



Lance Ashworth QC

Year of Silk: 2006 Year of Call: 1987

Lance is “a superb advocate, and penetrating cross-examiner” who “is absolutely fantastic with clients and is down-to-earth. He also retains knowledge to an incredible extent - he knows documents inside out the second he reads them.”

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Practice Overview

Lance has a commercial and chancery practice, with a particular focus on international litigation, civil multi-jurisdictional fraud, company and insolvency cases. He has a firm grasp of the commercial realities of any litigation and understands clients' needs and wishes.

Lance has recently been involved in cases involving allegations of fraud and/or bribery said to have happened in Ethiopia, United States of America, Canada, France, Spain, Ireland, Portugal and Malaysia as well as in England, many involving freezing injunctions and other injunctive relief. He also has expertise in company and commercial matters including unfair prejudice petitions, share warranty claims, hedge fund claims and professional negligence cases.

In insolvency matters, Lance acts both for and against insolvency practitioners in claims against former directors, accountants and others, as well as having done a substantial number of cases involving more technical issues that arise under the Insolvency Act 1986.

Lance was appointed a Recorder in 2005 and a Deputy High Court Judge of the Chancery Division in 2016 and sits in both the criminal and civil jurisdictions. He has also been an accredited mediator since 2009 and undertakes Advocacy Training for junior barristers.

Areas of Expertise

Commercial Litigation

Lance is, and has been, involved in many commercial disputes, both international and domestic. Key cases of interest over the last few years have involved many multi-million pound actions including:

- *Zedra Trust Co (Jersey) Ltd. v. Hut Group Ltd* [2019] EWHC 2191 (Comm) – expert determination in share purchase agreement
- Claim for payment of millions of euros of introductory fees from hedge fund (*Blackstar v. Cheyne*)
- Claim for repayment of loans for yacht building business acting for alleged undisclosed principals (*Taylor v. Van Dutch*)
- Alleged dishonest assistance of the managing director of *Bidvest (BFS Group Ltd (t/a Bidvest Logistics) v Foley* [2017] EWHC 2799 (QB)
- Enforcement of judgements obtained in Bahrain, which it was alleged had been obtained by fraud and US\$25 million counterclaim for wrongful dismissal (*Bank Alkhair v. Majid Al Refai*).
- Civil contempt for breach of freezing order (*Emmott v Michael Wilson and Partners Ltd* [2015] EWCA Civ 1028)
- Claims that judgements in Tigray, Ethiopia had been obtained by perjury and fraudulent misrepresentation (*Mengiste v. Endowment Fund for the Rehabilitation of Tigray* [2013] EWHC 599 (Ch) and [2017] EWCA Civ 1326)
- Termination of management agreements for a US\$50 million fund (*QOGT Inc v. International Oil and Gas Technology Fund*)
- Share warranty claims relating to the sale of Opelvia (*Fluidmaster v. Fowler*)
- Enforcement of US judgment, obtaining of freezing order, resisting setting aside of freezing order, information orders, committal for contempt for maximum possible period upheld by Court of Appeal (*Thursfield v. Thursfield* [2011] EWHC 3539; [2012] EWHC 3621; [2012] EWHC 3742; [2013] EWCA Civ 840)?
- Alleged breaches of Canadian/UK software joint venture and the withdrawing of undertakings given in lieu of freezing orders (*Emailgen System Corp v. Exclaimer Ltd.* [2013] EWHC 167 (Com))
- Fire damage claim resulting from faulty installation of electrical equipment in top end hairdressers (*Obsession Hair and Day Spa Ltd. v. Hi Lite Electrical Ltd*)
- Share warranty and fraudulent misrepresentation claims arising from the sale of the scrap metal empire of Easco to SITA (*SITA v. Serruys*)
- Bribery of a senior employee of a household name, who had taken millions of pounds from suppliers over a number of years (*Dyson v. Curtis* [2010] EWHC 3289 (Ch))
- Share warranty claims arising from the sale of aerospace engine parts manufacturer (*Avingtrans v. Burton*)
- Acting for Japanese suppliers in claims arising out of the construction of a new paint shop facility for LDV

vans (*Taikisha v. LDV*)

- The business swap transaction between George Wimpey and Tarmac (*Wimpey v. Tarmac*)
- The exercise of options for the acquisition of development land by Laing Homes Ltd (*Laing Homes v. Samuel Beadie (Investments) Ltd.*)
- The exercise of options for the acquisition of development land by Wimpey (*Wimpey v. Hallmark Cards Ltd.*)
- The exercise of swamping rights by venture capitalists in relation to a chain of over 100 convenience stores (*Hutchby v. Murray VCT plc*)

In addition to these matters, Lance has been involved in many franchise disputes, both for and against the franchisors, including those relating to Kalamazoo plc (printing), Rosemary Conley Diet & Fitness Clubs Limited (diet and fitness clubs), Fastfix (emergency plumbing services), Chipsaway (car body repairs), Durham Pine (pine furniture), Prontac plc (accountancy packages), Autosmart Ltd (vehicle valeting), Kall Kwik (printing), Texas Homecare (DIY), Action Unlimited (business advisory services), Baby College (baby nurturing) and Zeald (website establishment).

Civil Fraud

Lance has advised and appeared in fraud and bribery cases over a number of years, some of which have had international elements and the majority of which have involved the obtaining of freezing and other injunctive relief. These include:

- *Taylor v. Rhino Overseas Inc* [2020] EWCA Civ 353 and [2019] EWHC 1951 (Ch) – agency, undisclosed principal, unlawful means conspiracy
- Successfully defending a shadow director in respect of claims for £35 million for fraudulent trading, dishonest breach of fiduciary duty and unlawful means conspiracy in a 6-week trial (*Instant Access Properties v. Rosser* [2018] EWHC 756 (Ch))
- Alleged dishonest assistance of the managing director of Bidvest (*BFS Group Ltd (t/a Bidvest Logistics) v Foley* [2017] EWHC 2799 (QB))
- Enforcement of judgments obtained in Bahrain, which it was alleged had been obtained by fraud and US\$25 million counterclaim for wrongful dismissal (*Bank Alkhair v. Majid Al Refai*)
- Confidence tricks to divert funds from France to England around the IT implementation of the Single European Payment Area (*Diagnostica Stago v. Webnetsales Ltd.*)
- Claims that judgments in Tigray, Ethiopia had been obtained by fraudulent misrepresentation (*Mengiste v. Endowment Fund for the Rehabilitation of Tigray* [2013] EWHC 599 (Ch))
- Fraudulent breaches of joint venture agreement between Canadian and UK companies, unlawfully and fraudulently diverting profits by one party (*Emailgen System Corp v. Exclaimer Ltd.*)
- Creation of false customers by head of international sales to divert products which were never to be paid for (*Bertram Trading Ltd. v. Goble*)
- Bribery of a senior employee of a household name, who had taken millions of pounds from Portuguese and

Malaysian suppliers over a number of years (*Dyson v. Curtis* [2010] EWHC 3289 (Ch))

- Advising electricity supplier in relation the rights and remedies which might be available to it in civil and criminal proceedings as a result of it unwittingly having supplied substantial amounts of electricity to properties that have been used by various parties for the purposes of cultivating cannabis plants.
 - Transactions with intent to defraud customers to the advantage of US based parent company of UK subsidiary (*Re Krug International (UK) Ltd* [2008] BPIR 1512)
 - Fresh air invoicing in haulage business to deceive invoice discounters out of many millions of pounds (*Re City Truck Group Ltd.* [2008] BCC 76)
 - Fraudulent diversion of business by executive director setting up a shadow company to run alongside but at the expense of the victim company (*Simply Loans v. Wood*)
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Insolvency

Having been recommended in the directories for many years for Insolvency, Lance continues to act and advise both insolvency practitioners (in contested and non-contested work) and allegedly delinquent directors. He is the author of the precedents section (volume 3) of Mithani's Directors Disqualification. His recent cases in this area include:

- Successfully defending a shadow director in respect of claims brought by liquidators for £35 million for fraudulent trading, dishonest breach of fiduciary duty and unlawful means conspiracy in a 6-week trial (*Instant Access Properties v. Rosser* [2018] EWHC 756 (Ch))
 - Obtaining the longest ever extension of the time permitted for bringing disqualification proceedings by the Secretary of State against the former directors of Drive Assist (*Re Drive Assist Ltd*)
 - Advising on claims for preferences and transactions at undervalue in respect of a company, whose sister company had entered into a very significant insolvency, in order to allow the company to be sold for many millions.
 - Acting for creditor facing injunctive relief by company on winding up petition (*Re Coilcolor Ltd.* [2015] EWHC 3202 (Ch))
 - Successfully challenging the rejection of the multi million US\$ claim by a redemption creditor by the liquidators of an offshore Cayman Fund in the Grand Court of Cayman (*Re Palm Beach Offshore Ltd*)
 - Seeking to rescind a winding up petition in respect of a money transfer bureau believed to have been used by organised criminals to launder the proceeds of crime to China (*Credit Lucky Ltd v National Crime Agency* [2014] EWHC 83 (Ch))
 - Acting for the Secretary of State in an application by a disqualified director imprisoned for conspiracy to defraud seeking permission to instruct a company how to conduct particular litigation (*In the matter of Portland Place (Historic House) Ltd* [2012] EWHC 4199 (Ch))
 - Acting for administrators of a company in devising a scheme to allow them to sell company's business without there being a TUPE liability transfer (*Re Auto Windscreens Ltd*)
 - Establishing the ability of administrators to serve Notice of Appointment electronically (*Gould & Hamblin v ITMO Advent Computer Training Ltd* [2010] EWHC 459 (Ch))
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- Obtaining directions to allow Administrators to preserve value in list of creditors despite authorised steps being directly contrary to Insolvency Rules (*Gould & Hamblin v ITMO Advent Computer Training Ltd* [2010] EWHC 1042 (Ch))
- Acting for a US company seeking to set aside service out of jurisdiction of a claim under section 423 Insolvency Act 1986 (*Re Krug International (UK) Ltd* [2008] BPIR 1512)
- Appearing for Administrators facing personal liability for costs without substantive hearing of application to remove them from office (*Coyne v DRC Distribution Ltd* [2008] BCC 612)
- Successfully acting for liquidators against former directors for breach of fiduciary duty and of financial assistance provisions (*Cook v Green, Re M&S Tarpaulins 2nd May, 2008 HHJ Pelling*)
- Acting for newly appointed office holders seeking to recover excessive fees fraudulently taken by former office holders, including issues of disclosure of metadata to a non-party bondsman insuring the fraud of former office holders (*Hellard v Money* [2008] BPIR 1487)
- Acting for the Secretary of State obtaining disqualification of directors for multimillion pound invoice discounting fraud (*Re City Truck Group Ltd* [2008] BCC 76)
- Distribution to creditors by Administrator (*Re HPJ UK Ltd (In Administration)* [2007] BCC 284)
- Acting for a liquidator seeking to set aside settlement in earlier proceedings as transactions at an undervalue (*Lord (Liquidator of Rosshill Properties Ltd) v Sinai Securities Ltd* [2004] BCC 986)

Company

Lance has acted and advised in very many company related matters, including disputes between shareholders and between companies and former directors, and cases involving alleged breaches of statutory provisions. His cases include:

- *Loveridge v. Loveridge* [2020] EWCA Civ 1104 – interim relief in unfair prejudice petitions and partnership dispute
- *Re The Hut Group* [2020] EWHC 5 (Ch) – striking out unfair prejudice petition
- Acting for the majority shareholders of a substantial hotel chain in central London in a dispute brought by a family minority shareholder and associated trusts, asserting the value of the hotel chain to be many hundreds of millions of pounds, and successfully concluding the matter at mediation.
- Advising AIM listed Jersey company in connection with manner of de-listing in order to allow re-listing in the Far East (*Fusionex International plc*)
- Acting for the major shareholders and majority directors in an AIM listed Jersey company in dispute with a minor shareholder and chairman of the company. Acted in England, advised in relation to proceedings in Jersey and Malaysia (*Galasys plc*)
- Acting for majority shareholders of a company owning large London Hotel in 21-day preliminary issue, successfully defeating claim to be entitled to further 10% of the shares, and subsequently on the acquisition of minority shares (*Kaneria v. Kaneria July 2015 and subsequently* [2016] EWHC 2823 (Ch))

- Acting for minority shareholders on unfair prejudice petition in relation to an airfield (*Re Andrewsfield Airfield Ltd*)
- Acting for majority shareholders in unfair prejudice petition in relation to a steel stockholding business claimed to be worth £36 million
- A claim to enforce pre-emption rights of a shareholder to give him total control of a chain of patisseries (*Re Druckers Ltd*), subsequently purchased by Patisserie Valerie
- A claim brought by directors of a family owned company against the former Finance director for repayment of monies paid for his shares alleged to have breached unlawful financial assistance provisions, which Lance successfully defended in a 19 day trial (*Murray Vernon Holdings v. Hassall [2010] EWHC 7*)
- Successfully acting for liquidators in a claim against directors of a company for unlawful financial assistance given to themselves to allow their shares to be purchased (*Cook v. Green, Re MS Tarpaulins*)
- An unfair prejudice petition in relation to a cider brewing company, where the managing director was alleged to have poisoned the production line of a competitor company, which settled on the second day of trial (*Re Aston Manor Breweries Ltd*)
- An unfair prejudice petition in relation to a chain of clothing stores and subsequent hearings seeking to recover the £6.4 million which was awarded (*Thakrar V Thakrar; re Ciro Citterio Menswear [2002] 1 WLR 2217; [2002] BPIR 903; [2002] EWHC 1975*)

Financial Services

Lance advises and has lectured on issues arising out of alleged breaches of the Conduct of Business Rules (“COB”) and Conduct of Business Sourcebook Rules (“COBS”) and the inter-relationship of these rules and the Financial Services and Markets Act 2000. He has also had involvement in potential group litigation arising out of the purchase by Lloyds TSB of HBOS and issues arising out of the prospectus requirements in FSMA.

Professional Negligence

Lance has considerable experience of professional negligence claims, particularly involving solicitors, accountants and insurance brokers. Examples include:

- Acting for a client whose former solicitors failed to secure shares in a development company into the client’s name, allowing client’s manager to retain the development opportunity and profits running to many millions
- Acting for Administrators (PWC) in claim for negligent drafting of a Sale and Purchase Agreement following intervention of FSA into IFA network business, leading to administration of IFA business (*Berry Birch and Noble v. Putsmans*)
- Acting against insurance brokers for failing to obtain adequate cover in respect of former industrial premises (*Simon Commercial Investments v. AXA Insurance*)
- Acting for George Wimpey in action seeking £650k from expert in geotechnical and geoenvironmental matters for negligence site survey which failed to disclose extensive asbestos throughout the site (*George Wimpey v. RSA Geotechnics*)

- Acting for a liquidator suing auditors who negligently provided a report purporting to comply with the financial assistance whitewash procedures, leading to all of the value being stripped from the company (*Cook v Green, Re M&S Tarpaulins 2nd May, 2008 HHJ Pelling*)
 - Group litigation for 129 farmers against the National Farmers Union, arising out of the NFU's advice not to pursue lost SLOM milk quota. There was a trial of 10 test cases over 6 weeks (*Dent v. National Farmers Union*), following which the remaining cases were settled over the following year
 - Group litigation on behalf of 34 of the above farmers, who had been advised not to pursue the NFU as a result of which part of their claims had become statute barred (*Moffat v. Burges Salmon [2004] PNLR 13*)
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Partnership and LLP

Loveridge v. Loveridge [2020] EWCA Civ 1104 – interim relief in unfair prejudice petitions and partnership dispute

Chancery

Taylor v. Rhino Overseas Inc [2020] EWCA Civ 353 and [2019] EWHC 1951 (Ch) – agency, undisclosed principal, unlawful means conspiracy

Arbitration

Insurance and Reinsurance

International and Offshore

Recommendations

Company and Partnership (*Who's Who Legal: UK Bar, 2020*)

Corporate (*Who's Who Legal: UK Bar, 2019*)

Chancery: Commercial, Commercial Dispute Resolution, Company, Restructuring/Insolvency (*Chambers and Partners*)

Commercial litigation, Company and Partnership, Insolvency, Professional negligence (*The Legal 500*)

Dispute Resolution: Commercial (*Chambers Global*)

Dispute Resolution: Commercial Chancery (*Chambers Global*)

Quotes

"Lance's strength is that he gives robust advice. He is client-friendly and efficient with his paperwork." (Chambers & Partners, 2021)

"He is absolutely brilliant and all over the detail in a case." "Lance is a terrific advocate who is particularly superb on the paperwork. He pays attention to detail and is really good with the client."

" (Chambers & Partners, 2021)

"He is easy to work with, commercial and practical. He's always very involved in the detail right from the beginning." "He's a good cross-examiner and is very commercially minded and pragmatic." (Chambers & Partners, 2021)

"He is extremely approachable and has a very good touch with clients. He's also able to digest really complex documents and get straight to the heart of the issue, and explain this issue concisely to clients." "He has an easy style and is very charming - he is a good cross-examiner as well as being very commercially minded, pragmatic and experienced." (Chambers & Partners, 2021)

"Hugely capable with an air of intellectual confidence that always impresses. Delightful to work with." (The Legal 500, 2021)

"Excellent at diving deep into a case and understanding it on a granular level extremely quickly - he has a commercial approach to all matters which is particularly invaluable on commercial matters." (The Legal 500, 2021)

"He is very knowledgeable." (The Legal 500, 2021)

"Bright and engaging." (The Legal 500, 2021)

"Lance was exceptionally good to work with, providing expert and insightful strategic input and lateral thinking. His advice was pragmatic, commercially minded and robust. His was an extremely collaborative approach and he offered fantastic availability." (Chambers & Partners, 2020)

"He's a charming and effective advocate with a penetrating intellect. He's very approachable and always makes himself available." "He is a truly exceptional lawyer." (Chambers & Partners, 2020)

"He had a firm grasp of the matter and was an excellent, inspiring advocate." "He is extremely bright, gives clear and robust advice, and is very strong on his feet. He is also a delight to work with and very approachable." (Chambers & Partners, 2020)

"He's very level-headed, very sensible and very commercial, and he really rolls his sleeves up." "A charming and effective rottweiler of a barrister with a penetrating intellect, who's very approachable." (Chambers & Partners, 2020)

"A really tenacious advocate, able to persuade a skeptical judge." (Legal 500, 2020)

"He is bright and engaging." (The Legal 500, 2020)

"A really tenacious advocate, able to persuade a skeptical judge." (The Legal 500, 2020)

"Very knowledgeable." (The Legal 500, 2020)

"An insightful adviser and an excellent advocate who is a pleasure to work with." "He digested a complex case for us within a week and came back with bang-on analysis." (Chambers Global, 2019)

"Very calm and at ease with clients, and someone who displays amazing attention to detail." (Chambers Global, 2019)

"Has remarkable clarity of thought, and picks up points others miss." "Lance is an authoritative advocate who commands respect from the bench." (Chambers & Partners, 2019)

"Very thorough and very meticulous in his cross-examination. He's good at those document-heavy cases and dealing with those experts you have to chip away at over a couple of days." (Chambers & Partners, 2019)

"Wins cases that other silks have suggested are unwinnable." (The Legal 500, 2019)

"He is bright, engaging and willing to get stuck into a case." (The Legal 500, 2019)

"Capable of juggling the most byzantine of facts." (The Legal 500, 2019)

"Has remarkable clarity of thought, and picks up points others miss." "Lance is an authoritative advocate who commands respect from the bench." (Chambers Global 2018 Dispute Resolution: Commercial)

"Very thorough and very meticulous in his cross-examination. He's good at those document-heavy cases and dealing with those experts you have to chip away at over a couple days." (Chambers Global 2018 Dispute Resolution: Commercial Chancery)

"Very hardworking, fantastic on detail and unquestionably a fighter." (Legal 500 2018 Commercial Litigation)

Impressive on strategy and excellent on detail, but also someone who gets the bigger picture." "Very hands on and fantastic with clients." (Chambers Global 2016 Dispute Resolution: Commercial)

"He gets to grips with the issues very quickly and gives robust, practical and commercial advice" (Chambers & Partners 2015 - Chancery Commercial)

"He's a joy to work with and thinks outside the box. He has very good attention to detail and is very solicitor-friendly" (Chambers & Partners 2015 - Commercial Dispute Resolution)

"Client friendly, focused and highly responsive" (The Legal 500 2014 Commercial Litigation)

"Excellent at multi-jurisdictional insolvency cases" (The Legal 500 2014 Insolvency)

"Very quick on his feet" (The Legal 500 2014 Professional Negligence)

"A superb advocate, and penetrating cross-examiner" (Legal 500 2013 Commercial Litigation)

"very bright" (Legal 500 2013 Insolvency)

"He has an excellent bedside manner, and the tougher the challenge the better he performs" (Chambers & Partners 2013 - Chancery Commercial)

"He gets excellent feedback from both the team and clients. He's particularly good on complex shareholder disputes and is favoured for his robust advice. Excellent at detail, he gets over the big picture" (Chambers & Partners 2013 - Commercial Dispute Resolution)

Publications

"Thomas Cook's ghost hotels - what will happen to its empty holiday resorts?" The Telegraph, October 2019

"Public sector outsourcing giant Interserve stares into the abyss, 14 month on from Carillion's collapse" City A.M, March 2019

"Directors' duties to creditors in the UK: Ripe for reform?" (with Matthew Morrison and James Mather) - International Insolvency & Restructuring Report 2018/19, Capital Markets Intelligence.
Precedents section for Mithani: Directors: Disqualification Contributor

"The year of the CVA: is there a need for change?" - PLC Magazine, 29 June 2018

"Consider the impact of Carillion's decline and fall" (with [Zahler Bryan](#)) - Law 360, 28 February 2018

"Carillion Liquidation" (with [Zahler Bryan](#)) - PLC Magazine, January/February 2018

Other Information

Bar Council Trustee on the Access to Justice Foundation
Former Chairman of the Midlands Legal Support Trust
Chairman of Middlesex Lord's Taverners' Committee
Founder trustee of the Medical Research Fund Coventry & Warwickshire
ADR Group Accredited Mediator

In the Press

Comments; "[Thomas Cook's ghost hotels - what will happen to its empty holiday resorts?](#)" The Telegraph, October 2019

Comments; "[Public sector outsourcing giant Interserve stares into the abyss, 14 months on from Carillion's collapse](#)" - CityAm, 14 March 2019

Comments; "[Homebase faces make-or-break vote on rescue plan](#)" - The Independent, 1 September 2018

Comments; "[The use of CVAs and the shape of the high street](#)" - The Independent, 10 June 2018

Comments; "[The use of CVAs and the shape of the high street](#)" - City A.M., 8 June 2018

Comments; "[The use of CVAs and the shape of the high street](#)" - The Barrister, 7 June 2018

Comments; "[High Court judgment shines light on shadow directors](#)" - Accountancy , 18 April 2018

Comments; "[High Court rules on duties of 'shadow directors'](#)" (with [Matthew Morrision](#)) - Estates Gazette, 16 April 2018

Education & Qualifications

Pembroke College, Cambridge - MA

Oundle School

Appointments

Deputy High Court Judge (Chancery Division)

Recorder, Crown Court and County Court

Memberships

Chancery Bar Association

COMBAR

Midlands Chancery and Commercial Bar Association
