



## Timothy Collingwood QC

Year of Silk: 2020 Year of Call: 1996

*"Has a more cerebral approach to things and is someone to go to for complex cases. He has excellent legal analysis and gets down to details on the money front. He can figure out where the money went and who took it." "Responsive and very pleasant to work with, he is someone whose written work is always precise, clear and informative."*

Chambers & Partners

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## Practice Overview

Tim has a broad commercial and chancery practice, with a particular emphasis on litigation concerning issues in respect of commercial agreements and company, insolvency and international trusts matters. The directories recognise him as a leading practitioner in these fields. He has extensive experience of claims concerning breaches of duty, in particular in respect of directors or trustees and frequently involving allegations of fraud, and of shareholder disputes.

Prior to commencing practice in this jurisdiction, Tim was called to the bar in the Cayman Islands and practised as an attorney-at-law. He continues to undertake work in respect of a number of offshore jurisdictions. He is called to the Bar of the British Virgin Islands.

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## Areas of Expertise

### Company

Tim has considerable experience in company law matters. He is recommended for company work in Chambers and Partners and the Legal 500 and has been for many years. Chambers and Partners has stated that he "stands out for his 'sharp intellect and clear enjoyment of the most complicated of company matters'". He has particular expertise in shareholder disputes, including unfair prejudice petitions and just and equitable winding up, and claims involving allegations of breach of duty by directors. His work has included all manner of disputes in respect of companies of varying size, value and business; from claims concerning hedge funds or investment funds or sports

agency companies to companies in the business of slaughtering cattle or processing steel. He acts in offshore as well as domestic company disputes.

Tim is also one of the authors of *Minority Shareholders: Law, Practice and Procedure (sixth edition, OUP)*.

A number of the matters in which Tim is instructed settle prior to trial. Cases that have fought include:

*Re: R-Squared Holdco Ltd* ([2020] EWHC 23 (Ch)) - successfully obtained injunctive relief to restrain holding of disciplinary proceedings concerning two shareholder directors pending resolution of unfair prejudice petition.

*Burberry Group Plc v Fox-Davies* (Court of Appeal) ([2017] BCC 387; first instance reported at [2015] 2 BCLC 66) - leading case on access to the register of members of a company, the meaning of "proper purpose" and the requirements for a valid request.

*Cullen Investments Ltd v Brown* ([2017] EWHC 2793 (Ch)) - successfully opposed application by a director for relief from liability arising from breaches of duty.

*Cullen Investments Ltd v Brown* ([2017] EWHC 1586 (Ch)) - successfully represented the claimants at the trial of a derivative claim for breach of duty and diversion of opportunity, together with related personal claims concerning a property joint venture.

*Re Migration Solutions Holdings Limited* ([2016] EWHC 523 (Ch)) – successful defence of an unfair prejudice petition alleging unfair exclusion from management and breaches of duty.

*Cullen Investments Ltd v Brown* ([2016] 1 BCLC 491; [2015] BCC 539) - successful application for permission to continue a derivative claim in the context of a property joint venture.

*Gilbert v Holms* ([2014] EWHC 482 (Ch)) – successfully represented the claimant investor (and the third party) in a claim against a director for negligent misrepresentation in a private placement memorandum concerning the acquisition of shares in a pharmaceutical company.

*Moxon v Litchfield* ([2013] All ER (D) 133), – unfair prejudice petition concerning complaint of exclusion from management and cross-allegations of breaches of duty. Leading case on leaver provisions.

*EVIC I v GEDVF II* ([2012] JRC 146; [2013] JRC 004) – proceedings in Jersey concerning winding down of a Jersey investment fund.

*Re: Southern Counties Fresh Foods Ltd* ([2011] Costs LO 343) – unfair prejudice petition involving numerous allegations of unfair conduct and breach of duty in respect of a company in the meat trade.

*Phillips v Phillips (Court of Appeal)* ([2009] EWCA Civ 185) – dispute concerning ownership of shares and alleged appointment of director.

*Beagle Properties v Tatanaki* ([2008] All ER (D) 42) – claim concerning exercise of put option under share purchase agreement.

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## Commercial Litigation

Tim has a broad commercial practice, including claims concerning all manner of commercial agreements, guarantees, share purchase agreements, agency or distribution agreements, shareholder disputes, investments and claims involving allegations of breaches of duty. He is recommended for commercial chancery work in Chambers and Partners, which has stated that "he's not just an intellectual heavyweight, he also has excellent judgement". Examples of cases include:

*Gilbert v Holms* ([2014] EWHC 482 (Ch)) – successfully represented the claimant investor (and the third party) in a claim for negligent misrepresentation concerning the acquisition of shares in a pharmaceutical company.

*EVIC I v GEDVF II* ([2012] JRC 146; [2013] JRC 004) – proceedings in Jersey concerning winding down of a

Jersey investment fund.

*Leeds United Football Club Limited v Weston* ([2012] 1 JLR Note 23) – claim concerning misapplication of credit card monies; application of forum conveniens in Jersey.

*Re: Southern Counties Fresh Foods Ltd* ([2011] All ER (D) 66) – shareholder dispute involving numerous allegations of unfair conduct and breach of duty in respect of a company in the meat trade.

*Alhamrani v Alhamrani* – substantial claims for breach of trust and breach of fiduciary duty in respect of two Jersey trusts.

*Beagle Properties v Tatanaki* [2008] All ER (D) 42 – claim in the Commercial Court concerning exercise of put option under share purchase agreement.

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## Insolvency

Tim acts and advises in respect of both corporate and personal insolvency matters, with a particular emphasis on directors' breaches of duty and asset recovery issues. He is recommended for insolvency work in Legal 500. Recent work has included acting in claims for misfeasance, claims in respect of transactions at an undervalue and transactions defrauding creditors, as well as acting for the trustee in proceedings concerning a financially distressed trust estate in Jersey.

### Previous reported cases include:

*Buchler v Almidani* ([2006] BPIR 867) – decision concerning a trustee in bankruptcy's application for documents against the bankrupt's brother in a substantial bankruptcy.

*Gil v Baygreen Properties Ltd* ([2005] BPIR 95; [2005] 1 Costs LR 75) – misfeasance claim involving allegations of breach of fiduciary duty against a director in relation to a transaction at an undervalue.

*Re Carman Construction Ltd* [2000] BPIR 371 – a winding up petition by the supervisor of a CVA in respect of a company already in voluntary liquidation.

*Raja v Goodman* [2000] Ch 274 (CA) – case concerning the validity of the variation of voluntary arrangements under Insolvency Act 1986.

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## Private Client Trusts and Probate

Tim has been involved in some of the substantial trusts cases of recent times, including cases such as the Tchenguiz litigation, *Alhamrani v Alhamrani*, *Z Trusts* and the *Thyssen* litigation. He has experience of cases involving breaches of trust and breaches of fiduciary duty by trustees, the negligent investment of trust assets, the sale of trust companies and of advising the trustee of a financially distressed trust estate in Jersey. He is named as one of the leading barristers in trusts work by Citywealth, which has described him as "the ideal choice of barrister for any trust dispute". He has experience of practising full-time in an offshore jurisdiction (as an attorney-at-law in the Cayman Islands) and his work in this area of practice often concerns offshore jurisdictions, including Jersey, the British Virgin Islands, the Isle of Man and Gibraltar. His work includes:

*Re B&C Trust* (2018) – successfully obtained substantive relief for a Claimant in trustee's Beddoes summons.

*Brakspear v Nedgroup Trust (Jersey) Limited* [2018] JRC 121, [2019] JCA 150 – successfully acted for defendant trustee in securing strike out of proceedings alleging fraudulent breach of trust, conspiracy and sham trust.

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*Re B&C Trust (2017)* – successfully obtained appointment of receiver and injunctive relief to protect trust fund from dissipation in proceedings alleging fabrication of the trust deed following the settlor's death (alternatively sham trust).

*Alhamrani v Alhamrani* – acting for new corporate trustee in significant trust litigation in Jersey.

*Re the X Trust* – claim in Jersey against corporate trustee for breach of trust in respect of investment.

*C v D* – claim regarding share purchase agreement in respect of sale of trust company.

*Perczynski v Perczynski* – substantial trusts litigation in Jersey in connection with matrimonial dispute.

*Barker v RBC* – claim against trustee concerning allegations of breach of duty in respect of investments.

*Thyssen litigation* - litigation in Bermuda concerning a claim to set aside a trust, and substantial associated personal claims.

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## Civil Fraud

Tim regularly acts and advises in cases concerning allegations of fraud and breach of fiduciary duty, often in the context of his other areas of work.

Cases include:

*Brakspear v Nedgroup Trust (Jersey) Limited* [2018] JRC 121, [2019] JCA 150 – successfully acted for defendant trustee in securing strike out of proceedings alleging fraudulent breach of trust, conspiracy and sham trust.

*Cullen Investments Ltd v Brown* ([2017] EWHC 1586 (Ch)) - successfully represented the claimants at the trial of a derivative claim for breach of duty and diversion of opportunity, together with related personal claims concerning a property joint venture.

*Re B&C Trust (2017)* – successfully obtained appointment of receiver and injunctive relief to protect trust fund from dissipation in proceedings alleging fabrication of the trust deed following the settlor's death (alternatively sham trust).

*Gilbert v Holms* ([2014] EWHC 482 (Ch)) – acted in a claim involving allegations of negligent and fraudulent misrepresentation made to an investor in respect of the acquisition of shares in a pharmaceutical company.

*Leeds United Football Club Limited v Weston* ([2012] 1 JLR Note 23) – claim concerning misapplication of credit card monies; forum conveniens in Jersey.

*Simply Loans Direct Ltd v Wood* [2006] All ER (D) 291 – successful summary judgment application in respect of breaches of duty by director.

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## International and Offshore

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## Chancery

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## Recommendations

Chancery: Commercial (*Chambers & Partners*)

Dispute resolution: Commercial Chancery (*Chambers Global*)

Company (*Chambers & Partners*)

Company & Partnership (*Legal 500*)

Insolvency (*The Legal 500*)

Offshore (*The Legal 500*)

Prominent Barrister - Trusts (*Citywealth Leaders List*)

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## Quotes

"A pleasure to work with. He's very responsive, quick to get to the heart of the matter and good at thinking round the subject in order to find ways of resolving points." (Chambers & Partners, 2019)

"Has a more cerebral approach to things and is someone to go to for complex cases. He has excellent legal analysis and gets down to details on the money front. He can figure out where the money went and who took it." (Chambers & Partners, 2019)

"Responsive and very pleasant to work with, he is someone whose written work is always precise, clear and informative." (Chambers & Partners, 2019)

"He has significant expertise in company litigation." (The Legal 500, 2019)

"Knowledgeable in English and Cayman Islands insolvency law." (The Legal 500, 2019)

"Extremely clever, an excellent lawyer and superb draftsman." (The Legal 500, 2019)

"Highly engaging and is quick to work out strategies." "A guru because he's involved in writing the book on shareholder rights and remedies. He knows everything and is a very collaborative barrister to work with." (Chambers & Partners, 2018)

"He's got a sharp mind that gets to grips with matters and takes you where you need to be going quite quickly. He's quite good at reading the court and is a brilliant cross-examiner." (Chambers & Partners, 2018)

"He is great team player and has a full handle on the detail." "He's very client-friendly and he explains things well." (Chambers & Partners, 2017)

"He is very personable, clear and good at grasping complex situations. He is also very good with clients." (Chambers & Partners, 2017)

"He is very enthusiastic and always has a fine grasp of the commercial details." (The Legal 500, 2017)

"His advice is delivered in a client-friendly manner with appropriate levels of explanation depending upon his audience." (The Legal 500, 2017)

"An experienced junior who is highlighted as 'very good and very sensible' (Who's Who Legal, 2017)

"Tim approaches all cases with an enthusiastic manner and a creative mind. He is a first class choice, combining an easy-going manner with obvious technical ability and sound judgement. He is great with clients and a real joy to work with" (Citywealth Leaders' List, 2017)

"He is very much a go-to senior junior for shareholder matters." (Chambers & Partners, 2016)

"He's a real fighter. His advocacy is very good and he can spot points out of nowhere to give you a negotiating position." "He really gets to grips with the case and is a close member of the team, very approachable and good fun to work with." (Chambers & Partners, 2016)

"Tim provides a service which is a fantastic combination of fierce intelligence and good humour: his easy personality is always a hit with lay clients who are also impressed by his obvious technical skills. His ability to persuade, whether orally or on paper, is second to none." (Citywealth Leaders' List, 2016)

"He is very good with clients and very commercial." (Chambers & Partners, 2015)

"His knowledge of S994 petitions is really deep. He has great experience." (Chambers & Partners, 2015)

"The ideal choice of barrister for any trust dispute" (Citywealth Leaders' List, 2015)

"...particularly impressive in conference with the lay client where he is able to explain complex legal issues in an accessible way and give clear and firm advice when this is demanded. Tim is a great team-player, working as effectively with leading counsel as with junior solicitors. He is always available whatever the other pressures on his time, and works tirelessly to ensure that all those instructing him receive a quality product." (Citywealth Leaders' List, 2015)

## **Publications**

Minority Shareholders: Law, Practice and Procedure (Sixth edition, O.U.P., 2018)

## **Personal interests include:**

Swimming, water sports, rugby union and cycling.

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## **Education & Qualifications**

BA, BCL: Magdalen College, Oxford

## **Appointments**

Called to the Bar in the British Virgin Islands 2018

Called to the Bar in the Cayman Islands 1997

Practised as attorney-at-law in the Cayman Islands in 1997

Part time lecturer, King's College London, 1995-6

## **Memberships**

Chancery Bar Association

Commercial Bar Association