serle court

John Machell KC

Call: 1993 | Silk: 2012

John is incredibly good. He is responsive and sensible.

CHAMBERS HIGH NET WORTH 2026

jmachell@serlecourt.co.uk +44 (0)20 7242 6105

John Machell KC has a broad commercial chancery practice, and particular experience of large-scale litigation involving trusts, fiduciary / director duties, and fraud and trusts, particularly with an international dimension.

John is regarded as one of the leading partnership and LLP silks and has experience of a wide range of both contentious and non-contentious matters across the whole range of business sectors. A large part of his work involves issues arising from the use of partnerships and LLPs in hedge fund and private equity structures; in international commercial group structures; and as part of wealth planning strategies.

A substantial part of John's practice is offshore and he has appeared in the courts of Grand Cayman, the British Virgin Islands and Bermuda on a number of occasions in the last few years.

John also acts as an arbitrator, expert and mediator.

Expertise

Trusts

A substantial part of John's practice relates to trusts, particularly with an international dimension. John's experience extends across the range of trust issues, and he has particular experience of trust issues arising as part of wider commercial and fraud disputes.

Recent Cases

- *Re G Trusts* (2026) – Acting for a trustee in Guernsey breach of trust, removal and blessing proceedings in relation to The Russia (Sanctions) (EU Exit) Regulations 2019 (instructed by Ogier).

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- *Re C Trust* (2024-25) – Acting for the BVI trustee of a Cayman trust in trust and judicial review proceedings in Cayman and BVI concerning issues arising from Regulation 18C of The Russia (Sanctions) (EU Exit) Regulations 2019 (instructed by Harneys and Enyo Law).
- *ITG v Fort Trustees Ltd* [2022] UKPC 36 – Appearing for the successful Appellants before the Privy Council in landmark case concerning insolvent trusts and the ranking of the claims of successive trustees (instructed by Babbe Legal).
- *MaplesFS Limited v B&B Protector Services Limited* (14 July 2022) Doyle J – Appearing for the trustee on forum non conveniens challenge (instructed by Maples).
- *St. John's Trust Co. (PVT) Ltd v Medlands (PTC) Ltd* [2022] CA (Bda) 18 Civ and [2021] CA (Bda) 20 Civ – Appearing for the protector successfully opposing an appeal in the Bermuda Court of Appeal relating to the various orders made at first instance including the appointment of a new trustee (instructed by Kennedys).
- *Medlands (PTC) Ltd v A-G and Brockman* [2021] SC (Bda) 41 Com – Appearing for the protector at a hearing to deal with the terms of appointment of a new trustee (instructed by Kennedys).
- *In the Matter of a Settlement made by deed dated 27 December 2017* (27 July 2021) – Appearing for the trustee before.
- Kawaley J in Cayman on a Beddoe application concerning English High Court proceedings (Instructions by Maples).
- *Re B* (2019) – Acting for the guardian ad litem appointed to represent a class of beneficiaries in relation to a restructuring of a $1b Cayman trust. Hearings before the Chief Justice in July and September 2019 (instructed by Harneys).

Commercial Litigation

John deals with a wide range of commercial and contractual cases, and has particular experience of large-scale litigation, particularly with an international dimension.

Recent Cases

- *LetterOne Treasury Services SA v Eisler Capital Multi Strategy Fund Ltd* [2025] CIGC (FSD) 126 – Appearing for the successful defendant on an application for reverse summary judgment on an issue of whether redemption proceeds were held on trust for a redeemed investor (instructed by Maples, Cayman).
- *Ni v Green Elite Ltd* (October 2025) – Appearing for the respondent before the BVI Court of Appeal on an appeal by Madam Ni in relation to the appointment of receivers to assist enforcing a judgment debt in the underlying proceedings (instructed by Harneys).
- *Fang v Green Elite Ltd* [2025] UKPC 47 – Appearing for the successful respondent in an appeal by the Privy Council concerning the scope of the Duomatic principle and in particular the role of intention and certainty (instructed by Harneys).
- *Commission Recovery Limited v Marks & Clerk LLP* [2024] EWCA Civ 9 – Acting for appellants before the Court of Appeal on an appeal concerning the appropriateness of using the representative action procedure in a claim for breach of fiduciary (instructed by Clifford Chance).
- *Nam Tai Property Inc v Westridge Investment Company Limited* VG 2023 CA 35 – Acting for the successful respondent before the Eastern Caribbean Court of Appeal in relation to a substantial judgment to repay a share subscription payment following the subscription having been declared void (instructed by Harneys).
- *Durant International Corp v Maluf* (2021) – Appearing for the Appellant before the Eastern Caribbean Court of Appeal in a BVI appeal concerning service in Brazil and issues relating to the Hague Service Convention (instructed by Kobre & Kim).
- *Deripaska v Chernukhin* [2019] EWHC 173 (Comm) – Acting for defendants in substantial commercial court action

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(instructed by Clifford Chance). John was instructed specifically to deal with a number of urgent and difficult disclosure and privilege issues.

Partnership

John is regarded as one of the leading partnership and LLP silks and has experience of a wide range of both contentious and non-contentious matters across the whole range of business sectors, from professional services and financial services to farming, doctors and dentists.

A large part of his work involves issues arising from the use of partnerships and LLPs in hedge fund, private equity and other financial services structures; in international commercial group structures; and as part of wealth planning strategies.

John has extensive experience of advising and drafting documentation in relation to professional service firms, including issues relating to restrictive covenants, team moves; retirements, expulsions; dissolutions, liability to third parties, indemnity insurance, international structuring, domestic and international mergers, LLP conversions, and regulatory matters.

Recent Cases

- *Bluecrest Capital Management (UK) LLP v HMRC* (2026) – Appearing for the Appellants in the Supreme Court on an appeal as to whether certain members of BlueCrest were to be treated as employees for tax purposes pursuant to the salaried member rules in the Income Tax (Trading and Other Income) Act 2005 (instructed by Slaughter & May).
- *Holden v HMRC; HMRC v Boston Consulting Group UK LLP* [2026] UKUT 00025 (TCC) – Appearing for the Appellant before the Tax Upper Tribunal on a case concerning various LLP tax issues (instructed by Freshfields).
- *Grupo Mexico v Infund LLP* [2019] EWCA Civ 1673 and [2018] EWHC 1306 (Ch) Carr J – Rectification of LLP register pursuant to s.1096 of the Companies Act 2006 (instructed by Cooke Young & Keidan LLP).
- *Flanagan v Liontrust Investment Partners LLP* [2017] EWCA Civ 985 Court of Appeal & [2015] EWHC 2171 (Ch) Henderson J – Unfair prejudice claim under Companies Act 2006; and applicability of the doctrine repudiatory breach to LLPs (instructed by Macfarlanes LLP).
- *Campbell v Campbell [2018] EWCA Civ 80,* [2017] EWHC 2747 (Ch), [2017] EWHC 182 (Ch), [2016] EWHC 2237 (Ch) & [2016] EWHC 1828 (Ch) – Dispute as to the extent of a jewellery partnership.
- *Hosking v Marathon Asset Management Ltd* [2016] EWHC 2148 (Ch) Newey J – Whether the profit share of a partner / member of an LLP is liable to be forfeited under the fiduciary remuneration forfeiture rule (instructed by Orrick).
- *Bates van Winkelhof v Clyde & Co LLP* [2014] 1 WLR 2047 Supreme Court – Acting for intervener in appeal concerning whistleblowing and worker status of LLP members (instructed by CM Murray LLP).
- *Tiffin v Lester Aldridge* (pro bono) [2012] 1 WLR 1887 Court of Appeal – Employment status of fixed share members of LLPs and meaning of section 4(4) of the Limited Liability Partnerships Act 2000.

Civil Fraud

John has been involved in a number of substantial fraud cases.

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Recent Cases

- *Circumference v Martin* (2021) – Acting for Claimants in a claim for rescission of an SPA for fraudulent misrepresentation (instructed by Dentons).
- *Durant International Corp v Maluf* (2021) – Appearing for the Defendant before Wallbank J in the BVI on an application concerning the use of information disclosed pursuant to a freezing order in a foreign jurisdiction (instructed by Kobre & Kim).
- *WWRT v Tyshchenko* [2021] EWHC 939 (Ch) – Application for stay of proceedings pending Ukrainian bankruptcy proceedings and discharge of freezing injunction (instructed by Clarion).
- *Green Elite Limited (in liquidation) v Fang* (2020) – Acting for the Appellant in a BVI appeal concerning the discharge of a freezing injunction (instructed by Harneys).
- *S v A* (2018) – Acting for the claimants in a substantial arbitration arising in relation to shareholder agreements. The dispute concerned wide-ranging allegations of fraud and dishonesty in several jurisdictions (instructed by Clifford Chance).

Insolvency & Restructuring

John has acted in a wide range of insolvency cases and often advises on insolvency issues arising in cases in other practice areas.

Recent Cases

- *Jin Yao Holdings Ltd v Forever Winner International Ltd* (2025) – Acting for the respondent in a BVI trial of a just and equitable winding up application (instructed by Carey Olsen).
- *Crown Treasure Limited* (2024) – Appearing for the liquidators in a BVI hearing concerning sanction for the pursuit of proceeding the People's Republic of China (instructed by Ogier).
- *Town and Country Properties (GB) Ltd v Patel* [2023] EWHC 1168 (Ch) – Appearing for the successful respondent in an appeal against the dismissal of a winding up petition (instructed by Thursfields).
- *Hunt v Ubhi* [2023] EWCA Civ 417 – Appearing for the successful Appellant in a case concerning a cross undertaking in damages given by an officeholder (instructed by Thursfields).
- *Kenworth Industrial Limited v Xin Gang Power Investments Limited* (31 October 2022) – Appearing in the Eastern Caribbean Supreme Court before Jack J on an application for a stay of a liquidation application pending arbitration (instructed by Ogier).
- *Citicorp International Limited v Unigroup Holdings Ltd* (27 July 2022) – Appearing in the Eastern Caribbean Supreme Court before Wallbak J on an application for the continuation of the appointment of provisional joint liquidators (instructed by Harneys).
- *WWRT v Tyshchenko* [2021] EWHC 939 (Ch) – Application for stay of proceedings pending Ukranian bankruptcy proceedings (instructed by Clarion).

Company

John advises on the full range of company law issues, particularly section 994 claims, derivative claims, reflective loss issues, claims against directors and issues arising in relation to share sales and shareholder resolutions.

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- *Fang v Green Elite Ltd* [2025] UKPC 47 – Appearing for the successful Respondent in an appeal by the Privy Council concerning the scope of the Duomatic principle and in particular the role of intention and certainty (instructed by Harneys).
- *Crown Treasure Limited* (2024) – Appearing for the liquidators in a BVI hearing concerning sanction for the pursuit of proceeding the People's Republic of China (instructed by Ogier).
- *Green Elite Limited (in liquidation) v Fang* (2021) – Appearing for the Claimant at a trial before Jack J in the BVI concerning alleged breaches of fiduciary duty (improper purpose/misappropriation of company assets) by the directors of Green Elite (instructed by Harneys).
- *Re X Ltd* – Advising board of X Ltd in relation to whether amendment of articles to add drag provisions would constitute an improper purpose and/or constitute an abuse by shareholders of their voting powers.

Arbitrators

John has experience in this field across a wide range of matters.

International

John has experience in this field across a wide range of matters.

Testimonials

"John is incredibly good. He is responsive and sensible."

Chambers High Net Worth 2026

"John Machell is all over the detail, very user-friendly, and very helpful when it comes to guiding strategy and case direction. He rolls up his sleeves and gets stuck in."

Chambers High Net Worth 2026

"'John is a first-class advocate who has the ear of the court' ... 'a formidable yet thoroughly professional advocate. His no-nonsense approach is extremely refreshing too'."

Legal 500 2026

"John is technically excellent and able to step back and see the bigger picture."

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Chambers & Partners 2026

"John is brilliant and highly commercial. He picks things up in an instant and doesn't sit on the fence."

Chambers & Partners 2026

"He is an absolute pleasure to work with. He is extremely capable and also well liked by clients. A go-to KC for trust disputes."

Chambers & Partners 2026

"John has a way of presenting to the court which judges really respond to. He rolls his sleeves up and gets stuck in to documents and drafting."

Chambers & Partners 2026

"An undisputed leader in the field of partnerships and LLPs, who is very user-friendly."

Chambers & Partners 2025

"Extremely responsive and commercially minded, he has great judgement and balances the risks and benefits of a matter in a concise manner."

Chambers & Partners 2025

"John has a phenomenal brain. His deep understanding of partnership law, structures, culture and strategy really set him apart. But he also has an incredible commercial focus which helps you turn a partnership dispute into a partnership resolution."

Legal 500 2025

"John is a class act and a star of the trust litigation bar. He is intelligent, gets to the point, provides quality advice, and is very effective as an advocate."

Legal 500 2025

Recommendations

- Partnership (Star Individual), Chancery: Commercial, Chancery: Traditional, Offshore, Commercial Dispute Resolution (Chambers & Partners, 2026)
- Commercial litigation, Partnership, Private wealth and probate (The Legal 500, 2026)
- Commercial disputes, Trusts and private wealth (The Legal 500: The English Bar Offshore, 2026)

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- Chancery: Traditional (Chambers & Partners HNW (2025)

Publications

- Whittaker & Machell on the Law of Limited Liability Partnerships 6th edition 2026 (Bloomsbury Professional)
- Forfeiture of Fiduciaries' Remuneration, Trusts and Estates Law, with Jennifer Haywood, March Edition 2018
- A third way? A review of cases relevant to trustees' liability to forfeit remuneration for breach of fiduciary duty T.E.L. & T.J. 2018, 194 (Mar), 11-13
- Consultant Editor, Halsbury's Laws Partnership (5th edition)
- Limited partnerships: limited partners fight back? (2014) B.J.I.B. & F.L. 29(3), 152-153
- Discretionary decision making in a commercial context (2013) B.J.I.B. & F.I. 28(4), 195-198
- In the matter of the AB Trust (2013) T. & T. 19(5), 486-490
- Equitable compensation: a free-standing remedy for breach of fiduciary duty (2013) T. & T. 19(8), 811-815
- LLP Legislation Handbook 2010 (Bloomsbury Professional)
- Fishing for your talent, Legal Week 2009, 11(1), 33-34
- Forging a union based on mutual obligations, Law Society Gazette 2008, 105(13), 17 Covering all bases, New Law Journal 2008, 158(7324), 804-805
- Vicarious Liability for equitable wrongs: partners beware! New Law Journal 2003, 153(7071), 405, 409

Memberships

- Association of Partnership Practitioners
- Commercial Bar Association
- Chancery Bar Association

Education & Qualifications

- LLB (First Class), University of Southampton

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BSB Registration

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