

Adam Deacock

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Adam is a commercial litigator with particular emphasis on business disputes in the areas of insolvency, company, banking, property and fraud. He has extensive experience in all aspects of corporate insolvency and associated recovery. He regularly deals with freezing injunctions search and seizure orders and other urgent injunctions applications in both the Chancery and Queen's Bench divisions. Adam is recommended in Legal 500 2008 as a leading insolvency barrister.

Insolvency - Corporate and Personal:

Adam is experienced in all aspects of insolvency including bankruptcy, liquidation, administration, receivership and voluntary arrangements. He gives advice, both litigious and non-litigious, and acts for insolvency practitioners, creditors and debtors. He had special expertise on both sides of misfeasance and fraud actions, and (quite separately) in dealing with the problems of defective administration appointment. He regularly lectures to solicitors and insolvency practitioners and writes articles in specialist journals.

Company:

He regularly deals with all aspects of advice, litigation and drafting including capital maintenance, restructuring, company sale agreements, directors' duties, financial assistance and minority shareholders' rights.

Property Litigation:

Adam has a broad property practice including contracts for sale of land, landlord and tenant (including rent review and leasehold enfranchisement), mortgages, restrictive covenants, easements, boundary disputes.

Banking:

Adam advises and represents financial institutions in all areas especially securities, fraud and asset recovery. He is particularly experienced in both drafting and enforcing security documentation and advising in relation to restructuring. He regularly advises factoring companies and asset-based lenders in relation to security, insolvency and fraud issues including fresh air invoicing, inflation of work in progress.

Pensions:

He advisory and litigation practice include fiduciary duties, fraud and insolvency. Acted for a member of a Pension Scheme in case of *Seifert v Pensions Ombudsman* [1997] 4 All ER 947. Acted for Pensions Ombudsman in a number of cases.

Adam's notable cases include:

Corporate Insolvency

Re Rosshill Properties Ltd (in administration); Sinai Securities Ltd v Hooper and others [2004] 2 BCLC 575 concerning a secured creditor's application for permission to appoint an LPA receiver over property of a company in administration, *Re Harris Bus Company Ltd* [2000] BCC 1151 concerning administrator's powers to sell company's assets in advance of creditor's meeting. *Re G-tech Construction Limited* [2007] BPIR 127 which established, perhaps surprisingly the Court's jurisdiction to make a retrospective administration order.

Personal Insolvency

Everitt v Tanner [2004] BPIR 1026 which involved the effectiveness of an extra-statutory variation of a voluntary arrangement; *Butler v Byford*, [2003] BPIR 1089, concerning the liability for occupation rents in respect of the bankrupt's property; *Krasner v Dennison* and *Lawrence v Lesser* [2000] Ch 76 concerning trustee in bankruptcy's rights to pension.

Fraud and Asset Recovery

He has been involved in several high profile liquidations concerning major VAT and excise frauds e.g. *HMCE v D & D Marketing* [2003] BVC 71 (for Customs & Excise) and *HMCE v Anglo German Breweries* [2003] BVC 77 (for the provisional liquidator) and is involved in actions to recover assets from directors in numerous such cases. More recently he has advised and appeared in a number of liquidation and asset recovery cases involving PAYE and corporation tax evasion by labour-providing companies

Recent cases of interest include

Cambridge Computers

Fraud - Liquidation

Acted for the liquidator of company involved in large scale VAT and excise fraud. The question was whether the company could claim to own 6 properties listed in its balance sheet, where the criminal court had apparently regarded those properties as belonging to the criminal director personally. The convicted director contended (unsuccessfully) that the fact of the confiscation order demonstrated that the properties must really have belonged to him not the company.

Ian Richard Tuppen v Malcolm Lindsay Mason Kenneth Arthur Butterfield

Loan Agreements

This case concerned a loan agreement to debtors for the purpose of allegedly non-existent investments in South Africa and Sweden. The petitioner succeeded in applying for the appointment of an interim receiver over the worldwide property of one of the debtors, leading to recovery from an "unconnected" BVI company.

Leigh & Co v Ian Guyster

Individual Voluntary Arrangement

Issue about the validity of a voluntary arrangement. Acted for supervisor of IVA petitioning for bankruptcy of solicitor in trial over issue of validity of the IVA. The case involved the novel question of whether a solicitor could claim not to have given his informed consent to the variation of such an arrangement at the meeting.

Re Angel Gate Aviation Limited

Administration - Centre of Main Interests

An administration of a French registered travel company in the UK. The case involved the question of whether the administrator of a UK company which was itself in administration, could deliberately move the centre of main interests of the French-registered subsidiary in order to bring it within the jurisdiction of the UK Courts.