

## 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 by Legal 500 and Chambers & Partners 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.

- 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.

### 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.

## 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.

## 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.

## What others say

Adam is recommended by Chambers & Partners and Legal 500 as a leading insolvency barrister.

This is what the directories say:

Adam Deacock is “very diligent and fantastic when dealing with all of his many clients.” He excels at winning the Bench’s trust and is a barrister “you would prefer to have on your side.” (*Insolvency - Chambers UK 2012*)

... and Adam Deacock has a “good, sound commercial approach”. (*Insolvency - Legal 500 2011*)

Adam Deacock, a lawyer who is “extremely bright and sees the bigger picture quickly”. He has good management skills and provides “detailed and commercial advice”. (*Insolvency - Chambers UK 2011*)

Commercial litigator Adam Deacock has a broad practice that includes strong insolvency expertise. Notable recent work for him includes acting for the administrators of Travelscope Holidays on various technical applications. Sources describe him as “very clever and able to spot unique angles to pursue”. (*Insolvency - Chambers UK 2010*)

Adam Deacock is “equally good at drafting and advocacy”. (*Insolvency - Legal 500 2009*)