

Philip Hinks

Call: 2008
 Education: LLB (Bristol) BCL
 Languages: Fluent in French
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Philip studied Law & French at the University of Bristol and l'Université de Poitiers. He took the BCL at Brasenose College, University of Oxford, studying corporate insolvency, corporate and business taxation, conflict of laws and restitution. Prior to joining chambers, Philip lectured undergraduate conflict of laws and postgraduate international contracts at the University of Bristol, and he has published pieces in the *Lloyds Maritime and Commercial Law Quarterly* concerning the sale of goods and the Brussels I Regulation, and jurisdiction in general.

Since joining chambers, Philip was seconded to PricewaterhouseCoopers LLP for a period of 6 months. During his secondment, Philip advised and assisted PwC's insolvency practitioners in their ongoing insolvency proceedings, as well as appearing on behalf of those practitioners in various applications in the Companies Court.

Philip has also been seconded to the Pensions Regulator, where he assisted in the preparation of matters to be put before the Determinations Panel.

Recent cases of interest:

Hudson & ors v Gambling Commission (Re Frankice (Golders Green) Limited) [2010] All E.R. (D) 59. A successful application (led by Raquel Agnello QC) for a declaration that a regulatory review brought by the Gambling Commission against companies in administration is within the scope of the moratorium imposed by paragraph 43 of schedule B1 to the Insolvency Act 1986.

Insolvency:

- Advising (with Raquel Agnello QC) on the nature of funds held by the Liquidators of New World of Leather in a customer deposit account. Obtaining an urgent *ex parte* injunction restraining the advertisement of a winding up petition in relation to an undisputed debt, and obtaining an order continuing that relief on the return date.
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- Seeking permission to appeal against an order of a district judge made pursuant to section 375 of the Insolvency Act 1986 before Peter Smith J.
- Obtaining an urgent *ex parte* injunction restraining the advertisement of a bankruptcy order pending the determination of an IVA proposal.
- Successfully appealing the refusal to grant a validation order before Kitchen J.
- Conducting public examinations of bankrupts.
- Advising on the validity and effect of security instruments.
- Drafting and appearing on misfeasance applications for breach of directors' fiduciary duties.
- Appearing on various applications under the Insolvency Act to set aside statutory demands, and obtain bankruptcy and winding up orders, income payment orders etc.

- Drafting applications under the Insolvency Act (including transactions at an undervalue and preferences) and advising in relation to such applications.

Commercial Litigation:

- Representing (with Max Mallin) a Formula One racing driver in commercial proceedings brought against him.
- Appearing on a one day jurisdictional dispute under the Brussels I Regulation.
- Advising on the application and ramifications of schemes of arrangement in relation to a multi-billion pound issuer of negotiable instruments, and a multi-million pound insurance broker.
- Advising (with Max Mallin) on a claim for civil fraud worth £750,000 that focused on tracing in equity.
- Drafting documents in relation to an application for a worldwide freezing injunction.
- Drafting pleadings in relation to a claim for breaches of warranty of authority and unjust enrichment arising out of an agreement for the hire of vehicle tracking devices.
- Drafting pleadings in relation to a claim for breach of contract arising out of delays suffered within a construction project.
- Advising generally on issues of jurisdiction.
- Advising (with Raquel Agnello QC) in relation to the declaration and receipt of illegal dividends.

Publications:

- *The Rebirth of Rome*, Co.L.J. (2009) 28, 13-15 (with Alan Gourgey QC)
- *Forum Shopping in the European Judicial Area* (book review), L.M.C.L.Q. (2009) 1, 153-155
- *Sale of Goods and the Brussels I Regulation*, L.M.C.L.Q. (2008) 3, 353-365.