

Tony Beswetherick KC

SILK: 2022 | CALL: 2003 (ENGLAND AND WALES); 2019 (BRITISH VIRGIN ISLANDS); 2022 (DIFC)

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Overview

Tony has a busy practice specialising in the fields of insolvency, civil fraud, commercial litigation and company law. His work has a strong international element, and he has substantial experience of cross-border issues arising in connection with foreign insolvencies, pre-emptive relief, receiverships and other asset recovery tools. In recent years, Tony's work has particularly focused upon complex civil fraud disputes, usually involving multiple jurisdictions.

Tony took silk in 2022, having been recognised as a leading junior in his areas of specialism for a number of years. He is ranked in Tier 1 by the Legal 500 for Insolvency, Offshore, Civil Fraud and Banking and Finance, and as a "New Silk" for Company, Restructuring/Insolvency, Chancery – Commercial, Civil Fraud and Commercial Dispute Resolution by the Chambers UK Bar Guide. Prior to taking silk, Tony was identified as (one of two) "*most highly regarded*" junior barristers for Restructuring and Insolvency in successive editions of *Who's Who Legal* and was shortlisted for Insolvency/Company Junior Barrister of the Year at the Chambers UK Bar Awards 2017.

Recent directory quotes describe Tony as a "*real star to watch*", and a "*very clear, calm and careful advocate*" who "*marries a lot of brainpower into practicality and focus*".

Tony is admitted to the Bar of the Eastern Caribbean Supreme Court, British Virgin Islands, and has been admitted to the Bars of the Turks and Caicos Islands and the Cayman Islands (on an ad hoc basis). He is registered to appear in the DIFC Courts and recently appeared in the Abu Dhabi Global Market Court in what is believed to have been the first application for recognition of foreign

Publications

- 'Reconsidering reflective loss: are creditors barred from recovery?' *Comp Law* 2016, 37(6), 178-183 (co-author).
- 'Interpreting schemes of arrangement: a welcome intervention?', *Butterworths Journal of International Banking and Financial Law*, September 2015 (co-author with Stephen Atherton QC).
- 'Reconstruction and Amalgamation' in *Gore-Browne on Companies* (co-author).

Professional memberships

- Chancery Bar Association
- Commercial Bar Association
- Fraud Lawyers Association
- Insolvency Lawyers' Association
- Personal Insolvency Legal Advice and Representation Scheme
- R3

Education

- Oxford University: Modern History, First Class

insolvency proceedings.

He enjoys working as part of a larger team and has gained experience of both sides of the profession, having previously worked at a major international law firm.

Example cases

- *Guriev v Gorbachev* [2019] EWHC 2684 (Comm) (led by Paul Lowenstein QC): deciding that the claimant had effected good service of the proceedings by effecting personal service of the defendant in the street in London notwithstanding the defendant's deployment of security personnel.
- *Kirker (Liquidator of SMU Investments Ltd) v Holyoak Investments Inc & Ors* [2020] EWHC 875 (Ch): successful application on behalf of a Panamanian company to set aside permission obtained by a liquidator to serve proceedings out of the jurisdiction challenging payments as preferences on the grounds of absence of merit and breach of the duty of disclosure.
- *Tyndaris v MMWVVM Ltd* [2020] EWHC 778 (Comm) (led by Sonia Tolaney QC): application to vary order for security for costs shortly before trial following default.
- *Re Deep Black Drilling LLP; Mendonca v KPMG Corporate Finance Sao Paulo, Brazil* [2020] EWHC 351 (Ch): successful application by Brazilian officeholder for the recognition of Brazilian insolvency proceedings relating to 37 entities, including a dissolved UK LLP.
- *Walsh v Greystone Financial Services Ltd* [2019] EWHC 1719 (Ch) (with Sam Goodman): 3-week trial of claim by former equities trader to recover losses resulting from failed investments into film partnership schemes.
- *In the matter of Gerald Martin Smith* [2017] EWHC 3332 (Comm); [2017] EWHC 3333 (Comm); [2017] EWHC 3334 (Comm); [2017] EWHC 3335 (Comm): the appointment of receivers to enforce confiscation orders.
- *LB Holdings Intermediate 2 Ltd and others* [2017] EWHC 2032 (Ch): acting for the joint administrators of one of the Lehman Brothers companies in an application for the approval by the court of the settlement of the multi-billion pound "Waterfall" litigation.
- *Leman Brothers Europe Ltd and another* [2017] EWHC 2031 (Ch): acting for the joint administrators of one of the Lehman Brothers companies in an application for directions as to whether an administrator can make a distribution to shareholders.
- *Leeds & Anor v Lemos* [2017] EWHC 1825 (Ch): acting for trustees in bankruptcy (led by Felicity Toube QC) in an application clarifying the interrelationship between legal professional privilege and the powers of trustees in bankruptcy.
- *Information Management Consultancy Ltd (in liquidation) v B&Q Plc and Richard Cullen* (LTL 12/7/2017): successful application to strike out a claim in conspiracy on the basis that the proceedings constituted an abuse of process.
- *Phoenix Group Foundation v Cochrane, Stewarts LLP and Harbour Fund II LP* [2017] EWHC 418 (Comm): acting for enforcement receivers in relation to complex multi-party fraud proceedings.
- *CFC 26 Ltd and SHG-SH20 Ltd v Brown Shipley and Co Ltd, KPL European Private Bankers Ltd, Concord W1 204 GPS Ltd, Concord 204 GPS Ltd and Westminster City Council* [2016] EWHC 3048 (Ch): successful application for summary judgment in respect of a claim in excess of £65 million for alleged unlawful conspiracy.
- *Linvale Investments Ltd v Walker* [2016] EWHC B15 (Ch): successfully represented fixed charge receivers at a trial to establish the extent of the property secured by a legal charge.

Insolvency and company

- *Re Lendy Limited* - acting for the administrators of the failed peer-to-peer lender in substantial proceedings against its former directors to recover sums misappropriated from the company and in successful application for freezing injunction ([2020] EWHC 1475).
- *State Bank of India v Vijay Mallya* [2021]- various judgments relating to a successful petition for the bankruptcy of a well-known Indian businessman on the basis of a £1bn debt, including successful appeal in respect of the scope of validation relief for funding litigation costs ([2021] EWHC 1740 (Ch)).
- *Edwards v Aurora Leasing* [2021] EWHC 96 (Ch) - leading authority on the scope of the "good faith for value" defence to a claim to recover payments made in the period between presentation of a petition and bankruptcy.

- *NMC Health plc (in administration)* – ongoing advice and representation for the administrators of a failed public company, which was de-listed and entered insolvency proceedings following the discovery of a huge internal fraud.
- *Vanguardia Trust* – acting for the liquidators of a group of BVI and Cayman incorporated companies in relation to claims against former directors and service providers in various jurisdictions to recover substantial losses resulting from a large-scale fraud and commercial property Ponzi scheme carried on over ten years.
- *FEOSO Cayman Group Holdings Ltd v TJY Holdings Ltd* – ongoing instructions in minority shareholder petition in the BVI regarding the holding company of a group with subsidiaries in Hong Kong and the Cayman Islands.
- *Lehman Bros Waterfall litigation* – instructed both alone and with Stephen Atherton QC to act in the long-running Lehman Bros Waterfall litigation.
- *Re Deep Black Drilling LLP* [2020] EWHC 351 (Ch) – acting for officeholders appointed by the Brazilian court in applications for recognition under the Cross-Border Insolvency Regulations 2006 in respect of a group of 37 insolvent entities that were involved in infrastructure projects and oil prospecting, and whose former controllers were convicted of acts of embezzlement and bribery of public officials.
- *Leite v Amicorp (UK) Ltd* [2020] EWHC 3560 (Ch) – successful application for recognition under the CBIR of novel Brazilian insolvency proceedings
- *Re SMU Investments Ltd* [2020] EWHC 875 (Ch) – successful application set aside service and for dismissal of claim brought against Panamanian company alleged to have been recipient of preference payments.

Civil fraud / asset recovery

- *Re Gerald Smith (ongoing)*: acting as sole counsel for enforcement receivers appointed under the Criminal Justice Act 1988 in heavy, multi-party, and multi-jurisdictional litigation connected with the enforcement of the largest ever UK confiscation order obtained by the Serious Fraud Office.
- *Alfa-Bank v Emmerson and ors*: acting for a Russian bank (led by Paul Lowenstein QC) in proceedings in the British Virgin Islands in connection with steps to identify and preserve assets in support of a high-value, international fraud claim.
- *Walsh v Greystone Financial Services Ltd* [2019] EWHC 2573 (Ch): acting as lead counsel in a three-week trial in the Chancery Division relating to allegations of deceit and breach of duty against a former financial adviser following investments into fraudulent “film partnership schemes”
- *Ames and other v Davies* [2016] EWHC 235 (QB) – successful application to strike out a claim seeking to set aside a settlement agreement on the rounds of fraudulent misrepresentation.

Banking

- *Alfa-Bank v Emmerson and ors*: acting for a Russian bank (led by Paul Lowenstein QC) in proceedings in the British Virgin Islands in connection with steps to identify and preserve assets in support of a high-value, international fraud claim.
- *LCIA arbitration* – acting with Paul Lowenstein QC for the Claimant in arbitration proceedings to recover in excess of \$1.3bn which is defended on the basis of an alleged wide-ranging unlawful means conspiracy involving an attempted unlawful corporate raid. Also instructed in related insolvency proceedings in the British Virgin Islands.
- *State Bank of India v Mallya* – High profile bankruptcy and related banking case in the Commercial Court worth around £1 billion relating to the Vijay Mallya, the man behind Kingfisher and Force India, and a former member of the Indian Parliament, which is thought to be the largest ongoing bankruptcy in the country.
- *Tyndaris v VWM Ltd*: acted for the claimant (led by Sonia Tolaney QC) in a £20m dispute in the Commercial Court relating to the performance of an artificial intelligence investment fund, which was identified by the Lawyer of one of the Top 20 cases of 2020, and described as “*The first major UK case to involve machine learning. It is expected to be a landmark case on how AI systems are used in business and how associated risks are managed*”.

Commercial and arbitration

- *Deutsche Bank v Sebastian Holdings Ltd and Alexander Vik*: acting for Alexander Vik (led by Duncan Matthews QC) in the English Commercial Court and in the Turks and Caicos Supreme Court and Court of Appeal in long-running multi-jurisdictional litigation in connection with the attempted enforcement by Deutsche Bank of a US\$250 million judgment.
- *Prophama Group MIS Holdings Ltd v Lloyds Names*: acting for purchasers under a share purchase agreement relating to a pharma acquisition in a claim against its warranty insurers arising from substantial losses deriving from misstatements in purchase agreement.
- *Tyndaris v VWM Ltd*: acted for the claimant (led by Sonia Tolaney QC) in a £20m dispute in the Commercial Court relating to the performance of an artificial intelligence investment fund, which was identified by the Lawyer of one of the Top 20

cases of 2020, and described as “The first major UK case to involve machine learning. It is expected to be a landmark case on how AI systems are used in business and how associated risks are managed”.

- *Walsh v Greystone Financial Services Ltd*: acting as lead counsel in a three-week trial in the Chancery Division relating to allegations of deceit and breach of duty against a former financial adviser following investments into fraudulent “film partnership schemes”
- *Guriev v Gorbachev*: acting for the claimant (led by Paul Lowenstein QC) in an action against a former Russian politician in connection with the ownership a major Russian industrial chemicals conglomerate.

Recommendations

A very intelligent and persuasive advocate, who has good litigation judgement. [Chambers UK Bar 2023](#)

A go-to barrister, who is sharp-witted and a real pleasure to work with. He is good to talk through ideas with. [Chambers UK Bar 2023](#)

He marries a lot of brainpower into practicality and focus - he's a very clear, calm and careful advocate. [Chambers UK Bar 2023](#)

Tony is a phenomenon - a complete barrister who unsurprisingly took silk earlier this year. He has an unrivalled ability to find a course through the most difficult of situations and his advocacy, both written and oral, is sublime [The Legal 500 UK Bar 2023](#)

Exceptional in all aspects, Tony is fantastic to work with and impresses clients in conference. [The Legal 500 UK Bar 2023](#)

A go-to barrister, who is sharp-witted and a real pleasure to work with. He is good to talk through ideas with. [Chambers UK Bar 2022](#)

A great senior junior - leading silks fight to have him as their junior - very capable in handling matters in his own right. [The Legal 500 UK Bar 2022](#)

An outstanding barrister who is extremely popular, very approachable and extremely hard-working. [Chambers UK Bar 2022](#)

Clearly someone to watch for the future, shows clarity of thought and a commercial focus. [The Legal 500 UK Bar 2022](#)

He marries a lot of brainpower into practicality and focus - he's a very clear, calm and careful advocate. [Chambers UK Bar 2022](#)

He quickly got to grips with the myriad of complicated issues and provided an invaluable new perspective on some of the issues engaged. A real star to watch. [The Legal 500 UK Bar 2022](#)

A very intelligent and persuasive advocate, who has good litigation judgement. [Chambers UK Bar 2022](#)

He has a first-class mind, is easy to work with and always thinks of new ways to argue a point. [Chambers UK Bar 2022](#)

He is a true expert and is always available, provides spot-on written work and is impressive in court. [Chambers UK Bar 2021](#)

Brilliant on paper and in court. [The Legal 500 UK Bar 2021](#)

Tony is a go-to junior - he knows the insolvency legal requirements inside out. [Chambers UK Bar 2021](#)

He is a great tactician, anticipates every argument and is fully prepared to counter it. [The Legal 500 UK Bar 2021](#)

A measured and very clever advocate. [Chambers UK Bar 2021](#)

He's hard-working and technically very, very good but at the same time pragmatic, sensible and very commercial. [Chambers UK Bar 2021](#)

He's very, very good indeed. He's efficient and very calm under pressure, and has a very good rapport with the judiciary. [Chambers UK Bar 2021](#)

He's incredibly thorough and doesn't miss a thing. [Chambers UK Bar 2020](#)

Nothing gets past him; insofar as advocacy is concerned, he anticipates every possible argument and leaves nothing to chance. [The Legal 500 UK Bar 2020](#)

He is a master at analysing all of the facts and the law to find a clear path through, which will lead the judge to the conclusion he seeks. He's absolutely brilliant both on paper and in his advocacy and leaves no stone unturned. [Chambers UK Bar 2020](#)

A brilliant advocate who can find a pathway through very complex cases and can steer the judge to his way of thinking. [Chambers UK Bar 2020](#)

He is entirely in command of the technical aspects of his cases, and has a very keen eye for strategy and tactical opportunities. He is wonderfully personable and a real pleasure to work with. [Chambers UK Bar 2019](#)

Tony is an excellent, very hard-working, bright and capable barrister. [Chambers UK Bar 2020](#)

He has a very sharp brain so he doesn't miss anything and he is so incredibly thorough. He's brilliant both as an advocate and on paper. In a complex case he can easily find a path through and can steer the judge to his way of thinking. [Chambers UK Bar 2020](#)

Very bright, perceptive and thorough. He is also personable and a real team player. [Chambers UK Bar 2019](#)

He is on a different level – a silk in junior's clothing. He is really assured and he's the person that the judge listens to. He gets the points across well and is user-friendly and easy to deal with. [Chambers UK Bar 2020](#)

Remarkably intelligent, strategically and technically. He is extremely approachable and friendly, and excellent with clients. [Chambers UK Bar 2018](#)

He's very practical and excellent on his feet, he's very calm and persuasive and clients like him a lot. He assimilates information quickly and he's very happy to get his head down and do whatever digging needs to be done in order to get the right answer. [Chambers UK Bar 2018](#)

He leaves no stone unturned and is brilliant on paper and as an advocate. [Chambers UK Bar 2018](#)