ONE ESSEX COURT

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Patrick Harty

Barrister
Call 2008

Scope of Practice

• Agency • Arbitration & ADR • Banking and Financial Services • Breach of Warranty • Civil Fraud and Investigations • Commercial Litigation • Company • Contractual Disputes • Corporate • Energy • Expert Determinations • Guarantees • International and Offshore • Insolvency and Restructuring • Interim Remedies (including freezing order and search orders) • Joint Venture Disputes • Litigation and Arbitration • Shareholder Disputes

Overview

Patrick specialises in company law, insolvency and commercial fraud. Patrick regularly acts on substantial shareholder disputes and restructurings with recent cases including the Petropavlovsk plc litigation, a board dispute relating to the $1.4bn UK listed Russian gold mining company, the Tonstate Group litigation, relating to the owner of hotels worth in excess of £500 million, and the Arcadia (Topshop/Topman) and Regis (Supercuts) CVAs.

Patrick has been involved in some of the largest civil fraud claims in recent years including the $2 billion *LIA v Societe Generale* litigation, involving allegations of bribery and undue influence and the *JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev* litigation on applications for £1.17 billion freezing orders, search orders, passport orders and committal applications.

Patrick's cases often involve an international element and applications for pre-emptive and interlocutory relief including freezing orders, Norwich Pharmacal orders and other interim injunctions.

Patrick's recent cases include:

- **Bridgehouse (Bradford No. 2) Limited v BAE Systems Plc (recent judgments include: [2020] EWCA Civ 759, [2019] B.C.C. 1127, [2019] Bus. L.R. 1302, [2018] EWHC 3719 (Comm), [2018] 10 WLUK 793)**: Patrick acted for BAE Systems plc on this substantial case relating to the termination of a £93 million commercial property forward sale and purchase contract. The case has generated a significant number of claims, applications and appeals and has led to multiple significant judgments including what is now the leading Court of Appeal decision on arbitrability ([2020] EWCA Civ 759) and Cockerill J's decision on a s.69 Appeal which has general importance for the effect on contractual rights to terminate of a company's restoration ([2019] BCC 1127).
- **Petropavlovsk plc**: Patrick acted for UGC, a large Russian gold mining company, which held approximately 25% of the shares of Petropavlovsk plc, a $1.4bn Russian gold mining company listed on the LSE. UGC's claim raised issues of the validity of the appointment of directors, the exercise of powers for an improper purpose and compliance with the Corporate Governance Code.
- **Tonstate Group Limited v Wojakovski, Wojakovski v Matyas [2019] EWHC 857 (Ch), [2019] 2 B.C.L.C. 574**:

Patrick (with Neil Kitchener QC and Alexander Brown) was instructed by the managing director of the Tonstate Group, a substantial property development group which owned Hilton Hotels in London, Birmingham and Cardiff, worth over £500 million. Patrick's client was accused by the other shareholders in the Group of fraud and of breaches of fiduciary duty. Patrick was initially instructed, at short notice, to oppose an application for a worldwide freezing order in support of a proposed derivative action. Having successfully opposed that application, Patrick acted on a number of related claims including an unfair prejudice petition, a derivative claim and fraudulent misrepresentation and undue influence claims.

Examples of Recent Cases

Litigation and Arbitration

- Numerous shareholder disputes including:
    - derivative actions
    - unfair prejudice petitions
    - personal actions by shareholders
- LLP disputes
- Civil fraud and asset recovery
- Joint venture disputes
- Arbitration act claims including s.9 stay applications and s.69 appeals
- Warranty claims
- Professional negligence
- Interim remedies

- **Petropavlovsk plc**
  Patrick acts for UGC, a large Russian gold mining company, which held approximately 25% of the shares of Petropavlovsk plc, a $1.4bn Russian gold mining company listed on the LSE. UGC's claim raises issues of the validity of the appointment of directors, the exercise of powers for an improper purpose and compliance with the Corporate Governance Code.
- **Bridgehouse (Bradford No. 2) Limited v BAE Systems Plc (recent judgments include: [2020] EWCA Civ 759, [2019] B.C.C. 1127, [2019] Bus. L.R. 1302, [2018] EWHC 3719 (Comm), [2018] 10 WLUK 793)**
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- **Paylor & Penn v Skeene, Bowers and the Director of the SFO [2020] 2 WLUK 261**
  Patrick is instructed on this £30 million fraud claim relating to apparently fictitious investments in teak plantations in Brazil and foreign exchange. The claim has raised a range of complex issues given the multiple jurisdictions involved (including the UAE, Belize and Panama) and, further, has involved seeking relief against the SFO to obtain documents seized by the SFO from the alleged fraudsters. Patrick recently successfully obtained judgment for £12.5 million, refuting various arguments relating to privilege, the right to silence and concurrent criminal and civil proceedings.

- Willmott v Kimchi
  Patrick is instructed (leading Emma Williams) on this claim relating to the misappropriation of £3.9 million of cryptocurrency. Patrick and Emma successfully obtained an *ex parte* freezing order, along with ancillary disclosure orders. The case is one of the first where freezing orders and proprietary claims in relation to Bitcoin have been considered.
- The Libyan Investment Authority v Societe Generale SA
  Patrick was instructed by the Fifth Defendant in this $2 billion fraud claim. Beyond being one of the largest claims recently litigated in this jurisdiction, the claim raised complex legal issues including issues as to the law of bribery and dishonest assistance, the capacity of a foreign state entity and complex conflict of laws issues. The Libyan Investment Authority ultimately discontinued its claim against Patrick's client.
- JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev (various judgments including: [2015] EWCA Civ 906, [2015] EWHC 2623 (Ch), [2014] EWHC 4336 (Ch))
  Acting for the liquidator of what was formerly one of Russia's largest privately owned banks on its claims against one of its founders, Sergei Pugachev, under, among other things, the Cross Border Insolvency Regulations 2006. Among other things: successfully obtaining the continuation of a US $2 billion freezing order under s.25 of the Civil Jurisdiction and Judgments Act 1982 in support of Russian proceedings; and successfully acting on an *ex parte* appeal against a Judge's refusal to grant a *Chabra* freezing order – the Order was granted by the Court of Appeal and continued on the return date (with Stephen Smith QC and Ben Griffiths).
- Jackson v Feeney [2016] EWCA Civ 479
  Patrick acted as sole counsel for the appellant on this appeal involving issues as to a party's right to be heard, debarring orders and the granting of declarations. In the face of the appeal, the Respondent discontinued the underlying proceedings.
- Edgeworth Capital Luxembourg SARL v Maud [2015] EWHC 3464 (Comm) & [2015] EWHC 2364 (Comm)
  Acting (with Peter Arden QC) for Glenn Maud (a high-profile property tycoon) in proceedings concerning the fate of the property in Madrid which houses Santander's global headquarters and is estimated to be worth at least €3 billion.
- Re Guidezone Limited (Lawtel AC0147346)
  Successfully acting for the respondents to an unfair prejudice petition on a 5 week trial of a preliminary issue (with Lance Ashworth QC).
- Re Guidezone Limited [2014] 1 WLR 3728
  Appearing (as sole advocate) on the first in-time application for an extension of time post-*Mitchell* against a team of a senior silk and a junior; the application was allowed by Nugee J for reasons which were *"essentially those advanced by Mr Harty in his able and well argued submissions"*.
- The Mediterranean Insurance & Reinsurance Company v Collins
  Acting as sole counsel for the Liquidators of an insurance and reinsurance company on a claim for breach of fiduciary duty through cheque fraud. Patrick was instructed from the start of proceedings and obtained an initial freezing injunction for over £2 million followed by judgment for £10.5 million and a post-judgment freezing order.
- Sehgal v Sehgal
  Acting for the Petitioners on this substantial unfair prejudice petition concerning a company and connected partnership which operate a number of care homes worth several million pounds. The case involved allegations of sham agreements, allegedly entered into to defraud HMRC, along with allegations of breach of fiduciary duty and exclusion from the running of the business.
- Intellimedia Systems Limited v Richards
  Acting for the Defendants on a claim for breach of fiduciary duty relating to an internet protocol TV business and responding to urgent interim applications for the appointment of a receiver and freezing order type relief. The application was ultimately withdrawn.
- Pourghazi v Kamyab (Court of Appeal) [2015] EWCA Civ 562
  Acting for the respondent to an appeal and obtaining an order that, unless the appellant paid £950,000 (the part of the judgment which was not subject to the appeal) to the respondent, the appeal would be struck out.
- Pourghazi v Kamyab (Lawtel AC0143106)
  Acting for the claimant on a 4 day trial of fraudulent misrepresentation claims; the claim was successful and the defendant was ordered to pay £1.3m and costs on the indemnity basis.
- Interactive Technology Corporation Limited v Ferster
  Acting for a company on claims against one of its directors to set aside a purported sale of the Company's

assets and claims for breach of fiduciary duty (with Richard Snowden QC and Nigel Dougherty).

- **Re South Pacific Oil Limited** (Western Pacific Court of Appeal)
  Acting for the former managing director of, and a minority shareholder in, an oil company worth over £100m on an unfair prejudice petition and defending a claim for breach of fiduciary duty. Patrick was called on an *ad hoc* basis to the bar of the Solomon Islands and appeared in the Western Pacific Court of Appeal.
- **Hawkins v Atex Group Limited**
  Acting for the former CEO of a digital media company on both an unfair prejudice petition and claims against him for breach of fiduciary duty and breach of his contract of employment (with David Chivers QC).
- **Moussavi v Zaero-Polo**
  Acting for the defendant to a claim for the specific performance of a demerger agreement arising out of the divorce of two architects.
- **Anglo European Studbook Limited**
  Acting for a company on a claim to set aside a purported sale of the entirety of the company's business by its former managing director; Patrick sought and obtained interim injunctions and unless orders, ultimately leading to the defendants being debarred from defending and judgment being given in favour of the claimant company with indemnity costs.
- **J & W Sanderson Limited v Fenox (UK) Limited**
  Acting for a 50% shareholder in a UK company which owned 42% of a car factory in Minsk, Belarus, worth approximately $20m. Patrick obtained an interim injunction preventing the holding of meetings of the company's board of directors and restraining the defendants from purporting to act as the company's directors.
- **Re Candeo Technologies Limited**
  Acting for the respondents to an unfair prejudice petition in respect of a tech company (with James Potts QC).
- **Westminster Group plc v Johnsons**
  Successfully opposing the enforcement of an expert determination pursuant to a share purchase agreement.
- **Sira v Thornhurst Properties Limited (Lawtel AC9701012)**
  Acting for the defendant on an application for summary judgment. The Judge praised Patrick's "*admirable skeleton argument*" and paid tribute to the way that he had got on top of the complex legal arguments.

Corporate

- Companies House matters, including:
  - Rectification of the register of members
  - Registration of charges
  - Restoration to the register
- Company meetings
- Construction and drafting of constitutional documents
- Disclosure and Transparency Rules
- Takeover Code

- **Bridgehouse (Bradford No. 2) Limited v BAE Systems Plc (recent judgments include: [2020] EWCA Civ 759, [2019] B.C.C. 1127, [2019] Bus. L.R. 1302, [2018] EWHC 3719 (Comm), [2018] 10 WLUK 793)**
  Patrick acts for BAE Systems plc on this substantial case which concerns, among other things, the effect of a company's restoration on a contractual right to terminate. The judgment of Cockerill J ([2019] BCC 1127) is of significant importance in clarifying the scope of the retrospective effect of restoration.
- **Hounslow Badminton Association v Registrar of Companies [2013] EWHC 2961 (Ch)**
  Application for directions following the restoration of a company to the register; established that the attempted registration of a charge during the period of a company's dissolution is retrospectively validated by its restoration to the register.
- **Re ESG Holdings Limited**
  Acting for a minority shareholder on an application for rectification of the company's register of members in a dispute over the purported use of drag along provisions in the company's articles.
- **Unio 03300406 Limited**
  Application for rectification of a company's register of members along with a vesting order under s.51 of the

Trustee Act 1925 where the company had no members or directors.

Patrick also has a significant advisory practice. Examples include:

- Advising a plc seeking a listing on the Korean Stock Exchange in respect of issues arising out of the payment of dividends;
- Advising on the construction of articles of association and shareholders' agreements;
- Acting for a plc in respect of issues arising following the use of squeeze-out provisions during a take-over offer;
- Advising on the operation of compulsory purchase provisions under a company's articles of association;
- Advising on shareholder requisitions of general meetings;
- Advising on distributions and other maintenance of capital issues;
- Advising on financial assistance;
- Advising on class rights issues and entrenching provisions in a company's articles of association;
- Advising on the meaning of equity share capital under the Companies Act 2006;
- Advising on and drafting a broad range of documents for corporate transactions.

Insolvency and Restructuring

- Contentious insolvency
- Cross-border issues
- Disputed winding up petitions
- Jurisdiction to wind up
- Injunctions to restrain presentation and advertisement of petitions
- Setting aside statutory demands
- Administration (incl. extensions of time)
- Validation Orders
- Transactions at an undervalue/preference
- Bankruptcy hearings

- **Williams v Carraway Guildford (Nominees A) Ltd ([2019] EWHC 3073 (Ch))**
  Patrick was instructed by the landlords in respect of their challenge to the Supercuts CVA. Patrick appeared on a complex administration application and, subsequently, successfully resisted a strike out application in respect of the CVA challenge.
- **Paylor & Penn v Skeene, Bowers and the Director of the SFO [2020] 2 WLUK 261**
  Patrick is instructed by the liquidators and trustees in bankruptcy of various insolvent estates on this £30 million fraud claim relating to apparently fictitious investments in teak plantations in Brazil and foreign exchange. Patrick has appeared on a range of insolvency applications for the office holders including private examinations under ss.239 & 366. The claim has raised a range of complex issues given the multiple jurisdictions involved (including the UAE, Belize and Panama) and, further, has involved seeking relief against the SFO to obtain documents seized by the SFO from the alleged fraudsters. Patrick recently successfully obtained judgment for £12.5 million, refuting various arguments relating to privilege, the right to silence and concurrent criminal and civil proceedings.
- **JSC Mezhdunarodniy Promyshlenniy Bank v Pugachev (various judgments including: [2015] EWCA Civ 906, [2015] EWHC 2623 (Ch), [2014] EWHC 4336 (Ch))**
  Acting for the liquidator of what was formerly one of Russia's largest privately owned banks on its claims against one of its founders, Sergei Pugachev, under, among other things, the Cross Border Insolvency Regulations 2006 (with Stephen Smith QC and Ben Griffiths).
- **Edgeworth Capital Luxembourg SARL v Maud [2015] EWHC 3464 (Comm) & [2015] EWHC 2364 (Comm)**
  Acting (with Peter Arden QC) for Glenn Maud (a high-profile property tycoon) in proceedings concerning the

fate of the property in Madrid which houses Santander's global headquarters and is estimated to be worth at least €3 billion.

- **Re Afren Plc (in Administration)**
  Acting (with Peter Arden QC) on this application for directions relating to the sale of several very valuable oil fields in Nigeria. The case raised complex issues as to jurisdiction in an insolvency context and the significance of foreign proceedings in circumstances where the foreign court had no jurisdiction over the Administrators.
- **The Mediterranean Insurance & Reinsurance Company v Collins**
  Acting as sole counsel for the Liquidators of an insurance and reinsurance company on a claim for breach of fiduciary duty through cheque fraud. Patrick was instructed from the start of proceedings and obtained an initial freezing injunction for over £2 million followed by judgment for £10.5 million and a post-judgment freezing order.
- **MF Global Inc**
  Acting for the trustee for the liquidation of MF Global Inc on an application for recognition under the Cross Border Insolvency Regulations 2006.
- **Eliyon Limited v Gathani**
  Acting for the former directors of a company in liquidation defending claims for alleged fraudulent breaches of fiduciary duty.
- **Angel Group Ltd v British Gas Trading Ltd [2013] BCC 265**
  Appearing for a substantial commercial landlord on an application to restrain the advertisement of a petition presented by British Gas in respect of alleged utilities bills of over £600,000.
- **Re Naz One Limited**
  Appearing for a company on an application to restrain presentation of a winding up petition based on contracts purportedly entered into by a rogue director without authority.

Patrick's practice also includes:

- Numerous other disputed winding up petitions, applications to restrain presentation of winding up petitions and applications to restrain advertisement;
- Applications for validation orders;
- Applications for directions in administrations and liquidations;
- Advising liquidators, administrators, receivers and other office holders in respect of insolvency issues including asset recovery, proprietary claims, issues as to the validity of fixed and floating charges, misfeasance claims, transactions at an undervalue, preferences and unlawful dividends;
- Advising in respect of issues arising under s.216 of the Insolvency Act 1986 (prohibited names);
- Advising on set-off.

International and Offshore

Experience of work involving: Hong Kong, the Cayman Islands, the BVI, Antigua & Barbuda, Jersey, India and the Solomon Islands where Patrick has been called to the Bar on an *ad hoc* basis and appeared as an advocate before the Western Pacific Court of Appeal.

What the Directories Say

"He is exceptional, runs the show, knows absolutely everything, and has the ability to process and give information and evidence and analysis on a uniquely complex claim." "A highly adept and incredibly knowledgeable barrister who is very strategic in his approach. He's a very good advocate who is very pleasant to work with." "Patrick is a hardworking, punchy and robust advocate." "He is doing top level work. Would highlight him." (Company - Chambers and Partners 2027)

"A barrister of silk quality, Patrick is incredibly knowledgeable and very strategic in his advice." "Patrick picks up cases and

runs the show effectively. He knows absolutely everything and is great to work with." "Patrick is a brilliant, hard-working advocate who is punchy and robust in court." (Chancery: Commercial - Chambers and Partners 2027)

"Patrick is absolutely brilliant, operating at the top of his game. He is incredibly knowledgeable, very strategic and adept." "Patrick has a razor-sharp intellect and a gift for thinking creatively about novel strategies to strengthen a case. He is a tenacious litigator and also a fiendishly hard worker." "Patrick is really good; ferociously clever and always on top of everything." "He is the mastermind of facts and strategy and has a mind for minute details." (Fraud: Civil - Chambers and Partners 2027)

"Patrick is exceptional; he runs the show and knows absolutely everything." "The level of client service Patrick provides is second to none. He is incredibly responsive and able to deal quickly and pragmatically with complex matters even in the most high pressured and demanding situations. He is aware of the demands of client facing work including the commercial pressures that drive our clients' actions." "He is an unflappable leader with unquestionable judgement." "Patrick Harty is a very commercial and persuasive barrister who has fantastic judgement." "Incredibly knowledgeable and very strategic in his approach." (Commercial Dispute Resolution - Chambers and Partners 2027)

"Patrick is absolutely brilliant. He is incredibly knowledgeable and very strategic and adept; a pleasure to work with and a very good advocate as well." (Restructuring/Insolvency - Chambers and Partners 2027)

"Probably the leading company law junior in the current market. Really knows his stuff, is a pleasure to work with and adds huge value." (Company - Legal 500 2027)

"A real expert in this area and a rising star." (Insolvency - Legal 500 2027)

"Patrick is a seriously impressive senior junior with an unmatched capacity for being in the detail but also able to see the big picture. He is ridiculously clever and a pleasure to work with. A real star." (Commercial Litigation - Legal 500 2027)

"Patrick is an exceptional barrister who makes the difference in every case and application. He has an impressive mind and forensic ability to deal with complex matters at speed." "Patrick Harty is very, very strong on anything to do with company law, and is superb on his feet. He is very effective and has no weak points at all." (Commercial Dispute Resolution - Chambers and Partners 2026)

"Patrick is fiercely bright, and is a barrister who works at speed and digests vast amounts of incredibly complex information. He is also highly responsive and a real problem-solver." "He is fantastically clever and brilliant on his feet. Judges, clients and solicitors like him." "Patrick Harty is very strong on anything to do with company law. He's superb on his feet and very effective." (Company - Chambers and Partners 2026)

"Patrick is smart and strategic. His drafting is always accurate and a model of clarity." (Insolvency - Legal 500 2026)

"Really excellent. Strong on company law and not afraid to take a strong view." (Commercial Litigation - Legal 500 2026)

"Patrick is superb on his feet." (Restructuring/Insolvency - Chambers and Partners 2026)

"Patrick is smart and capable of finding an effective remedy in thickets of factual complexity. His drafting is very good. Professional and lay clients like his confidence and willingness to get off the fence." (Insolvency - Legal 500 2025)

"Incredibly bright and hardworking, responsive, and pulls no punches. A pleasure to deal with." (Commercial Litigation - Legal 500 2025)

"Patrick is exceptional. He is incredibly responsive and very smart, and will look through vast amounts of documentation in order to pick out the key points." "Patrick knows company law inside and out." "Patrick is very clever and good on his feet." (Company - Chambers and Partners 2025)

"So very smart, and so very unfazed, he appears to thrive on the knottiest of cases." (Company - Legal 500 2025)

"Patrick's knowledge of company law and procedure is impeccable." "Incredibly responsive and extremely commercial." "However murky and difficult the factual matrix is, Patrick is all over it." (Company - Chambers and Partners 2024)

"Patrick is measured, well prepared, and gets to the heart of the case almost immediately, managing to simplify the most complex cases." (Commercial Litigation - Legal 500 2024)

"Patrick is really clever, strategic, and great on his feet, one of leading juniors on company law." (Company - Legal 500 2024)

"Patrick is exceptionally bright, and is among the most knowledgeable juniors in the insolvency space. He is confident, robust and decisive." (Insolvency - Legal 500 2024)

"Patrick is extremely clear minded and gives excellent advice. He is commercial and practical in his approach, and is great with clients as he always seeks to understand their motivations and goals. He is highly effective on his feet – his advocacy is impressive and very persuasive." (Commercial Litigation - Legal 500 2023)

"Patrick is extremely clear minded and gives excellent advice." (Company - Legal 500 2023)

"Patrick has a knack of being able to pick up a brief and immediately get to the heart of the issues, no matter how complicated." (Insolvency - Legal 500 2023)

"An absolutely excellent junior: very diligent, analytical, mature beyond his years." (Commercial Litigation - Legal 500 2022)

"A real star of the future." (Company - Legal 500 2022)

"Technically superb, commercially astute and tactically switched on." (Insolvency - Legal 500 2022)

"Superb attention to detail and routinely one move ahead of the opposition." (Commercial Litigation - Legal 500 2021)

"An exceptional young advocate, able to pick up a complex case very quickly, grasp the legal thorns immediately and find key advantages for his clients." (Insolvency - Legal 500 2021)

"Impressive and provides a good service." (Company - Legal 500 2021)

"Patrick is very commercial and brilliant as part of a team." (Company - Chambers and Partners 2021)

"A clever, accommodating and client-friendly junior counsel." (Chambers and Partners 2020)

"An extremely bright and commercial junior who tackles complex legal issues with aplomb." (Chambers and Partners 2019)

"Stands out over and above anyone else for his black letter law knowledge and his ability to find solutions to difficult and complicated issues." (Chambers and Partners 2018)

Memberships and Publications

Chancery Bar Association - Co-author of Chancery Bar Association's paper: *"Impact of "Mitchell"*
COMBAR
Contributor to Buckley on the Companies Act

Education and Awards

St John's College, Cambridge: BA (Mathematics) Triple First, Horne Scholar, three time Wright Prize winner
City University: CPE (Commendation)
BPP Law School: BVC (Outstanding)

Patrick has also won Lord Bowen, Lord Denning, Hubert Greenland and City University scholarships from Lincoln's Inn. Patrick was a scholar of Winchester College.

Awards

2027 Chambers Ranked in UK Bar
Patrick Harty

Legal500 LEADING JUNIOR 2027

CLIPS Pro Bono Champion 2026 CHANCERY BAR ASSOCIATION

Contact Clerks



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