

NATHAN WEBB

CALL – 2012

“Nathan’s advice, client relations and practical approach are all excellent and add real value.”

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Nathan is a commercial barrister whose practice has a focus on insolvency, commercial litigation and company law.

He is an established, effective and articulate advocate with a reputation for thoroughness, particularly in dealing with highly technical legal and procedural points.

AREAS OF EXPERTISE

Insolvency

Nathan has extensive insolvency expertise and regularly acts for clients in both corporate and personal insolvency matters. He is experienced in handling a broad range of insolvency applications including misfeasance, reviewable transactions, setting aside of statutory demands, restraining presentation of winding up petitions and validation orders.

He is instructed by debtors, creditors and office holders and has a keen awareness of how insolvency legislation can be used to the best advantage of each.

Recent Notable Insolvency Cases

- Successfully acting for a liquidator at the trial of a misfeasance application under s. 212 of the Insolvency Act 1986 (“IA 1986”) in respect of various breaches of directors’ duties.
- Drafting pleadings on behalf of and advising a liquidator in a similar misfeasance application which was settled prior to trial.
- Advising a CVA supervisor in respect of a number of charges entered into by a company, which required consideration of loan agreements, assignments and novations involving companies registered in the Seychelles and the BVI.
- Obtaining rescission and validation orders on behalf of a director in unusual circumstances where the money required to discharge the petition debt was located in the debtor company’s bank

account.

- Acting on a number of successful administration applications, including applications involving pre-pack sales and one involving an LLP.
- Acting for office holders in obtaining orders for the winding up of companies in administration in the absence of winding up petitions, pursuant to paragraph 79 of Schedule B1 IA 1986.
- Acting for an EU based office holder in an application for relief under the Cross-Border Insolvency Regulations 2006.
- Acting for administrators in obtaining retrospective administration orders in various circumstances including potentially defective out of hours appointments, an appointment made in breach of a company's constitution and an appointment made in the absence of FCA consent under s.362A of the Financial Services and Markets Act 2000.
- Acting for administrators in obtaining directions in circumstances where proposals to creditors had not been approved and the administrators had, in reliance on the so-called Parmeko exception (set out in Re Parmeko Holdings Ltd (In Administration) [2014] BCC 159), continued to pursue the statutory purpose of administration rather than making an application under paragraph 55 of Schedule B1 IA 1986.
- Appearing for a director in a successful application under s. 216 IA 1986 in respect of a prohibited name.
- Acting for a discharged bankrupt in obtaining permission to challenge the remuneration and expenses of his trustee in bankruptcy pursuant to Rule 18.35 of the Insolvency (England and Wales) Rules 2016 ("IR 2016").
- Acting for office holders in remuneration applications under Rs. 18.23 and 18.28 IR 2016.
- Obtaining permission for a creditor to serve a bankruptcy petition on an individual in Spain shortly after the Brexit transition period came to an end.
- Appearing for trustees in bankruptcy in respect of applications for possession and sale under s. 335A IA 1986 and s. 14 of the Trusts of Land and Appointment of Trustees Act 1996, and under s. 363 IA 1986.
- Advising a liquidator on the merits of various potential claims against company directors, including transactions at an undervalue pursuant to s. 238 IA 1986, unjust enrichment and knowing receipt.
- Advising liquidators on issues relating to the potential rejection of a proof of debt.
- Acting for a creditor in respect of an appeal against the rejection of an alleged creditor's proof of debt under R. 14.8(3) IR 2016.
- Acting for a creditor in an application challenging a liquidator's fees as excessive under R. 18.34 IR 2016.
- Advising liquidators on issues relating to a potentially defective set of proposals provided to creditors and the implications of the approval of those proposals.
- Successfully obtaining a permanent stay of winding up proceedings under s. 147 IA 1986.
- Acting for administrators in the administration of a fine art gallery, which has involved obtaining an order for a private examination under s.236 IA 1986 and conducting an informal interview and examination under oath.

Commercial Litigation

Nathan enjoys the variety of contractual and other commercial disputes and has experience of acting for individuals, SMEs and larger businesses, so is well aware of the different issues which can be in play depending on the nature of the business and the need to tailor his advice and approach accordingly.

Recent Notable Commercial Litigation Cases

- Acting for a company providing services in the higher education sector in claims to recover sums owed from a further education institution.
- Successfully acting for a small business at the trial of a claim seeking to recover monies owed to it under contract.
- *Credico Marketing Limited & Or v Lambert & Ors* [2021] EWHC 1504 (QB). Led by Paul Casey of Fountain Court Chambers in acting for two defendants in the six-day trial of a claim involving the enforceability of restrictive covenants in the direct marketing industry.
- Acting for a high net worth individual in proceedings against his former solicitors concerning treatment of funds, involving claims for breach of contract, negligence and breach of trust.
- Advising a company on the merits of pursuing a number of economic tort claims against individuals.
- Advising LLP members on a number of issues including the recovery of sums allegedly owed by the LLP to other members, on the legal status of a sum provided to the LLP by a third party and on matters relating to the LLP agreement and membership.
- Advising a public sector client on the merits of two overlapping and conflicting claims made against it by two separate third parties and the scope for a stakeholder claim under CPR Part 86.

Company Law

Nathan's focus on insolvency and commercial matters means there are significant areas of overlap with other areas of law, one being company law. In advising on corporate law matters he is able to draw on his experience in other areas to ensure that all potential issues are identified and addressed, whether or not litigation has been commenced.

Recent Notable Company Law Cases

- Advising on the applicability of the *Duomatic* principle in the context of amendments to a company's articles of association.
- Advising on the consequences for shareholders resulting from the restructuring of an SME.