

STEFAN RAMEL

CALL: 2002

"He's very good and very pleasant to come up against - a straight shooter who is bright and sharp with a pragmatic approach to things."

Chambers UK 2019

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Stefan is a highly regarded commercial advocate who litigates regularly in the High Court and who has also appeared several times without a leader in the Court of Appeal. He frequently undertakes drafting and advisory work in multi-million pound cases. He is on the Attorney General's Regional Panel for government work, and also sits in a judicial capacity for British Fencing.

PRACTICE AREAS

- Insolvency
 - Commercial
 - Company Directors Disqualification
 - Banking & Finance
 - Professional Negligence
 - Sports
 - International / offshore
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INSOLVENCY

Stefan is top-rated for his insolvency work by Chambers and Partners. He is described by clients as having an "outstanding intellect"; his knowledge of insolvency is described as being diverse and in depth. He has been repeatedly described as a star of the future. He is noted as thinking "outside of the brief" and identifying "technical points of law which can impact on the strategy followed for a case".

His caseload covers both corporate and personal insolvency work. He has appeared in insolvency cases in the County Court, the High Court, and the Court of Appeal. He works both for and against insolvency officeholders in transaction avoidance litigation, and also appears and advises on petitions (bankruptcy / liquidation) and applications (administration / extension of administration / provisional liquidation / set aside statutory demands). The value of the cases that he is involved in ranges from tens of thousands of pounds, to multi-million pound cases.

Stefan is also described as the "go to Counsel" for cross-jurisdictional insolvency issues. He advises on, and appears in cases which involve the EC Regulation on Insolvency Proceedings, the UNCITRAL Model Law or s.426 of the Insolvency Act 1986. He recently advised the government in relation to the reform of the EC Regulation. He is currently working on several so-called "bankruptcy tourism" cases and matters involving the realisation of "foreign property".

SIGNIFICANT CASES

- **Bowen Travel Limited [2012] EWHC 3405 (Ch) (HHJ Simon Barker QC)**- Whether to make an administration order. Whether the Court had power to make an interim administration order.
- **Warner v Barnes & Anor [2012] All ER (D) 134 (Sales J)**- Cross-border insolvency. Contempt of court by bankrupts in failing to comply with orders under the UNCITRAL Model Law for disclosure of documents.
- **Baillies Ltd (in liquidation); Ladislav Hornan (as liquidator of Baillies Ltd) v James Stuart Baillie & Ors [2012] EWHC 285 (Ch) [2012] BCC 554 [2012] BPIR 665** - Whether the Service Regulation applies to insolvency proceedings; whether rule 7.55 of the Insolvency Rules 1986 can be used to cure a defect in service of proceedings.
- **In the matter of Martin Ruiz; Mekarska v (1) Ruiz (2) Patrick Michael Boyden (as the trustee in bankruptcy of Martin Ruiz) [2011] EWHC 913 (Fam)** - Annulment application and ancillary relief appeal with a challenge to the trustee in bankruptcy's entitlement to costs.
- **In the Matter of Alitalia Linee Aeree Italiane SPA; (1) Connock (2) Boyden (as joint liquidators in England and Wales of Alitalia) v Fantozzi (administrator in Italy of Alitalia) [2011] EWHC 15 (Ch)** - Stefan Ramel successfully represented the liquidators of Alitalia, the former national Italian airline, in the High Court in litigation involving a cross-border insolvency law dispute. The case concerned the proper construction of the EC Regulation on Insolvency Proceedings of 29 May 2000 (No. 1346/2000), and in particular whether, in a liquidation, English law or Italian law should govern the ranking of post-insolvency contractual payments to Alitalia's former UK employees where the lead Court proceedings are in Italy.
- **Shaw v Lighthouseexpress Ltd [2010] EWCA Civ 161** - Financial services dispute involving the construction of a contract between an independent financial adviser and a network of independent financial advisers.
In the matter of the Estate of Rene Rivkin (Deceased) [2009] Bus LR 500 : Times, November 6, 2008 Application for disclosure by trustee opposed on grounds of breach of Art 8 of ECHR.
- **French v Barcham [2009] 1 All ER 145**- Whether the ability of a trustee in bankruptcy to claim occupation rent based on equitable principles survived the passing of the Trusts of Land and Appointment of Trustees Act 1996 and the decision of the HL in *Stack v Dowden*.
- **Turner v Avis [2009] 1 F.L.R. 74; [2008] BPIR. 1143; [2008] Fam. Law 1185**- Application for possession and sale - exceptional circumstances - rule in *ex parte James*.
- **Pannell v Official Receiver [2008] EWHC 736 (Ch); [2008] BPIR 629**- Whether the three year "use it or lose it" provisions enacted by the Enterprise Act 2002 apply to bankruptcies under the Bankruptcy Act 1914 as well as to bankruptcies under the Insolvency Act 1986.
- **Avis v Turner [2007] EWCA Civ 748; The Times, August 22 2007 [2008] 2 WLR 1; [2007] 4 All ER 1103** Whether a trustee in bankruptcy was prevented from applying for possession and sale of the matrimonial home prior to the happening of any of the events stipulated in a pre-bankruptcy order of the divorce court postponing sale.
- **Hill (as trustee in bankruptcy of Nurkowski) v Spread Trustee Company Ltd [2006] EWCA Civ 542; [2007] Bus LR 1213; [2007] 1 All ER 1106; [2006] BCC 646; [2006] BPIR 789; The Times, July 10 2006** - Nature and extent of court's jurisdiction to strike down transactions defrauding creditors and limitation period within which to do so.
- **Hill v Spread Trustee Company Ltd, Re Nurkowski [2005] EWHC 336 (Ch), 11 February 2005; [2005] BPIR 845**- Nature and extent of court's jurisdiction to strike down transactions defrauding creditors and limitation period within which to do so.

COMMERCIAL

Stefan's commercial work attracts praise from his clients. He has been described as "thorough and diligent", but also as "commercial and client-focused". Lawyers who have appeared against him have described him as "an extremely effective" / an "impressive" opponent. His advisory work is described as "clear and concise".

Stefan appears in first instance (County Court and High Court) and appellate matters (Court of Appeal), whether trials or interim applications (for example, summary judgment or specific or pre-action disclosure). The value of the commercial cases in which he is instructed ranges from tens of thousands of pounds to multi-million pound cases.

His commercial caseload includes the following types of commercial matters:

- Sale of goods (recent examples include a claim involving a defective vehicle, a claim involving a defective laser, and a claim involving defective piston rings).
- Claims under guarantees (several recent examples on the side of the creditor or the guarantor).
- Conflicts of laws (claims turning on the incorporation construction of a choice of law / choice of jurisdiction claim).
- Breach of warranty claims (for example, a breach of warranty claim arising in the context of a business sale).
- Law of agency (for example, a recent claim turned on whether an agent had ostensible authority to act on behalf of a principal).

COMPANY DIRECTORS DISQUALIFICATION

Stefan is on the Attorney General's Regional Panel of Counsel. He is regularly instructed in claims against directors seeking disqualification orders under the Company Directors Disqualification Act 1986. He has appeared in several trials on behalf of the Secretary of State, and has obtained disqualification orders in each of the Sevenoaks brackets. In the context of CDDA claims, Stefan also has experience of advising the Secretary of State and directors on matters such as evidence, and the scope of unfitness allegations. In addition to his disqualification work, Stefan has also been instructed in Bankruptcy Restrictions Order cases on behalf of the Secretary of State.

BANKING & FINANCE

Stefan has an established practice in Banking and Financial Services.

His recent work includes cases involving claims by banks or other lenders to enforce loan agreements and mortgages over property.

In addition, Stefan is also regularly instructed to advise and appear in claims involving the alleged mis-selling of financial products, ranging from investments to pensions.

PROFESSIONAL NEGLIGENCE

Stefan is regularly instructed to appear in, and advise upon, claims of alleged professional negligence. His practice encompasses both claimant and defendant work.

On the claimant side, Stefan has recently acted in a substantial claim for damages against a valuer. He has also been instructed in relation to claims made against accountants and lawyers.

He also regularly encounters claims involving allegations of negligence or misfeasance against insolvency practitioners who have acted as liquidators or administrators of a company or a partnership.

SPORTS

In addition to his practice in commercial and chancery work, Stefan also practices in sports disciplinary matters. He is on the Disciplinary Panel and the Grievance Panel maintained by British Fencing to resolve disciplinary matters or grievances brought against members of British Fencing. Stefan has acted in that capacity in a number of instances. In addition, he also assisted with the drafting of the current British Fencing Disciplinary Code and Grievance Code.

INTERNATIONAL / OFFSHORE

Stefan's insolvency and commercial work often has an international flavour, frequently involving other jurisdictions: for example Dubai, Russia, Member States of the European Union and the USA.

By way of example, Stefan has recently advised or appeared in the following matters:

- *Mahmood v The Big Bus Company Limited* (20 November 2017) – advising and appearing on behalf of Mr Mahmood in connection with a contractual dispute involving Dubai and the law of the UAE (2017)
 - *Hosking & anor v Apax Partners LLP & ors* [2016] EWHC 1986 (Ch) – appearing with leading counsel (Stephen Davies QC) on the application of the UK liquidators of Hellas Telecommunications to stay proceedings in England and Wales in favour of proceedings in the USA. (2016)
 - *Kaupthing Singer and Frielander Ltd* – advising on the recoverability of an asset in France in connection with the Kaupthing insolvency (2015)
 - *Re: Les Salines IRS Co Ltd* – development contract dispute in Mauritius – advising with leading counsel (Hugh Sims QC) on the application for leave to appeal to the Judicial Committee of the Privy Council from the Supreme Court of Mauritius (2014)
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RECENT CASES

- Mahmood v Big Bus Co Ltd [2017] EWHC 3582 (QB)
 - Bank of Scotland plc v Hazel and another [2016] All ER (D) 212 (Oct)
 - Openwork Ltd v Forte [2018] EWCA Civ 783, [2018] All ER (D) 97
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RECOMMENDATIONS

- Chambers UK 2014
 - Chambers UK 2013
 - Chambers UK 2013
 - Legal 500 2013
 - Legal 500 2012
 - Chambers UK 2011
 - Legal 500 2011
 - Chambers UK 2010
 - Legal 500 2010
 - Chambers UK 2009
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APPOINTMENTS:

- Attorney General's Regional Panel of Junior Counsel to the Crown
 - British Fencing Disciplinary Panel
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MEMBERSHIPS:

- Chancery Bar Association
 - Insol Europe
 - Insolvency Lawyers' Association
 - Association of Business Recovery Professionals
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EDUCATION:

- LLM Cantab
 - LLB Hons
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RECENT NEWS

- Stefan Ramel successfully represents Openwork Limited in the Court of Appeal against Mr Alessandro Forte
 - Sports Clubs & Unincorporated Associations - Stefan Ramel To Join LexisNexis Webcast - Oct 2015
 - Guildhall Chambers quiz night goes down a "sturm" - September 2015
 - Guildhall barrister to speak on insolvency at Credit Summit 2015 in London
 - Stefan Ramel to speak at The Insolvency Lawyers Association Conference 2015
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