



## Richard Ascroft

Call: 1990 (New Zealand)  
1995

Email: richard.ascroft@guildhallchambers.co.uk

### Practice:

Company  
Insolvency  
Commercial  
Banking & Financial Services

### Company

- Directors' duties (common law and statutory)
- Shareholder disputes (including unfair prejudice petitions and derivative claims)
- Internal management conflicts
- Just and equitable windings-up
- Distributions to shareholders (dividends etc)

### Insolvency

All aspects of personal and corporate insolvency (for office holders and individuals/ companies) including:

- Company director disqualification proceedings
- Bankruptcy Restriction Orders and Debt Relief Restriction Orders
- Mifeseance claims
- Bankruptcy
- Transaction avoidance claims (voidable preferences, transactions at an undervalue; transactions defrauding creditors)
- Administrations
- Appointment of provisional liquidators
- Voluntary liquidations
- Unlawful return of capital

### Commercial

- Advising and/or advocacy experience of commercial contracts (including supply agreements)
- Share sale agreements
- Distribution and franchise agreements and factoring agreements)
- Sale and supply of goods and services and tracing misapplied assets

### Banking and Financial Services

- Contested mortgagee possession proceedings (including where undue influence alleged)
- Enforcement of guarantees and other securities for both lenders and borrowers and bank's liabilities for conversion/mistaken payments

### Reported and significant cases:

*Jones v (1) Churcher and (2) Abbey National plc* [2009] EWHC 722 (QB); [2009] 2 Lloyds Rep 94 – recovery of mistaken payment; ministerial receipt by bank, defence of change of position.

*Re Neath Rugby Ltd* [2007] BCC 671 – Unfair prejudice –summary judgment/striking out.



*Re Walker Wingsail Systems Ltd* [2005] EWCA Civ 247; [2006] 1 WLR 2194; [2006] 1 All ER 272; [2005] BPIR 454 – Costs on discontinuance of misfeasance proceedings.

*Quickson (South and West) Ltd v Katz and arr* [2004] EWHC 2443 (Ch); [2005] BCC 138 – Removal of liquidators).

*Secretary of State for Trade & Industry v Frid* [2004] UKHL 24; [2004] 2 WLR 1279 (HL(E)) – Crown set-off).

*Kranidiotes v Paschali* [2001] EWCA Civ 357; [2003] BCC 353 – Unfair prejudice - valuation of minority shareholding.

*Lancefield v Lancefield* [2002] BPIR 1108 (H.C.) – Court's ability to wind up insolvent partnership in absence of petition.

### **Education:**

BCL (Oxon)  
LLB (Hons) Otago, New Zealand

### **Pupillage:**

1 New Square, Lincoln's Inn (Eben Hamilton QC)  
Pupil Master: Robin Hollington QC.

3 Stone Buildings, Lincoln's Inn (Geoffrey Vos QC)  
Pupil Master: David Lord QC

### **Appointments:**

Junior Counsel to the Crown, October 2002

### **Professional memberships:**

Chancery Bar Association  
Western Chancery & Commercial Bar Association

### **Publications:**

Contributor to *Insolvency and the Enterprise Act 2002* (Jordans)

### **Directory recommendations:**

#### **Chambers UK 2011**

Chancery

Finally at this set, Richard Ascroft is a "quiet yet effective" breed of counsel who does well on complex insolvency wrangles, and cases of a company or general commercial nature.

Insolvency

Also highly commended is Richard Ascroft, who is particularly focused on personal insolvency matters.

Commercial

Also respected, Richard Ascroft is "calm, knowledgeable, reassuring and continues to go from strength to strength." He is best known for his insolvency expertise, though he has a broader commercial practice comprising contractual, company law and misrepresentation disputes. Interviewees say he "shows good judgement and is a thoroughly decent person."



### **Chambers UK 2010**

#### Commercial

Richard Ascroft is “*a very reliable advocate and a safe pair of hands.*” Sources describe him as extremely competent and very pleasant to work with. They further note that he is “*an extremely hard worker who will go the extra miles for his clients.*” His recent highlights include representing a major lender in the attempted recovery of £2 million worth of mortgage monies obtained by fraud.

#### Insolvency

Richard Ascroft, who has high-level expertise in all aspects of insolvency law. He is “*technically strong*” and “*extremely impressive on his feet.*” He regularly acts for and against office holders in relation to transaction avoidance claims and directors’ Misfeasance proceedings.

### **Chambers UK 2009**

#### Commercial

Richard Ascroft is “*highly skilled, with the capacity to think laterally.*” Breach of contract claims take up a significant amount of his time; he is also praised for his performance on complex disputes and has an extensive company law and insolvency practice.

#### Insolvency

Particularly excellent on directors’ disqualification work, Richard Ascroft is a “*user-friendly, great technician*” with impressive advocacy skills. His expertise includes corporate and personal insolvency and company and commercial litigation. He has vast experience handling transaction avoidance claims and directors’ misfeasance proceedings.

### **Legal 500 2010**

#### Insolvency

Richard Ascroft ‘*user friendly and good to deal with*’.

### **Legal 500 2009**

#### Insolvency

Richard Ascroft has been recommended.

### **CFA:**

Considered on a case by case basis.

### **Interests:**

Anxious contemplation of society’s ills, gluttony, opera and shooting (not usually combined).

### **Clerk:**

Please contact Justin Emmett ([justin.emmett@guildhallchambers.co.uk](mailto:justin.emmett@guildhallchambers.co.uk)).