Andrew Shaw

Called to the Bar 2013
+44 (0)20 7696 9900
andrewshaw@southsquare.com



Andrew's main areas of practice are insolvency/restructuring, commercial litigation and civil fraud.

Andrew has wide experience of all aspects of insolvency and restructuring work and is ranked by the Legal 500 as a leading junior in Insolvency and by Chambers & Partners for Restructuring/Insolvency and Civil Fraud.

Andrew has been involved in many of the retail restructurings that have occurred in recent years including Toys R Us, House of Fraser, the Arcadia Group, Mamas & Papas, L K Bennett and Debenhams. Andrew has often been instructed to advise on the validity of office-holders' appointments and has particular expertise in applications to remove or replace insolvency office-holders. A significant proportion of Andrew's insolvency work relates to entities regulated by the FCA.

Much of Andrew's work has an international component and he has been instructed in a number of complicated commercial disputes that have occurred within the context of a cross-border insolvency. He has significant experience in relation to the recognition of foreign insolvency proceedings in England and Wales, both under the Cross-Border Insolvency Regulations 2006 and at common law.

Andrew is often instructed in cases concerning the identification and recovery of concealed assets and he has been involved in a number of heavy fraud cases.

Andrew has also been instructed by football regulatory bodies in England and Europe in relation to disciplinary proceedings against clubs that have breached financial fair play regulations.

Andrew is an experienced advocate and regularly appears as sole counsel.

Andrew is a co-author of *Corporate Administrations and Rescue Procedures*.

Before qualifying as a barrister, Andrew served as a Royal Marines officer for ten years, leaving as a major.

Areas of Practice

Andrew carries out advocacy and advisory work across all of Chambers' practice areas and frequently appears in both the High Court and the County Court.

Insolvency and Restructuring

Recent cases include:

- ***Re Thames Water Utilities Holdings Ltd*** [2025] EWHC 369 (Ch) (with Andrew de Mestre KC), consequentials hearing following sanction of the interim restructuring plan for Thames

Water

- ***Re Thames Water Utilities Holdings Ltd*** [2025] EWHC 338 (Ch) (with Tom Smith KC and Charlotte Cooke), sanction hearing for an interim restructuring plan for Thames Water
- ***Re Thames Water Utilities Holdings Ltd*** [2024] EWHC 3310 (Ch) (with Tom Smith KC and Charlotte Cooke), convening hearing for an interim restructuring plan for Thames Water
- ***Re Nvayo Limited***, application for a special administration order in relation to an electronic money institution
- ***Re Sterling Trust Corporation Limited***, approval of a distribution plan for assets held on trust by a company in administration
- ***Steel v Spencer Road LLP*** [2023 EWHC 2492 (Ch), dismissal of application to set aside a statutory demand on the ground that the debt arose under an obligation that constituted an unlawful restraint of trade
- ***Prince Hussam Bin Saud Bin Abdulaziz Al Saud v Mobile Telecommunications Co KSCP*** [2023] EWHC 1144 (Ch), challenge to a bankruptcy petition on ground that debtor had no place of residence in the jurisdiction at the relevant time
- ***Croxen v Gas and Electricity Markets Authority*** [2022] 2826 (Ch) (with Mark Phillips KC), application for directions on the meaning and effect of provisions of the Renewables Obligation Order 2015
- ***Re London Dockside Ltd***, application to replace an administrator
- ***Prince Hussam Bin Saud Bin Abdulaziz Al Saud v Mobile Telecommunications Co KSCP*** [2022] EWHC 1623 (Ch), dismissal of an application to amend a bankruptcy petition to include a debt demanded after the petition had been presented
- ***Re Capital Developments Ltd***, application to set aside a CVA
- ***Prince Hussam Bin Saud Bin Abdulaziz Al Saud v Mobile Telecommunications Co KSCP*** [2022] EWHC 744 (Ch), challenge to a bankruptcy petition on ground that debtor had no place of residence in the jurisdiction at the relevant time
- ***Re Chu Jiaru*** [2021] EWHC 2549 (Ch), application for interim relief, recognition of Hong Kong bankruptcy proceedings and additional relief under the Cross-Border Insolvency Regulations 2006
- ***Re Wang Liangping***, application for recognition of Hong Kong bankruptcy proceedings and additional relief under the Cross-Border Insolvency Regulations 2006
- ***Re Motylev***, appointment of interim receivers
- ***Re Hat & Mitre Plc*** [2020] EWHC 2649 (Ch), application to remove administrators and for relief under paragraph 74 of Schedule B1 to the Insolvency Act 1986
- ***Re London Oil & Gas Ltd*** [2020] EWHC 35 (Ch) and [2020] EWHC 482 (Ch) (with Barry Isaacs KC), challenge to the validity of an out of court appointment of administrators
- ***Discovery Northampton Ltd v Debenhams Retail Ltd*** [2020] BCC 9 (with Jeremy Goldring KC), challenge to a CVA
- ***CFL Financial Ltd v Bass*** [2019] BPIR 1327, application to prevent nominees of an IVA summoning a creditors' meeting
- ***Re Robert Maxwell Group plc & Ors,*** discharge of pre-Enterprise Act 2002 administration order and winding up of the remaining Robert Maxwell companies
- ***Re Mikhail Shlosberg*** [2018] EWHC 603 (Ch), application under s.366 of the Insolvency Act 1986

- ***Re Ve Interactive Limited*** [2018] EWHC 186 (Ch), removal of administrators under paragraph 88 of the Insolvency Act 1986

Banking and Finance

Notable cases include:

- ***Re Alexander David Securities Ltd***, approval of distribution plan in relation to client money held under the rules in CASS 7 and CASS 7A
- ***Re Allied Wallet Ltd*** [2022] EWHC 1877 (Ch) (with Richard Fisher KC), directions sought on the distributions of asset pools arising under the Electronic Money Regulations 2011 and the Payment Services Regulations 2017
- ***Re Allied Wallet Ltd*** [2022] EWHC 402 (Ch) (with Richard Fisher KC), directions sought on the meaning and effect of the Electronic Money Regulations 2011 and the Payment Services Regulations 2017
- ***Re FundingSecure Ltd*** [2021] EWHC 798 (Ch), construction of contract between a facilitator of peer-to-peer lending and investors
- ***Re MF Global UK Limited*** [2019] EWHC 705 (Ch) (with Tom Smith QC), application for a case management stay by the German Federal Tax Office
- ***The Bank of New York Mellon v Essar Steel India Ltd*** [2018] EWHC 3177 (Ch) (with Tom Smith KC), application by a notes trustee for declaratory relief
- ***Re Olympia Securities Commercial Plc*** [2017] EWHC 2807 (Ch), construction of various facility and security documents
- ***GSO Credit – A Partners LP v Barclays Bank Plc*** [2016] EWHC 146 (Comm) (with Tom Smith KC), first judgment in the new Financial List, construction of LMA standard terms in relation to sale of commitment under a surety bonds facility
- ***LBI hf v Rabobank International*** (with William Trower KC and Georgina Peters), dispute over the settlement of trades under a 1992 ISDA Master Agreement

Commercial Litigation and Arbitration

Andrew has wide experience of acting in commercial disputes. Recent matters on which he has been instructed include disputes arising under joint venture agreements and a substantial commercial arbitration concerning a dispute about the termination of a shipbuilding contract. Andrew also has experience of arbitration-related applications to the High Court, for example under s.69 of the Arbitration Act 1996.

Company

Andrew often advises or appears in contentious company law matters including unfair prejudice petitions and misfeasance claims against directors.

Recent cases include:

- ***Re Flemmings Financial Services***, claims against directors for breach of duty
- ***Re London Oil & Gas Ltd*** [2022] EWHC 1672 (Ch), application to set aside an assignment as void for want of authority
- ***Re DrunchW1 Ltd***, unfair prejudice petitions
- ***Whelan v Smith***, summary judgment on proprietary claims against directors arising from breaches of fiduciary duty
- ***Re Taylormade Fitout Ltd***, claims against a director for breach of duty
- ***Re RJH Stanhope Ltd*** [2020] EWHC 2808 (Ch), claims against a director for breach of fiduciary duty
- ***Re London Oil & Gas Ltd*** [2020] EWHC 2311 (Ch), application to set aside loan agreements as void for want of authority

Andrew also advises and appears in non-contentious matters relating to the operation of companies, such as the procedure for proposing and passing written resolutions and the drafting of share subscription agreements and shareholders' agreements.

Civil Fraud and Asset Recovery

Andrew has substantial experience of heavy fraud litigation. Significant cases in which he has been instructed include:

London Capital & Finance plc & Ors v Thomson & Ors (with Stephen Robins KC), claims for fraudulent trading, breaches of directors duties and proprietary, knowing receipt and dishonest assistance claims arising from those breaches of duty in relation to moneys paid out by an insolvent issuer of mini-bonds

Tchenguiz v Grant Thornton UK LLP (with David Allison KC and Henry Phillips), claim for unlawful means conspiracy

Willmont v Shlosberg (with Paul McGrath KC and David Davies), claim by trustees in bankruptcy to recover property purportedly held by a Liechtenstein foundation through various offshore SPVs

AHAB v Saad Investments Company Ltd & Ors (with Michael Crystal KC, Mark Phillips KC and Marcus Haywood), claims relating to the alleged misappropriation of over US$4 billion

Andrew is also experienced in advising on and obtaining interim relief in support of fraud litigation, including freezing injunctions, search orders, *Norwich Pharmacal* orders, *Bankers Trust* orders, proprietary injunctions and relief under section 365 of the Insolvency Act 1986.

Recent cases include:

- ***London Capital & Finance plc & Ors v Thomson & Ors*** [2024] EWHC 2894 (Ch) (with

Stephen Robins KC)

- ***AB v CD*** [2023] EWHC 2419 (Ch) (with Stephen Robins KC), construction of a proprietary injunction and application for release of funds from the proprietary injunction to pay legal fees
- ***AB v CD*** [2023] EWHC 2353 (Ch) (with Stephen Robins KC), application for release of funds from a proprietary injunction to play legal fees
- ***AA v BB*** [2021] EWHC 1833 (Ch) (with Stephen Robins KC), application concerning the ability of a claimant to pursue proprietary claims against a defendant's solicitors
- ***AA v BB*** [2021] EWCA Civ 1017 (with Stephen Robins KC), appeal concerning relevance of pre-existing POCA restraint order to applications for freezing injunctions against the same respondents
- ***AA v BB*** [2020] EWHC 2463 (Ch) and [2020] EWHC 2490 (Ch) (with Stephen Robins KC and Matthew Abraham), applications for freezing and proprietary injunctions
- ***Whelan v Smith***, applications for freezing and proprietary injunctions
- ***Koldyreva v Motylev*** [2020] EWHC 3083 (Ch) and [2020] EWHC 3084 (Ch) (with Paul McGrath QC) applications for a freezing order, search orders and *Norwich Pharmacal* orders
- ***Willmont v Shlosberg*** [2017] EWHC 428 (Ch) (with Paul McGrath QC and David Davies), proprietary injunction obtained by trustee in bankruptcy

Andrew has also been instructed in contempt proceedings and has frequently been instructed in relation to enforcement of judgments, including applications under CPR Part 71, applications for charging orders, including applications for third-party debts orders.

Offshore

Andrew has worked on matters involving the laws of Jersey, Guernsey, the Cayman Islands, the British Virgin Islands, Hong Kong, Gibraltar, Cyprus, Korea, Japan, Sharjah, Saudi Arabia, Switzerland, Luxembourg, Liechtenstein, Latvia, Austria, Singapore, New York and Delaware.

Andrew has significant experience of offshore litigation, including having acted as junior counsel (with Michael Crystal QC, Mark Phillips QC and Marcus Haywood) in ***AHAB v Saad Investments Company Ltd & Ors***, the trial of which took place over 129 days.

Insurance

Andrew has been instructed on a number of occasions to provide advice on the effect of insolvency proceedings on the liability of insurers.

Trusts and Property

Andrew is often instructed in matters relating to trusts. His experience includes advising on the winding up of trusts where the trustees' liabilities exceed the value of the trust property and on the liability of a company in administration for sums paid to it in breach of trust. Andrew also has substantial experience of seeking to recover property from trustees or equivalents that is ostensibly held on trust.

Andrew is experienced in enforcing judgment debts against property and recovering property for the benefit of an insolvent estate. His work in this area has often included litigation over the beneficial ownership of the relevant property.

Andrew is familiar with all aspect of receivership, including matters relating to the appointment and powers of receivers appointed under a charge and of court-appointed receivers. Significant cases in which Andrew has been instructed include:

- ***VB Football Assets v Blackpool Football Club (Properties) Ltd*** [2019] 4 WLR 93 (with Mark Phillips KC), which was an application by court-appointed receivers for approval of the sale of Blackpool Football Club
- ***Debussey DTC Plc v Solutus Advisers Ltd*** (with Tom Smith KC and Adam Al Attar), claims relating to the mortgage-back securitisation of various UK properties from which Toys "R" Us conducted part of its UK business

Sport

Andrew has acted in a number of cases for football regulators in both England and Europe in relation to disciplinary proceedings against clubs for breaches of the applicable financial fair play regulations.

Andrew has also advised in relation to an F1 dispute.

Pro Bono

- ***Asuquo v Gbajabiamila***, enforcement of a charging order
- ***Asuquo v Gbajabiamila***, claim that a registered charge is a sham or a transaction defrauding creditors

Memberships

Chancery Bar Association

Commercial Bar Association

Insolvency Lawyers' Association

INSOL International

R3

Restructuring and Insolvency Specialists Association (Cayman)

Publications

Books

Author of ***Corporate Administrations and Rescue Procedures*** (3rd edition, Bloomsbury, 2017) (with William Trower QC, Adam Goodison and Matthew Abraham and 4th edition, Bloomsbury, 2022 with Adam Goodison, Matthew Abraham and Stefanie Wilkins)

Contributor to Moss, Fletcher & Isaacs, ***The EC Regulation on Insolvency Proceedings*** (3rd edition, OUP, 2016)

Articles

Ways to get paid in a sovereign default (2014) 10 JIBFL 629

The Slender Thread of Modified Universalism after *Singularis* (2015) 2 JIBFL 74 (with Barry Isaacs QC)

Discharge of debts: how foreign insolvencies may affect English law obligations (2016) 4 JIFBL 210

Case note on ***Singularis Holdings Ltd v PricewaterhouseCoopers*** [2014] UKPC 36 and ***PricewaterhouseCoopers v Saad Investments Co Ltd*** [2014] UKPC 35; (2015) 12(1) Int CR 3 (with Robert Amey)

Case note on ***Stephen John Akers v Samba Financial Group*** [2014] EWCA Civ 1516; (2015) 12(4) Int CR 245

Case note on ***Philpott v Lycee Francais Charles De Gaulle School*** [2015] EWHC 1065 (Ch); (2016) 13(3) Int CR 206

A further limit on modified universalism: the rule in Gibbs re-affirmed (2018) 5 JIFBL 301

Education and Qualifications

2012-2013	City University, Bar Professional Training Course, Outstanding
2011-2012	City University, Graduate Diploma in Law, Distinction
1997-2001	Magdalen College, Oxford University, Master of Chemistry, First Class

Prizes and Scholarships

Ede and Ravenscroft Prize for best performance on the BPTC (Lincoln’s Inn)
Scarman Prize (City University)
Cholmeley Award (Lincoln’s Inn)
Buchanan Prize (Lincoln’s Inn)
Lord Mansfield Scholarship (Lincoln’s Inn)
BPTC Scholarship for student on the course with the top GDL mark from City University (City University)
Maitland Advocacy Prize (Maitland Chambers)
Lord Haldane Scholarship (Lincoln’s Inn)
Demyship (Magdalen College, Oxford University)

Interests

Skiing, hill-walking, running and reading