

Hilary Stonefrost

Called to the Bar 1991

+44 (0)20 7696 9900

hilarystonefrost@southsquare.com



Hilary Stonefrost is a barrister at South Square. She spent a decade as an economist at the Bank of England before being called to the Bar of England and Wales.

She specialises in domestic and cross-border insolvency, restructuring and company law. Hilary has been instructed in major insolvencies (Olympia & York, BCCI, Barings, Railtrack, Hellas and Lehman) and in numerous scheme of arrangement cases, including heavily contested schemes. She has also been instructed in a number of offshore cases. She has a niche expertise in insolvencies involving football clubs. In March 2016 the Bolton Wanderers fans voted her Bolton Wanderers Player of the month.

Hilary is ranked in Band 1 in Chambers UK 2020 and in Chambers Global 2020 for Restructuring and Insolvency and in Band 3 in Chambers UK for Company. The 2020 edition of Chambers and Partners includes the following comments from clients about Hilary: *“Excels in matters involving schemes of arrangement as part of her wide-ranging practice, which encompasses both domestic and international insolvencies.”*; *“She is experienced, knowledgeable, excellent with clients and always thoroughly prepared”*; *“She has a strong style as an advocate and is a brilliant cross-examiner”* and, *“is a very charismatic presence in court”*.

Insolvency and Restructuring

Cases include:

- ***In the matter of Acorn International Inc.*** FSD 109 of 2014 (AJJ), in the Grand Court of the Cayman Islands, petition and cross-petition for just and equitable winding-up of the company
- ***Greenwich Ltd (in administration) v Dowling & Ors*** [2014] EWHC 2451, freezing injunction; judgment after parties had settled
- ***Hosking and Bonney v Slaughter and May*** [2014] EWHC 1390 (Ch), whether liquidators had jurisdiction to challenge the fees agreed to be paid and paid by the former administrators of Hellas
- ***Cahillane v National Asset Loan Management Ltd*** [2014] EWHC 1992 (Ch), value of security in the contest of bankruptcy proceedings
- ***Goldtrail Travel Ltd (in liquidation) v (1) Abdulkadir Aiden (2) Black Pearl Investments Ltd (3) Onur Air Tasimaclik AS (4) Magnus Stephensen (5) Halldor Sigurdarson (5) Philip Wyatt*** [2014] EWHC 1587 (Ch), breach of duty by a director and dishonest assistance claims
- ***Neumans LLP v Andrew Andronikou*** [2013] EWCA Civ 916, administration expenses
- ***Re Hellas Telecommunications (Luxembourg) II SCA*** [2011] EWHC 3176, exit from administration and use of fund provided to meet costs and expenses
- ***Jogo Associates v Internazionale Retail*** [2011] EWCA Civ 384, payment into court in claim arising from sale of business by administrators

- **Swindon Town Football Co v Diamandis** [2011] EWCA Civ 84, application to restrain presentation of a winding-up petition
- **Re Portsmouth City Football Club** [2010] EWHC 2013 (Ch), company voluntary arrangement which approved the payment in full to football creditors
- **Re Metrocab** [2010] EWHC 1317 (Ch), application to rescind winding-up orders
- **Re Hellas Telecommunications (Luxembourg) II SCA** [2009] EWHC 3199 (Ch), where senior creditors would consent only to the bid which was the subject of a pre-pack sale, an administration order was made with express liberty given to enter into the pre-pack
- **Re Lennox Holdings** [2009] BCC 155, administration order in respect of a company in this jurisdiction where the trading subsidiaries were in Spain
- **Re Cheyne Finance** [2007] EWHC 2402 (Ch), the cash flow insolvency test in section 123(1)(e) of the Insolvency Act 1986 did not exclude consideration of future debts
- **Re Cheyne Finance** [2007] EWHC 2116 (Ch), before the occurrence of an insolvency event the receivers should make payments as debts became due on a day to day basis not on a *pari passu* basis
- **Hammonds v Pro-Fit USA** [2007] EWHC 1998 (Ch), there was no established practice in relation to applications for administration orders similar to that which applied to winding up petitions where there was a cross-claim and the court should not establish such a practice
- **Re Leeds United Association Football Club** [2007] EWHC 1761 (Ch), damages for wrongful dismissal payable to footballers in the event that the administrators were to adopt their contracts and then, subsequently, dismiss them did not constitute wages for the purpose of the Insolvency Act
- **Re Colt Telecom Group** [2002] EWHC 2815, it was not enough to show a real prospect of insolvency – it had to be more likely than not; the no action clause was effective as a matter of New York law and there was no principle of public policy that would allow the English court to override such a clause

Company

Cases include:

- **Burry & Knight v Knight** [2014] EWCA Civ 604, the Court of Appeal considered the law on requests to inspect the register of members
- **Burry & Knight v Knight** [2013], an order was made directing the companies not to comply with the shareholder's request for a copy of the share register
- **Alan Lovett v Carson Country Homes** [2009] EWHC 1143, although a director had forged the signature of another director on a debenture, that forgery did not render the document a nullity under section 44 of the Companies Act 2006 as the forging director had acted with ostensible authority
- **Hawkes v Cuddy** [2007] EWHC 1789 (Ch), court had jurisdiction to grant declaratory relief on an unfair prejudice petition under the Companies Act
- **Re Sovereign Marine & General Insurance Co** [2007] EWHC 1331 (Ch) and [2007] EWHC 1331, challenge to scheme of arrangement
- **Re Equitable Life Assurance Society** [2007] EWHC 229 (Ch), sanction of a scheme for transfer of insurance business to another insurance company
- **Re British Aviation Insurance Co** [2005] EWHC 1621 (Ch), scheme of arrangement where the classes were improperly constituted

- **Re MyTravel Group** [2004] EWHC 2741 (Ch), a scheme of arrangement which involved a transfer of assets and liabilities under section 427 of the Companies Act 1985
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Other

Cases include:

- **Saltri III v MD Mezzanine** [2012] EWHC 3025 (Ch), a security trustee under an inter-creditor agreement owed duties to the subordinate lenders equivalent to the duty owed by a mortgagor to a mortgagee
 - **Re Harmony Care Homes** [2009] EWHC 1961, a charge granted over book debt realisations was a fixed charge where, from the inception of the debenture, the debenture holder exercised control over the monies
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Awards and Recommendations

Chambers & Partners	Recommended in two practice areas: (i) Restructuring/Insolvency - Leading Junior (Band 2); and, (ii) Company - Leading Junior (Band 2)
Legal 500	Recommended as a Leading Junior for Insolvency

Career

2014	Admitted to appear in court in Cayman
1991	Called to the Bar of England and Wales
1989-1991	While studying for the Bar worked for British Bankers' Association and London Economics (consultancy)
1979-1989	Bank of England, Economist

Memberships

Chancery Bar Association
INSOL
Commercial Bar Association

Publications

Contributor to **Debt Restructuring** (Segal and Look Chan Ho, OUP, 2010)

Education and Qualifications

1989-1990 City University, Postgraduate Diploma in Law

1977-1978 London School of Economics, MSc Economics

1974-1977 London School of Economics, BSc Economics

Prizes and Scholarships

Scholarship (Middle Temple)

Social Science Research Council award to fund MSc (Econ) (London School of Economics)

Languages

French