

Oliver Hyams

Called to the Bar 2012

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Oliver is an experienced commercial barrister who specialises in restructuring and insolvency, civil fraud, and cases relating to companies, joint ventures and trusts. He has particular expertise in cases involving allegations of wrongdoing and dishonesty by directors, trustees and other fiduciaries as well as high value, international shareholder disputes.

He is ranked in the legal directories as a leading barrister for restructuring/insolvency and for civil fraud. Chambers and Partners says: *"He is an approachable, hands-on barrister who has an expert eye for detail and a tremendous grasp of relevant legal issues."* The Legal 500 says *"Oliver is great to work with. He is flexible, responsive and has a great work ethic. A junior who is fantastic on his feet and a superb and highly effective cross examiner."*

Oliver has been instructed in relation to many of the most high-profile insolvencies of recent times, including **Lehman Brothers**, **WeWork**, and **Thomas Cook**.

He is also instructed in major fraud cases. He has acted for the bankruptcy trustee of **Bernie Madoff**, the bankruptcy trustee of **Maan Al-Sanea**, and for a sovereign state and others in a claim to recover >\$350m.

Oliver recently appeared for the successful respondents in the Supreme Court in **Frenkel v LA Micro Group (UK) Ltd & Ors** [2024] UKSC 42, a cross-border shareholder dispute concerning the operation of constructive trusts, and which is also a leading case on judicial estoppel and proprietary estoppel, laches and disclaimer.

Oliver was appointed by ministers as a member of the Insolvency Rules Committee in October 2022. In that role he has assisted with reviewing draft special administration rules for the *nuclear energy and carbon-capture and storage sectors*.

Before coming to the Bar, Oliver worked at the European Commission in Brussels.

Insolvency

Insolvency work plays a key role in Oliver's practice. He is instructed in high value and complex insolvency disputes, restructurings, and commercial disputes with an insolvency angle, often with a cross-border element.

Oliver is regularly appointed in cases concerning antecedent transactions; the appointment and removal of office-holders; and fraud claims arising in the insolvency context, including asset recovery claims.

He is ranked as a leading junior by Legal 500 and Chambers and Partners, is a member of the Insolvency Rules Committee, and a contributor to *Doyle, Keay and Curl* (2025).

Oliver's recent cases include:

- **Marko Ventures Ltd v London Antiaging Clinic Ltd** [2025] EWHC 340 (Ch) - a contested creditor application to appoint administrators.
- **Re Arvos Bidco Sarl** [2024] EWHC 1016 (Ch) - a scheme of arrangement in relation to a German manufacturing conglomerate.
- **Steel v Spencer Road LLP** [2023] EWHC (Ch) - an appeal against the dismissal of an application to set aside a statutory demand on the basis that a bonus clawback clause did not constitute an unlawful restraint of trade
- **Re Lehman Brothers (PTG) Ltd** [2023] EWHC 3084 (Ch) - the leading decision on extending administrations in 'distribution mode'.
- **Bridger & Co Ltd v Specialist Lending Ltd** [2023] EWHC 2562 (Ch) - an application to restrain advertisement of a winding-up petition, which confirmed that a secured creditor can present a winding-up petition.
- **Re Signature Living Residential Ltd** [2023] EWHC 1820 (Ch) - a case concerning the proper operation of equitable liens, arising in the context of a failed off-plan property development.

Civil Fraud

Oliver specialises in high value, complex commercial fraud cases and cross-border disputes, making full use of his related expertise in commercial litigation, insolvency, and disputes involving companies, joint ventures and trusts.

He has considerable experience of worldwide freezing orders, choice of law and jurisdiction disputes, and applications to serve out of the jurisdiction. His cases often involve without notice applications for interim relief, contested injunction applications, cross-examination on asset disclosure, and contempt of court applications, in addition to passport delivery up and travel restriction orders.

Oliver regularly appears in commercial claims involving allegations of dishonesty, deceit, conspiracy, inducing breach of contract, and unjust enrichment. He also handles cases concerning fraud in relation to the management of trusts. He has particular experience in claims involving misappropriation by fiduciaries, including directors and trustees.

Asset recovery forms a significant part of his practice and is an area in which his expertise in insolvency, company and trusts law are a significant advantage. Recent cases include:

- **Gordiy v Dorofejeva** [2024] EWHC 1273 (Comm) - a deceit and unlawful means conspiracy claim arising out of a failed share purchase agreement.
- **Floreat Investment Management Limited v Churchill & Ors** [2023] EWCA Civ 440 - a fraud claim (breach of duty, deceit, unlawful means conspiracy, dishonest assistance, knowing receipt and proprietary claims) by a private bank against former employees. A 3-week trial in the Commercial Court and a 3-day appeal in the Court of Appeal.
- **Atkinson & Anr v Varma & Ors** [2021] EWHC 2027 (Ch) - an appeal arising of a failed restitution claim. The appeal explored the circumstances in which a defendant who has received monies and then paid them away is required to take steps to 'reverse the disenrichment'.
- **Kitover v Bullionvault** [2021] EWHC 809 (Ch) - a stakeholder claim under Part 86, which also

explored the doctrine of illegality.

- ***Yalcinkaya v Hassan*** [2021] EWHC 723 (Ch) - a contested return date on a worldwide freezing injunction.
- ***Hughes Jarvis Ltd v Searle*** [2019] EWCA Civ 1 - an appeal considering the correct procedural approach to committal for contempt of court.
- ***Wolff v Trinity Logistics USA Inc*** [2018] EWCA Civ 2765 - an appeal addressing the elements of the tort of inducing breach of contract, in addition to the circumstances in which a respondent must seek permission to cross-appeal.
- ***Reynolds v Long*** [2018] EWHC 3535 (Ch) - a successful committal application against a respondent who had failed to comply with a freezing order, in the context of a c.£25m group action against a professional trust company and its director.

Commercial Litigation

In addition to the civil fraud, insolvency and company expertise outlined in the other parts of his profile, Oliver handles a wide variety of commercial matters, both domestically and internationally.

These claims range from banking disputes, to breach of warranty claims and claims under guarantees, indemnities and legal charges. Oliver appears regularly in the High Court, Commercial Court and appellate courts.

Company

Oliver has particular experience of disputes involving companies and joint ventures. Many of these cases include allegations of fraud, dishonesty or impropriety.

Oliver has extensive experience of shareholders' disputes, including unfair prejudice petitions under s.994 of the Companies Act 2006, petitions on the just and equitable ground and claims in relation to the beneficial ownership of companies.

Oliver is regularly instructed in disputes relating to breaches of duty by directors, particularly in the context of broader disputes between parties, or by office-holders in insolvencies.

He is commonly involved in disputes where the parties have issued, or have threatened to bring, several connected claims, often in different jurisdictions.

Offshore

Oliver has worked on matters involving the laws of Bermuda, Cape Verde, the Cayman Islands, Delaware, Guernsey, Hong Kong, Jersey, New York and Singapore.

He is often instructed as junior counsel in offshore disputes, and is currently assisting with proceedings in Bermuda, the Cayman Islands and Singapore.

Trusts & Property

Oliver is experienced in handling disputes relating to trusts and property, including claims for breach of trust and in relation to the formation and operation of implied, resulting and constructive trusts.

Pro Bono

Oliver co-founded Pro Bono Community, a charity that works to improve the availability and quality of pro bono legal advice by providing lawyers with training in different areas social welfare law, before placing them in legal advice clinics.

He acted pro bono for the families at the 3-week inquest into the deaths of fisherman who passed away when their fishing vessel (the *Bugaled Breizh*) sank in mysterious circumstances off the coast of Cornwall in 2004.

Awards and Recommendations

Legal 500 2025:

“Oliver is great to work with. He is flexible, responsive and has a great work ethic. A junior who is fantastic on his feet and a superb and highly effective cross examiner.”

“Engaging and approachable with a technical eye for detail while aware of the overall strategic objectives of a case.”

Chambers UK 2025:

“Oliver is able to quickly get to grips with unique contractual rights and protections. His courteous courtroom approach is impressive, and his guidance throughout the instruction instils confidence.”

“He is an approachable, hands-on barrister who has an expert eye for detail and a tremendous grasp of relevant legal issues.”

Memberships

- Chancery Bar Association
 - COMBAR
 - ConTrA
 - R3
 - INSOL International
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Publications

Contributor to Doyle, Key and Curl: Annotated Insolvency Legislation (13th Edition, 2025).

Prizes and Scholarships

- 2013 Levitt Scholarship, Lincoln's Inn
 - 2012 Brussels Internship Scholarship, Lincoln's Inn
 - 2011 Hardwicke Entrance Scholarship, Lincoln's Inn
 - 2011 The City Law School BPTC Scholarship
 - 2010 Lord Haldane Scholarship, Lincoln's Inn
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Education and Qualifications

- City Law School, BPTC (Very Competent)
 - City Law School, GDL (Commendation)
 - University College London, Human Rights (MA)
 - University of Durham, Philosophy, Politics and Economics, BA (Hons)
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