

Peter Burgess

Called to the Bar 2019 (admitted as a solicitor 2016)

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Peter specialises in corporate restructuring and insolvency, banking and finance law, offshore litigation, commercial litigation and international arbitration, and company law. He is ranked in the Legal 500 as a Tier 1 Leading Junior for offshore work and recommended as being “*unbelievably thorough*” with “*a very good analytical eye*”.

Peter is instructed on numerous high-profile insolvency and restructuring cases, including ***Credit Suisse v SoftBank***, ***China Aoyuan***, and ***FTX Trading***. He has a particular focus on financial matters and distressed debt situations, and acts as sole counsel and as junior counsel to senior members of Chambers in large-scale financial and commercial litigation and arbitration.

Peter also has a significant offshore and international practice and is admitted to the Bar of the Eastern Caribbean Supreme Court in the Territory of the Virgin Islands (BVI) and the New York State Bar. He acted as sole counsel for the successful bondholders in the BVI Commercial Court and the ECSC Court of Appeal in ***Re Haimen Zhongnan***, the leading BVI case on bondholder standing.

Before joining South Square, Peter worked as a Judicial Assistant to Lord Sales, Lord Lloyd-Jones, and Lord Hamblen at the Supreme Court of the United Kingdom and the Judicial Committee of the Privy Council, assisting the Justices on numerous high-profile cases.

Peter is a former solicitor-advocate, with experience at a magic circle firm and a US law firm, working on banking, insolvency, and commercial litigation as well as international commercial and investor-state arbitration. He holds a first-class BA in Ancient and Modern History from the University of Oxford (where he was first in his year), a first-class LLB from the University of Law, and an LLM from Harvard Law School (where he won the private international law prize).

Insolvency and Restructuring

Peter regularly acts on insolvency and restructuring matters, including applications under the Insolvency Act 1986 for various relief, such as applications to set aside statutory demands, winding up petitions, applications to restrain presentation of petitions, administration extension applications, and applications to move an administration to a compulsory liquidation.

He has written on insolvency and restructuring issues, including as a contributing author to the leading textbook *Lightman & Moss: Law of Administrators and Receivers of Companies* (7th edition, forthcoming), as well as *The Law and Practice of Restructuring in the UK and US* (3rd edition, forthcoming) and *Tolley's Insolvency Law*.

Recent cases include:

- ***Credit Suisse Virtuoso SICAV-SIF & Anr v SoftBank Group Corp & Ors*** (involvement ongoing): Acting for the SoftBank Defendants in a \$440mn claim

under section 423 of the Insolvency Act 1986 (led by Tom Smith KC and Adam Al-Attar KC).

- **Re FTX Trading Ltd et al:** Advised the debtors on English law issues relating to cryptocurrencies arising in the Chapter 11 bankruptcy of FTX.com, the cryptocurrency exchange (with David Allison KC).
- **Re China Aoyuan Group Limited:** Acted for China Aoyuan in relation to parallel BVI and Cayman Islands schemes of arrangement of a Chinese property company restructuring over \$6bn of finance debt (led by Tom Smith KC).
- **Re Yunneng Wind Power Co, Ltd** [2023] EWHC 2111 (Ch): Acted as junior counsel for the restructuring plan of a renewable energy company restructuring over \$1bn of finance debt (led by Mark Arnold KC and Charlotte Cooke).
- **Re Everyday Lending Limited** [2023] EWHC 2097 (Ch): Acted for a listed consumer finance company to promulgate a scheme of arrangement (led by Tom Smith KC).
- **Re Orbit Energy Limited:** Acted as junior counsel for the administrators of an energy company (led by Felicity Toubé KC).
- Advised the liquidators of five offshore investment funds on numerous wide-ranging civil fraud claims against multiple defendants involving over 20 sets of proceedings.
- Assisted Tom Smith KC in relation to an application to restrain the presentation of a winding up petition in relation to a disputed debt (claimed at c. \$140mn).

Banking and Finance

Peter has substantial experience of financial matters, including distressed debt situations and related proceedings. His publications in this area of law include 'Ultimate beneficial holders of offshore bonds are contingent creditors for winding up proceedings' (2024) 53(4) *Common Law World Review* 237-258 (accepted manuscript available at [SSRN](#)) and 'US distressed debt techniques and minority protection in English law' (2022) 37(10) *Journal of International Banking and Financial Law* 667.

Recent cases include:

- **Re Haimen Zhongnan Investment Development (International) Co Ltd** (BVIHC(COM) 2022/0183): Appeared as sole counsel in a contested winding up petition in the BVI Commercial Court for the successful applicant ultimate beneficial bondholders in a New York bond structure.
- **Re Shinsun Holdings (Group) Co., Ltd:** Instructed by the ultimate beneficial bondholders in a contested winding up petition brought against the issuer in a New York bond structure.
- Provided an opinion on misrepresentation claims involving debt governed by LMA and ISDA agreements.
- **Trinity Investments Designated Activity Company v Cassini SAS & Ors:** Acted for an investor in relation to their debt holding in the a French company subject to a French 'sauvegarde' insolvency process (led by Tom Smith KC and Matthew Abraham).
- Provided an opinion relating to no action clauses and bondholders' standing (with Tom Smith KC).

- Provided an opinion relating to no action clauses and arbitration agreements (with Tom Smith KC).

Offshore and International

Peter has a considerable offshore and international practice and is ranked by the Legal 500 as a Tier 1 Leading Junior for offshore work. He is admitted to the BVI Bar and the New York Bar. His publications in this area include 'Ultimate beneficial holders of offshore bonds are contingent creditors for winding up proceedings' (2024) 53(4) *Common Law World Review* 237-258 (accepted manuscript available at [SSRN](#)).

Recent cases include:

- ***Seahawk China Dynamic Fund v Gold Dragon Worldwide Asset Management Limited***: Instructed by the claimant hedge fund in a claim for breach of an investment management agreement seeking c.\$1bn in damages (led by Tom Smith KC).
- ***Re China Aoyuan Group Limited***: Acted for China Aoyuan in relation to parallel BVI and Cayman Islands schemes of arrangement of a Chinese property company restructuring over \$6bn of finance debt (led by Tom Smith KC).
- ***Haimen Zhongnan Investment Development (International) Co Ltd v Cithara Global Multi-Strategy SPC*** (BVIHCMAP2023/0012): Appeared as sole counsel (against a KC) in the ECSC Court of Appeal to successfully resist a stay application.
- ***Re Haimen Zhongnan Investment Development (International) Co Ltd*** (BVIHC(COM) 2022/0183): Appeared as sole counsel in a contested winding up petition in the BVI Commercial Court for the successful applicant ultimate beneficial bondholders in a New York bond structure.
- ***Re Shinsun Holdings (Group) Co., Ltd***: Instructed by the ultimate beneficial bondholders in a contested winding up petition brought against the issuer in a New York bond structure.
- ***Re Seahawk China Dynamic Fund***: Instructed by the successful respondent to a just and equitable winding up petition against a hedge fund with a NAV over \$400mn and in an inquiry for damages arising out of an order appointing joint provisional liquidators (led by Tom Smith KC).
- Instructed by the respondent to an application for a €35mn freezing injunction application in the BVI (led by David Alexander KC).
- Advised the liquidators of five offshore investment funds on numerous wide-ranging civil fraud claims against multiple defendants involving over 20 sets of proceedings.

Commercial Litigation and International Arbitration

Peter has considerable experience of commercial litigation and international arbitration (commercial and investor-state), assisted by his time as a solicitor. He was an editor of *European Investment Law and Arbitration Review*, a journal focusing on investor-state arbitration, from 2018 to 2023.

Recent cases include:

- Acted in an arbitration arising out of the alleged breach of a put option contained in a share purchase agreement relating to a VIE structure causing alleged losses of c. US\$100 million (HKIAC arbitration) (led by Tom Smith KC).
- Advised a technology company on setting aside an arbitral award under the UNCITRAL Model Law (HKIAC arbitration).
- Provided an opinion on the common law principles applicable to specific performance of a c.\$4bn merger agreement between two technology companies.
- Provided an opinion on the common law principles applicable to winding up proceedings based on an arbitral award (with Tom Smith KC).
- Drafted the pleadings for a commercial claim for misappropriated assets.
- Drafted the pleadings for a commercial dispute over investment advice relating to alternative investments.

Company

Peter acts in and advises on company law matters, including applications under the Companies Act 2006 for various types of relief as well as unfair prejudice petitions. He is a contributing author to Arnold (ed), *Company Directors: Duties, Liabilities and Remedies* (4th edition, 2024).

Recent matters include:

- **Re Yunneng Wind Power Co, Ltd** [2023] EWHC 2111 (Ch): Acted as junior counsel for the restructuring plan of a renewable energy company restructuring over \$1bn of finance debt (led by Mark Arnold KC and Charlotte Cooke).
- **Re Everyday Lending Limited** [2023] EWHC 2097 (Ch): Acted for a listed consumer finance company to promulgate a scheme of arrangement (led by Tom Smith KC).
- Advised directors on procedural issues relating to meetings of shareholders.
- Drafted points of defence and a counter-petition to an unfair prejudice petition relating to a marine construction company.
- Instructed as sole counsel on applications under the Companies Act 2006.

Admissions

2023	Admitted as a Barrister of the Eastern Caribbean Supreme Court in the Territory of the Virgin Islands (BVI)
2020	Admitted to the New York State Bar
2019	Called to the Bar of England and Wales
2018	Admitted as a Solicitor-Advocate (Civil Proceedings)
2016	Admitted as a Solicitor of the Senior Courts of England and Wales

Publications

Books

Contributor to *The Law and Practice of Restructuring in the UK and US* (3rd edition, forthcoming).

Contributor to *Lightman & Moss: Law of Administrators and Receivers of Companies* (7th edition, forthcoming).

Contributor to Arnold (ed), *Company Directors: Duties, Liabilities and Remedies* (4th edition, 2024).

Articles

‘Ultimate beneficial holders of offshore bonds are contingent creditors for winding up proceedings’ (2024) 53(4) *Common Law World Review* 237-258 (accepted manuscript available at [SSRN](#)).

‘US distressed debt techniques and minority protection in English law’ (2022) 37(10) *Journal of International Banking and Financial Law* 667.

‘The end of the Amigo scheme saga: Re ALL Scheme Ltd [2022] EWHC 1318 (Ch)’ (2022) 19(5) *International Corporate Rescue* 247.

‘Antecedent Transactions and Cryptocurrency: The Australian and English Perspectives’ (with Lee Pascoe) (April 2022) *South Square Digest* 52.

‘The Lehman litigation: the waterfall keeps falling’ (2022) 37(1) *Journal of International Banking and Financial Law* 7.

‘Non-Party Access to Witness Statements and Open Justice: *Blue v Ashley* [2017] EWHC 1553’ (2018) 37(3) *Civil Justice Quarterly* 299.

Other

Contributor to *Tolley's Insolvency Law* (LexisNexis 2022).

Editor of *European Investment Law and Arbitration Review* (2018 to 2023).

Education & Qualifications

2018-2019	Harvard Law School, LLM
2012-2014	University of Law, London, LLB, First Class (comprised of LPC, Distinction, and GDL, Distinction)
2008-2011	Brasenose College, Oxford University, BA in Ancient and Modern History, First Class (first in year)

Prizes & Scholarships

2019	Addison Brown prize for private international law (Harvard Law School)
2011	Finals prize (Brasenose College)
2010	Open Exhibitioner (Brasenose College)

Professional Associations

ILA

Combar

INSOL International

LCIA Young International Arbitration Group (YIAG)

New York State Bar Association

Interests

Sailing, skiing, travel, history