

## Rabin Kok

Called to the Bar 2021

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Rabin is a versatile commercial chancery barrister who is equally comfortable working unled or as part of a team. He enjoys specialist insolvency and bankruptcy work – and was named a ‘Rising Star’ for insolvency work by Legal 500’s 2025 guide. Rabin is equally happy acting in and has substantial experience of fraud, company, trust and commercial disputes (with no insolvency element).

He is called to the Bars of England & Wales, the BVI and Singapore and has also been instructed in relation to litigation in the Isle of Man, ADGM, DIFC, Cayman Islands, Bermuda and Jersey.

Highlights of Rabin’s contentious insolvency experience include:

- *Re Avanti Communications Ltd* [2023] EWHC 940 (Ch) – Rabin successfully acted for the Lead Secured Creditors in this landmark case, which changed the law on proper characterisation of fixed and floating charges for the first time in 20 years (led by David Allison KC)
- *Terrae Nominees et al v Pretlove* – acting in a BVI High Court application to challenge a liquidator’s decision to move the companies from voluntary to insolvent liquidation. The companies are defendants to a Russian bank’s US\$2bn lawsuit against various commodity houses and individuals (led by Sue Prevezer KC)

Several cryptocurrency exchange insolvencies and related litigation including:

- Three Arrows Capital’s insolvency in the BVI (acting for the liquidators in various aspects of the proceedings, led by Richard Fisher KC, Marcus Haywood and Henry Phillips)
- Transaction avoidance proceedings brought by Mirror Trading International’s South African liquidators in England under section 426 of the Insolvency Act (led by Charlotte Cooke)
- Several insolvencies precipitated by UK and US sanctions on Russia, including the administration of *CargoLogicAir* and the insolvency of an Isle of Man ‘fund of funds’ paralysed by OFAC sanctions on its Russian UBOs.

Highlights of Rabin’s civil fraud and commercial experience include:

- *Sayacorp BSC v NMC Healthcare Ltd* – defending a Bahraini bank against US\$850m+ claims in conspiracy and fraudulent trading before the Courts of the Abu Dhabi Global Market (led by Richard Gillis KC and William Willson).
- *IS Prime v TF Global Markets (UK) Ltd* – defending a prime brokerage in a highly technical 4-week Commercial Court trial of deceit and conspiracy claims relating to forex and index swap trade platforms and execution, and acting in a complex specific disclosure application reported

at [2023] 4 WLUK 357. The case settled favourably on the first day of trial. (led throughout by Adam Al-Attar KC)

Highlights of Rabin's unled work as sole advocate include:

- *Re Time GB (Royale Group)* - Rabin successfully obtained (for a creditor owed £57m) the appointment of "conflict" administrators over a company whose financial affairs required urgent investigation, despite opposition from secured creditors and a majority of unsecureds. Rabin also acted in related bankruptcy proceedings against the billionaire Robert Bull.
- *Re CargoLogicAir Ltd* - Rabin acts unled for the Joint Administrators on various contentious and non-contentious aspects of one of the first UK companies to enter insolvency as a result of OFSI sanctions on Russia. He previously acted led (by Adam Al Attar KC) to place CLA into administration.

Rabin has a busy unled High Court practice beyond this, which has seen him: (successfully) resist applications for urgent proprietary freezing orders, secure and resist orders restraining winding up petitions, act in applications to set aside statutory demands in bankruptcy, and act for bankruptcy trustees in private examinations. He often acts unled against counsel many years senior to him.

Rabin is Public Access qualified, though he usually only accepts instructions through solicitors. He can however be instructed directly by foreign lawyers, insolvency practitioners, and in other appropriate cases.

Before coming to the Bar, Rabin topped his year at Cambridge University and subsequently graduated with a First Class degree in Law and as a Senior Scholar of Peterhouse. He also served as an air defence officer during mandatory military service. Rabin previously taught trusts and contract part time at Oxford University.

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## Civil Fraud

*Time GB Group Ltd / Royale Group* - As sole counsel, Rabin successfully represented an unsecured creditor (owed £57m) of a company whose financial affairs required urgent investigation. The Court accepted his client's position that a fresh set of administrators different from those nominated by the applicant and secured creditors should be appointed, in order to ensure an independent investigation of the Company's affairs. Rabin appeared against two counsel many years his senior, both from specialist chancery chambers.

*Sayacorp BSC v NMC Healthcare Ltd* - Led by Richard Gills KC and William Willson. Rabin is instructed as junior counsel to prosecute a US\$55m claim and resist a US\$800m+ counterclaim issued in the Abu Dhabi Global Market courts by NMC's administrators against a Bahraini

investment bank. The counterclaim is based on claims in conspiracy, fraudulent trading, and under the UAE Civil Code. The case produced interim judgments including: [2023] ADGMCFI 0002.

*Re Certain BVI Trusts* - Currently acting for a professional trustee in defending an unusual and complex 'trust-busting' and sham claims against a high net-worth individual's offshore trusts, involving issues of foreign law. Also acted in associated application for associated Beddoe relief from the BVI Courts (led by Tim Collingwood KC and Matthew Brown).

*Three Arrows Capital v Su Zhu and Kyle Davies* - Led by Richard Fisher KC, Marcus Haywood and Henry Phillips. As part of the counsel team advising Three Arrows' liquidators. Three Arrows was one of the largest insolvencies to follow the 2022 LUNA/Terra crash and the 'crypto winter' that followed. Aspects of the case include **(i)** a US\$1.3bn+ wrongful trading claim against the Founders of Three Arrows in the BVI High Court and **(ii)** an application to the BVI court to sanction the decision of TAFL's liquidators to commence Chapter 11 proceedings in the USA and **(iii)** a US\$1bn+ unfair preference claims governed by BVI law but brought in the US Bankruptcy Courts.

*Re Mirror Trading International (Pty) Ltd* - Led by Charlotte Cooke, Rabin acts for the South African liquidators of a crypto exchange found to have perpetrated a worldwide ponzi scheme. Charlotte and Rabin are instructed to pursue a novel South African law transaction avoidance claim in England under section 426 of the IA 1986.

*IS Prime v TF Global Markets* - Led by Adam Al-Attar KC. Instructed in this complex dispute involving deceit and conspiracy claims in the context of forex and index swap pricing and trade execution, the meaning of 'matched principal broker' and 'A-book' and 'B-book' trading. The case settled favourably on day one of trial but produced several notable judgments, including [2023] 4 WLUK 357, concerning the relationship between pleadings and issues for disclosure under PD 57AD.

Instructed as junior counsel in a high-stakes mediation on behalf of the directors of two groups of insolvent companies in parallel Jersey / Cayman Islands fraudulent trading, breach of fiduciary duty, and negligence claims worth in excess of US\$150m (led by William Willson)

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## Insolvency & Restructuring

### ***Corporate Insolvency***

*Re Avanti Communications Ltd* [2023] EWHC 940 (Ch) - Proper characterisation of a charge over a satellite and orbital slots. The court was asked to consider, in depth, the effect of the House of Lords' landmark decision in *Re Spectrum Plus* in the context of fixed assets and market-standard forms. The case is likely to have wide-reaching ramifications for structured and asset finance, in particular where debt documents modelled on LMA forms are used (led by David Allison KC).

*Time GB Group Ltd / Royale Group* - As sole counsel, Rabin successfully represented an unsecured creditor (owed £57m) of a company whose financial affairs required urgent investigation. His client argued that a fresh set of administrators different from those nominated by the applicant and secured creditors should be appointed to ensure an independent investigation. Rabin appeared against two counsel many years his senior, both from specialist chancery chambers.

*Re CargoLogicAir Ltd* - As sole counsel, Rabin appeared in the High Court to secure the first known

administration extension of a company subject to UK asset-freezing sanctions, for a period of 2 years rather than one. Rabin also acted in the original administration application, reported at [2022] EWHC 3316 (Ch), where he was led by Adam Al Attar KC. Rabin continues to advise and act unled for the Joint Administrators, including in relation to substantial claims against third parties.

*Re certain Isle of Man Protected Cell Companies* – acting unled alongside local Advocates in relation to the insolvency of an Isle of Man fund structure, which was rendered unable to operate following the imposition of sanctions on well-known Russian businessmen who held interests in the structure.

*Made.com Ltd* – Acting unled, giving an English law opinion in French *exequatur* proceedings to recognise the English administration of an insolvent ‘unicorn’ in France.

*Terrae Nominees et al v Pretlove* – Led by Sue Prevezer KC, acting for the directors of various BVI companies in a BVI High Court application, challenging a liquidator’s decision to move the companies from voluntary to insolvent liquidation. The companies are defendants to a Russian bank’s US\$2bn lawsuit against various commodity houses and individuals.

*Re Mirror Trading International (Pty) Ltd* – Led by Charlotte Cooke, Rabin acts for the South African liquidators of a crypto exchange found to have perpetrated a worldwide ponzi scheme. Charlotte and Rabin are instructed to pursue a novel South African law transaction avoidance claim in England under section 426 of the IA 1986.

*Sayacorp BSC v NMC Healthcare Ltd* – Led by Richard Gills KC and William Willson. Rabin is instructed as junior counsel to prosecute a US\$55m claim and resist a US\$800m+ counterclaim issued in the Abu Dhabi Global Market courts by NMC’s administrators against a Bahraini investment bank. The counterclaim is based on claims in conspiracy, fraudulent trading, and under the UAE Civil Code. The case has produced interim judgments including: [2023] ADGMCFI 0002.

*Three Arrows Capital v Su Zhu and Kyle Davies* – Rabin is led by Richard Fisher KC, Marcus Haywood and Henry Phillips. as part of the counsel team advising Three Arrows’ liquidators. Three Arrows was one of the largest insolvencies to follow the 2022 LUNA/Terra crash and the ‘crypto winter’ that followed. Aspects of the case include **(i)** a US\$1.3bn+ wrongful trading claim against the Founders of Three Arrows in the BVI High Court and **(ii)** an application to the BVI court to sanction the decision of TAFL’s liquidators to commence Chapter 11 proceedings in the USA and **(iii)** a US\$1bn+ unfair preference claims governed by BVI law but brought in the US Bankruptcy Courts

## **Bankruptcy**

*Re Robert Lee Jack Bull* – as sole counsel, successfully resisting an application to set aside a statutory demand for £57m against a UK billionaire. The set-aside application was dismissed by consent the day before the hearing with costs on the indemnity basis, and the debtor was ultimately made bankrupt on a different creditor’s petition upon which Rabin also appeared.

*Confidential* – as sole counsel, Rabin acted for a major private bank in its pursuit of bankruptcy proceedings against a well-known high-net worth individual who resides outside the jurisdiction.

## **Restructuring**

*Re People's Energy (Supply) Ltd* [2023] EWHC 2610 (Ch) - Instructed to appear at the convening hearing of the People's Energy scheme, involving questions relating to the treatment of hundreds of thousands of historic data breach claims against the company (led by Daniel Bayfield KC)

*Re OQ Chemicals Holding Drei GmbH* [2024] EWHC 2036 (Ch) - parallel schemes of arrangement for multinational chemicals group (led by Tom Smith KC)

The *China Aoyuan* restructuring - Instructed to advise on the parallel Cayman and BVI schemes of arrangement proposed by the China Aoyuan group, a large Chinese property development group, as well as its subsidiary, Add Hero (led by Tom Smith KC) *Aggregate Holdings* - Rabin is instructed to provide English-law advice on various aspects of the Aggregate restructuring in Germany and Luxembourg (led by Mark Arnold KC and Felicity Toube KC)

*Confidential* - As sole counsel, instructed to advise a creditor on challenging a scheme of arrangement linked to the Madoff fraud and its fallout.

*Confidential* - Instructed to advise a creditor on challenging a very unusual and highly contentious BVI scheme of arrangement, implemented to compromise the claims of (among others) various well-regarded litigation funders (led by Felicity Toube KC)

*Confidential* - Instructed to advise an Asia-headquartered group with interests in a Bermudian holding company, to challenge certain decisions made by the restructuring JPLs (led by Mark Phillips KC)

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## **Arbitration**

Rabin is able to act in ICC, LCIA, SIAC, HKIAC, BVIAC, ICDR, and other international arbitrations (and particularly in arbitrations relating to investment funds, companies, loans, security, and the sale of shares and businesses). He is comfortable acting unled, or alongside local counsel or as part of a team. Rabin is called to the Singapore Bar and can act in all aspects of Singapore-related arbitrations or in arbitrations involving Singapore law.

Instructed in connection with a substantial ICDR arbitration over a joint venture between two multinational conglomerates (led by Tom Smith KC)

Resisting an LCIA arbitration brought by a bond trustee on behalf of bondholders, to enforce payment of over US\$500m (assisting Adam Al-Attar KC)

Advising on the scope of termination rights under a US\$370m+ share sale and purchase deed governed by English law, subject to SIAC arbitration seated in Singapore (assisting Matthew Abraham)

As sole counsel, advising on the recognition under English law of two competing foreign bankruptcy trustees, and the effect of such recognition on any subsequent arbitral award, in the context of an ICC arbitration seated in England.

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## Commercial Litigation & Arbitration

*Ruprah v Gurrām* – as sole counsel in the High Court, successfully resisting an interim proprietary injunction, and obtaining an order for payment of indemnity costs.

*Re a Mediation (confidential)* – acting unled and on a direct access basis, Rabin secured a confidential settlement for a claimant who brought claims against a defendant for historic and long-running credit history misreporting. Following the commencement of High Court proceedings and a mediation, the defendant settled for a six-figure sum after having previously offered a settlement figure in the low hundreds at the outset of the case.

As sole counsel, advising on *Chase Manhattan* constructive trust claims against an insolvent brokerage, arising out of a repo governed by the GMRA 2000.

*IS Prime v TF Global Markets* – Led by Adam Al-Attar KC. Instructed in this complex dispute involving deceit and conspiracy claims in the context of forex and index swap pricing and trade execution, the meaning of ‘matched principal broker’ and ‘A-book’ and ‘B-book’ trading. The case settled favourably on day one of trial but produced several notable judgments, including [2023] 4 WLUK 357, concerning the relationship between pleadings and issues for disclosure under PD 57AD.

*BNP Paribas Trust Corporation UK Ltd v URO Property Holdings SA* [2022] EWHC 3251 (Comm) – defending an unusual summary judgment application relating to the construction of a ‘Make-Whole’ call provision in a bond issued by a Spanish property company (led by David Allison KC and Ryan Perkins)

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## Banking & Finance

As sole counsel, advising on *Chase Manhattan* constructive trust claims against a brokerage firm, arising out of a repo governed by the GMRA 2000.

*Re a Mediation (confidential)* – acting unled and on a direct access basis, Rabin secured a confidential settlement for a claimant who brought claims against a defendant for historic and long-running credit history misreporting. Following the commencement of High Court proceedings and a mediation, the defendant settled for a six-figure sum after having previously offered a settlement figure in the low hundreds at the outset of the case.

*IS Prime v TF Global Markets* – Led by Adam Al-Attar KC. Instructed in this complex dispute involving deceit and conspiracy claims in the context of forex and index swap pricing and trade execution, the meaning of ‘matched principal broker’ and ‘A-book’ and ‘B-book’ trading. The case settled favourably on day one of trial but produced several notable judgments, including [2023] 4 WLUK 357, concerning the relationship between pleadings and issues for disclosure under PD 57AD.

*Re Avanti Communications Ltd* [2023] EWHC 940 (Ch) – Proper characterisation of a charge over a satellite and orbital slots. The court was asked to consider, in depth, the effect of the House of Lords’ landmark decision in *Re Spectrum Plus* in the context of fixed assets and market-standard forms. The case is likely to have wide-reaching ramifications for structured and asset finance, in

particular where debt documents modelled on LMA forms are used (led by David Allison KC).

*Sayacorp BSC v NMC Healthcare Ltd* - Led by Richard Gills KC and William Willson. Rabin is instructed as junior counsel to prosecute a US\$55m claim and resist a US\$800m+ counterclaim issued in the Abu Dhabi Global Market courts by NMC's administrators against a Bahraini investment bank. The counterclaim is based on claims in conspiracy, fraudulent trading, and under the UAE Civil Code. The case has already produced interim judgments including [2023] ADGMCFI 0002.

*BNP Paribas Trust Corporation UK Ltd v URO Property Holdings SA* [2022] EWHC 3251 (Comm) - defending an unusual summary judgment application relating to the construction of a 'Make-Whole' call provision in a bond issued by a Spanish property company (led by David Allison KC and Ryan Perkins)

Resisting an LCIA arbitration brought by a bond trustee on behalf of bondholders, to enforce payment of over US\$500m (assisting Adam Al-Attar KC)

*Re Clavis Securities / Mansard Mortgages* - a summary judgment/strike out application and an appeal to the Court of Appeal to secure orders to prevent fraudulent attempts to seize control of a securitisation structure (assisting Charlotte Cooke)

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## Offshore

A significant proportion of Rabin's practice is offshore. Rabin is called to the Bar of the British Virgin Islands and has a good grasp of BVI law, procedure and practice from time spent on secondment with the BVI litigation team of Conyers Dill & Pearman. He is comfortable acting unled or led in a wide range of applications before the BVI High Court (e.g. applications to appoint liquidators, set aside statutory demands or obtain Norwich Pharmacal relief against registered agents).

Rabin is also called to the Bar of Singapore (and will have full rights of audience there pending regulatory approvals).

Some of the offshore cases Rabin is or has been instructed in are listed below.

*Re certain Isle of Man Protected Cell Companies* - acting unled alongside local Advocates in relation to the insolvency of an Isle of Man fund structure, which was rendered unable to operate following the imposition of sanctions on well-known Russian businessmen who held interests in the structure.

*Terrae Nominees et al v Pretlove* - Acting for the directors of various BVI companies in a BVI High Court application, challenging a liquidator's decision to move the companies from voluntary to insolvent liquidation. The companies are defendants to a Russian bank's US\$2bn lawsuit against various commodity houses and individuals (led by Sue Prevezer KC and Mark Forte).

*Re Certain BVI Trusts* - Currently acting for a professional trustee in defending an unusual and complex 'trust-busting' and sham claims against a high net-worth individual's offshore trusts, involving issues of foreign law. Also acted in associated application for associated Beddoe relief from the BVI Courts (led by Tim Collingwood KC and Matthew Brown).



*Three Arrows Capital v Su Zhu and Kyle Davies* - Rabin is led by Richard Fisher KC, Marcus Haywood and Henry Phillips. as part of the counsel team advising Three Arrows' liquidators. Three Arrows was one of the largest insolvencies to follow the 2022 LUNA/Terra crash and the 'crypto winter' that followed. Aspects of the case include **(i)** a US\$1.3bn+ wrongful trading claim against the Founders of Three Arrows in the BVI High Court and **(ii)** an application to the BVI court to sanction the decision of TAFL's liquidators to commence Chapter 11 proceedings in the USA and **(iii)** a US\$1bn+ unfair preference claims governed by BVI law but brought in the US Bankruptcy Courts

*Sayacorp BSC v NMC Healthcare Ltd* - Led by Richard Gills KC and William Willson. Rabin is instructed as junior counsel to prosecute a US\$55m claim and resist a US\$800m+ counterclaim issued in the Abu Dhabi Global Market courts by NMC's administrators against a Bahraini investment bank. The counterclaim is based on claims in conspiracy, fraudulent trading, and under the UAE Civil Code. The case has produced interim judgments including: [2023] ADGMCFI 0002.

*Confidential* - Instructed to advise an Asia-headquartered natural resources group with interests in a Bermudian holding company undergoing a restructuring provisional liquidation, to challenge certain decisions made by the JPLs (led by Mark Phillips KC)

*Re a Deceased Estate* - Seal & gag and Norwich Pharmacal application against BVI registered agents by the personal representatives of a deceased high-net worth individual in support of foreign proceedings to remove a co-executor for potential misappropriation of estate assets. Led by Jerry D. Samuel.

The *China Aoyuan* restructuring - Instructed to advise on the parallel Cayman and BVI schemes of arrangement proposed by the China Aoyuan group, a large Chinese property development group, as well as its subsidiary, Add Hero (led by Tom Smith KC)

*Confidential* - Instructed as junior counsel in a high-stakes mediation on behalf of the directors of two groups of insolvent companies in parallel Jersey / Cayman Islands fraudulent trading, breach of fiduciary duty, and negligence claims worth in excess of US\$150m (led by William Willson)

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## Company Law

*Re a property investment company* - instructed to defend a just and equitable winding up / unfair prejudice petition and claims for breaches of directors duties in ongoing proceedings before the Chancery Division in England (led by Matthew Abraham)

Instructed as junior counsel in a high-stakes mediation on behalf of the directors of two groups of insolvent companies in parallel Jersey / Cayman Islands fraudulent trading, breach of fiduciary duty, and negligence claims worth in excess of US\$150m (led by William Willson)

*Re BAF Latam Credit Fund* (Unreported, Grand Court of the Cayman Islands, 10 Dec 2021) - Successful application by Apollo Global Management vehicles to wind up a solvent closed-end fund on the just and equitable ground after heavily contested trial (assisting Tom Smith KC and Charlotte Cooke)



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## Trusts and Property

*Re Certain BVI Trusts* - Currently acting for a professional trustee in defending an unusual and complex 'trust-busting' claim against a high net-worth individual's offshore trusts, including an application for associated Beddoe relief from the BVI Courts and involving issues of foreign law (led by Tim Collingwood KC and Matthew Brown).

*Re a Deceased Estate* - Seal & gag and Norwich Pharmacal application in the BVI by the personal representatives of a deceased high-net worth individual in support of foreign proceedings to remove a co-executor for potential misappropriation of estate assets. Led by Jerry D. Samuel.

*Re an application to remove a Trustee* - acted for a beneficiary in a contested, multi-party application to remove the trustee of certain BVI trusts set up by a well-known industrialist. Led by Matthew Brown.

*Ruprah v Gurram* - as sole counsel in the High Court, successfully resisting an interim proprietary injunction to restrain sale and registration of a property, and obtaining an order for payment of indemnity costs.

As sole counsel, advising on *Chase Manhattan* constructive trust claims against a brokerage firm, arising out of a repo governed by the GMRA 2000.

As sole counsel, acting in a High Court claim for a trust interest over land in France.

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## Career

2024 - Admitted as an Advocate & Solicitor in Singapore (Rabin will have full rights of audience in all Singapore Courts, including the SICC, pending regulatory approvals)

2023 - Admitted to the Bar of the Eastern Caribbean Supreme Court (Virgin Islands Circuit)

2022 - Rights of Audience, Astana International Financial Centre

2021 - Called to the Bar of England and Wales

2016 - Lieutenant, Singapore Armed Forces

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## Professional Associations

Chancery Bar Association

COMBAR

Insolvency Lawyers Association

Contentious Trusts Association

Singapore Academy of Law

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## Publications

Rabin Kok, Third Party Rights and the LMA Suite of Debt Documents (2024) 39 Journal of Intl Banking & Financial Law 8

Charlotte Cooke and Rabin Kok, Fixed or Floating? *Re Avanti Communications* Revisits the Characterisation of Charges (2023) 20 International Corporate Rescue 1

Rabin Kok, Placing Sanctioned Entities into Judicial Management [2023] Singapore Academy of Law Practitioner 8

William Willson and Rabin Kok, Cryptocurrency and the Claim in Debt (2023) Journal of International Banking and Financial Law 25

Rabin Kok, Cross-Border Real Estate Investment Trust Insolvencies and Recognising Foreign Insolvency Judgments: *Re Tantleff, Alan* [2022] Singapore Academy of Law Journal

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## Education & Qualifications

2024 - Junior College Lectureship in trusts and tutor in contract law in Oxford University

2020-2021 - Bar Vocational Studies, City University of London (Distinction)

2019-2020 - Oxford University, BCL (Distinction)

2016-2021 - Cambridge University, BA Law (First Class Hons)

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## Scholarships & Prizes

- Thomson Reuters Prize - top in year at Cambridge University
  - De Montmorency Prize in Law
  - Senior Scholar of Peterhouse and formerly Scholar
  - Des Voeux Chambers-Cambridge Junior Scholarship
  - Kenneth Thomas Law Essay Prize
  - Rebecca Flower Squire Scholarship
  - City Law School Scholarship for Academic Excellence
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## Languages

Rabin is able to read and write Bahasa Indonesia and Bahasa Malaysia (including legal documents) and is happy to be instructed in cases involving this type of material.