

XXIV

OLD BUILDINGS

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Edward Knight

Call: 1999

Extremely bright and being a qualified accountant, he brings an unmatched level of forensic analysis to complex insolvencies, especially where the company has tried to mask its dishonesty.

The Legal 500



Edward Knight's practice centres on commercial, company and insolvency disputes, both in litigation and arbitration.

Edward has particular skill in dealing with fraud cases and financial issues, having formerly qualified as a chartered accountant in 1995. His expertise enables him to approach matters with an understanding of the practical realities of business and is applicable to a wide range of commercial disputes. Legal 500 recommends Edward for commercial litigation, fraud, insolvency and professional negligence calling him **"very bright"**, **"with a keen eye for detail and ... able to marshal a morass of evidence"** and **"a formidable cross-examiner"**.

In addition to appearing in the High Court, the Court of Appeal and the Supreme Court, Edward has appeared in the High Court in Anguilla, the Eastern Caribbean Court of Appeal and the Privy Council and in the DIFC Courts in Dubai. He has also been involved in litigation in other off-shore jurisdictions and in Africa.

Edward has also acted as lead counsel in an ICSID Investor-State arbitration in Paris and previously in the Permanent Court of Arbitration in the Hague, both in claims relating to the expropriation of foreign investments by state organs.

Edward is a DIFC (Dubai) Part II registered practitioner and is ranked as a leading junior in The Legal 500 EMEA Guide.

Expertise

Commercial Litigation

Edward's core litigation practice centres on commercial contract disputes, whether domestic or international. In addition to appearing at all levels of the English Courts and the Privy Council, he has appeared before the Eastern Caribbean Supreme Court and Court of Appeal, the Dubai International Financial Centre Court and has advised on claims in the Channel Islands and Africa. He has substantial experience where matters coincide with fraud and/or insolvency. Edward is recommended in this area in Legal 500. Recent cases include:

- **ZCCM-Investment Holdings v Kansanshi Holdings Limited** [2019] EWHC 1285 (Comm): Edward successfully acted for the Respondent in an ad hoc arbitration under UNCITRAL rules against a Zambian state investment company. The claim was a derivative action arising out of an African mining joint venture seeking in excess of \$100 million, including

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allegations of dishonesty, fraud and breach of fiduciary duty. Edward continued to act in defeating the Claimant's challenge to the Award, including, inter alia, grounds of fraud.

- **IPCO v Nigerian National Petroleum Corporation** [2017] UKSC 16; [2015] EWCA (Civ) 1144 and 1145: Edward acted for a party seeking to enforce an international arbitration award for \$300m+ in England. Amidst allegations that the award was procured by fraud. The claim reached the Supreme Court in February 2017 and is now probably the foremost English case on enforcement under the New York Convention.
- **Crestar v Newton** [2017-2018]: Edward acts in a dispute over the distribution of funds out of escrow following the failure of contracts relating to the transfer of oil production assets in Nigeria.
- **GlobeMed v Oman Insurance Company** [2017-]: Edward is acting in a claim relating to the renunciation of a contract for the provision of insurance administrative services in the Dubai International Financial Centre Court.
- **Ahmad v Saba** [2017]: Edward appeared in the DIFC Court in relation to a derivative action arising out of the unlawful disposal of company assets.
- **Aquarius v Barber & others** [2016]: Claim, and associated injunctive relief, in the Commercial Court in respect of breaches of fiduciary duty of the captain of a superyacht and claim against associated recipients of that property.
- **Force India Formula One v Etihad** [2010] EWCA Civ 1051: Edward acted for Force India team in the Defendant's appeal over breach of Formula One sponsorship contracts.
- **Rodriguez v Force India Formula One**: Edward acted in respect of claims made against the Force India team in relation to a driver contract.

Company & Partnership Law

Edward acts regularly in company disputes, including the removal of directors, disqualification under the Company Directors Disqualification Act 1986, section 994 of the Companies Act 2006 and just and equitable petitions, both in the English courts and overseas. His recent cases include:

- **Re East 63rd, Bamford v Mannheim** [2019-]: Edward is acting in a petition for the just and equitable winding up of an investment company.
- **Re Milestar Limited** [2017-2019]: Edward acted in successful section 994 unfair prejudice proceedings relating to a company with both trading and property investment assets.
- **Re Culver Group** [2017] Edward acted for two directors in disqualification proceedings relating to a group of companies offering insurance, financial advice and legal services.
- **Ahmad v Saba** [2017] Edward appeared in the Dubai International Financial Centre Courts on a matter engaging the inter-relating aspects of dissolution and limitation in derivative and unfair prejudice actions.
- **Re Miller Gardner Partnership LLP** [2016]: Edward acted for a solicitor in disqualification proceedings where the collapse had followed an adverse judgment in the Court of Appeal in group litigation undertaken by the partnership, which was subsequently overturned in the Supreme Court.
- **Re CCM Accountancy Ltd** [2016]: Edward acted in a section 994 petition relating to the diversion of business and breach of fiduciary obligations.
- **Drozdzov v Van Eck** [2013] EWHC 3965 (Ch): Edward acted for the Claimant seeking a declaration as to the beneficial ownership of shares in a family company and consequent account.

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- **Re TulseSense** [2010] EWHC 244 (Ch): Edward acted for a group of shareholders seeking a declaration that the purported sole director's period of office had terminated and he had not been appointed informally on *Duomatic* principles, making way for:
- **Rolfe v Rolfe** [2010]: a petition under section 994 on the grounds that the petitioners were unfairly prejudiced by the absence of management of the company.

Insolvency

Edward's principal focus is on the identification and pursuit of assets and their recovery under company and insolvency legislation, particularly with respect to prior transactions. He has recently been active in the liquidation of a leading Caribbean hotel resort in protecting the interests of a major investor. He is recommended in this area by Legal 500. His recent cases include:

- **Re Lynch** [2020]: Edward acts for the bankrupt in a challenge to his trustee in bankruptcy's admission of a proof of debt on the grounds of forgery.
- **Re Imperial Escrow** [2018]: Edward successfully represented a class of creditors in claims to a proprietary interest in an escrow account linked to an investment fraud.
- **Re Albermarle Hotels Limited** [2017]: Edward acts for liquidators in claims to set aside prior transactions following the restructuring and insolvency of part of a group of hotel companies, seeking approximately £10 million.
- **Re Monkton Road Pharmacy Ltd** [2017]: Edward acts for liquidators in relation to an application for their removal and a related application seeking the assignment of claims of the company in liquidation.
- **Re Hever Hotel & Others** [2017] Edward acts for creditors in a number of applications relating to the conduct of liquidations and administrations following the collapse of the Hever Hotel group amidst serious allegations of fraud. The applications include the removal of liquidators owing to conflicts of interest.
- **Ahmed v Saba** [2017] Edward appeared in the Dubai International Financial Centre Courts on a matter engaging the inter-relating aspects of dissolution and limitation in derivative and unfair prejudice actions.
- **Re Litchfield Investments Ltd** [2016] Edward acted for a major creditor of two companies in CVA pursuing claims under product warranties.
- **Re Leeward Isles Resorts Limited** [2015] UKPC 30: Edward acted for a major investor in, and creditor of, the Cap Juluca Resort in Anguilla. The matter kept Edward regularly before the High Court in Anguilla, the Eastern Caribbean Court of Appeal and the Privy Council.
- **Re the Estate of Boris Berezovsky** [2015] EWHC 2962 (Ch): Edward appeared for creditors dissatisfied by the administrators' decision in relation to the date of currency conversion of debts and the period of interest allowed.
- **Re APX Realisations Limited** [2014]: Edward acted in relation to the rejection of proof by liquidators notwithstanding concurrent litigation in Florida, and the liquidator's power to make a dividend notwithstanding that litigation.
- **Re Colliers International** [2012] EWHC 2942 (Ch); [2013] Ch 422; [2012] BPIR 1099: the court resolved conflicting authorities to find that it had jurisdiction to grant retrospective permission for the commencement of proceedings in insolvency cases including administration.

Civil Fraud & Asset Recovery

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As a chartered former accountant and auditor, Edward has specialist skill in the recognition, investigation and prevention of fraud. His knowledge of accountancy is also invaluable in the tracing and recovery of assets. He is recommended in this area by Legal 500.

Recent cases include:

- **Gunes Tecstil & Others v The Republic of Uzbekistan** [2017-2019] ICSID Case No. ARB/13/19 Edward has acted with a leading Turkish legal team in a claim under the Turkey-Uzbekistan Bilateral Investment Treaty relating to the expropriation of investments.
- **ZCCM-Investment Holdings v Kansanshi Holdings Limited** [2019] EWHC 1285 (Comm): Edward successfully acted for the Respondent in an ad hoc arbitration under UNCITRAL rules against a Zambian state investment company. The claim was a derivative action arising out of an African mining joint venture seeking in excess of \$100 million, including allegations of dishonesty, fraud and breach of fiduciary duty. Edward continued to act in defeating the Claimant's challenge to the Award, including, inter alia, grounds of fraud.
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- **Re Lynch** [2020]: Edward acts for the bankrupt in a challenge to his trustee in bankruptcy's admission of a proof of debt on the grounds of forgery.
- **Re Imperial Escrow** [2018]: Edward successfully represented a class of creditors in claims to a proprietary interest in an escrow account linked to an investment fraud.
- **Aquarius v Barber & others** [2016]: Claim in respect of breaches of fiduciary duty of the captain of a superyacht and claim against associated recipients of that property.
- **Ackerman v Ackerman** [2011] EWHC 2183 (Ch): Edward represented an expert adjudicator against allegations of fraudulent collusion with one of the parties in the demerger of a substantial property company.
- **Arbitration in Permanent Court of Arbitration** [2011; 2012]: Edward acted for the investor in an Investor-State claim in the Permanent Court of Arbitration in The Hague relating to the expropriation of environmental gas pipeline projects.
- **Berezovsky v Hine & Ors** [2009-2012]: Edward acted for the trustee of the principal assets of the late Badri Patarkatsishvili in the late Boris Berezovsky's action against his estate and family.

Professional Negligence

Edward is recommended by Legal 500 for his professional negligence work. As a former chartered accountant and auditor, he has an in-depth knowledge and understanding of both accounting standards and audit practice. His accountancy background makes him a natural choice for related negligence disputes. His recent cases include:

- **Angel Group v McBrides** [2018-2019]: Edward represented the defendants in claims of negligence and fraudulent breach of fiduciary duty as accountants and auditors.
- **Ackerman v Ackerman** [2011] EWHC 2183 (Ch): Edward represented an expert adjudicator against allegations of negligence and/or fraudulent collusion with one of the parties in the demerger of a substantial property company.
- **Re McGregor** [2011]: negligent advice by accountants in relation to estate administration and taxation.

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- **Lexadon v Stephen Starr** [2010]: a claim for negligent advice by accountants in relation to development property valuation and taxation.

International arbitration

International arbitration work represents an increasingly significant proportion of Edward's practice. His experience includes subsequent enforcement of awards. His recent cases include:

- **Gunes Tecstil & Others v The Republic of Uzbekistan** [2017-2019] ICSID Case No. ARB/13/19 Edward has acted with a leading Turkish legal team in a claim under the Turkey-Uzbekistan Bilateral Investment Treaty relating to the expropriation of investments.
- **ZCCM-Investment Holdings v Kansanshi Holdings Limited** [2019] EWHC 1285 (Comm): Edward successfully acted for the Respondent in an ad hoc arbitration under UNCITRAL rules against a Zambian state investment company. The claim was a derivative action arising out of an African mining joint venture seeking in excess of \$100 million, including allegations of dishonesty, fraud and breach of fiduciary duty. Edward continued to act in defeating the Claimant's challenge to the Award, including, inter alia, grounds of fraud.
- **IPCO v Nigerian National Petroleum Corporation** [2017] UKSC 16; [2015] EWCA (Civ) 1144 and 1145: Edward acted for a party seeking to enforce an international arbitration award for \$300m+ in England. Amidst allegations that the award was procured by fraud. The claim reached the Supreme Court in February 2017 and is now probably the foremost English case on enforcement under the New York Convention.
- **G v H** [2019-]: an arbitration under the ICC expedited procedure involving non-delivery of industrial manufacturing equipment.
- **E v F** [2019]: Dubai International Arbitration Centre. Edward represented a major overseas construction company in a dispute arising out of a large residential development.
- **C v D** [2019]: Dubai International Arbitration Centre. Edward appeared at the evidentiary hearing of a major overseas construction company in a claim arising out of a substantial infrastructure project.
- **A v B** [2019]: Edward represented the Claimant in an LCIA arbitration relating to life science products. Claims included fraudulent breach of the licence agreement.
- **An Arbitration** [2017-2019]: Edward acted in an ad hoc arbitration relating to the assignment and set-off of mutual claims arising out of oil bunkers transactions.
- **Arbitration in Permanent Court of Arbitration** [2011; 2012]: Edward acted for the investor in an Investor-State claim in the Permanent Court of Arbitration in The Hague relating to the expropriation of environmental gas pipeline projects.

Academic History

- Former Associate of the Institute of Chartered Accountants in England & Wales (ACA)
- Bar of Anguilla
- Bar of the Dubai International Financial Centre
- Chancery Bar Association

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