

# Lloyd Tamlyn

Called to the Bar 1991

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Lloyd specialises in all aspects of domestic and cross-border insolvency and restructuring, banking, financial services and professional negligence. He is a Fellow of INSOL International. He advises on and appears in cross-border litigation and is regularly instructed on cases in the Cayman Islands, British Virgin Islands, Channel Islands and the Isle of Man.

In recent years, Lloyd has appeared in several high-profile matters, including Debenhams plc (winding-up of Debenhams), *Lictor Anstalt v Mir Steel* (immunities of office-holders) and *Re Digital Satellite Warranty Cover* (Supreme Court decision on regulation of insurance business).

Lloyd was named as Insolvency/Restructuring Junior of the Year at the Chambers and Partners Bar Awards 2013. He is described as exceptionally bright, absolutely brilliant and great to work with. Lloyd has over several years been listed in the first rank of juniors in both Chambers & Partners and Legal 500.

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## Insolvency and Restructuring

Recent cases include:

- ***Re Debenhams plc*** [2020] EWHC 1755 (Ch), [2021] EWHC 473 (Ch), winding-up of Debenhams
- ***Re British Steel Limited*** [2019] BCC 974, appointment of liquidators to British Steel
- ***Hockin v Marsden*** [2014] 2 BCLC 531, duties and powers of office-holders to assign causes of action
- ***Re UK Coal Operations Ltd.*** [2014] 1 BCLC 471, restructuring of one of UK's largest coal producers
- ***Re A|Wear UK Limited; Bristol Alliance Nominee No 2 v Bennett*** [2014] 1 BCLC 471 (CA), entitlement to escrow amounts and specific performance against company in administration
- ***Re Digital Satellite Warranty Cover*** [2013] 1 WLR 605 (SC), scope of FSA's regulation of insurance business
- ***Lictor Anstalt v Mir Steel*** [2013] 2 All ER (Comm) (CA), immunity of office-holders against claims for inducing breach of contract
- ***Re Anchor Hedge Fund*** (2013) (BVI Commercial Court), appointment of office-holders by members' informal resolution
- ***Simpson v Light House Living*** (2012, Isle of Man, Staff of Government (Appeal Division)), insolvency set-off against nominees and trustees
- ***Re GBI Investments*** [2010] 2 BCLC 624, winding up on basis of disputed debt
- ***Brazzill v Willoughby*** [2010] 2 BCLC 259 (CA), distribution of trust funds held by Kaupthing bank
- ***Re Kaupthing Singer & Friedlander*** [2009] 2 Lloyd's Rep 154, Certificates of Deposit and

set-off

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## Insurance

Lloyd has considerable experience in dealing with insurance-related insolvency matters. Reported cases include:

- **Law Society v Shah** [2009] Ch 223, Third Party (Rights against Insurers) Act 1930
- **Re Ballast** [2007] Lloyd's Rep IR 742, insurers' rights of subrogation
- **North Atlantic Insurance Co v Nationwide General Insurance Co** [2004] Lloyd's Rep IR 466 (CA), fronting; insurance pools; claims to reinsurance

Other cases include:

- **Re UIC Insurance Company Limited (No 1)** [2007] 2 BCLC 46, remuneration of office-holders
- **Fusion Interactive Communication Solutions v Venture Investments Placement (No 2)** [2005] 2 BCLC 571, authority of directors to commence litigation
- **Re Casterbridge Properties** [2004] 1 WLR 602 (CA), power to set aside order for public examination
- **Re Bank of Credit and Commerce International (No 14)** [2004] 2 BCLC 236, fraudulent trading claim by one bank against another
- **O'Donnell v HSBC Bank** [2001] EWCA Civ 2108, meaning of "book debts or other debts" in debenture
- **Smith v UIC Insurance Co** [2001] BCC 11, power to award security for costs against company in provisional liquidation
- **Re J N Taylor Finance Pty** [1999] 2 BCLC 256, extent of Court's jurisdiction under section 426 of IA 1986
- **Alf Vaughan & Co v Royscot Trust** [1999] 1 All ER (Comm) 856, extent of remedy for relief from forfeiture where hire purchase agreements with "equity" at date of receivership
- **Kempe v Ambassador Insurance Company** [1998] 1 WLR 271 (PC), power of Court to extend time limits under Scheme of Arrangement
- **Mutual Reinsurance Co v Peat Marwick Mitchell & Co** [1997] 1 BCLC 1 (CA), entitlement of auditors to rely on indemnity granted in Articles of Association of a Bermudian company
- **Tam Wing Chuen v Bank of Credit and Commerce Hong Kong** [1996] 2 BCLC 69 (PC), charge backs

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## Professional Negligence

Lloyd has considerable experience of defending insolvency practitioners, solicitors and others against allegations of professional negligence.

Recent reported cases include:

- **Edenwest v CMS Cameron McKenna** [2013] 1 BCLC 525, striking out of allegations of

professional negligence against solicitors advising on pre-pack sale

- **Clydesdale Financial Services v Smailes** [2011] 2 BCLC 405, professional negligence claim against administrators; pre-pack sale

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## Pro Bono

Lloyd has done a considerable amount of pro bono work.

Reported cases where he acted pro bono include:

- **Cartwright v Cartwright** [2002] 2 FLR 610 (CA), enforcement of foreign matrimonial debts
- **Morgans (A Firm) v Needham** (CA) (The Times, November 1999), power to strike out for failure to comply with ambiguous unless orders

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## Awards and Recommendations

Chambers Bar 100 2013    Listed as one of the top 100 junior barristers in England and Wales

First rank Junior for Insolvency/Restructuring over several years

"He is excellent – straight to the point and very effective"

"He has a real gravitas in court and is very knowledgeable. He really is a cut above the rest"

"He is brilliant technically"

"He has the gift of making complex matters sound very straightforward"

Chambers & Partners    *"Absolutely brilliant"*

*"Accomplished senior junior singled out as a primary choice for highly contentious case work"*

*"A true gladiator without whom you would not want to enter a courtroom"*

*"A really tough opponent, who gives everything for his client"*

*"An advocate who argues with conviction and is very tenacious"*

First rank Junior for Insolvency/Restructuring over several years

"Incredibly bright and a robust advocate"

"He is fearless when it comes to opponents"

Legal 500    *"Good at resolving complex issues, calm under pressure and very reliable"*

*"Exceptionally bright, grasps issues very quickly and is great to work with"*

*"Hands on, swift and reliable"*

*"Very thorough, feisty opponent"*

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## Career

2011 Called to the Bar of the British Virgin Islands

2011 Called to the Bar of the Isle of Man

1991 Called to the Bar of England and Wales

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## Publications

Consultant Editor of ***Halsbury's Laws of England*** (fifth edition, 2017, Butterworths, volumes 16 and 17 Company and Partnership Insolvency )

Contributor to chapters on section 426, enforcement of judgments and orders and ancillary liquidations in ***Cross-Border Insolvency*** (fourth edition, Bloomsbury, 2015)

Contributor to ***Company Directors, Duties, Liabilities and Remedies*** (second edition, OUP, 2017)

Contributor to ***The Law of Administrators and Receivers of Companies*** (sixth edition, Lightman and Moss, Sweet and Maxwell, 2017)

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## Education and Qualifications

1983-1986 Pembroke College, Cambridge University, BA Law, First Class

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## Languages

French