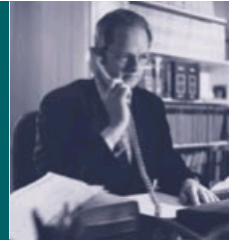


Nicholas Cox

Called: 1992



Areas of Practice

Insolvency

Litigation and advice in relation to all aspects of corporate insolvency and reconstruction.

Commercial Litigation and advice

Extensive experience of sensitive PFI and public/private sector contractual disputes (recent examples include transport, immigration operations and IT services). Experienced in mediations and alternative dispute resolution procedures.

Asset recovery

Commercial fraud recoveries: common law contractual, tortious and equitable claims. Proprietary and restitutionary remedies, constructive trusts and tracing and interim remedies (including freezing orders and injunctive relief).

Civil Recovery of the proceeds of crime

Experienced advocate in civil recovery actions and applications under the Proceeds of Crime Act 2002. Regularly instructed on behalf of the Serious Organised Crime Agency.

Public/Regulatory Law

Directors' Disqualification proceedings and public interest winding up.

Company law

Shareholder's rights and remedies, unfair prejudice petitions, just and equitable winding up, derivative actions; directors' duties; company charges, mortgages, debentures and guarantees.

Cases of Interest

Represented HM Treasury on the application to place *Kaupthing Singer & Friedlander* into administration under the Banking (Special provisions) Act 2008

Lead Counsel instructed on behalf of the Border Agency of the Home Office in commercial fraud proceedings

Lead Counsel representing DECC in connection with commercial and insurance aspects of the *British Coal Phurnacite Group Litigation*.

Appointed by the Minister of Transport as arbitrator to determine disputes under *Railways and Transport Safety Act 2005 between British Transport Police Authority and Train Operating Companies*:

Developed legal strategies for SOCA to deny fraudsters and return monies to victims of overseas lottery and money payment scams

Advised *National Savings and Investments* on novel aspects of its statutory powers and duties in connection with the Proceeds of Crime Act 2002.

R (on the application of Director of the Assets Recovery Agency & ors) v Green & ors [2005] EWHC 3168 (Admin): Statutory interpretation - civil recovery under POCA 2002. Leading case.

Norwich Union Life Insurance Society v Qureshi [1998] CLC 1605; *Aldrich and Ors v Norwich Union Life Insurance Co. Ltd [1998] CLC 1621*: ss 47-62 of Financial Services Act 1986 ss 47-62 - Guarantees - Insurer's duty of disclosure- Effects of illegality - Unconscionable Conduct - Fraud - Restitution - Remedies - Striking Out.

Advising and representing the Home Office in disputes concerning the statutory, contractual and insurance aspects of PFI ventures: including *Yarl's Wood Immigration Centre fire 2002: Harmondsworth Immigration Centre Disturbances 2004*: Electronic Tagging operations and The MoD's biggest PFI project - Colchester Garrison .

Advised upon and drafted Rules for the UK's first Carbon Emissions Trading Scheme: Innovative flagship scheme as part of UK Government's strategy to reduce greenhouse gas emissions. Instructed by Department of the Environment Food and Rural Affairs ("DEFRA").

Appointments

Nominated as Arbitrator on behalf of Minister of Transport 2002 and 2007.

Junior Counsel to the Crown since 1999: 'A' Panel April 2005. Ranked in Band 1 of Treasury Counsel: Chambers &

Areas of Practice

- Insolvency
- Public Law
- Commercial Litigation
- Asset Recovery
- Company Law

Notes

An "exceptional advocate"
Chambers & Partners 2007 - Chancery Commercial

A "charming advocate who is well liked by the courts"... "a shrewd operator" "works well as part of a team"

Ranked in Band 1 of Treasury Counsel
Chambers & Partners 2009 - Chancery

Languages

French language (good working knowledge).

Professional

Member of the Commercial Bar Association and the Chancery Bar Association.



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