

## Robert Hildyard QC

Called: 1977

Silk: 1994



### Cases of Interest

Guinness (directors duties);  
 Sea Containers (Bermuda/take-over litigation) [1996] JBL;  
 Wytch Farm (oil rights);  
 Carpets International [1990] BCLC 460 (duties of directors in take-over bids);  
 Byng v London Life [1990] Ch 170 (company meetings);  
 Kurz -v- Stella Musical Veranstaltungen GmbH Ch.D. [1992] Ch.196 (jurisdiction clause);  
 Saipem SpA v Rafidain Bank [1994] CLC 252 (contractual interpretation - oil pipeline),  
 Heron Group restructuring;  
 Re NRG Victory Reinsurance Ltd [1995] 1 All ER 533 (transfer of insurance business);  
 Charter Reinsurance Co.Ltd v Fagan [1997] AC 313 (re-insurance);  
 Macmillan Inc v Bishopsgate Investment Trust Plc & ors [1996] 1 WLR 387, (restitution,  
 constructive trusts, conflict of laws - shares);  
 BSB Holdings [1996] 1 BCLC 158 (sec 459 - unfair prejudice - duty of directors);  
 Regalian Properties v LDDC [1995] 1 WLR 212 (restitution - Quasi contract - costs incurred for  
 intended contract);  
 Bank Negara Indonesia 1946 v Taylor [1995] CLC 255 (enforcement of guarantee).  
 Phillips Petroleum Co. UK Ltd v Enron Europe Ltd [1997] CLC 329 (oil contract, construction of);  
 In re: Hill Samuel Life Assurance Ltd [1998] 3 All ER 176 (life insurance business transfer);  
 MCC Proceeds Inc v Lehman Brothers International (Europe) [1998] 2 BCLC 659 (good faith  
 purchaser - whether conversion lies against);  
 Re: Market Wizard Systems (UK) Ltd [1998] 2 BCLC 282 (banking & financial services - company  
 law);  
 Norwich Union Life Insurance Society v Qureshi [1999] CLC 1963 (insurance - duty of  
 disclosure)  
 Aldrich & ors v Norwich Union Life Insurance Co. Ltd [1999] CLC 1963 (insurance - banking and  
 financial services);  
 Secretary of State & Industry v North West Holdings plc [1999] 1 BCLC 425 (public interest  
 petition - provisional liquidator - advertisement);  
 Hall v Bank of England [2000] LLR (Banking) 186 [Court of Appeal] (tort-misfeasance in public office - rule in Foss &  
 Harbottle - reflective loss)  
 Ikarian Reefer (no.2) [2000] 1 WLR 603  
 Axa Equity and Law Life Assurance Society plc [2001] 2 BCLC 447 (pre-emptive costs order in  
 insurance company transfer scheme)  
 Axa Equity and Law Assurance Society plc [2001] 2 BCLC 467 (scheme for reattribution of  
 insurance company inherited estate)  
 Cleaver v Delta Re [2001] 2 AC 328 (winding-up; hotchpot; IBNR claims)  
 Konamaneni v Rolls-Royce (India) Ltd [2002] 1 WLR 1269 (conflict of laws and derivative actions)  
 Vedatech Corp. v Crystal Decisions (UK) Ltd [2002] EWHC 818 (Ch.) (proper measure of  
 restitutionary remedy)  
 In re Supporting Link Ltd [2004] 1 WLR 1549 (Secretary of State's Petition; whether undertakings  
 acceptable)  
 Norwich Union Life Assurance (scheme of transfer and reorganisation)  
 Kuwait Airways Corporation v Iraqi Airways Company (legal professional privilege)  
 Equitas Ltd, [2009] EWHC 1595 (Ch), [2010] LI Rep 1269 (Part 7 Transfer scheme)

### Overseas Cases of Interest

Banco Economico v Allied Leasing [1998] CILR 292, [2001] CILR 93, [2002] CILR 118 (Winding-  
 up of overseas bank) [Cayman Islands]  
 Allied Investment Fund v Johnson [1999] CILR 237 (removal of Liquidator) [Cayman Islands]  
 Re CAP Securities [1999] HKLRD 1 (collapse of broker - nature of customers' interests in  
 fungible bulk of securities - proprietary claims) [Hong Kong]  
 Omni Securities v Coleman [2001] CILR 68 (Directors' duties; de facto and shadow directors)  
 [Cayman Islands]  
 Omni Securites Ltd v Deloitte and Touche (auditors' negligence; procedure for multiple actions)

### Areas of Practice

- Litigation and advice in the fields of company and commercial law
- Mergers and acquisitions
- Corporate insolvency
- Financial services
- Insurance company transfers of business
- Demutualisations
- Trust litigation
- Energy law

[Cayman Islands]

Grupo Torras v Bank of Butterfield [2002] CILR 68 (fraud; breach of duty and tracing) [Cayman Islands]

In re Al Sabah [2003] CILR 413 (orders on aid in bankruptcy) [Bahamas and Cayman Islands]

Esteem Settlements (tracing; sham trusts; remedial constructive trust; article 47 Jersey Trust Law) [Jersey]

Sun Life of Canada (worldwide demutualisation) [Hong Kong]

Koonmen v Bender [2002] JLR N 45: (Jersey trust forum selection clause)

Re Chime Corporation [2004] 3 HKLRD 922 (minority shareholders' petition: availability of restitutionary relief) [Hong Kong Court of Final Appeal]

Globe-X companies (cross-border liquidation and mutual assistance) [Bahamas and Anguilla Court of Appeal]

Astian Group Ltd v TNK Industrial Holdings Ltd (forum non conveniens; conflict of laws) [BVI Court of Appeal]

Oracle Fund Ltd (large sale litigation against Fortis Bank [Bahamas and Privy Council Appeal])(concerned amongst other things issue of reflective loss)

Alexiou & anr v Campbell (construction of consent order/contract compromising litigation for the sale of shares in a Bahamian insurance group),[Bahamas Privy Council Appeal]

Validus Holdings Ltd v IPC Holdings Ltd (Contentious Company Scheme of arrangement)[Bermuda]

## Publications

Contributor: Butterworths Encyclopaedia Forms and Precedents (company volume)

Contributor: Tolley's Company Law.

Consultant Editor: Annotated Companies Act (Oxford University Press)

## Appointments

Junior Counsel to the Crown (Chancery) (1992-1994).

Company Law Review Working Group advising DTI on Shareholders' Remedies (including statutory reform of the rule in Foss & Harbottle and consideration of reflective loss)

Deputy Judge of the High Court (2001- )

Financial Reporting Review Panel (2002- )

Attorney General to the Duchy of Lancaster (2006- )

## Overseas Qualifications

Called to the Bar of the Eastern Caribbean (Anguilla and BVI) and the Bars of the Bahamas, Bermuda, the Cayman Islands, the Turks & Caicos and Hong Kong for specific cases.

## Languages

Spanish

## Professional

Member of the Commercial Bar Association, Insolvency Lawyers Association and Chancery Bar Association.



© 4 Stone Buildings 2009

**4 Stone Buildings**

Lincoln's Inn, London WC2A 3XT

tel: 020 7242 5524

fax: 020 7831 7907

DX: 385 Chancery Lane