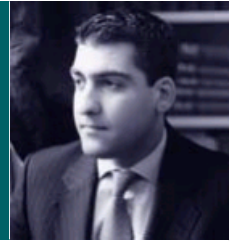


## Tiran Nersessian

Called: 2002



### Areas Of Practice

Litigation and advice in the fields of Company Law, Corporate Fraud, Insolvency, Commercial Litigation, Public Law.

#### Insolvency

Tiran advises and represents parties involved in personal and corporate insolvency proceedings. His instructions include litigation concerning transactions at undervalue and preferences, disputed winding up and bankruptcy petitions, administrations, applications to set aside statutory demands, public/private examinations, bankruptcy restriction orders and the appointment of provisional liquidators on the application of creditors and the Secretary of State. He regularly represents HMRC and the Official Receiver and has recently advised and litigated proceedings which have included issues such as the interplay between restraint orders under the Proceeds of Crime Act 2002 and administrations under the Insolvency Act 1986; the impact of statutory discounts on allegations of transactions at undervalue; recognition under the Cross Border Insolvency Regulations 2006; and the impact of the Bill of Rights 1688 on HMRC's ability to charge VAT surcharge penalties.

#### Company Law

Tiran advises and represents parties on issues of shareholder rights (including the drafting and litigating of s.994 petitions), directors' duties, interim injunctions, company restorations, registration of charges and matters involving bona vacantia. He is also regularly instructed by the Secretary of State and defendants in directors' disqualification proceedings.

#### Financial Services

Tiran has been engaged in a large scale review of alleged pensions mis-selling. The review was formulated and undertaken under the guidance of the FSA.

He also successfully defended a major market maker against an action brought by an investor who had purchased shares in an AIM company on the London Stock Exchange pursuant to the LSE Rules (*Tumber v (1)Shore Capital (2)Halifax Share Dealing*). The case was well publicised (FT p.2 22/8/05, 23/8/05, 13/9/05, Times 23/8/05) and was linked to the major FSA investigation of short-selling against the stockbroker Evolution Group.

#### Public Law

Tiran is regularly instructed on a wide range of public law matters, including asset recovery (SOCA); competition law (OFT); government contracts for the provision of services to asylum seekers (UK Border Agency - Home Office); directors' disqualification, public interest winding up petitions, bankruptcy restriction orders and company investigations (Secretary of State for Business, Innovation and Skills); and judicial review applications (Department of Work and Pensions and Home Office). He has acted for the Government in major cases including the Harmondsworth detention centre and MG Rover.

#### Commercial Litigation

In addition to litigation in all of the above fields, Tiran also has extensive experience in advising on and litigating general contractual matters, which have included disputes arising from large Government contracts for public services.

### Cases Of Interest

*David Anthony Rubin v Michael John Coote [2009] EWHC 2266 (Ch)* - application by liquidator for sanction of a compromise;

*Official Receiver v Baars [2009] BPIR 524* - jurisdiction to extend time for an application for a Bankruptcy Restriction Order;

*(1) Jane Bronwen Moriarty (2) Myles Antony Halley (Administrators of BA Peters Plc) (in Administration) v Various customers of BA Peters Plc (in Administration) [2008] BPIR 1180* - insolvent administration concerning distribution of monies from company client account subject to competing trust claims and retention of title clauses;

*Her Majesty's Revenue and Customs v Potter [2008] BPIR 1033* - extent to which bankruptcy courts can interfere in VAT/Income tax matters under exceptional circumstances;

### Areas of Practice

- Company Law
- Corporate Fraud
- Corporate Insolvency
- Commercial Litigation
- Public Law

*Official Receiver v William Bathurst* [2008] BPIR 1548 - appeal before the Chancellor, establishing the extent to which moral obligations can be considered by the court on applications for Bankruptcy Restriction Orders;

*Owen v Her Majesty's Revenue and Customs* [2008] BPIR 164 - appeal concerning the bankruptcy court's ability to go behind income tax assessments;

*Secretary of State for Business, Enterprise & Regulatory Reform v Poulter and anor* (2008) BCC 608 - Directors' Disqualification involving preferences and transactions at undervalue;

*Re Easy Letting & Leasing* [2008] EWHC 1375 (Ch) - extent to which the court can adjudicate upon a bona fide dispute on an application to restrain advertisement of a winding up petition involving issues of acquiescence and estoppel;

*FKI Engineering Ltd v De Wind Holdings GMBH* (2008) - application for recognition of foreign insolvency proceedings pursuant to Article 15 of the Cross Border Insolvency Regulations 2006 (SI 2006/1030);

*Shirley Jackson (trustee in bankruptcy of Subhash Kanji Thakrar & ors v Subhash Kanji Thakrar and ors* (2007) - advising HMRC on matters arising from the litigation;

*John Hartwell McWalter Shepherd v Official Receiver* [2007] BPIR 101 - test for interfering with a decision of a trustee in bankruptcy and the Official Receiver;

*Moordene Ltd and anor v Trans Global Chartering Ltd and ors* [2006] EWHC 1016 (Ch) - trial of without prejudice petition and application for indemnity costs;

*The Queen on the Application of the Director of Assets Recovery Agency and Others v Green* [2005] EWHC 3168 - multi million pound recovery claim involving points of construction of Part V of the Proceeds of Crime Act 2002. Settled 2007;

*Noble Resources and anor v Gross* - advice involving claims for breach of contract, concealment and fraud and ex parte freezing order.

## Appointments

Junior Counsel to the Crown (C Panel) 2006

## Languages

Fluent in Armenian

## Publications

Contributor to Annotated Companies Acts, OUP (ed. John Birds)

## Academic

Jesus College: Viscount Sankey Scholarship and Benlian Trust Scholarship.  
Lincoln's Inn Lord Denning Major Scholarship and Hardwicke Entrance Award.

## Professional

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



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