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Malcolm Davis-White QC MA, BCL (Oxon)

**Called: 1984
Silk: 2003**

Areas of Practice

Primarily a company lawyer with a particular specialisation in directors' duties, Malcolm has wide experience in conducting litigation (especially witness trials) and providing advice in the fields of company law (including shareholder disputes, directors' duties, corporate fraud and asset recovery, reductions of capital and schemes of arrangement), LLPs, Industrial and Provident Societies, insolvency (both corporate and personal), financial services, insurance transfer schemes, regulatory work (including listing rules, directors' disqualification, public interest winding up proceedings, insolvency practitioner tribunals, FSA tribunals, VAT carousel schemes) and commercial disputes.

Malcolm Davis-White represented a number of the witnesses giving evidence to the BSE inquiry and has acted as one of three investigators appointed by HM Treasury under the Insurance Companies Act 1982. He has also been appointed to act as friend to the court .

Cases of Interest

Cases of interest include:

Eastaway v Secretary of State for Trade and Industry [2007] EWCA Civ 425; [2007] BCC 550 (effect on English proceedings of decision of European Court of Human Rights)

Re Transtec plc, Secretary of State for Trade and Industry v Carr [2006] EWHC 2110 (ch), [2007] BCC 313

Re Eagle Star Insurance Company Ltd [2006] EWHC 1850, [2007] 1 BCLC 21 (insurance business transfer scheme)

Re Blackspur Group (No 4) [2006] EWHC 299 (ch), [2006] 2 BCLC 489

Re INS Realisations Ltd, Secretary of State for Trade and Industry v Jonkler [2006] EWHC 135 (ch), [2006] 2 BCLC 239

Re Allied Dunbar Assurance plc [2005] EWHC 28 (ch), [2005] 2 BCLC 220 (insurance business transfer)

Re TransTec plc, Secretary of State for Trade and Industry v Carr & ors, [2005] EWHC 1723 (ch) [2007] 1 BCLC 93 (effect of criminal proceedings on civil proceedings)

Re Pantmaenog Timber Co (HL) [2004] 1 AC 158; (private examinations under section 236 Insolvency Act 1986);

R v Brady [2004] 3 All ER 520 (use of compelled evidence under ss235 and 236 Insolvency Act 1986)

Norwich Union Linked Life Assurance Limited [2004] EWHC 2802 (ch) [2005] BCC 586 (insurance business transfer scheme)

Re The New Millennium Experience Co Ltd [2004] 1 All ER 687 (share transfer rights/rectification of the register of members)

Re Blackspur, Secretary of State v Eastaway [2001] EWCA CIV 1595

R v Legal Services Commission ex p Jarrett [2001] EWHC Admin 389 (legal aid - human rights).

Re Westminster Property Management Ltd (2, Official Receiver v Stern & anr (no2) [2001] BCC 305

Re Launchexcept Ltd [2000] 1 BCLC 36

Re Bradcrown Limited [2001] 1 BCLC 547

The Secretary of State for Trade & Industry v Collins [2000] 2 BCLC 223

The disqualification of directors of Barings reported on various aspects at Re Barings [1998] 1 BCLC 590, [1999] 1 BCLC 226 and 262, [1999] 1 AER 311, [1999] 1 BCLC 433;

R v Cole [1998] 2 BCLC 234

Re Hill Samuel Life Assurance Ltd [1998] 3 AER 176 (insurance transfer schemes)

Official Receiver v Hannan [1997] 2 BCLC 4673

Re a Debtor (No 2021 of 1995) ex p Inland Revenue [1996] 2 AER 345 (faxed proxies in insolvency proceedings);

Soden & Anor v Burns [1996] 1 WLR 1512 (s236 Insolvency Act 1986)

Re Moorgate Metals Ltd [1995] BCC 143;

Re Grayan Building Services Ltd [1995] Ch D 241;;

Stothers v William Steward (Holdings) Ltd [1994] 2 BCLC 266 (share transfer and pre-emption rights)

Publications

Joint author (with Adrian Walters):

Directors Disqualification and Bankruptcy Restrictions: Law and Practice (Sweet & Maxwell, 2005) (2nd edition).

Contributor:

Atkins Court Forms Volume 9, (1)(Companies - general), 9(2) to 9(5) (Companies-insolvency)

Appointments

Junior Counsel to the Crown (A Panel)(1994-2003).

Appointed QC 2003

Professional

Member of the Commercial Bar Association, the Chancery Bar Association, the Insolvency Lawyers Association, the Society of Advanced Legal Studies.

Notes

Malcolm Davis-White is recommended as a leading silk in Chambers UK & Chambers Global and in the Legal 500 for company and restructuring/insolvency. Comments have included "a good advocate and produces excellent paperwork", "possesses "knockout quality", "has a long experience in court", keeps it simple. His arguments are all so concise and to the point; there is no wasting time with him", an "opponent you do not wish to see on the other side", "precise advice and meticulous preparation", "extremely persuasive", "trusted by judges", "very straight- playing and easy to deal with", "a sterling reputation for an ability to pare down vastly complex issues with speed and accuracy".