

NEW SQUARE CHAMBERS

12 New Square Lincoln's Inn London WC2A 3SW

T +44 (0) 20 7419 8000 F +44 (0) 20 7419 8050

DX 1056 London www.newsquarechambers.co.uk

E clerks@newsquarechambers.co.uk

Tim Akkouh

Call: 2004



Tim Akkouh was called to the Bar in 2004. He read law at the London School of Economics, where he was awarded a first class degree in 2001, and University College London, where he obtained an LLM in 2002 (obtaining the highest marks awarded that year in the restitution and international trust law papers).

Tim has a broad-based commercial chancery practice, with a particular emphasis on trusts, probate, insolvency, commercial and company matters. His reported cases include [Gotham v Doodes](#) [2007] 1 WLR 86 (CA) and [Halabi v London Borough of Camden](#) (The Times, 25 March 2008).

Tim spent much of 2008 and 2009 acting for one of the defendant trustees in the Jersey based [Alhamrani v Alhamrani](#) litigation. The case is currently stayed, having reached the 102nd day of trial. Tim also acted for the claimant beneficiaries in the Bermudan [Wingate v Butterfield Trust \(Bermuda\) Limited](#) litigation. Tim often writes on legal issues, and is the co-author of *Trusts Law* (1st edition, Palgrave Macmillan, 2008).

Tim regularly appears in insolvency matters for office-holders, creditors and debtors. He is a contributor to *Personal Insolvency: Law and Practice* (LexisNexis, 2008) and has recent experience of the following:

- appearing on an administrator's application for Berkeley Applegate relief and directions as to the distribution of a £0.75 million fund;
- appearing on undervalue and preference claims;
- conducting private examinations;
- opposing a bankruptcy restrictions application;
- appearing on an application for the re-direction of a bankrupt's mail; and
- acting on a successful appeal against the rescission of a bankruptcy order.

Tim's recent experience of commercial and company matters includes:

- conflict of law issues (including making and defending applications for stays under the common law and Regulation 44/2001);
- defending a challenge to a loan agreement under s. 140A of the Consumer Credit Act 1974 (the new 'unfair relationship' ground); and
- seeking a declaration of non-liability in respect of an intimated contractual claim.

Tim was appointed to the Attorney General's panel of counsel to the Crown (C list) in April 2008.

Areas of practice

Commercial Chancery
Company and Insolvency
Property
Trusts and Estates
Offshore work & other areas

Appointments

Attorney General's Panel of Counsel (C list), from 1 March 2008

Education and Qualifications

London School of Economics - LLB (Lond), First Class Honours

University College London - LLM (Lond)

Directories and Acknowledgments

"exceptionally bright"

Legal 500, 2010 Edition - Fraud: Civil

"a great future ahead of him"

Legal 500, 2010 Edition - Fraud: Civil

Leading Junior - Fraud: Civil - Legal 500, 2010 Edition

Leader at the Bar - Chancery: Commercial - Chambers UK 2011

Tim is featured in Legal Week's 'Highly commended up and coming barristers' feature, published in October 2009. Legal Week quotes one solicitor who says of Tim: *"He has shown time and time again that he has a range of abilities within chancery and commercial and is a very hard worker."*

Memberships

Chancery Bar Association

Cases

Commercial Chancery

Name: BTA Bank v Ablyazov

Reference: [2010] 1 WLR 976; The Times (12 November 2009); (2010) 1 Cr App R 9; [2009] All ER (D) 305 (Oct); LTL 16/11/2009

Comment: In these proceedings in the Commercial Court in London a claim is made by the largest bank in Kazakhstan that its former chairman and other officers have misappropriated US\$100 millions. The case commenced in August 2009 and has involved the grant of freezing and disclosure orders and numerous further orders in the Commercial Court. The decisions of the Court of Appeal handed down on 27 October 2009 are important rulings on the privilege against self-incrimination and the scope of the removal of that privilege in civil fraud cases.

Court: Court of Appeal

Company and Insolvency

Name: Halabi v London Borough of Camden

Reference: [2008] BPIR 370; The Times, 25 March 2008; [2008] All ER (D) 213 (Feb)

Comment: Section 282(1)(b) of the Insolvency Act 1986 - the standard procedure on bankruptcy annulments was beyond the jurisdiction of the court – undertakings to pay the bankruptcy debts upon the making of an annulment order were not sufficient

Court: High Court

Name: Gotham v Doodes

Reference: [2007] 1 WLR 86; [2007] 1 All ER 527; [2006] All ER (D) 348 (Jul), Times Law Reports, 14 August 2006

Comment: This matter arose out of a charge imposed over a bankrupt's former property pursuant to s. 313 of the Insolvency Act 1986. The effect of the charge was that the bankrupt's former property re-vested in the bankrupt, but subject to the s. 313 charge. Over 12 years passed after the granting of the charge before the trustee in bankruptcy sought to enforce it by making an application for possession and sale.

The bankrupt set up a limitation defence, relying on s. 20 of the Limitation Act 1980. The trustee succeeded in front of the Chief Registrar, who was reversed on appeal to the High Court. The Court of Appeal restored the Chief Registrar's decision, holding that the bankrupt had no limitation defence to the enforcement of the charge. The Court held that the trustee's right to receive the money secured by the charge did not accrue until an order for possession and sale of the bankrupt's property was made. As such, notwithstanding the time delay of over 12 years, time for the purposes of the Limitation Act 1980 had not yet started to run.

The decision is welcome news for those trustees who have the benefit of s. 313 charges. Its effect is that no limitation period applies to such charges prior to the date on which an order for possession and sale is obtained. Trustees will, instead, have 12 years after obtaining an order for possession and sale to enforce the same.

Court: Court of Appeal

Trusts and Estates

Name: Alhamrani v Alhamrani

Comment: This is a long-running set of claims for breach of trust. The trial began in November 2008 and settled in July 2009 after 101 court days. There were two trusts, of which the beneficiaries were a Saudi Arabian family, and the principal complaint was that the trustees paid too much attention to the wishes of one member of the family, investing money in a business which has now failed. The case has given rise to various reported decisions, including one at [2007] J.L.R. 44, [2008] W.T.L.R. 753 on the 'dog-leg' claim against directors of a corporate trustee.

Court: Royal Court of Jersey

Name: Wingate v Butterfield Trust (Bermuda) Limited
Reference: [2008] WTLR 357; costs at [2008] WTLR 543
Comment: The decision invokes the jurisdiction recognised in *Schmidt v. Rosewood Trust Ltd* to obtain information about a trust fund from its trustees. It was held that an interim application for disclosure can be made in pending breach of trust proceedings; that major beneficiaries should have their reasonable questions about a trust answered, by disclosure of relevant information and documentation; and that the right to information and documentation is 'free-standing' and not linked to any breach of trust claim, meaning that a trustee is not entitled to raise a limitation defence to counter such an application.

Court: Supreme Court of Bermuda

Offshore work & other areas

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