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## Emma Read

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**Year of Call:** 2006

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**Clerk:** Raj Lamba

**Clerk:** Jonathan Mytton

### PRACTICE AREAS

Property

Wills, Trusts and Probate

Insolvency & Restructuring

Company

Commercial

Banking and Finance

Professional Negligence and Disciplinary

### PROFILE

Emma's expertise covers a wide range of commercial and chancery work. She accepts instructions in all of Chambers' core practice areas with specific emphasis on property, company and insolvency, commercial and banking disputes, probate, trusts and charities, and professional negligence.

Emma has developed a busy commercial chancery practice, regularly appearing in the High Court and County Court. Emma is a robust and committed advocate and prides herself on giving commercial and practical advice.

Emma also undertakes advisory and drafting work in company restructuring, business transfers, corporate acquisitions, sales and demergers.

## PRACTICE AREAS

### Property

Emma has extensive experience in this area and has advised or acted in cases involving mortgages, restrictive covenants, constructive trusts and several matters involving undue influence and duress, adverse possession and boundary disputes. Emma also undertakes commercial and residential landlord and tenant work.

#### Recent cases include:

- Acting for a sports club in its High Court claim against mortgagee and LPA receivers in relation to a bridging loan.
- Advising and representing (pro bono) a person who had sold residential property under value and mortgaged
- Representing a home-owner in a claim for adverse possession of adjacent land owned by a commercial developers
- Acting for commercial property developers in claims by land agents for commission
- Advising the administrators of a commercial developer in relation to restrictive covenants affecting the property.
- Advising a developer on the restrictive covenants affecting the retained land following the construction of a small estate within a building scheme and subsequent application to discharge the restrictive covenants.

### Wills, Trusts and Probate

Emma is frequently instructed to advise and represent beneficiaries and personal representatives in contentious probate matters and claims under the Inheritance (Provision for Family and Dependents) Act 1975.

Emma has been instructed in several cases concerning the validity of a will and testamentary capacity and also has experience of applications to remove or replace personal representatives and applications for directions by personal representatives in a number of situations.

Emma is increasingly instructed on behalf of insolvency practitioners in cases the insolvency includes substantial trust property or complex beneficial interests.

#### Recent cases include:

- Acting for minor beneficiaries of a discretionary trust where there was serious concern about the administration of the estate and trust property both in the UK and abroad and advising on the merits of an

application to replace the executors prior to the grant of probate.

- Claim for the rectification of a will in an estate with substantial assets in a case of a partial intestacy.
- Acting for a trustee in bankruptcy in circumstances where the bankrupt's only asset was a beneficial interest in a trust and the bankrupt was in dispute with the trustees and the other beneficiaries.

## Insolvency & Restructuring

Emma has acted for, and against, liquidators, trustees in bankruptcy, receivers and administrators in connection with a wide range of insolvency matters including claims against directors for misfeasance and breach of duty, disputed debts (including injunctions to restrain presentation / advertisement of a winding up petitions and applications to set aside statutory demands), jurisdiction and domicile and applications for rescission of winding up orders and the annulment of bankruptcy.

Emma also has expertise in the winding up of Industrial and Provident Societies and Friendly Societies.

### Recent cases include:

- Wallace v Wallace; Re Carna Meats Limited [2019] EWHC 2503 (Ch) Acting for liquidators seeking an order under s263 Insolvency Act 1986 for an order for the delivery up of the insolvent company's books and records against a bookkeeper resident in Ireland
- Representing for a petitioning creditor in relation to debts arising from a contract for capital markets fundraising
- Acting for a petitioning creditor landlord in a dispute as to the petition debt based on rent and service charges where the lease contained a "no set-off or cross claim" clause.
- Advising a liquidator on potential claims against directors following substantial debts to HMRC arising out of failed tax-saving schemes relating to employee benefit trusts.
- Acting for a trustee in bankruptcy in circumstances where the bankrupt's only asset was a beneficial interest in a trust and the bankrupt was in dispute with the trustees and the other beneficiaries.
- Acting for the liquidator against former directors in claims for beneficial interest in overseas property.

## Company

Emma has extensive experience in company law. Emma is regularly instructed in a range of company litigation and also enjoys advisory work and non-contentious work in this area. Emma is also instructed in disputes concerning LLPs and partnerships.

### Recent cases include:

- Acting for the petitioning creditors in 4 linked s994 petitions following the petitioners exclusion from two family companies with assets in excess of £13 million.
- Advising on the corporate structure and effect of a shareholder's agreement in a management company owning the common parts of a building scheme
- Acting for a well known plc on the reduction of share capital and share premium account.
- Advising on and drafting documents in relation to the tri-cornered demerger of a property company.

## Commercial

Emma has extensive experience in commercial law. Emma is regularly instructed in a range of company and commercial litigation including contractual claims, insurance disputes, conversion and professional negligence. Emma is regularly instructed by enforcement agents in claims and injunctions against them by debtors.

### Recent cases include:

- Advising a company with a quasi-partnership structure on the duties owed by a departing director and shareholder.
- Advising a technology start-up on restrictive covenants contained in its founders' contracts with their former employers.
- Acting for the defendant respondent to a freezing injunction where the applicant sought to restrain the assets of a deceased estate and considering the application of the Angel Bell exception to personal representatives.
- Advising a former partner on the appointment of a receiver over partnership assets.

## Banking and Finance

Emma is regularly instructed on banking matters with particular emphasis on claims concerning guarantees, mortgages, letters of credit and demand guarantees.

Recent cases include:

### Recent cases include:

- Acting for an individual supplying capital to bridging lenders in a dispute as to the enforcement of security.
- Acting for a commercial client in a dispute with its bankers.
- Acting for a defendant building society joined to a claim for the return of a deposit, under s.75 of the Consumer Credit Act 1974.

## Professional Negligence and Disciplinary

Many of Emma's cases involve allegations of breach of duty against a professional, including solicitors, surveyors, insolvency office holders, accountants, banks.

Emma is able to deal with professional negligence matters in all her core areas of practice.

### Recent case include:

- Acting for defendant solicitors in a claim for negligence where the underlying case was a heavily contested commercial landlord and tenant dispute

## CAREER AND ASSOCIATIONS

Bar Vocational Course (Very Competent)  
Post Graduate Diploma in Law  
Inner Temple Princess Royal Scholarship (Major Award)  
Inner Temple Duke of Edinburgh's Entrance Scholarship  
Clare College, Cambridge (Graduate Studies: Philosophy of Science)  
Kings College London, BSc Biochemistry (First Class)  
Chancery Bar Association - ChBA  
Professional Negligence Bar Association - PNBA  
Property Bar Association - PBA  
Commercial Bar Association - COMBAR  
We Are Advocate (Formerly Bar Pro Bono Unit)  
CLIPS Scheme



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## CONNECT WITH US

