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## Madeline Dixon

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**Year of Call:** 2013

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**Clerk:** Raj Lamba

### PRACTICE AREAS

Insolvency & Restructuring  
Company  
Wills, Trusts and Probate  
Commercial  
Property

### PROFILE

Madeline has a busy commercial Chancery practice, with a particular emphasis on insolvency and company law. She frequently appears in both the High Court and the County Court and is equally comfortable acting as junior counsel or appearing in her own right.

Her practice has an international aspect: in addition to her experience of insolvency with a cross-border element, Madeline is currently acting as junior counsel in a long-running contentious trusts action in the Bahamas.

## Insolvency & Restructuring

Madeline's practice encompasses both personal and corporate insolvency. She is regularly instructed by officeholders and private individuals in insolvency proceedings, typically concerning: applications to set aside statutory demands, disputed bankruptcy and winding up petitions, annulment applications, appeals against bankruptcy orders and clawback proceedings (including TUVs, preferences and misfeasance).

### Recent cases include:

- *Choudhury v Luton Borough Council* [2017] EWHC 960 (Ch), representing the Respondent in an appeal against a bankruptcy order;
- *Patterson v London Borough of Lewisham* [2017] EWHC 632 (Ch), again representing the Respondent in an appeal against a bankruptcy order;
- Advising the liquidator of a society registered under the Co-operative and Community Benefit Societies Act 2014 in a proposed application for directions where it appeared that his appointment was invalid;
- Advising a trustee-in-bankruptcy as to whether proceedings to challenge the transfer of a property located in Spain should be issued in Spain or in this jurisdiction;
- Advising and successfully representing the trustee of a Northern Irish bankruptcy in an application for the possession and sale of a property situated in England;
- Successfully representing the Respondent in an application to restrain advertisement of a winding-up petition.

## Company

Madeline has advised and acted in claims for breach of directors' duties, shareholder disputes, applications to restore companies to the register or extend the time to register a charge, and applications to rectify or remove material from the register.

### Recent examples include:

- Advising a company and two limited liability partnerships in connection with claims against a director of the company and member of the partnerships for breach of duty;
- Successfully representing a company in its application to remove unaudited financial statements from the register and replace them with accounts for a micro-entity;
- Advising shareholders of a company in connection with a potential unfair prejudice petition.

## Wills, Trusts and Probate

Madeline has a burgeoning contentious trusts practice with an offshore emphasis. Led by Lawrence Cohen QC, Madeline acts for members of the Hayward family in litigation in the Bahamas concerning their exclusion as beneficiaries from a family trust; she has assisted with interlocutory hearings both in the Supreme Court and the Court of Appeal.

### Further recent work includes:

- Advising trustees of a charity in connection with potential claims for breach of fiduciary duty against the remaining trustees;
- Advising the settlors of a trust as to its validity;
- Advising and successfully representing the claimant in a heavily contested application for an order for the sale of a property pursuant to TOLATA 1996.

## Commercial

Madeline has extensive experience representing both companies and individuals in contractual disputes, misrepresentation claims and enforcement proceedings.

### Her recent work includes:

- Assisting with the preparation of an application for permission to appeal to the Court of Appeal in connection with construction of a contract, led by Ian Mayes QC.
- Drafting proceedings and representing the claimant in his claim for the recovery of unpaid accountancy fees;
- Representing the claimant in a multi-track trial for the recovery of a loan;
- Drafting proceedings in a management company's claim for the recovery of commission from a musician;
- Advising a company on a "*Henderson v Henderson*" point in a claim for unpaid invoices;
- Representing the claimant in a misrepresentation claim.

## Property

Madeline has experience in a number of areas in real property, including mortgages, land registration, nuisance, trusts of land, constructive trusts and proprietary estoppel. She is also regularly instructed in commercial and residential landlord and tenant disputes.

### Examples of her recent work are:

- Acting for the claimant in a multi-track claim for possession of a residential property, in which proprietary estoppel is pleaded in the defence;
- Advising the defendant in a claim under the Access to Neighbouring Land Act 1992;
- Advising the claimant in a claim for specific performance of covenants in a long lease of residential property;
- Representing the claimant in its claim for an injunction requiring the removal of a floating restaurant in the Brighton Marina.

## CAREER AND ASSOCIATIONS

Bar Professional Training Course (Very Competent): 2012 – 2013

Graduate Diploma in Law (Distinction): 2011 – 2012

BA Philosophy (Hons), Clare College, Cambridge: 2007 – 2010

Lord Denning Scholar, Lincoln's Inn: 2012

Hardwicke Scholar, Lincoln's Inn: 2011

Foundation Scholar, Clare College, Cambridge: 2009

## PUBLICATIONS

It's Not Fair – Adjourning Trials after Bilta (UK) Ltd (in liquidation) v Tradition Financial Services Ltd [2021]  
EWCA Civ 221

Contributor to Practical Law's Property Litigation Column

Contributor to the Estates Gazette Q & A

Contributor to Butterworth's Property Insolvency

Contributor to The Landlord & Tenant Factbook



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