

## Hannah Laithwaite

Hannah undertakes a broad range of civil and commercial work, with her practice primarily spanning the areas of commercial, insolvency, aviation and property (for further detail, please click on a subject heading above).

She is able to provide advisory, drafting and advocacy expertise at all stages of the litigation process.

Hannah prides herself in being approachable and in providing a practical, efficient and cost effective service to her clients.

She is qualified to accept instructions under the Bar's Public Access scheme.

### Further information

#### Qualifications

- Inner Temple Award for Outstanding Achievement on the BPTC
- Bar Professional Training Course (College of Law)
- Post Graduate Diploma in Law (College of Law)
- BA (Hons) English (Queen Mary, University of London)

#### Memberships

- Commercial Litigation Association
- Society of Construction Law
- Property Bar Association

#### Interests

Hannah is a keen runner and cyclist, and enjoys skiing and travelling.

#### Commercial

Hannah is able to assist in advising, drafting and representing clients in a broad range of commercial litigation and insolvency matters, including:

- Contractual disputes;
- Sale and supply of goods and services;
- Consumer credit and credit hire agreements;
- Agency disputes;
- Breach of trust and fiduciary duty;
- Joint venture and partnership disputes;



**Year of Call: 2012**

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- Debt claims and enforcement;
- Insolvency (including bankruptcy and winding up petitions, annulment, injunctive relief, statutory demands, restoration to the register and validation orders).

She also regularly acts for major airlines in defence of aviation/passenger claims, particularly those arising under Regulation 261/2004 and the Montreal Convention.

## **Property**

Hannah has a varied property practice which includes:

- Forfeiture;
- Leasehold enfranchisement and lease extensions;
- Service charge disputes;
- Dilapidation claims;
- Charging order applications;
- Applications for an order for sale;
- Trust of land and co-ownership disputes;
- Nuisance/neighbour disputes.

Hannah also regularly advises and appears in contested possession proceedings, representing landlords, tenants and mortgagees. She has successfully dealt with issues concerning:

- The use of managing agents;
- Assignment;
- Tenancy deposit regulation;
- Rental arrears;
- Disrepair;
- Disputed service;
- Unlawful eviction;
- Trespassers.

## **Insolvency**

Hannah is frequently instructed by creditors, debtors, and office holders in all areas of corporate and personal insolvency both in the High Court and County Court.

In the context of corporate insolvency, Hannah has acted in matters concerning concurrent applications for administration and winding-up orders (the Lotus/Renault v HMRC litigation), winding-up petitions, injunctive relief in the insolvency context, rescission of winding-up orders, antecedent transactions, misfeasance and validation orders.

She also regularly appears in applications to set-aside statutory demands, on bankruptcy petitions, and in applications for possession and sale orders. She is known for providing a practical, efficient and cost-effective service to her clients.

## **Examples of recent insolvency work (2018)**

- Successfully obtained an injunction to restrain presentation of a petition on the grounds that a debt



was genuinely disputed and obtained an indemnity costs order in the client's favour;

- Advised two directors on limitation in respect of claims intimated against them by an office holder under s.238 (transactions at an undervalue), s.239 (preferences) and s.212 (misfeasance) IA 1986;
- Advised a liquidator in respect of the prospects of claims against a former director and shareholder of an insolvent company under s.239 and s.212 IA 1986;
- Advised a creditor in respect of a claim for recovery by a liquidator and the prospects of an application for a validation order succeeding;
- Successfully applied to set aside a statutory demand on the grounds that there was a genuine triable issue as to whether the sum claimed as a debt constituted a loan and, if so, whether it was made to the individual debtor or a company;
- Acted in a challenge to jurisdiction upon a bankruptcy petition where the underlying debt of 1.4m arose out of a settlement agreement and the debtor spent significant portions of the year outside of the EU;
- Instructed in numerous petitions for winding up and bankruptcy successfully obtaining the orders sought.

## **Seminars/Training**

Hannah is particularly interested in the interplay between insolvency principles and the construction industry; she has recently given seminars on 'Construction Insolvency' to a number of leading firms in the sector.

She also provides training for junior solicitors on the 'basics of' winding-up petitions and bankruptcy petitions which aims to avoid some of the common procedural pitfalls which can cause delay in insolvency litigation.

