

## Graham Sellers

Call 1990



### Clerks' Details

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### Memberships

- Chancery Bar Association
- Northern Business and Property Bar Association
- Northern Circuit
- Property Bar Association

### Education

- LL.B (Hons)
- LL.M (Cantab)

### Practice Overview

Graham Sellers is a Yorkshireman by birth but was educated at Staffordshire University before reading for a post-graduate degree in law at the University of Cambridge. He was called to the Bar of England and Wales by The Honourable Society of the Middle Temple in 1990 and then completed pupillage in London Chambers before moving to the North-West in late 1991. Since being called, he has had a broad and diverse Chancery/Property/Insolvency practice and over the last few years he has been consistently listed as a Leading (Band 1) Junior by Legal 500 in Commercial, Banking, Insolvency and Chancery Law.

Graham has a broad and diverse practice but a significant proportion of his property work is now insolvency related. He has a widely recognized & well-respected national insolvency practice & regularly appears for insolvency practitioners in the big accountancy firms such as BDO / PKF (UK), KPMG & PwC. In addition to the big national firms, Graham also undertakes regular appearances in the Insolvency Courts on behalf of the smaller accountancy firms & more local IPs.

The varied nature of Graham's practice can be seen from his various reported cases referred to below, many of which are insolvency related.

Graham is authorised to and does accept public access work.

## Cases

- *Lemon & Palfrey v Losowski-Gallagher & Gallagher* [2021] EWHC 2479 (Ch) – High Court (DICCJ Greenwood): question whether a declaration of trust was a salvage document or a sham document or ought to be set aside under section 423. Related claim that a transfer to the bankrupt's son constituted a transaction at an undervalue within section 339.
- *Promontoria (Pine) Designated Activity Company v Hancock* [2021] EWHC 259 (Ch), [2021] BPIR 694 – High Court (Snowden J): Creditor's appeal against the setting aside of a statutory demand made against a debtor dismissed on the basis that (contrary to the main submission of the creditor) it was relevant whether a deed of assignment transferring the debt from the Bank to the creditor had been validly executed or not.
- *Hancock v United Kingdom* (2021) – European Court of Human Rights (Strasbourg): application to the ECtHR following the decision of the Supreme Court – allegations of breaches of Articles 6 ('Right to a fair trial') and 14 ('Prohibition of discrimination').
- *Hancock v Promontoria (Chestnut) Ltd* – Supreme Court, 2.11.2020 – Supreme Court (Lords Reed, Briggs and Stephens): application to the Supreme Court following the decision of the Court of Appeal.
- *Hancock v Promontoria (Chestnut) Ltd* [2020] EWCA Civ 907, [2020] 4 WLR 1000 – Court of Appeal: Insolvency/statutory demand/redaction – differences between 'disclosure redaction' and 'construction redaction' and the question whether a party is entitled on grounds of irrelevance to redact parts of an agreement or other document which the Court is asked to construe, on the basis only of a solicitor's statement that such parts are irrelevant.
- *Shaw v Office of the Adjudicator* [2020] 5 WLUK 239 – County Court at Liverpool (DJ Samantha Johnson): Ground breaking decision as to the correct approach by the Adjudicator to s.263K(1)(b) of the IA 1986 (as amended) and how pension funds should be treated.
- *Promontoria (Chestnut) Ltd v Steeds* [2020] EWHC 693 (QB) – High Court (Pepperall J): Renewed application for permission to appeal a refusal of specific disclosure in the context of an allegation of judicial bias / unfair hearing.
- *Re: JPF Clarke (Construction) Ltd* [2020] BPIR 194 – High Court (ICCJ Mullen): Appeals against Joint Supervisors' rejection of proofs of debt in a CVA in the context of a construction contract and previous adjudicators' decisions.

- *Hancock v Promontoria (Chestnut) Ltd* [2019] EWHC 2646 (Ch) – High Court (HHJ Hodge QC): Substantive insolvency appeal hearing in respect of whether or not an alleged creditor could actually show good title to certain alleged debts. Detailed issues as to construction/interpretation of an Assignment and Assumption Deed.
- *Hancock v Promontoria (Chestnut) Ltd* [2018] EWHC 2934 (Ch) – High Court (Barling J): Two day permission to appeal insolvency hearing in respect of a refusal by a DJ to set aside a statutory demand with complex issues under the CCA 1974 (as amended).
- *HMRC v St Clare* [2018] UKFTT 0332 (PC) – First-tier tribunal: Application to remove/cancel a unilateral notice in favour of HMRC.
- *Gendrot v Chadwick & Berry* [2018] EWHC 48 (Ch), [2018] BPIR 423 – High Court (Fancourt J): Appeal from the County Court at Cambridge sitting in bankruptcy and whether an appellant should be permitted to argue new points on appeal which were not taken in the lower court.
- *Chadwick v Thomas-Chambers* [2018] BPIR 354 – County Court at Central London (DJ Lambert): question whether a binding and enforceable agreement had been reached in correspondence for the sale/purchase of a bankrupt's former interest in property; alternatively, whether a collateral agreement had arisen with certain implied terms.
- *In re Dent Company (A Partnership) (In Administration)* [2016] EWHC 2650 (Ch), [2017] BPIR 164
- High Court (Norris J): Complex issues as to the application of the equitable doctrines of marshalling and subrogation in insolvency context.
- *Pretty & Kent v Crosbie* [2015] EWHC 3592 (Ch), [2016] BPIR 460 – High Court (Mr Registrar Briggs): question whether a common intention constructive trust had arisen after second bankruptcy order.
- *Hunt v Withinshaw & Conwy County Borough Council* [2015] EWHC 3072 (Ch), [2016] BPIR 59 – High Court (Morgan J): Bankruptcy appeal, abuse of process, disclaimer and vesting orders.
- *Re Wild's Application* [2012] UKUT 306 (LC) – Lands Chamber: Section 84 of the Law of Property Act 1925 & modification of restrictive covenants.
- *Priory Caring Services Ltd v Capita Property Services Ltd* [2010] EWCA Civ 226, [2010] 129 Con LR 81 – Court of Appeal: question of how a release from future proceedings contained within a commercial agreement should properly be construed.

- *Turner v Avis & Avis* [2008] BPIR 1143, [2009] 1 FLR 74 – High Court (HHJ Pelling QC): s.335A Insolvency Act 1986 & the matrimonial home – question whether ‘exceptional circumstances’ existed within s.335A(3).
- *Arnold v Williams & HMRC* [2008] EWHC 218 (Ch) [2008] BPIR 247 – High Court (HHJ Purle QC): question of how revenue debts are ascertained in a bankruptcy.
- *Avis v Turner* [2007] EWCA Civ 748, [2008] Ch 218 – Court of Appeal: s.6 TOLATA 1996/s.283(5) Insolvency Act 1986 & question whether trustee in bankruptcy actually bound by Martin type order made in previous matrimonial proceedings.
- *Sands v Clitheroe* [2006] BPIR 1000 – High Court (Mr Registrar Jacques): s.423 Insolvency Act 1986 & transactions defrauding creditors.
- *Brennan v Kettell* [2004] L&TR 1 – Court of Appeal: Rectification claim in landlord & tenant dispute; Counsel for the successful Claimant in the High Court.
- *Re a Debtor (No.252 of 2002)* [2002] All ER (D) 296 – High Court (Lindsay J): sanction under s.314 Insolvency Act 1986 & powers of a trustee in bankruptcy.
- *Bell v Tuohy* [2002] 1 WLR 2703, [2003] BPIR 749 – Court of Appeal: committal of bankrupt to prison for disobedience of court order.
- *Mallick v Liverpool City Council* (2000) 79 P&CR 1 – Court of Appeal: calculation of compensation on compulsory purchase of land.
- *Williams v Williams* [1999] CLY 4095 – High Court (HHJ Maddocks): interest – s.42 Partnership Act 1890 & s.35A Supreme Court Act 1981.
- *Beer v Higham* [1997] BPIR 349 – High Court (Jonathan Parker J): property adjustment orders & bankruptcy.
- *Trustee of the Estate of Bowe v Bowe* [1997] BPIR 747 – High Court (Jonathan Parker J): s.336 Insolvency Act 1986 & the matrimonial home.
- *Yahya v Yahya* (1997: Lawtel) – Court of Appeal: question whether a valid partnership existed.
- *Higham v Stena Sealink Ltd* [1996] 1 WLR 1107 – Court of Appeal: Important point in international maritime law in relation to the time limits for actions for damages arising out of the death of, or personal injury to a passenger, or for the loss of, or damage to luggage.
- *Epsom College v Pierse Contracting Southern Ltd* [2011] EWCA Civ 1449, [2012] 3 Costs LR 451 – Court of Appeal: Complex Part 36 arguments as to costs following flooding incident tried in the TCC. Trial Counsel for the Defendant in the High Court (TCC).