

## RORY FORSYTH

CALL: 2020

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## OVERVIEW

Rory has a busy and varied commercial chancery practice encompassing a broad spectrum of Chambers' areas of expertise. He regularly appears unled in the High Court and County Court, and enjoys working in counsel teams of various sizes.

Rory's experience includes commercial disputes, insolvency, company law, civil fraud, professional negligence, offshore disputes, intellectual property, chancery matters, and real estate litigation.

Rory obtained a first-class degree in History from University College London, before converting to law at City Law School. He subsequently completed the BPTC as a Princess Royal Scholar of the Inner Temple, receiving the Worshipful Company of Arbitrators Prize for the highest combined performance in commercial law and civil litigation. Rory is a contributor to *Buckley on the Companies Acts*.

## EXPERTISE

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### COMMERCIAL LITIGATION & ARBITRATION

Rory has been instructed in commercial disputes across a wide range of business sectors, in both the County Court and the High Court. His ongoing cases include *Midland Premier Properties Limited and others v Rakesh Singh Doal and others*, a dispute concerning a substantial property development (led by [Siward Atkins KC](#)). Other recent matters have addressed issues relating to:

- Guarantees and indemnities;
- Security agreements;

- Joint venture agreements;
  - Rectification, construction, and estoppel.
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## CIVIL FRAUD

Rory is routinely instructed in disputes relating to fraud and asset recovery. He is comfortable dealing with the wide range of issues presented by cases of this nature, from applications for interim relief to matters surrounding enforcement.

Notable cases include:

*Lakatamia Shipping Co Ltd v Su* [2021] EWCA Civ 1187: Rory was instructed as junior counsel (led by Thomas Grant KC and **Ryan Turner**) before the Court of Appeal in an appeal concerning the proper ambit of the passport order jurisdiction and the effect of a passport order on the rights of a foreign national under Article 8 of the ECHR.

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## COMPANY & PARTNERSHIP

Rory has been instructed in numerous cases with a company law or partnership element, including:

- An unfair prejudice petition concerning a large nursery business (led by **Siward Atkins KC**, whilst appearing as sole counsel at a complex CCMC);
- A wide range of applications under the Companies Act 2006;
- Just and equitable winding up petitions;
- Shareholder and boardroom disputes;
- Breaches of directors' duties.

Rory's recent experience in this area includes successfully appearing as sole counsel for the respondents in the two-day trial of an unfair prejudice petition at Central London County Court (*Re Saka Maka 2 Ltd*).

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## INSOLVENCY & ASSET RECOVERY

Many of Rory's cases have an insolvency angle, and he is comfortable dealing with the various issues that can arise at different stages of the insolvency process. By way of example, some of his recent matters have addressed injunctions to restrain presentation of a statutory demand, complex forms of interim relief (including the appointment of provisional liquidators), and applications brought by the office-holders themselves.

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## OFFSHORE & TRUSTS

Rory has been instructed in the British Virgin Islands and Cayman Islands. His recent experience includes an ongoing dispute between a private individual and his erstwhile financial advisors concerning investments in various funds in the Cayman Islands and the BVI (led by **David Mumford KC**).

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## BANKING & FINANCIAL SERVICES

Rory has significant experience across a wide spectrum of disputes involving the financial sector. He is familiar with claims involving alleged breaches of the FCA Handbook, FSMA, and the Consumer Credit Act 1974.

His recent work in this area includes advising the joint administrators of a major guarantor lender about a range of complex issues relating to potential claims under s.138D FSMA (led by **Olivier Kalfon**).

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## REAL ESTATE

Rory is frequently instructed in matters concerning real property, in both a commercial and residential context.

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## PROFESSIONAL NEGLIGENCE

Rory has experience in dealing with cases involving allegations of professional negligence, and is particularly well placed to act in disputes that intersect with his other core practice areas. His ongoing instructions include a claim for negligence and breach of retainer against a (now insolvent) partnership of solicitors following advice relating to the renewal of a commercial lease.

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## QUALIFICATIONS

- BPTC, City Law School: Outstanding (2020)
- GDL, City Law School: Distinction (2019)
- BA (History), University College London: First Class (2018)

## AWARDS

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The Worshipful Company of Arbitrators Prize, City Law School (2020)

Princess Royal Scholarship, Inner Temple (2019)

Exhibition Award, Inner Temple (2018)

Dean's List, University College London (2018)

## MEMBERSHIPS

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- COMBAR
- Chancery Bar Association
- Contentious Trusts Association
- Young Fraud Lawyers Association

## NOTABLE CASES

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