

Camilla Draycott

Call: 2015

Commercial Litigation – Tier 1 Rising Star (Legal 500, 2023)

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Camilla Draycott is an experienced commercial and Chancery junior barrister and is frequently instructed on high value and complex disputes, both in her own right and as led counsel. Camilla's practice encompasses company, insolvency, consumer credit, probate, trusts and property disputes.

She has been recognised by the Legal 500 as a Tier 1 Rising Star in Commercial Litigation.

Expertise

Business & Property

Camilla practices the following areas:

Commercial Litigation

Camilla has wide experience of commercial matters and is instructed on high value contractual disputes in her own right, ranging from business disputes involving large companies to informal agreements between individuals.

She was recently led as counsel for two of twelve defendants in a complex £20m commercial claim brought by the liquidators of an offshore investment fund, alleging breach of fiduciary duties, bribery and unconscionable receipt.

As a pupil she worked in the Claimants' team for *Bates v Post Office Ltd (No 3)* [2019] EWHC 606 (QB), attending the Common Issues Trial heard at the High Court over four weeks. This was a multimillion-pound group action claim which exposed the British Post Office scandal, the most widespread miscarriage of justice in UK history.

Camilla also has experience of offshore litigation and undertook a secondment at Ogier in the Cayman Islands, working in the litigation team on cross-border restructuring issues and on s.238 fair value shareholder proceedings.

Birmingham

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She gained further experience of international commercial litigation when working in litigation firms in Canada and the US as a Harold G. Fox Scholar and a Middle Temple Anglo-American Scholar. During this time, Camilla undertook a secondment to the Caribbean Practice Group at WeirFoulds LLP, specialising in offshore disputes and attending court hearings in Nevis.

Company & Partnership

Camilla has been instructed as both led counsel and sole counsel on a variety of company disputes, including derivative claims, the interpretation of shareholder agreements, the liability of passive directors and the rectification of a company's register of members.

She has worked on several high value cases in the High Court and was recently led by Mark Anderson KC in Krishna Holdco Ltd v Gowrie Holdings Ltd & Ors [2023] EWHC 1538 (Ch), in which she acted for seven respondents to an unfair prejudice petition valued at over £150m and heard over eight weeks.

Consumer Credit

Camilla has extensive experience consumer credit disputes and is regularly instructed by leading financial institutions and lenders. Camilla has particular experience of defending claims alleging unfairness in respect of PPI policies, defending claims relating to motor finance commission payments and defending claims against lenders alleging misrepresentation in relation to the sale of solar panels.

Injunctions

Camilla has drafted and made applications for urgent and non-urgent injunctive relief in both the County Court and the High Court.

Camilla has recently advised on and applied for:

- A restrictive injunction in a boundary dispute matter.
- An injunction to prevent the disposal of assets belonging to the Deceased's estate in a probate matter.
- An injunction restraining trespass.
- An injunction restraining the sale of a property.

Insolvency

Camilla frequently acts on behalf of petitioners and debtor companies in winding up petitions, including associated applications such as adjournments, applications to restrain the presentation or advertisement of a winding up petition and validation orders. She also has experience of applications for administration and section 1029 applications to restore a company to the register. Camilla has experience of bankruptcy petitions in both the County Court and High Court.

Camilla has recently:

- Advised and acted on behalf of the debtor company in proceedings to dismiss a winding up petition by contesting jurisdiction on the basis of the debtor company's COMI.

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- Advised on section 212 misfeasance proceedings against company directors.
- Conducted a s.366(1) Insolvency Act 1986 examination of a bankrupt and subsequently acted for the trustee in bankruptcy in a consequential contempt of court application arising out of the bankrupt's breach of undertakings.

Real Estate

Camilla has extensive experience of property disputes:

- Residential landlord and tenant disputes, including possession orders relating to tenants and squatters, particularly where such issues arise during probate disputes.
- Residential leaseholder disputes, including an application for vesting order involving an absent freeholder, service charge disputes and forfeiture.
- Commercial property disputes, including dilapidations, restrictive covenants, breach of covenants and forfeiture.
- Real property disputes, including boundary disputes, party walls, adverse possession, restrictive covenants, easements and nuisance.
- Agricultural tenancy disputes, in particular proceedings arising from protected or assured agricultural occupancies.
- All types of property trusts, including TOLATA disputes, proprietary estoppel and common intention constructive trusts.
- Charging orders and orders for sale.

Inheritance Act Disputes

Camilla has advised on a broad range of traditional chancery disputes, including 1975 Inheritance Act claims, contentious and non-contentious probate, trusts and members' clubs. She has particular experience of jurisdictional issues concerning offshore trusts.

Camilla has recently:

- Made and opposed applications to make a 1975 Act claim out of time.
- Advised on and acted in proceedings arising from the fraudulent disposal of the Deceased's estate, including an application for injunctive relief.
- Advised on proceedings to obtain a grant de bonis non.
- Drafted pleadings for a professional negligence claim arising from a negligently drafted will.
- Defended a claim to remove the trustees from a high value family trust based in the UK and offshore.
- Advised, drafted and acted in several claims to remove and replace the executors of a will.
- Advised and drafted a proprietary estoppel claim brought in relation to high value farmland.
- Acted at all stages in both bringing and defending TOLATA claims.

Awards

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Accreditations

- Inns of Court Harold G. Fox Scholarship
- Middle Temple Queen Mother's Scholarship
- Middle Temple Anglo-American Scholarship
- Middle Temple Astbury Scholarship

Qualifications

- History (BA), Lincoln College, University of Oxford (2013)
- GDL, BPP University, London (2014)
- BPTC, BPP University, London (2015)

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