



Mark Rostron

Partner

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Mark is a specialist restructuring/insolvency solicitor-advocate. He heads Darwin Gray's Insolvency Team, advising insolvency practitioners in their capacities as office-holders undertaking both contentious and non-contentious advisory work.

With over 20 years' experience in insolvency law, Mark has conducted (and defended) a wide range of applications and claims under insolvency-related legislation from the Insolvency Act 1986 to Administration of Insolvent Estates of Deceased Persons Order 1989.

Mark holds the Higher Rights (Civil Advocacy) Qualification giving him rights of audience in the High Court of Justice and higher courts, regularly and successfully conducting final hearings in the Business and Property Court (Insolvency and Companies List).

Mark also advises companies, directors and individuals in insolvency-law related matters.

Recent work

For Insolvency Practitioners

- Director's breaches of fiduciary duty / misfeasance claims.
- Transaction at undervalue claims (ss.238 and 339 Insolvency Act 1986 ('IA 1986')).
- Transactions defrauding creditors' claims (s.423 IA 1986).
- Preference claims (ss. 239 and 340 IA 1986).
- Recovery of overdrawn directors' loan accounts / company assets.
- Office holder's remuneration applications (Part 18, Chapter 4 Insolvency (England & Wales) Rules 2016).
- Void disposition declarations (ss. 127 and 284 IA 1986).
- Applications for possession and sale of land (S.14 Trusts of Land and Appointment of Trustees Act 1996).
- Applications for income payments orders (s.310 IA 1986).
- Asset sale agreements in liquidations and administrations.

For directors and individuals

- Defending claims for unlawful re-use of company name (s.216 -217 IA 1986).
- Opposing bankruptcy petitions.
- Opposing breach of fiduciary duty/misfeasance claims by office holder.
- Restoration of dissolved companies to the Register of Companies.
- Shareholders' disputes.
- Vesting orders in relation to assets of dissolved companies.

Expertise

- Acting for licensed insolvency practitioners in applications under the Insolvency Act 1986 and attending to internal practice matters
- Business and Property Court applications (Companies and Insolvency List)
- Insolvency (contentious and non-contentious, corporate and individual)

Career

Experience

- Partner, 2019 – present

- Partner, Morgan Rostron Solicitors – 1999 -2019
- Solicitor, Burrough and Co – 1994 – 1999
- Solicitor, Humphreys and Co, 1992 – 1994
- Reynolds Porter Chamberlain – 1990 - 1992

Education

- Jones' West Monmouth Grammar School for Boys
- University of Exeter
- College of Law Guilford

Membership

- Insolvency Lawyers Association (ILA)
- Committee member of Reaching Justice Wales (regional committee of Access to justice Foundation)