



## Darren Toombs

### Partner



**Areas of Law:** Debt Recovery

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### Background

Darren has worked with Carson McDowell since 2003, was made Associate in 2006 and was invited into the Partnership in 2010. Darren heads up the firm's Commercial Debt Recovery Department, (which encompasses also our Banking Litigation team), and has been accredited as a leading individual in the dispute resolution section of Chambers guide. Until last year when Chambers removed "Debt Recovery" as a specific sector in N Ireland, Darren's department is also one of only four in Northern Ireland, which are rated as Band 1 (the highest level).

Darren is the prime point of contact in the firm not only on straightforward debt matters but also in relation to representing creditors in the Bankruptcy Court where he is a regular attender. Darren acts for the National Asset Management Agency (NAMA), a number of lenders, and a number of other public and quasi-public bodies. Liquidators, Trustees in Bankruptcy and Administrators, have instructed Darren on a range of recovery related matters. His team has also on occasion been instructed directly by the Official Receiver at the Insolvency Service.

### Experience

- Advising NAMA through IBRC (formerly Anglo Irish Bank) on a High Level overview of the tactics being adopted in the Sean Quinn COMI challenge as brought by in the High Court in Belfast in early 2012.
- Representing the Trustees in Bankruptcy (of BDO Belfast) of Mr Samuel William Thompson in relation to a number of ongoing matters most recently the successful application to the High Court in Belfast for the arrest of Mr Thompson's automatic Discharge from Bankruptcy. This is one of the most sizeable Bankruptcies ongoing in N Ireland at present
- Advising IBRC (formerly Anglo Irish Bank), Northern Bank Limited Chelsea Building Society, The River S'ar L, Wave Lending Limited, Paragon Personal Finance, Ferro

Finance UK Limited, in relation to Enforcement of security of guarantees, mortgages/second charges/equitable charges.

- Advising Ballyvessey Group to include Montgomery Transport Limited, Montgomery Distribution and Montgomery Refrigerated Limited. This encompasses recovery on foot of invoices issued for freight transport for Northern Ireland's largest road haulier.
- Working on behalf of local Insolvency Practitioners/Insolvency Teams including PWC, BDO Stoy Hayward, Ernst and Young, Harbinson Mulholland and Rogers Evans. This would include accepting instructions to assist Insolvency Practitioners bring in debts due to either the Bankrupt Individual or Company in Liquidation and assisting with the administration of the Bankruptcy/Liquidation.
- Working on behalf of The Herbel Group – Holder of Northern Ireland KFC franchise and owner of substantial commercial and retail property including shopping centres. Darren and his team carry out ongoing debt recovery matters for claims against tenants for Rent, Insurance and Service Charges
- Advising local Commercial Agents for Landlord Recovery. Darren is mainly instructed through Belfast's leading Commercial Property Agents such as O'Connor Kennedy Turtle, Osborne King, and BTW Shiells. This generally relates to recovery of unpaid rental and service charges both during tenancies and at the conclusion of tenancies. The work sometimes evolves into eviction and repossession actions.
- Given that Carson McDowell remains listed as a band 1 firm in several sections of the Chambers legal guide, it is easy to imagine that on an almost daily basis we assist one client or another with a query regarding recoupment of outstanding monies. As Darren Toombs also plays an active role in our Commercial Litigation team he gets to see the debt recovery and contractual dispute side of things from the point of view of both creditors and on occasion debtors.

Darren also heads up the team within Carson McDowell which deals with "private" prosecutions on behalf of several public and quasi public bodies. The team deals with prosecutions and enforcement prosecution work for:

- Department of the Environment Planning Service: Enforcement prosecutions concerning breaches of Planning Law.
- Department for Regional Development "The Roads Service": Enforcement prosecutions on behalf of the Department for breaches of The Roads Order NI (1993) and other similar legislation.

- Translink to include Northern Ireland Railways, Ulsterbus and Citybus: Prosecutions of offences under the Bye-Laws and various other ancillary legislation concerning criminal offences which take place on transport vehicles or on Translink property and land.
- Belfast International Airport: Prosecutions for offences in breach of the Airport's Bye-Laws.

Through experience gleaned in dealing with such prosecution work over the past 10 years Darren's team is also able to assist our own corporate and private clients in defending Regulatory prosecution matters. Darren recently represented a large national hotel chain in relation to a prosecution brought by Belfast City Council concerning gas safety legislation.

Darren and his team would regularly represent our clients in court on matters such as:

- Lorry overloading prosecutions
- Allegations of employees driving in a dangerous or careless manner
- Environmental Pollution/Discharge cases
- Tachograph type offences such as driving excess hours
- Defending local council improvement notices
- Alleged under age tobacco selling prosecutions
- Land and Property Services Rates Prosecutions
- HMRC Debt actions
- NIHE HMO (houses of multiple occupancy)