



# Rupert Allen

Call 2005

*"Rupert is a superstar junior who is completely first-rate. Thorough, meticulous and a match for any other junior and indeed other KCs."*

*The Legal 500*

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Rupert Allen is an experienced senior junior with a broad commercial and civil practice.

*The Legal 500* recently described Rupert as "A truly excellent commercial junior, one of the very best at the Bar" and "Widely regarded as one of the outstanding commercial juniors of his generation. Has been involved in innumerable high-profile matters." Chambers & Partners have also recently said: "He's phenomenal, one of the best. He's always spot on and provides great quality and excellent turnaround times. He has flawless drafting skills."

Rupert is regularly instructed to act in large-scale international disputes including those which raise parallel proceedings in foreign jurisdictions and difficult issues of jurisdiction and foreign law.

He has particular expertise in complex and high value banking and financial services cases.

Rupert also frequently acts both for and against regulators in professional disciplinary and regulatory investigations and proceedings (particularly in relation to solicitors and accountants and matters concerning financial services and the aviation industry). He appears in high-profile and complex disciplinary tribunal proceedings, High Court appeals, and judicial reviews.

Before coming to the Bar, he studied Law at Gonville and Caius College, Cambridge (coming top of his year at the university with university prizes in contract law, equity and conflict of laws) and the BCL at Merton College, Oxford (winning *Proxime Accessit* to the Vinerian Scholarship and university prizes in restitution and intellectual property rights). He was also awarded the Eldon Law Scholarship.

## Recent Highlights

### VTB Capital (in Administration) v Republic of Mozambique

Acting (in a counsel team led by Tim Howe KC) for VTB Capital against the Republic of Mozambique in the 12 week Commercial Court "tuna bonds" trial. The claim raised numerous complex and novel issues of both English and Mozambican law concerning the authority of the former Minister of Finance to issue sovereign guarantees on behalf of the Republic in respect of loans to state owned entities of more than USD 2 billion and the Republic's entitlement to claim state immunity in respect of VTB's claims for repayment under those guarantees and for deceit and

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#### Singapore

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unlawful means conspiracy.

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### **Airbus v Qatar Airways**

Acting for Airbus in defending the widely reported claims brought by Qatar Airways relating to alleged premature surface degradation on the A350 aircraft. Rupert was instructed as the most senior junior in a large team of counsel (led by Lord David Wolfson KC, Sonia Tolaney KC and Rosalind Phelps KC). The highly complex and technical dispute settled in February 2023.

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### **Deutsche Bank v Comune di Busto Arsizio [2021] EWHC 2706 (Comm) [2022] EWHC 219 (Comm) (Cockerill J)**

Acting (with Sonia Tolaney KC) for DB on its claim to establish the enforceability of interest rate swaps entered into by the defendant Italian local authority. The case raised novel issues of Italian law arising out of the 2020 decision of the Italian Court of Cassation in *Banco Nazionale del Lavoro v Cattolica*. Cockerill J dismissed the local authority's defences in a judgment handed down in October 2021. This follows Rupert's involvement between 2014 and 2017 at first instance and the Court of Appeal in the long-running litigation between Dexia Crediop and the Comune di Prato raising similar issues.

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### **Solicitors Regulation Authority v Soophia Khan**

Acting for the SRA in numerous sets of proceedings arising out of its long-running and high-profile regulatory enforcement process against Soophia Khan. These proceedings have included a claim to enforce a section 44B production notice leading to a contested trial; applications for orders to enforce Ms Khan's obligations to deliver up documents following an intervention; contempt proceedings (both at first instance and on appeal) which resulted in Ms Khan being committed to prison for 6 months; an application for an injunction to restrain Ms Khan from unlawfully carrying on reserved legal activities; proceedings brought by Ms Khan to challenge the intervention; and disciplinary proceedings which culminated in Ms Khan being struck off the Roll of Solicitors.

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## Expertise

### **Administrative & Public Law**

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#### Notable Administrative & Public Law cases

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### **R (Donegan) v Financial Services Compensation Scheme [2021] EWHC 760 (Admin) (Bourne J)**

Acting (with Richard Handyside KC and Rebecca Loveridge) for FSCS in defending a claim for judicial review concerning its decision that customers of London Capital & Finance are not eligible to receive compensation.

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### **R (Lewin) v Financial Reporting Council [2018] EWHC 446 (Admin) (Nicola Davies J)**

Acting as sole counsel for the FRC on an important judicial review concerning the procedural rights of a third party to disciplinary proceedings.

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### **R (Holman Fenwick Willan) v Police Service of Scotland [2016] EWHC 1005 (Admin) (DC)**

Advising and acting in judicial review proceedings (with Jim Sturman KC) in relation to the execution of a police search warrant over privileged material held by the City law firm (including an application for emergency injunctive relief to restrain the use of the documents removed by the police from the solicitors' offices). The firm were awarded their costs on the indemnity basis with the Court describing the police's actions as "an abuse of state power".

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### **R (Willford) v Financial Services Authority [2013] EWCA Civ 674 & 677 (CA)**

Acting (with Michael Brindle KC) for the Financial Services Authority on an appeal concerning the extent to which its decisions to issue warning notices and decision notices under FSMA 2000 are subject to challenge by way of judicial review.

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### **R (Coatman) v Council for Licensed Conveyancers [2012] EWHC 1648 (Admin) (King J)**

Acting (with Hodge Malek KC) in judicial proceedings brought against the Council arising out of a decision to refuse to make a grant from its compensation fund.

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## **Aviation & Travel - Aviation disputes and airline regulation**

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Rupert has significant experience of aviation disputes and airline regulation.

### **Notable Aviation & Travel - Aviation disputes and airline regulation cases**

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#### **Airbus v Qatar Airways**

Acting for Airbus as part of a large team (led by Lord David Wolfson KC and Rosalind Phelps KC) in defending the proceedings brought by Qatar Airways relating to the grounding of A350 aircraft by the Qatari regulator by reference to alleged premature surface degradation. The proceedings were conducted on a heavily expedited timetable and settled in February 2023.

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Advising a major international aircraft lessor in connection with issues arising from the Russian invasion of Ukraine.

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Acting for an aircraft lessor against an international airline seeking to recover unpaid rental instalments.

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Advising a national carrier in relation to its rights and remedies arising out of the delayed delivery of leased aircraft.

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## Noble Caledonia v Air Niugini [2017] EWHC 1095 (QB) & [2017] EWHC 1393 (QB) (Gilbart J)

Acting as sole counsel for a national carrier in relation to a substantial damages claim brought by a tour operator concerning the delayed departure of a flight.

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Advising (with Ros Phelps KC) in relation to the requirements for ATOL renewal.

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Advising (with Bankim Thanki KC) on the implications of an airline joint venture agreement on the effective control requirements under UK and European legislation.

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Acting (with Akhil Shah KC) for an aircraft operator in High Court proceedings concerning a dispute with an aircraft owner over the non-payment of fees due under a private agreement for the operation of an aircraft.

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Advising (with Bankim Thanki KC and as sole counsel) on the regulatory aspects of international airline mergers including licensing issues and national control requirements.

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Advising (with Bankim Thanki KC and alone) on issues arising in connection with the ATOL scheme including matters connected with the collapse of various ATOL holders.

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Advising (with Bankim Thanki KC) on matters arising out of the collapse of Oasis Hong Kong Airlines.

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Advising a major international hotel chain in connection with a dispute with an airport over excessive charges for shuttle bus access to the airport.

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Advising (with Bankim Thanki KC) a major international airline in connection with a trade mark licensing dispute.

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Acting for South African Airways (with Bankim Thanki KC) in Commercial Court proceedings concerning the alleged late redelivery of an aircraft under a lease.

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## Aviation & Travel - Aviation finance

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### Notable Aviation & Travel - Aviation finance cases

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Advising (with Ros Phelps KC) in relation to the requirements for ATOL renewal.

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Advising (with Bankim Thanki KC) on the implications of an airline joint venture agreement on the effective control requirements under UK and European legislation.

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Advising (with Bankim Thanki KC and as sole counsel) on the regulatory aspects of international airline mergers including licensing issues and national control requirements.

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Advising (with Bankim Thanki KC and alone) on issues arising in connection with the ATOL scheme including matters connected with the collapse of various ATOL holders.

## Banking & Finance

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Rupert has significant experience over a wide range of banking and finance matters, including heavy commercial litigation, with particular experience of financial services regulation. Rupert regularly acts for major UK and international banks (both on the retail and investment side) and he has acted in numerous disputes concerning the alleged mis-selling of financial products to both retail and professional investors (including interest rate swaps), claims concerning LIBOR manipulation, as well as claims under guarantees, mortgages and consumer credit agreements.

### Notable Banking & Finance cases

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#### Macdonald Hotels v BOS

Acting (with Anthony de Garr Robinson KC) for BOS in a claim for alleged losses in excess of £100 million arising out asset sales following a series of substantial refinancing transactions. The claim raised issues concerning the circumstances in which good faith obligations arise in a banking context and the extent of those duties. The 7 week trial of the claim is due to be heard in late 2024.

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#### UniCredit v EUR

Acting as sole counsel for UniCredit in Commercial Court proceedings concerning the validity of interest rate swap transactions entered into by Eur SpA in connection with the construction of a conference centre and hotel in the EUR district of Rome.

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#### Deutsche Bank v Comune di Busto Arsizio [2021] EWHC 2706 (Comm) [2022] EWHC 219 (Comm) (Cockerill J)

Acting (with Sonia Tolaney KC) for DB on its claim to establish the enforceability of interest rate swaps entered into by the defendant Italian local authority. The case raised novel issues of Italian law arising out of the 2020 decision of the Italian Court of Cassation in *Banco Nazionale del Lavoro v Cattolica*. Cockerill J dismissed the local authority's defences in a judgment handed down in October 2021. This follows Rupert's involvement between 2014 and 2017 at first instance and the Court of Appeal in the long-running litigation between Dexia and the Comune di Prato raising similar issues.

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Acting in various other sets of ongoing proceedings relating to the validity of interest rate swap transactions entered into by Italian local authorities, including appeal from the decision of Foxton J in *Banca Intesa SanPaolo SpA v Comune di Venezia* [2022] EWHC 2586, which was allowed by the Court of Appeal in December 2023 (see [2023]

EWCA Civ 1482).

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#### **Elite Property Development Ltd v Barclays Bank (2021)**

Acting as sole counsel for Barclays on an application to strike out claims relating to the alleged mis-selling of interest rate swaps on the grounds that they were abusive and lacked any real prospect of success.

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#### **Meng v HSBC [2021] EWHC 342 (QB), [2022] QB 71 (Fordham J)**

Acting as sole counsel for HSBC in resisting an application for disclosure of documents under the Bankers Books Evidence Act for use in high profile extradition proceedings in Canada involving a senior Huawei executive.

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#### **Grove Park Properties v RBS [2018] EWHC 3521 (Comm), [2018] EWHC 3618 (Comm) (Males J)**

Acting (with John Taylor KC) for RBS on a substantial claim concerning the consequences of alleged unauthorised manuscript alterations to a loan agreement. The case settled very shortly before trial in early 2021.

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#### **National Bank of Kazakhstan v BNYM SA/NV [2017] EWHC 3374 (Comm) (Popplewell J), [2018] EWCA Civ 1390 (CA), [2020] EWHC 916 (Comm) (Teare J)**

Acting (with Christopher Butcher KC and then Richard Handyside KC) for BNYM in complex multi-jurisdictional litigation arising out of the freezing of the US\$22 billion of assets held by BNYM's London branch as custodian for NBK in response to garnishment orders obtained by creditors of the Republic of Kazakhstan in Belgian and the Netherlands. The trial before Teare J in March 2020 was the first fully remote trial to be heard in the Commercial Court during the COVID-19 outbreak.

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#### **Ventra Investments v BOS [2017] EWHC 199 (Comm) (Sara Cockerill QC), [2019] EWHC 2058 (Comm) (Richard Salter KC)**

Acting (with Rosalind Phelps KC and Max Kasriel) for BOS in defending a substantial damages claim concerning alleged LIBOR manipulation, misrepresentation and negligence in relation to the sale of interest rate swaps and the subsequent realisation of an investment property portfolio by administrative receivers.

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#### **Scarborough Group v BOS**

Acting (with Richard Handyside KC and Rebecca Loveridge) in the defence of a claim by a large property development group against BOS valued in excess of £500 million arising out of alleged LIBOR manipulation.

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#### **Netherlands v Deutsche Bank [2018] EWHC 1935 (Comm) (Robin Knowles J), [2019] EWCA Civ 771 (CA)**

Acting (with Richard Handyside KC) for Deutsche Bank against the Netherlands in important Financial List proceedings regarding the correct interpretation of the widely-used international standard form ISDA Credit

Support Annex. The dispute concerned DB's liability to pay "negative interest" on cash collateral put up against derivatives exposures.

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#### **Marsden v Barclays Bank [2019] EWHC 3741 (Comm) (HHJ Kramer QC)**

Acting as sole counsel for Barclays in striking out a claim raising issues of insolvency set off concerning the payment of redress to customers in the FSA/FCA review of the sale of interest rate hedging products.

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#### **Deutsche Bank v Comune di Savona [2017] EWHC 1013 (Comm) (HHJ Waksman QC), [2018] EWCA Civ 1740 (CA)**

Acting (with Sonia Tolaney KC and Andrew Lodder) for Deutsche Bank in opposing a jurisdiction challenge brought by the defendant local authority. The case raised important issues concerning the application of the ISDA jurisdiction clause.

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#### **Day v Barclays Bank [2018] EWHC 393 (QB), [2018] EWHC 394 (QB) (HHJ Waksman QC)**

Acting as sole counsel for Barclays Bank in striking out claims seeking declaratory relief concerning the conduct of the FCA review of sales of interest rate hedging products.

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#### **Deutsche Bank v Bright Food Hong Kong Ltd [2017] EWHC 3543 (Comm)**

Acting (with Richard Handyside KC) for Deutsche Bank in Commercial Court proceedings concerning the enforcement of cross currency swaps.

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#### **Libyan Investment Authority v Goldman Sachs International [2016] EWHC 2530 (Ch) (Rose J)**

Acting (led by Robert Miles KC and Orlando Gledhill) for GSI in defending the claims of the Libyan Investment Authority to set aside USD 1.2 billion of equity derivative trades for alleged undue influence. The trial of the claim took place over 7 weeks in the summer of 2016.

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#### **GSO Credit v Barclays Bank [2016] EWHC 146 (Comm) (Robin Knowles J)**

Acting (with Bankim Thanki KC) for Barclays in a dispute concerning the meaning and effect of the LMA Standard Terms for distressed debt trades in relation to the sale of a Surety Bonds Facility. The trial which took place in October 2015 and was one of the first in the Financial List.

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#### **Sivagnanam v Barclays Bank [2015] EWHC 3985 (Comm) (Cooke J)**

Acting as sole counsel for Barclays in striking out claims brought by the sole shareholder of a corporate customer on the basis that he was a "private person" under FSMA 2000.

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### Coatman v Coutts

Acting as sole counsel at trial for Coutts defending a claim in relation to alleged negligent investment advice. The claim settled on the first day of the trial with the claimant discontinuing the action.

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### Gatt v Barclays Bank [2013] EWHC 2 (QB) (HHJ Moloney QC)

Acting as sole counsel for Barclays in the trial of claims brought by a bank customer arising out of credit references made by the bank.

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### Barclays Bank v Ibrahim [2012] EWCA Civ 640 (CA)

Acting (with Patrick Goodall KC) for Barclays on an appeal concerning the discharge of debts by third party payment under compulsion.

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## Commercial Disputes

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### Notable Commercial Disputes cases

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### VTB Capital (in Administration) v Republic of Mozambique

Acting (in a counsel team led by Tim Howe KC) for VTB Capital against the Republic of Mozambique in the 12 week Commercial Court “tuna bonds” trial. The claim raised numerous complex and novel issues of both English and Mozambican law concerning the authority of the former Minister of Finance to issue sovereign guarantees on behalf of the Republic in respect of loans to state owned entities of more than USD 2 billion and the Republic’s entitlement to claim state immunity in respect of VTB’s claims for repayment under those guarantees and for deceit and unlawful means conspiracy.

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### Airbus v Qatar Airways

Acting for Airbus as part of a large team (led by Lord David Wolfson KC and Rosalind Phelps KC) in defending the proceedings brought by Qatar Airways relating to the grounding of A350 aircraft by the Qatari regulator by reference to alleged premature surface degradation. The proceedings were conducted on a heavily expedited timetable and settled in February 2023.

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### Enka Insaat v Sanayi AS v OOO “Insurance Co Chubb” [2019] EWHC 3568 (Comm) (Andrew Baker J)

Acting (with Charles Béar KC) for Enka on the expedited trial of its claim for an anti-suit injunction to stop proceedings in Russia which were alleged to have been brought and maintained in breach of an agreement for arbitration in London.

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### National Gas Company of Trinidad & Tobago v Super Industrial Services [2018] UKPC 17

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Acting (with Michael Brindle KC) for NGC on an appeal to the Privy Council in relation to the interpretation of Trinidad Civil Procedure Rules.

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### **Libyan Investment Authority v Goldman Sachs International [2016] EWHC 2530 (Ch) (Rose J)**

Acting for GSI (led by Robert Miles KC and Orlando Gledhill) in defending the claims of the Libyan Investment Authority to set aside USD 1.2 billion of equity derivative trades for alleged undue influence. The trial of the claim took place over 7 weeks in the summer of 2016.

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### **ARC Capital Holdings v ARC Capital Partners**

Acting (with Tim Howe KC) in a dispute between a private equity fund and its fund manager in relation to investments in China. Rupert appeared as sole counsel resisting an application to stay the proceedings pending the outcome of enforcement proceedings in China (see [2015] EWHC 2170 (QB)).

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### **Digicel v Cable & Wireless [2010] EWHC 888 (Ch)**

Acting on behalf of Digicel (led by Stephen Rubin KC with Huw Davies KC and Stephen Houseman) in a 77 day trial of claims for breach of statutory duty and unlawful means conspiracy arising out of the liberalisation of the Caribbean mobile telecoms market. The trial included a significant decision on implied waiver of legal professional privilege: [2009] EWHC 1437 (Ch).

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Acting (with Jeff Chapman KC) in a complex multi-jurisdictional dispute concerning the fraudulent misappropriation of artworks by an art dealer.

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Advising (with Colin Edelman KC) a professional firm in relation to allegations of unlawful means conspiracy concerning the corporate takeover of a football club.

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Acting (with Jeff Chapman KC) in a dispute concerning the ownership of a 1950s Ferrari racing car sold by Bonhams at auction for almost £11 million in June 2014.

## **Financial Services**

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Rupert has extensive experience of acting in financial services matters, including in the aviation context (see Aviation & Travel). Rupert has particular experience of disputes concerning the operation of the Financial Services Compensation Scheme and the Financial Ombudsman Service.

### **Notable Financial Services cases**

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### **Moon v Link Fund Solutions [2022] EWHC 3344 (Ch) (Trower J)**

Acting (with Richard Handyside KC and Gillian Hughes) for LFS defending claims brought by investors in the Woodford Equity Income Fund, including resisting an application for a GLO.

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### **R (Donegan) v Financial Services Compensation Scheme [2021] EWHC 760 (Admin) (Bourne J)**

Acting (with Richard Handyside KC and Rebecca Loveridge) for FSCS in defending a claim for judicial review concerning its decision that customers of London Capital & Finance are not eligible to receive compensation.

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### **R (Willford) v Financial Services Authority [2013] EWCA Civ 674 & 677 (CA)**

Acting (with Michael Brindle KC) for the Financial Services Authority on an appeal concerning the extent to which its decisions to issue warning notices and decision notices under FSMA 2000 are subject to challenge by way of judicial review. Rupert then acted (led by Michael Green QC) in the proceedings that were subsequently brought by Mr Willford before the Upper Tribunal seeking to challenge the decision notice which had been issued by the FSA.

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Advising (with Tim Dutton KC) regarding the jurisdiction of the Financial Ombudsman Service in relation to complaints concerning the mis-selling of payment protection insurance.

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Acting (with Bankim Thanki KC) for a major UK bank in a regulatory dispute with the Financial Services Authority concerning the variation of mortgage terms and conditions.

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Advising (with Bankim Thanki KC and as sole counsel) in connection with Financial Services Authority enforcement proceedings arising out of market abuse and breaches of listing rules.

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## **International Arbitration**

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### **Notable International Arbitration cases**

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#### **Enka Insaat ve Sanayi AS v OOO "Insurance Co Chubb" [2019] EWHC 3568 (Comm) Andrew Baker J**

Acting (with Charles Béar KC) for Enka on the expedited trial of its claim for an anti-suit injunction to stop proceedings in Russia which were alleged to have been brought and maintained in breach of an agreement for arbitration in London.

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#### **Petrochemical Industries Company (KSC) v The Dow Chemical Company [2012] EWHC 2739 (Comm)**

Acting (with Joe Smouha KC) in defending a claim brought under section 68 of the Arbitration Act 1996 to set aside a US\$2 billion ICC arbitration award obtained by Dow against PIC. Rupert had previously advised and assisted Shearman & Sterling in connection with the conduct of the underlying ICC arbitration proceedings on behalf of Dow.

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Acting (with Michael Driscoll KC) on a contractual adjudication concerning the liabilities arising upon expiry of a PFI property outsourcing transaction.

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Acting (with Michael Brindle KC) in an ad hoc arbitration concerning the sharing of refinancing gains in relation to a PFI property outsourcing transaction.

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Acting (with Tim Howe KC and then with Robert Miles QC) in two sets of LCIA arbitration proceedings concerning disputes over the correct interpretation of the complex suite of documents giving effect to a very large property securitisation transaction.

## Professional Discipline

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### Notable Professional Discipline cases

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#### SRA v Khan & Co

Acting for the SRA as sole counsel in various related sets of proceedings:

- for orders to enforce a document production notice issued to a solicitor pursuant to section 44B of the Solicitors Act 1974 (see [2021] EWHC 2 (Ch));
- for injunctions to give effect to the SRA's intervention into the solicitor's practice, including search and seizure orders in relation to business premises and practice documents (see e.g. [2021] EWHC 2721 (Ch));
- for injunctions to prevent a suspended solicitor from carrying on reserved legal activities (see [2021] EWHC 3765 (Ch));
- to commit the solicitor to prison for contempt (see [2022] EWHC 45 (Ch));
- a challenge by the solicitor to the SRA's intervention into her practice (see [2022] EWHC 484 (Ch)); and
- disciplinary proceedings before the SDT which led to the solicitor being struck off.

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#### SRA v Beckwith

Acting (with Riel Karmy-Jones KC) in high-profile disciplinary proceedings before the Solicitors Disciplinary Tribunal and the High Court concerning sexual conduct by a City solicitor with a junior colleague.

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#### FRC investigations and proceedings

Currently acting or advising on a number of confidential disciplinary investigations and proceedings by the FRC against accountants and auditors.

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#### FRC v KPMG (2019)

Acting (with Ray Cox KC) for the FRC at the sanctions hearing following admissions of misconduct in relation to the

CASS audit of BNYM.

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### **R (Lewin) v Financial Reporting Council [2018] EWHC 446 (Admin) (Nicola Davies J)**

Acting as sole counsel for the FRC defending a claim for judicial review in which a third party to disciplinary proceedings sought restrictions on publication or redactions of a tribunal's judgment on the grounds.

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### **SRA v Lewis (2018)**

Acting as sole counsel for the SRA in this high profile prosecution in relation to offensive messages on social media.

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### **SRA v Anderson (2016)**

Acting as sole counsel for the SRA in disciplinary proceedings alleging dishonesty against the sole equity partner of a firm of solicitors in connection with the winding down of the firm after it was unable to renew its insurance.

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### **SRA v Brough, Chaudhary & Story (2015)**

Acting as sole counsel for the SRA in disciplinary proceedings concerning the sending of offensive emails by solicitors.

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### **SRA v Fallon (2014)**

Acting as sole counsel for the SRA in a substantial and complex hearing before the Solicitors Disciplinary Tribunal concerning allegations of dishonesty against the former sole principal of a City law firm.

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### **SRA v Grindrod & Ors (2013)**

Acting for the SRA (with Michael McLaren KC) in disciplinary proceedings concerning the involvement of solicitors in the marketing and implementation of SDLT avoidance schemes.

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### **SRA v Munn; SRA v Cope (2013)**

Acting as sole counsel for the SRA in disciplinary proceedings before the Solicitors Disciplinary Tribunal in connection with the involvement of solicitors in arrangements facilitating the unlawful conduct of litigation by debt recovery companies.

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### **SRA v Spector [2016] EWHC 37 (Admin) (DC)**

Acting for the SRA (with Tim Dutton KC) in a leading case regarding the circumstances in which anonymity orders can be granted in favour of respondents to disciplinary proceedings.

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### Iqbal v SRA [2012] EWHC 3251 (Admin) (Underhill J)

Acting as sole counsel for the SRA on an application to strike out claims for alleged misfeasance in public office and unlawful interference with a solicitor's right to peaceful enjoyment of possessions arising out of the conduct of a forensic investigation into his practice.

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### Baxendale-Walker v Middleton [2011] EWHC 998 (QB) (Supperstone J)

Acting on behalf of the Law Society (led by Marcus Smith QC) in High Court proceedings brought by a former solicitor claiming substantial damages as a result of alleged misfeasance in public office in connection with disciplinary proceedings which led to him being struck off the Roll. Rupert has since been instructed as sole counsel in relation to a series of ongoing claims brought by Mr Baxendale-Walker and he obtained an Extended Civil Restraint Order against him in 2012.

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## Professional Negligence

Rupert has been instructed in relation to a number of claims against professionals, including solicitors, accountants, auditors, financial advisers and fund managers, banks, surveyors and valuers and regulators.

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### Notable Professional Negligence cases

Acting in various claims against solicitors including disputes concerning client identification checks, the registration of charges over property, breaches of undertaking and the premature release of funds in conveyancing transactions.

Acting in various claims against accountants, including (with Mark Simpson KC), a claim concerning negligence advice regarding tax implications of a client's non-domiciled status.

Acting (with Mark Simpson KC) in a claim against an accountant, involving the systematic misappropriation of funds from a client.

Acting in various claims against auditors, including (with Mark Simpson KC) a claim concerning negligent failure to uncover a fraud in relation to the management of an offshore investment fund.

Acting in various claims against financial advisers and fund managers, including (with Tim Howe KC) a dispute between a private equity fund and its fund manager concerning an alleged negligent investment in China.

Acting (with John Taylor KC) in a claim against a financial adviser concerning the mismanagement of share portfolios and CFD and spread betting accounts.

Acting in various claims against banks including claims concerning the duties of a mortgagee in possession to repair

and maintain the property, the provision of investment advice and breach of mandate.

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Acting in various claims against surveyors and valuers including in relation to the valuation of property for mortgage lending.

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### Schubert Murphy v Law Society [2014] EWHC 4561 (QB) (Mitting J), [2017] EWCA Civ 1295 (CA)

Acting for the Law Society (with Tim Dutton KC) in a case concerning whether a duty of care was owed by the regulator in relation to the registration of law firm.

## Directory Quotes

*"Rupert has one of the best legal minds at the Bar; in addition, he has a commercial mindset and is extremely responsive and user friendly. He is a brilliant advocate, both in written and oral advocacy. He is very quick on his feet, and is an excellent drafter of advice and court documents."*

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The Legal 500

*"Rupert is a stand out junior at the London bar. He is a brilliant, commercially-minded barrister, who is an excellent drafter of pleadings and skeletons."*

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Chambers & Partners

*"A go-to junior with experience far beyond his years. He has an unparalleled work ethic."*

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The Legal 500

*"A truly excellent commercial junior, one of the very best at the Bar."*

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The Legal 500

*"Rupert is incredibly sharp minded, and readily deals with complex issues. He is a delight to work with." "The issues were mind blowingly complex but he was able to distil the important aspects so we could work through them and deliver an excellent result for the client."*

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Chambers & Partners

*"He is a complete machine. He has the ability to take in all sorts of detail and be on top of the many strands in a case."*

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Chambers & Partners

*"An authoritative, amiable and highly effective barrister. He can navigate the most sensitive and difficult of cases."*

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The Legal 500

*"Super clever and super hardworking, personable and unassuming. One of the very best commercial juniors at the Bar."*

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The Legal 500

*"A very good tactician who has a particular eye for commercially proportionate outcomes on cases."*

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Chambers & Partners

## Directory Rankings

### Chambers & Partners – Global

- Dispute Resolution: Commercial – UK

### Chambers & Partners – UK

- Banking & Finance
- Commercial Dispute Resolution
- Professional Discipline (Band 1)

### The Legal 500 – UK

- Banking & Finance (including Consumer Credit) (Tier 1)
- Commercial Litigation (Tier 1)
- Financial Services Regulation
- Professional Disciplinary & Regulatory Law

## Education

- BVC (Outstanding), Inns of Court School of Law
- BCL (Distinction), Merton College, Oxford
- MA (Law) (First Class), Gonville & Caius College, Cambridge

## Appointments, Memberships and Prizes

### University of Cambridge

- University Prizes for Top of Year in Second Year and Final Year (2002, 2003)
- University Prizes for Best Performance in:
  - Contract Law (2002)
  - Equity (2003)
  - Conflict of Laws (2003)
- Gonville and Caius College: Schuldham Plate (prize for the best overall academic performance by a graduating student in any subject) (jointly awarded, 2003)

### University of Oxford

- *Proxime Accessit* to the Vinerian Scholarship on the BCL (2006)
- University Prizes for Best Performance on the BCL in:
  - Restitution (2006)
  - Intellectual Property Rights (2006)
- Eldon Law Scholarship (2007)

### Inns of Court School of Law

- Everard Ver Heyden Foundation Prize for Overall Performance on BVC (2005)
- Prize for Best Overall Performance in Commercial Practice Options on BVC (2005)

### Lincoln's Inn

- Lord Mansfield Scholarship (2003)

### Memberships

- COMBAR
- LCLCBA
- British Association of Sport and Law

### Other



- Research Assistant in the Property and Trust Law Team of the Law Commission for England and Wales (2003-2004), working on projects concerning trustee exemption clauses and the apportionment of capital and income in trusts.
- Tutor in Contract Law at King's College, London (2004-2005)

## Languages

- French (working knowledge)

## Awards

