

HUGH SIMS KC

Call 1999 | Silk 2014

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Hugh Sims KC is recognised as a star of the UK Bar, with rankings in Chambers UK as a leading barrister across seven practice areas: [Commercial](#), [Professional Negligence](#), [Insolvency](#), [Banking & Finance](#), [Partnership](#), [Chancery](#) and [Company](#).

He is instructed with Juniors, and as sole leading counsel, in complex and substantial disputes where his advocacy and forensic skills are highly valued.

Expertise

Commercial Dispute Resolution

Hugh welcomes instructions across the whole spectrum of Commercial disputes, including:

- contract
- civil fraud
- sale & supply of goods
- corporate & insolvency disputes
- partnership disputes
- Banking & Finance
- Professional Negligence & indemnity
- insurance
- restraint of trade
- Business Protection & Injunctions
- breach of confidence and passing off

He has wide ranging sector knowledge including experience in the following sectors:

- accountancy
- agriculture
- banking
- care homes

- construction
- charities
- energy including electricity generation & power distribution, renewables
- insurance
- financial services
- hotel, hospitality & leisure
- marine
- pharmaceuticals
- software technology

He enjoys working as a team with clients, experts, solicitors and other barristers.

Featured Commercial Dispute Resolution cases

KVB Consultants Ltd & Others v JHM & Others [2023] EWHC 1686 (Comm)

Hugh, leading Jay Jagasia, represented the 26 claimant investors in a claim against various defendants arising from failed property investment schemes which were unregulated collective investment schemes. The judge at first instance (Mr Paul Stanley KC) reviewed the principles relating to statutory vicarious liability of an authorised person under s39 Financial Services and Markets Act 2000 and granted summary judgment on elements of the claims. That decision is being appealed to the Court of Appeal.

Quilter Private Client Advisers Limited v Bance & Others (Circuit Commercial Court, Bristol)

Hugh represented the claimant IFA firm in relation to a share purchase agreement indemnity dispute relating to an indemnity concerning defined benefit pension transfer issues.

Ardeshir Nagshineh v Bank of Scotland Plc (Business and Property Courts, Chancery Division, London)

Hugh is led John Virgo of Guildhall Chambers, Michael D'Arcy of One Essex Court and Anna Lintner of 39 Essex Chambers in a £1billion fraudulent misrepresentation/LIBOR rigging claim by Mr Nagshineh (as assignee of certain Targetfollow companies) against the Bank of Scotland Plc.

Philipp v Barclays Bank UK Plc [2023] UKSC 25, [2023] 3 WLR 284

Hugh is represented Mrs Philipp in her high profile claim by her against Barclays Bank seeking to recover £700,000 lost by her as a result of becoming victim to an authorised push payment fraud ("APP fraud"). HHJ Russen QC found that the Bank did not owe a duty of care to Mrs Philipp at first instance and that decision was reversed on appeal, Birss LJ (giving the leading judgment) concluding that the Quincecare principle was capable of applying to APP fraud as much as fraud by an agent.

The Supreme Court rejected Mrs Philipp's primary case based on a duty to stop the payment, based on the Quincecare duty, which it re-rationalised on agency principles, but concluded Mrs Philipp's alternative case,

concerning the steps taken to recover the funds, could proceed to trial. Hugh led Christopher Hare, Lucy Walker and Jay Jagasia in the Supreme Court.

MDW Holdings Ltd v Norvill & Norvill & Norvill [2022] EWCA Civ 883 (Newey, Asplin and Whipple LJ)

Hugh, leading Jay Jagasia, represented the appellants in an appeal concerning the proper measure of damages in relation to a company share purchase warranty dispute, and the application of the overriding compensatory principle, and the use of hindsight. The appeal also raised questions relating to the measure of damages in fraudulent misrepresentation cases where a buyer may have proceeded with the transaction but on different terms.

URE Energy Limited v Notting Hill Genesis (Commercial Court) (Christopher Hancock QC, sitting as a Deputy High Court Judge) (May 2021)

£4m dispute concerning electricity supply contract and raising issues concerning interpretation of breach and termination provisions, including in relation to amalgamations and installations of smart metres. Application for security for costs raising issues concerning adequacy of ATE policy. Hugh is leading James Wibberley.

Promontoria (Oak) Ltd v Emanuel & Emanuel (Court of Appeal, May 2021)(Henderson, Nugee and Phillips LLJ); [2020] EWHC 104 (Ch) & [2020] EWHC 563 (Ch) (Marcus Smith J)

First appeal against decision of recorder, claimant assignee's money judgement based on lend book from Clydesdale/NAB failed as it relied on secondary evidence in the form of redacted deed of assignment in circumstances where unredacted deed could and should have been produced, but claim as registered legal proprietor succeeded. Second appeals heard together with 3 other conjoined appeals over 3 days before Court of Appeal in May 2021, judgement reserved. Hugh led Oliver Mitchell on the first and second appeals.

Fairford Water Ski Club Ltd v Cohoon & Others [2021] EWCA Civ 143 (Henderson, Males and Stuart-Smith LJ) [2020] EWHC 290 (Comm) (Bristol) (HHJ Russen QC)

Trial of claim relating to various and multiple alleged breaches of duties by directors of company, including diversion of opportunities, alleged misappropriations and the issue of the extent to which there had been a sufficient disclosure of interest. Appeal concerning directors' duties to disclose conflicts of interests. Hugh led Katie Gibb at trial in 2019 and on the appeal in 2021.

Badyal v Badyal & Badyal (Business & Property Courts, Business List) (Deputy Master Nurse, May 2021); (Adrian Beltrami QC sitting as a Deputy High Court Judge) (January 2020)

Whether or not relief from sanctions should be granted in relation to accounts and inquiries concerning businesses in UK and in India. Trial of certain preliminary issues on the accounts in relation to businesses in partnership dispute in UK and India. Hugh leading Richard Ascroft.

NHS High Weald Lewes Havens CCG v SinoCare Group Limited (Circuit Commercial Court, Bristol) (HHJ Russen QC)

£7m plus dispute relating to enforceability of parent company guarantee in name of company registered in Hong Kong. Hugh led Sam Parsons

Oliver Morley (t/a Morley Estates) v Royal Bank of Scotland Plc [2021] EWCA Civ 338 (Lewison, Males and Birss LJ), [2020] EWHC 88 (Ch) (Kerr J)

Whether conduct of bank amounted to threat and economic duress and intimidation, whether bank in breach of its duties of good faith and/or reasonable skill and care, in relation to transfer of industrial property portfolio to subsidiary (West Register) whilst in bank's restructuring unit (GRG). Hugh led John Virgo at trial in 2019 and in the Court of Appeal in February 2021.

Hancock v Promontoria (Chestnut) Ltd [2020] EWCA Civ 907, [2020] 4 WLR 100 (Floyd LJ, Henderson LJ and Flaux LJ)

Where a court is asked to construe a document, the whole of the document, without redactions, should ordinarily be placed before the court, though the position may be different in the context of a statutory demand by an assignee of a loan. Hugh led Graham Sellers (Atlantic Chambers, Liverpool) in the Court of Appeal.

Banking & Finance

Hugh acts in complex, high-value banking and financial disputes. He welcomes instructions in the following areas:

- All aspects of asset recovery for and against banks, finance houses and individuals, financial services regulatory field & consumer credit
- Mortgage and mortgage fraud disputes; personal and corporate guarantee claims
- economic tort claims by and against banks and financial advisors
- Payment & mistaken payment disputes
- Swaps and derivatives and disputes relating to foreign exchange fraud
- Pensions mis-selling
- Corporate & partnership disputes arising from and relating to the financial services industry.

Featured Banking & Finance cases

KVB Consultants Ltd & Others v JHM & Others [2023] EWHC 1686 (Comm)

Hugh, leading Jay Jagasia, represented the 26 claimant investors in a claim against various defendants arising from failed property investment schemes which were unregulated collective investment schemes.

The judge at first instance (Mr Paul Stanley KC) reviewed the principles relating to statutory vicarious liability of an authorised person under s39 Financial Services and Markets Act 2000 and granted summary judgment on elements of the claims. That decision is being appealed to the Court of Appeal.

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£7m plus dispute relating to enforceability of parent company guarantee in name of company registered in Hong Kong. Hugh led Sam Parsons.

Oliver Morley (t/a Morley Estates) v Royal Bank of Scotland Plc [2021] EWCA Civ 338 (Lewison, Males and Birss LJ), [2020] EWHC 88 (Ch) (Kerr J)

Whether conduct of bank amounted to threat and economic duress and intimidation, whether bank in breach of its duties of good faith and/or reasonable skill and care, in relation to transfer of industrial property portfolio to subsidiary (West Register) whilst in bank's restructuring unit (GRG). Hugh led John Virgo at trial in 2019 and in the Court of Appeal in February 2021.

Dayani v Investec (Circuit Commercial Court, Bristol) (HHJ Russen QC) (December 2020)

Representing applicant in proceedings requiring a receiver to agree to sale of development property in London owned by company owned by Dayani; raising questions as to the extent to which a court can direct an LPA appointed receiver. Hugh led Jay Jagasia.

Philipp v Barclays Bank UK Plc [2021] EWHC 10 (Comm) (HHJ Russen QC)

Whether bank owed duty of care to customer in relation to authorised push payment fraud.

Hancock v Promontoria (Chestnut) Ltd [2020] EWCA Civ 907, [2020] 4 WLR 100 (Floyd LJ, Henderson LJ and Flaux LJ)

Where a court is asked to construe a document, the whole of the document, without redactions, should ordinarily be placed before the court. Though the position may be different in the context of a statutory demand by an assignee of a loan. Hugh led Graham Sellers (Atlantic Chambers, Liverpool) in the Court of Appeal.

Adam Anderson & Ors v Sense Network Ltd [2019] EWCA Civ 1395, [2020] 1 BCLC 555 (David Richards LJ, Hamblen LJ, Snowden J)

Whether network, as principal, was liable for losses suffered by individuals who had invested in fraudulent Ponzi scheme operated by one of its appointed representatives, concerning the proper interpretation of section 39 of the Financial Services and Markets Act 2000, vicarious liability and collective investment schemes. Hugh led Gerard McMeel and Jay Jagasia in the Court of Appeal. Claimants pursued successful claims against the FSCS based on the finding of the unauthorised CIS at first instance, as upheld by the Court of Appeal.

Insolvency

Hugh acts in complex and substantial company and personal insolvency disputes, including claims for and against insolvency practitioners. He welcomes instructions in the following areas: corporate insolvency,

including administrations, liquidations and CVAs; claw back and recovery claims; directors and office holder misfeasance claims; directors' disqualification; personal insolvency, including bankruptcy and IVAs; and professional negligence claims involving insolvency practitioners.

Hugh, together with other authors, including members of Chambers' Insolvency Team, has written the first book focussed on insolvency practitioners: *Insolvency Practitioners, Appointment, Duties, Powers & Liability*, published by Edward Elgar in 2020. The second edition is due to be published in June 2024.

Featured Insolvency cases

Manolete Partners Plc v Peter Darwell, Eco Renewables Limited and Eco2 Limited (Business and Property Courts, ICC List)

Hugh represented Manolete Partners Plc as assignee of claims by Tidal Energy Limited which entered into administration in 2016. The company was set up to exploit tidal energy but failed. Multi-million transaction avoidance claims were brought against former directors and shareholders in relation to restructurings carried out shortly before the company entered into administration and at a time when it was insolvent. Case settled in 2023.

Re Ethos Solutions Limited (in liquidation) (Business and Property Courts, Insolvency and Companies Court, London)

Representing liquidator in multi-million proceedings against multiple defendants, in which it is alleged there were multiple transactions defrauding creditors under section 423 of the Insolvency Act 1986 relating to tax avoidance scheme using employee benefit trusts via Jersey based trust companies. Proceedings issued in December 2018 and proceedings ongoing. Hugh is leading Simon Passfield.

Re Premier FX (in liquidation) (Insolvency and Companies Court, London) [2021] EWHC 1321 (Ch) (Deputy ICC Judge Racquel Agnello QC)

Acting for the joint liquidators of Premier FX Limited (an FCA-regulated entity which collapsed in 2018 leaving 121 creditors with claims in excess of £6m) in seeking Berkeley Applegate relief and seeking approval of distribution plan to creditors. Issues arising in relation to trust claims and tracing via mixed funds. Leading Simon Passfield and Christopher Hare.

Secretary of State for Business, Energy and Industrial Strategy v Geoghegan & Others [2021] EWHC 672 (Ch) (Michael Green J)

Acting for two of the defendants to a Company Directors Disqualification Act (CDDA) claim and on application to strike out raising questions as to the scope of section 6 CDDA in relation to conduct of members of limited liability partnership. Leading Simon Passfield.

Re NMUL Realisations Limited (in administration) [2021] EWHC 94 (Ch)

Hugh Sims QC and Stefan Ramel acted on behalf of applicant administrators in an application for a declaration that they had been validly appointed as administrators. The issue arose as a result of a failure by the appointing party to give notice under para. 15 of Schedule B1 to the Insolvency Act 1986.

Dayani v Investec (Circuit Commercial Court, Bristol) (HHJ Russen QC)(December 2020)

Representing applicant in proceedings requiring a receiver to agree to sale of development property in London owned by company owned by Dayani; raising questions as to the extent to which a court can direct an LPA appointed receiver. Hugh led Jay Jagasia.

Rwamba v Secretary of State for Business, Energy and Industrial Strategy [2020] EWHC 2778 (Ch)(Miles J)

Whether former director of failed company who had breached a previous CDDA undertaking should be given leave to act as a director of two companies; leave to act given on appeal.

Re Overfinch Bespoke Vehicles Ltd (in liquidation) (Business and Property Courts, Insolvency and Companies Court, Birmingham)

Hugh has been leading Simon Passfield, acting for the joint liquidators of Overfinch Bespoke Vehicles Limited (a company which customised Land Rover and Range Rover cars which entered into administration in 2010) in pursuing multi-million pound misfeasance claims against the former administrators of the company.

Re DCL Hire Ltd [2019] EWHC 2086 (Ch) (Mann J)

Represented the former director of an insolvent company. The former director was said to have failed to prevent an alleged fraud said to be perpetrated by a former shadow director. Hugh successfully represented the defendant in securing dismissal of the majority of the claim at first instance before the Deputy ICC Judge Schaffer (neutral citation [2018] EWHC 3457 (Ch)), and successfully resisted the main ground of appeal raised in an appeal before Mann J (reported under neutral citation [2019] EWHC 2086 (Ch)). Leading Sam Parsons.

Professional Negligence

Hugh represents claimants and defendants in complex and substantial professional negligence and indemnity disputes. He welcomes instructions in bringing and defending claims against the following professionals: accountants, including insolvency practitioners and auditors, solicitors, surveyors, receivers, engineers, financial advisors, barristers and patent agents.

Featured Professional Negligence cases

KVB Consultants Ltd & Others v JHM & Others [2023] EWHC 1686 (Comm)

Hugh, leading Jay Jagasia, represented the 26 claimant investors in a claim against various defendants arising from failed property investment schemes which were unregulated collective investment schemes. The judge at first instance (Mr Paul Stanley KC) reviewed the principles relating to statutory vicarious liability of an authorised person under s39 Financial Services and Markets Act 2000 and granted summary judgment on elements of the claims. That decision is being appealed to the Court of Appeal. The claim against the solicitors in relation to their participation in the schemes settled.

Rowe v Prydis (Business and Property Courts, Bristol)

Represented claimant, CEO of Exeter RFC, in £1m plus professional negligence and related claims concerning investment advice and accountancy and management services in relation to a development project in North Devon. Settled in 2023.

Baio Partnership v Jelf Insurance Brokers Limited t/a Marsh Commercial

Represented claimant in relation to claim against insurance brokers for alleged negligence in relation to loss following fire damage to commercial premises and application of average clause in an insurance policy.

Cheltenham Borough Council v Bevan Brittan LLP (Business & Property Courts in Bristol) (2020-2022)

Multi-million solicitors' negligence claim relating to development site in Cheltenham. Case settled in 2022/23.

Re Overfinch Bespoke Vehicles Ltd (in liquidation) (Business and Property Courts, Insolvency and Companies Court, Birmingham)

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Dayani v Investec (Circuit Commercial Court, Bristol) (HHJ Russen QC) (December 2020)

Representing applicant in proceedings requiring a receiver to agree to sale of development property in London owned by company owned by Dayani; raising questions as to the extent to which a court can direct an LPA appointed receiver. Hugh led Jay Jagasia.

Re Altala (2018-2019)

Multi-million professional negligence proceedings brought against former administrators in relation to loss of chance in relation to claim against insured defendant directors, relating to failure of health lottery company. Case settled in 2019. Hugh led Holly Doyle in this and earlier professional negligence proceedings against the company's former solicitors.

Devon Commercial Property Ltd v (1) Barnett & (2) Belcher [2019] EWHC 700 (Ch) (HHJ Matthews)

Whether receivers negligent and/or in breach of their duties of good faith in relation to the sale of a cider and bottling plant by receivers. Hugh led Neil Levy at trial.

Hammond & Others v JL Strategies Ltd & UBS AG London Branch (Commercial Court, London)

Multi-million claim brought in the Commercial Court in London, alleging negligent mis-selling of film finance schemes by financial advisors and that UBS participated in an unlawful joint enterprise in relation to the promotion and sale of the same. Hugh led Gerard McMeel. Case subsequently settled in 2018.

Lowick Rose LLP v Swynson [2017] UKSC 32, [2017] 2 WLR 1161 (Lord Neuberger PSC, Lord Mance JSC, Lord Clarke JSC, Lord Sumption JSC, Lord Hodge JSC)

Loan provided based on accountant's negligence advice in relation to financial due diligence. Where loan was partially repaid by ultimate owner of lender company, repayment was not to be ignored and lender not entitled to recover full loss. Principles of unjust enrichment and transferred loss did not apply. Hugh led Gerard McMeel and James Wibberley in the Supreme Court.

Gaze v Marcus Sinclair & Counsel (2016-2017), Bristol Circuit Commercial Court (HHJ Russen QC)

Acting for claimant (and counterclaimant) in complex multi-million professional negligence claim against former solicitors and counsel concerning the negligent handling of a previous professional negligence claim. Leading Holly Doyle. Case settled shortly before start of trial, in 2017.

Company Law

Hugh acts in complex and high value company, joint venture and partnership disputes in England & Wales.

He welcomes instructions in the following areas:

- Unfair prejudice petitions
- Directors disputes and misfeasance
- Derivative claims

- Share sale and purchase disputes
- Warranty claims
- Share rectification proceedings
- Partnership
- Joint venture disputes & Company Directors Disqualification Act (CDDA) proceedings.

Featured Company Law cases

Learning Curve (NE) Group v Lewis & Probert (Business and Property Courts, KBD, Commercial Court)

Hugh, leading Jay Jagasia, is instructed by the defendants to defend a share warranty and indemnity dispute whereby the purchaser is claiming £10m for breach of contractual warranties. The company was an educational services provider and the case gives rise to issues concerning contractual limitation clauses, contractual limitation periods, ambit of scope of warranties, whether reduction in maintainable earnings due to alleged breaches and overlap between breach of warranty and indemnity claims.

MDW Holdings Ltd v Norvill & Norvill & Norvill [2022] EWCA Civ 883 (Newey, Asplin and Whipple LJ)

Hugh, leading Jay Jagasia, represented the appellants in an appeal concerning the proper measure of damages in relation to a company share purchase warranty dispute, and the application of the overriding compensatory principle, and the use of hindsight. The appeal also raised questions relating to the measure of damages in fraudulent misrepresentation cases where a buyer may have proceeded with the transaction but on different terms.

Secretary of State for Business, Energy and Industrial Strategy v Geoghegan & Others [2021] EWHC 672 (Ch) (Michael Green J)

Acted for two of the defendants to a Company Directors Disqualification Act (CDDA) claim and on application to strike out raising questions as to the scope of section 6 CDDA in relation to conduct of members of limited liability partnership. Led Simon Passfield.

Fairford Water Ski Club Ltd v Cohoon & Others [2021] EWCA Civ 143 (Henderson, Males and Stuart-Smith LJ) [2020] EWHC 290 (Comm) (Bristol) (HHJ Russen QC)

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Badyal v Badyal & Badyal (Business & Property Courts, Business List) (Deputy Master Nurse, May 2021); (Adrian Beltrami QC sitting as a Deputy High Court Judge) (January 2020)

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Re NMUL Realisations Limited (in administration) [2021] EWHC 94 (Ch)

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Re DCL Hire Ltd [2019] EWHC 2086 (Ch) (Mann J)

Represented the former director of an insolvent company. The former director was said to have failed to prevent an alleged fraud said to be perpetrated by a former shadow director. Hugh successfully represented the defendant in securing dismissal of the majority of the claim at first instance before the Deputy ICC Judge Schaffer (neutral citation [2018] EWHC 3457 (Ch)), and successfully resisted the main ground of appeal raised in an appeal before Mann J (reported under neutral citation [2019] EWHC 2086 (Ch)). Leading Sam Parsons.

Sports Law

Hugh acts in sports disputes both in court and in tribunal hearings, including contract, commercial and insolvency disputes concerning players, sports clubs and governing bodies in England & Wales.

Hugh welcomes instructions in the following areas:

- contractual disputes
- including promotion & agency disputes
- corporate & shareholder disputes
- compensation claims relating to players & disciplinary proceedings

- acting for & against football clubs, rugby clubs, hockey clubs & golf clubs acting for & against sports governing bodies

Featured Sports Law cases

The New Saints FC Ltd v (1) Football Association of Wales Ltd (2) Connah's Quay Nomads FC [2020] EWHC 1838 (Ch) (Marcus Smith J)

Impact of Covid-19 on the Cymru premier league and whether the Welsh FA was entitled to determine final rankings by points-per-game model. Hugh led John Churchill at trial.

Frank Warren v Nathan Cleverly (Circuit Commercial Court, Cardiff)

Hugh was instructed to represent Nathan Cleverly, former world champion at light-heavyweight and cruiserweight, to assist him in defending a £1m plus claim brought by Frank Warren, who claimed damages for alleged breach of a boxing promotion agreement. The claim was discontinued by Frank Warren shortly before trial, in 2019.

Re The International Cricket Council

Advising the ICC in relation to arbitration proceedings, including the application of the BVI Business Companies Act 2004 and its equivalent to section 994 of the Companies Act 2006 (unfair prejudice petitions).

Exeter City AFC Ltd v Chelsea FC Plc (tribunal, London)

Hugh represented Exeter City in its application to the Professional Football Compensation Committee (the "PFCC"), chaired by His Honour Judge Robert Reid QC, against Chelsea for compensation under the Premier League's Rules and Regulations for their part in the training and development of the player Ethan Ampadu, who transferred to Chelsea from Exeter (signing with Chelsea in 2017, at the age of 16).

Re Caterham F1

Hugh was instructed to advise the liquidators of Caterham F1 (including Finbarr O'Connell of Smith & Williamson) on a variety of insolvency and commercial issues relating to the insolvency of the Caterham Formula 1 Team, during 2014-2017.

Gartell v Yeovil Town Football & Athletic Club Limited [2016] EWCA Civ 62 (Laws, Floyd and Bean LLJ)

Hugh represented the successful appellant in the Court of Appeal, in an appeal concerning non-performance of construction works carried out at Yeovil Town's football stadium, Huish Park, and the

correct approach to quantification of damages.

Cuddy v Hawkes (Ch D (RCJ))

Acting in unfair prejudice shareholder dispute concerning shareholders in Neath Rugby Football Club (linked to previous proceedings reported at [2009] EWCA Civ 291, [2009] All ER (D) 42 (Apr); ([2007] EWHC 2999 (Ch)).

Exeter City AFC v Southampton FC

FA arbitration dispute relating to alleged breach of player transfer contract.

Technology & Construction

Hugh has a First Class Honours degree in Physics. He enjoys cases with a scientific and technical background. He has particular expertise in complex and technical company, commercial, professional negligence and indemnity disputes in England & Wales.

Featured Technology & Construction cases

Cheltenham Borough Council v Bevan Brittan LLP (Business & Property Courts in Bristol) (2020-2022)

Multi-million solicitors' negligence claim relating to development site in Cheltenham.

MDW Holdings Ltd v Norvill & Norvill & Norvill (ChD, Cardiff) [2021] EWHC 1135 (Ch) (HHJ Keyser QC)

Trial of claim by purchaser of waste company in South Wales in relation to alleged breach of warranties and/or misrepresentation claim relating to a share purchase agreement (SPA). Raises technical issues relating to operation of waste disposal plant, waste disposal regulations, hazardous waste, contractual limitation periods and alleged manipulation of test result data. Hugh is leading Jay Jagasia.

Fleuron LLC v NIMA Energy & Well Services of Iran (Commercial Court, London) (Jacobs J), 2020

Claim by claimant company, registered in Hong Kong, in relation to recovery of receivables from Iranian oil companies.

Merthyr (South Wales) Ltd v (1) Cwmbargoed Estates & (2) Dowlais Top Investment Co Ltd (arbitration 2018-2019)

Dispute relating to largest remaining open cast coal mine in UK, including technical issues concerning coal

composition.

Burrows Investments Ltd v Ward Homes Ltd [2017] EWCA Civ 1577, [2018] 1 P&CR 13 (Ruper Jackson LJ, Henderson LJ)

Proper interpretation of sale agreement in relation to residential development, negotiating damages. Raised issues concerning stages of construction of development. Hugh acted as sole leading counsel in the Court of Appeal. Case subsequently settled before retrial of quantum issues in 2019.

Gartell v Yeovil Town Football & Athletic Club Limited [2016] EWCA Civ 62 (Laws, Floyd and Bean LLJ)

Hugh represented the successful appellant in the Court of Appeal, in an appeal concerning non-performance of construction works carried out at Yeovil Town's football stadium, Huish Park, and the correct approach to quantification of damages.

David v Crossman & Morgan & Infinite Renewables Ltd (ChD, Cardiff)(HHJ Jarman QC)

Trial of liability in unfair prejudice shareholder dispute concerning shareholders in a renewable electricity generation company in South Wales, requiring analysis of wind yields across range of sites (ChD, Cardiff), 2016-2018.

Dyson Technology Ltd v Pellerrey [2015] EWHC 3000 (Ch) (Snowden J)

Injunction proceedings relating to former employee of Dyson and seeking to restrain him from working for Tesla, concerned technical issues relating to electric vehicles.

International & Offshore

Hugh's broad ranging commercial & insolvency expertise has resulted in him being asked to provide advice and assistance on his own and with juniors, in relation to international work and involving offshore jurisdictions, including corporate governance & unfair prejudice matters, as well as general commercial and insolvency disputes.

Featured International & Offshore cases

Fleuron LLC v NIMA Energy & Well Services of Iran (Commercial Court, London) (Jacobs J), 2020

Claim by claimant company, registered in Hong Kong, in relation to recovery of receivables from Iranian oil companies. Hugh leading James Hannant.

Badyal v Badyal & Badyal (Business & Property Courts, Business List)

Advising on issues relating to forum and jurisdiction issues in relation to partnership and company dispute in UK and in India. Hugh is leading Richard Ascroft (2019-2021).

NHS High Weald Lewes Havens CCG v SinoCare Group Limited (Circuit Commercial Court, Bristol) (HHJ Russen QC)

Dispute relating to enforceability of parent company guarantee in name of company registered in Hong Kong. Hugh is led Sam Parsons (2019-2022).

Re: ICC (BVI)

Advising the International Cricket Council ("the ICC") in 2017 in relation to arbitration proceedings concerning, amongst other things, the application of the BVI Business Companies Act 2004, and its equivalent to section 994 of the Companies Act 2006 (unfair prejudice petitions) (2017).

Re: ICC (BVI)

Advising the International Cricket Council ("the ICC") in relation to the meaning and application of its articles of association in relation to an internal governance dispute – the ICC is the global governing and sanctioning body for the sport of cricket. It is a company limited by guarantee incorporated in the British Virgin Islands ("BVI") with its principal place of business located in Dubai, United Arab Emirates) (2016).

Dyson Technology Ltd v Pellerrey [2015] EWHC 3000 (Ch) (Snowden J)

Injunction proceedings relating to former employee of Dyson and seeking to restrain him from working for Tesla in California, concerned technical issues relating to electric vehicles and required consideration of jurisdictional issues.

Re: Les Salines IRS Co Ltd (Privy Council)

Development contract dispute in the Mauritius – advising with junior counsel (Stefan Ramel) on the application for leave to appeal to the Judicial Committee of the Privy Council from the Supreme Court of Mauritius (2014).

Re: MBI International & Partners Inc (Commercial Division of the High Court, BVI, and in the Eastern Caribbean Supreme Court)

Liquidation proceedings in the BVI – advising on appeal to the Eastern Caribbean Supreme Court from a decision of the Commercial Division of the High Court, which refused to terminate the liquidation of MBI International & Partners Inc (“the Company”) – consideration of the just and equitable test under section 233 of the BVI Insolvency Act 2003 (2013 & 2014).

Appointments

- Deputy High Court Judge (2019)
- Attorney General’s Panels of Junior Counsel to the Crown (pre-2014)

Education

- BVC, Western & Wales: Prize for Best Overall Performance
- Diploma in Law (Dean’s Commendation), University of Exeter
- Physics BSc (First Class Honours), University of Manchester

Memberships

- Commercial Bar Association (Combar)
- Chancery Bar Association (ChBA)
- Insolvency Lawyers Association (ILA)
- Professional Negligence Bar Association (PNBA)
- Association of Business Recovery Professionals (R3)