

Nicholas Leah

Call Date: 2022



Nicholas joined 3 Hare Court as a tenant in October 2023 following the successful completion of his pupillage. He has a broad commercial and civil practice, encompassing commercial litigation, international arbitration, banking and financial services, civil fraud, insolvency, company, professional negligence, property, aviation, travel, sports and public law.

He regularly appears in courts and tribunals in trials, interim applications, preliminary hearings, petitions and costs and case management conferences, whilst managing a busy written practice drafting pleadings and providing opinions. He has a particular interest in international work having attended The Hague Academy of International Law as a Private International Law Scholar and having coached teams for and participated in both the Vis International Arbitration Moot and the Jessup International Law Moot. He was part of the Gray's Inn team that won the 2021 Jessup UK National Championship.

Before joining Chambers, Nicholas taught law as a Visiting Lecturer at City, University of London, where he received the Law School's 2022 Teaching Excellence Award. He previously obtained a First-Class BA degree in History from UCL and an MPhil degree in History from Oxford with a Distinction in his research thesis, as well as Distinction grades in both the GDL and Bar Course from City Law School and a First-Class Commercial Law LLM from Cambridge.

Alongside his work, Nicholas has served as President of the Association of Gray's Inn Students, General Editor of the Cambridge International Law Journal, Managing Editor of the Oxford Political Review and Secretary of the Oxford Union. He is also the Founder of Young Bar Mentoring, a mentoring scheme for aspiring barristers.

Legal Services

Commercial

Nicholas has a broad commercial and commercial chancery litigation and advisory practice. He is regularly instructed to appear on behalf of and advise companies and individuals in relation to contractual disputes. He can advise on a broad range of commercial remedies, including restitution, trusts and equitable remedies.

He has particular knowledge of complex conflict of laws questions in international commercial litigation,

3 HARE COURT

including jurisdiction, applicable law, anti-suit injunctions, freezing injunctions and enforcement. He has studied at The Hague Academy as a Private International Law Scholar.

In addition, he has experience of assisting with the drafting of contractual documents such as share purchase agreements.

Recent experience:

- Advised a multinational supermarket chain on breach of contract and negligence claims against a haulier company (as sole counsel).
- Advised on English common law principles which would apply to a contractual document between a company and its investors in the absence of an exclusive jurisdiction clause (led by Richard Samuel).
- Supported Simon Davenport KC with a successful application for an anti-suit injunction in the English High Court restraining foreign proceedings in Kuwait (as a pupil).
- Supported Tom Poole KC with research about the application of the “no-loss” argument to an assessment of equitable compensation (as a pupil).
- Supported Simon Davenport KC and Robert Strang in an insurance claim brought by a group of investors from countries in the Eastern Caribbean against the Republic of Trinidad and Tobago before the Caribbean Court of Justice (as a pupil).
- Supported Robert Strang with preparation for a two-week trial in the High Court (Chancery Division) seeking remedies, inter alia, under the principle in *Saunders v Vautier* [1841] Cr & Ph 240 and the Trusts of Land and Appointment of Trustees Act 1996 (as a pupil).
- Supported Robert Strang with an advice about an account of profits and tracing out of a mixed fund (as a pupil).
- Supported Robert Strang and Kiel Taklalsingh in the successful appeal of **Real Time Systems Ltd v Renraw Investments Ltd and others [2023] UKPC 39** in which the Judicial Committee of Privy Council found that organisations associated with Jack Warner, the former Vice President of FIFA, should repay a loan of TT\$1,505,493 (as a pupil).

International Arbitration

Nicholas has a particular interest in international arbitration work. He has gained experience of arbitrations under ICC, LCIA and UNCITRAL arbitration rules.

He has also coached teams for and participated in the Willem C. Vis International Commercial Arbitration Moot.

Recent experience:

- Supported Christopher Loxton with submissions in an arbitration under ICC Rules about a multi-million dollar Loan Agreement (as a pupil).
- Supported Simon Davenport KC in successfully applying for an anti-suit injunction to restrain foreign proceedings in favour of an English arbitration agreement (as a pupil).

Banking, Financial Services and Cryptoassets

Nicholas has experience of banking, financial services and cryptoassets disputes.

3 HARE COURT

He studied international financial law and has sound knowledge of the law surrounding syndicated loan agreements, international bond issues, derivatives and securitisation.

Recent experience:

- Currently advising a Swiss verein associated with a blockchain protocol on various contractual issues (led by Jeffrey Golden KC (Hon)).
- Supported James Gale with an advice on the contractual nature of smart legal contracts in the context of blockchain and other distributed ledger technologies (as a pupil).
- Supported James Gale with an advice on causes of action available in contract and tort in cryptocurrency-related disputes (as a pupil).
- Supported Richard Samuel with an advice on procedural questions arising out of an interest rate swap dispute between an Italian local authority and local banks under an English law governed ISDA Master Agreement (as a pupil).

Civil Fraud

Nicholas is developing a civil fraud practice. He has experience of drafting pleadings and advising on matters where fraud is alleged.

He has developed a particular knowledge of litigation involving mis-sold fractional ownership timeshare packages and the application of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.

Recent experience:

- Advising on causes of action for timeshare products which amount to collective investment schemes under section 235 of Financial Services and Markets Act 2000.
- Drafted pleadings in fraudulent misrepresentation claims.

Insolvency

Nicholas is developing a varied insolvency and company law practice.

He has experience of a wide range of insolvency matters, including preference claims, transactions at an undervalue and directors' duties. He is also regularly instructed to appear in winding-up and bankruptcy petitions.

Recent experience:

- Supported Tom Poole KC and Daniel Feetham KC with advice on legal issues following the collapse of a motor insurance underwriter in Gibraltar (as a pupil).
- Supported Peter Knox KC with company law research in preparation for a landmark UK Supreme Court case on the tortious liability of company directors (as a pupil).
- Supported Tom Poole KC with a presentation on the UK Supreme Court's landmark decision in **BTI 2014 LLC v Sequana SA [2022] UKSC 25** and the existence of the so-called "creditor duty" (as a pupil).

Professional Negligence

Nicholas has experience in dealing with disputes in which professional negligence is alleged.

Recent experience:

- Representing the UK's largest independent forecourt operator in a negligence claim brought against it (as sole counsel).
- Supported Malcolm Bishop KC with research for an application before the Solicitors Disciplinary Tribunal (as a pupil).

Public, Constitutional and Appeals to the Privy Council

Nicholas is developing a broad public law practice. He has experience of judicial review claims and the intersection of public law and tort law.

During pupillage, he developed extensive experience of appeals to the Privy Council from a range of jurisdictions, including Trinidad and Tobago, Jamaica, the Bahamas, Saint Lucia and Mauritius.

He has taught constitutional law, administrative law and human rights at City, University of London.

Recent experience:

- Advising on a misfeasance in public office claim against a local authority (led by Malcolm Bishop KC).
- Supported Thomas Roe KC with a skeleton argument in **Ravi Balgobin Maharaj v The Cabinet of the Republic of Trinidad and Tobago and another [2023] UKPC 17**, an appeal about statutory interpretation and the principle of legality arising out of local government reforms (as a pupil).
- Supported Katherine Deal KC with a skeleton argument for an appeal before the Judicial Committee of the Privy Council concerning the lawfulness of two detentions under the Constitution of Saint Lucia (as a pupil).
- Supported Benjamin Channer with an advice on a judicial review claim arising out of the Bahamas (as a pupil).

Property Litigation

Nicholas is developing a busy and varied property litigation practice. He has experience of landlord and tenant disputes (including possession and disrepair claims), as well as boundary disputes and leasehold enfranchisement.

Recent experience:

- Drafted a relief from forfeiture application in relation to a commercial lease (as sole counsel).
- Attended **Robert Stokes (Personal Representative of the Estate of Walter Edward Stokes, deceased) v Charles Edward Porter and another [2023] UKPC 11**, an appeal before the Judicial Committee of the Privy Council on the doctrine of rectification's application to a deed of conveyance (as a pupil).
- Supported Benjamin Channer with advice on a range of matters, including possession proceedings following section 21 and section 8 notices, repair obligations under section 11 of the Landlord and Tenant Act 1985 and the extension of a lease (as a pupil).

3 HARE COURT

- Supported Benjamin Channer with a mediation concerning an adverse possession claim for a strip of land between two properties (as a pupil).

Aviation Law

Nicholas is regularly instructed to advise or appear in court in relation to claims brought under EC Regulation 261/2004 and the Montreal Convention. He also has experience of CEDR adjudication work.

He is well placed to advise on matters of flight delay, flight cancellation and denied boarding as well as consequential losses, damaged baggage, lost baggage and personal injury on airlines.

He has experience of larger contractual, insurance and reinsurance disputes in the aviation industry.

Recent experience:

- Advised major airlines from Europe, the Middle East and Asia in relation to claims arising out of international carriage.
- Supported Christopher Loxton in a multi-billion dollar claim involving several lessors in proceedings against reinsurers concerning the loss of aircraft and engines detained in Russia (as a pupil).

Travel & Cross Border Claims

Nicholas is regularly instructed in matters involving the Package Travel Regulations (1992 and 2018), including fast track trials, interim applications and costs and case management conferences.

He is developing a busy paperwork practice in travel law, including drafting pleadings, schedules and counter-schedules as well as advising on jurisdictional, procedural, evidential and quantum issues. He also has experience of travel insurance work.

In addition, he has considerable trial experience involving road traffic accidents, employers' liability disputes and public liability disputes.

Recent experience:

- Drafted an article with Richard Campbell on the CJEU's latest jurisprudence in FTI Touristik Case C-396/21 on price reductions for travellers whose holidays were disrupted by Covid-19.
- Supported James Hawkins with the draft of a counter-schedule in a multi-million pound claim arising out of an accident in Cape Verde (as a pupil).
- Drafted an advisory note on liability for Howard Stevens KC in relation to a multi-million pound spinal cord injury claim (as a pupil).
- Supported Katherine Deal KC with a pleading in a fatal accident claim pursuant to the Fatal Accidents Act 1976 and the Law Reform (Miscellaneous Provisions) Act 1934 (as a pupil).
- Supported Asela Wijeyaratne with research on the costs consequences of Part 36 offers made in a claim arising out of a maritime accident in Spain (as a pupil).

Sports Law

Nicholas is keen to develop his sports law practice, drawing on his experience of general commercial and civil

litigation.

Recent experience:

- Currently supporting Peter Knox KC with research in a potential quantum meruit claim against a football club.
- Drafted an article on **The FA v Cristiano Ronaldo** about an FA Regulatory Commission's approach in determining the appropriate sanctions for improper and/or violent conduct in breach of Rule E3.1 of the FA Rules.

Publications

- [Confronting the Yorke-Talbot Slavery Opinion and its legacy within English law](#) (Gatehouse Chambers, July 2021).
- [The Politics of Imperial Trade: A study of the Colonial Debts Act of 1732](#) (The Journal of the Oxford History Society, June 2020).

Memberships

- Member, The Honourable Society of Gray's Inn
- Member, Lincoln College, Oxford Development Committee
- Member, Royal Historical Society
- Fellow, Royal Numismatic Society
- International Bar Association (**IBA**)
- Commercial Bar Association (COMBAR)
- Young Fraud Lawyers Association (YLFA)

Education

- BA in History, University College London (First Class Honours, 4th in year)
- MPhil in History, Lincoln College, University of Oxford (Distinction in thesis, 2nd in year)
- Graduate Diploma in Law, City Law School (Distinction, straight distinction grades, 4th in year)
- Bar Vocational Studies Course, City Law School (Distinction (Outstanding))
- LLM in Commercial Law, Sidney Sussex College, University of Cambridge (First Class Honours) (Papers: Advanced Private Law, International Commercial Litigation, International Financial Law and Legal History)
- Private International Law Course, The Hague Academy of International Law (Scholar)

Languages

- French (Proficiency)
- Italian (Intermediate)

Awards

Academic:

- Stefan Forch Private International Law Scholarship, The Hague Academy of International Law (2022)
- Teaching Excellence Award, City Law School (2022)
- One Essex Court Commercial Law Scholarship, Cambridge Faculty of Law (2021)
- Residential Scholarship, Gray's Inn (2020)
- Lord Justice Holker Scholarship, Gray's Inn (2020)
- Academic Excellence Scholarship, City Law School (2020)
- BVS Scholarship, City Law School (2020)
- 11KBW Public Law Prize, City Law School (2020)
- Highest GDL mark ever awarded at City Law School – 100% in Public Law (2020)
- GDL Scholarship, City Law School (2019)
- Ellice Aylmer Eadie Scholarship, Gray's Inn (2019)
- Sara Lee Academic Scholarship, University of Oxford (2018)
- Graduate Research Award, Lincoln College, Oxford (2018)
- Vivian Green Award, Lincoln College, Oxford (2017)

Mooting/public speaking:

- Winner of the UK Jessup Moot Championship (2021)
- Global Octofinalist in the Jessup International Law Moot (2021)
- Jessup International Law Moot Best New Law School Award – Gray's Inn (2021)
- Winner of the City Law School Senior Moot Prize (2021)
- Vis International Arbitration Moot Oralists Certificate (2020)
- Winner of the 4 New Square University of London Moot (2019)
- Winner of the DWF Advocacy London Varsity Moot (2019)
- Winner of the Oxford Bar Society Non-Law Moot (2019)
- Edward Tomlinson Debating Memorial Prize – best speaker of the year at the Oxford Union (2019)