

Nicholas Leah

Call Date: 2022



Nicholas has a busy and varied commercial and civil practice with a particular focus on commercial litigation, international arbitration, civil fraud and asset recovery, insolvency and company disputes, cryptoassets and public law. His work often has an international or offshore element (including appeals to the Privy Council).

In addition to his work as part of counsel teams in complex, high-value disputes, he regularly appears as sole counsel in trials, interim application hearings and costs and case management conferences. Despite his recent year of call, he has successfully appeared as sole counsel in the High Court on multiple occasions against opponents many years more senior.

His recent and ongoing case highlights include:

Civil Fraud & Asset Recovery

- [Segulah Medical Acceleration AB and Others v Tripathi and Another and Gallahue and Others v Tripathi and Another \(BL-2024-000036 and BL-2024-000401\)](#) (ChD): Representing one of the defendants to multimillion dollar and multiparty civil fraud claims arising out of the purchase of shares in a medical technology company (led by Rowan Pennington-Benton).
- [Bourlakova and Others v Bourlakov and Others \[2024\] EWHC 765 \(Ch\)](#): Represented a respondent to freezing and proprietary injunction applications in a wider \$3.7 billion civil fraud claim (led by Graham Dunning KC and Alexander Milner KC).

Commercial Litigation & International Arbitration

- [Waterworks Ltd v Water and Sewage Authority of Trinidad and Tobago \(JCPC/2021/0066\)](#): Awaiting judgment in an appeal concerning the contractual interpretation of sub-clause 19.6(c) within the FIDIC forms, the most widely used standard form international construction contracts (led by Rowan Pennington-Benton).
- Working on a \$300 million ICSID arbitration between a construction and engineering company and a national government.
- [Nanox Imaging PLC v David Schick 2024/GSC/043](#): Successfully applied for an anti-suit injunction and successfully resisted an application for a stay on *forum non conveniens* grounds in the Supreme Court of Gibraltar (led by Rowan Pennington-Benton).

Cryptoassets & Blockchain Technology

3 HARE COURT

- Representing three Gibraltar-based defendants in a multimillion pound claim concerning the development of a fiat to cryptocurrency exchange and digital wallet application (led by Rowan Pennington-Benton).
- Co-drafted the [Network Access Rules](#) for the BSV Association as part of an 18-month [collaborative project](#) with D2 Legal Technology to create a groundbreaking multilateral contract in the cryptocurrency and blockchain technology sphere (led by Jeffrey Golden KC (Hon)).

Insolvency & Company

- Currently instructed by a Luxembourg-based company to review and appeal four orders made under paragraph 71 of schedule B1 to the Insolvency Act 1986 (led by Peter Knox KC).
- [Frost and Another v The Good Box Co Labs Ltd and Others \[2024\] EWHC 422 \(Ch\)](#): Successfully dismissed an application by former administrators to increase their remuneration (as sole counsel).
- [Wilson and Another v Frost and Another \[2024\] EWHC 573 \(Ch\)](#): Successfully applied for an adjournment of an insolvency trial on mental health grounds on the first day of the trial (as sole counsel).

Public & Appeals to the Privy Council

- Representing a claimant in a High Court misfeasance in public office claim (led by Malcolm Bishop KC before his appointment as Lord Chief Justice of the Kingdom of Tonga).
- [Lafresière v New Mauritius Hotels Ltd \(Mauritius\) \[2023\] UKPC 38](#): Assisted Hervé Duval SC and Nicolas Henry successfully dismiss an appeal from the Supreme Court of Mauritius concerning wrongful dismissal proceedings.

Before joining Chambers, Nicholas taught law as a Visiting Lecturer at City, University of London, where he received the Law School's [Teaching Excellence Award](#). He previously studied at UCL, the University of Oxford, City University, the University of Cambridge and The Hague Academy of International Law, during which time he was awarded multiple scholarships and prizes. He was also part of the Gray's Inn team that won the [UK National Championship](#) in the Jessup International Law Moot.

Legal Services

Commercial

Nicholas has a broad commercial and commercial chancery practice. He has a wide range of experience both as part of a team and as sole counsel advising on commercial remedies (including equitable remedies) across various sectors such as banking and finance, insurance and reinsurance, cyber and crypto, construction and engineering, aviation and medical technology.

He has particular knowledge of complex conflict of laws questions in international commercial litigation, 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 drafting contracts, including a multilateral cryptocurrency/blockchain technology contract and a share purchase agreement.

3 HARE COURT

Recent led work:

- **Waterworks Ltd v Water and Sewage Authority of Trinidad and Tobago (JCPC/2021/0066)**: Awaiting judgment in an appeal concerning the contractual interpretation of sub-clause 19.6(c) within the FIDIC forms, the most widely used standard form international construction contracts (led by Rowan Pennington-Benton).
- **Nanox Imaging PLC v David Schick 2024/GSC/043**: Successfully applied for an anti-suit injunction and successfully resisted an application for a stay on *forum non conveniens* grounds in the Supreme Court of Gibraltar (led by Rowan Pennington-Benton).
- **Pentacle Disputes Limited v MoneyPlus Legal Limited (LM-2020-00216)** (Comm): Successfully reached a multimillion pound settlement for a claims management company in a claim concerning over 3000 Plevin claims involving mis-sold payment protection insurance to consumers (led by Rowan Pennington-Benton).
- **Loudmila Bourlakova and Others v Oleg Bourlakov and Others (BL-2020-001050)** (ChD): Represented a respondent to a freezing injunction application in a \$3.7 billion fraud case (led by Graham Dunning KC and Alexander Milner KC).
- **Cohen and Others v RiverRock European Capital Partners LLP and Another (CL-2024-000171)** (Comm): Advised on a *forum non conveniens* challenge in favour of the Italian courts in a multimillion euro claim issued in the English Commercial Court (led by Richard Samuel and James Gale).
- **Ellis Richards and Others v The State of Trinidad and Tobago [2024] CCJ 2 (OJ)**: Supported Simon Davenport KC and Robert Strang in a multimillion-dollar 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).
- **Renraw Investments Ltd and Others v Real Time Systems (Trinidad and Tobago) [2023] UKPC 39**: Supported Robert Strang and Kiel Taklalsingh in a successful appeal the Judicial Committee of Privy Council. The Board 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).
- **Walker v Somboonsarn [2024] EWHC 919 (Ch)**: Supported Robert Strang with a two-week trial in the High Court (Chancery Division) concerning 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).

Recent work as sole counsel:

- Representing a US-based consumer bringing a claim for repudiatory breach of contract against a UK car repair company.
- Advised a BVI investment company on an equitable proprietary claim worth over €1 million and injunctive relief (as sole counsel).
- Advised a multinational British supermarket chain on breach of contract and negligence claims against a haulier company (as sole counsel).

International Arbitration

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

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

Recent cases:

- \$300 million ICSID arbitration between a construction and engineering company and a national government.
- Supported Christopher Loxton with submissions in an arbitration under ICC Rules about a multimillion dollar Loan Agreement (as a pupil).
- *Essar Projects Limited v Y – CIJE Kuwait (2023)*: 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).

Insolvency & Company

Nicholas has a busy and varied insolvency and company law practice. In addition to his led work on heavy commercial chancery disputes, he regularly appears as sole counsel before Insolvency and Companies Court judges.

He has experience of a wide range of insolvency and company law matters, including preference claims, transactions at an undervalue claims and claims for breach of directors' duties. He is also regularly instructed to appear in winding-up and bankruptcy petitions alongside a wide range of bespoke applications under the Insolvency Act 1986.

He has recently been successful in two reported insolvency matters as sole counsel.

Recent led work:

- Currently instructed by a Luxembourg-based company to review and appeal four orders made under paragraph 71 of schedule B1 to the Insolvency Act 1986 (led by Peter Knox KC).
- *Henry Construction Projects Limited (In Administration) v Henry Group Holdings Limited (In Liquidation) and Others (BL-2024-001406)* (ChD): Representing defendants in claims worth over £10 million with allegations of breach of fiduciary duty, knowing receipt and fraud (led by Daniel Feetham KC).
- *Pentacle Disputes Limited v MoneyPlus Holdings Limited (BL-2024-000626)* (ChD): Advised on the application of guarantees made by a parent undertaking under section 479C of the Companies Act 2006 in respect of a subsidiary company in liquidation, in particular the construction of the words "all outstanding liabilities" (led by Rowan Pennington-Benton).
- Advising on the administration of a large motor insurance underwriter in Gibraltar (led by Daniel Feetham KC).
- Supported Peter Knox KC with company law research in preparation for *Lifestyle Equities CV & Anor v Ahmed & Anor [2024] UKSC 17*, a landmark UK Supreme Court case on the accessory liability of company directors (as a pupil).

Recent work as sole counsel:

- Representing the administrators as respondents to an application to set aside a statutory demand.
- Representing an applicant seeking to remove the liquidators of a company in liquidation under section 108 of the Insolvency Act 1986.
- Represented a recognised sole law practice in a trial against a trustee in bankruptcy related to a disputed proof of debt.

3 HARE COURT

- Represented a respondent to an application under section 236 of the Insolvency Act 1986 in an underlying dispute valued at over £5 million.
- Advised the liquidators of a company in liquidation on claims worth over £4 million for breach of duty, wrongful trading and fraudulent trading.
- Advised a Gibraltar-based company on an application opposing the appointment of a liquidator under section 158 of the Gibraltar Insolvency Act 2011.
- [Frost and Another v The Good Box Co Labs Ltd & Ors \[2024\] EWHC 422 \(Ch\)](#): Successfully dismissed an application by former administrators to increase their remuneration. HHJ Klein offered conclusions on whether former office-holders could apply to increase their remuneration under rules 18.24 and 18.28 of the Insolvency (England and Wales) Rules 2016.
- [Wilson and Another v Frost and Another \[2024\] EWHC 573 \(Ch\)](#): Successfully applied to adjourn an insolvency trial on the first day of the trial on mental health grounds. Chief ICC Judge Briggs explored the law on applications for a stay or an adjournment and what medical evidence the English courts will expect to see.
- Advised an administrator on the proper characterisation of charges (floating or fixed) over plant and equipment in a debenture.

Civil Fraud

Nicholas has a busy civil fraud practice. He has experience of drafting pleadings and advising on complex, high-value disputes where fraud is alleged.

He has particular experience with freezing injunction applications and other forms of interim relief in support of civil fraud and asset recovery claims.

Recent cases:

- [Segulah Medical Acceleration AB and Others v Tripathi and Another and Gallahue and Others v Tripathi and Another \(BL-2024-000036 and BL-2024-000401\) \(ChD\)](#): Representing one of the defendants in connection with multimillion dollar and multiparty civil fraud claims arising out of the purchase of shares in a medical technology company (led by Rowan Pennington-Benton).
- [Loudmila Bourlakova and Others v Oleg Bourlakov and Others \(BL-2020-001050\) \(ChD\)](#): Represented a respondent to freezing and proprietary injunction applications in a wider \$3.7 billion civil fraud claim (led by Graham Dunning KC and Alexander Milner KC). See, [Bourlakova and Others v Bourlakov and Others \[2024\] EWHC 765 \(Ch\)](#).
- Advised on causes of action for products which amount to collective investment schemes under section 235 of Financial Services and Markets Act 2000.
- Advised on claims involving mis-sold fractional ownership timeshare packages and the application of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 and the Consumer Protection from Unfair Trading Regulations 2008.

Cryptoassets & Blockchain Technology

Nicholas has a particular interest in disputes involving FinTech, particularly the law in relation to blockchain and other distributed ledger technologies, smart contracts and digital assets (including cryptocurrencies and non-fungible tokens).

3 HARE COURT

Recent cases:

- Currently representing three Gibraltar-based defendants in a multimillion pound claim concerning the development of a fiat to cryptocurrency exchange and digital wallet application (led by Rowan Pennington-Benton).
- Successfully obtained reverse summary judgment for a defendant to a multimillion pound claim arising out of a cryptocurrency dispute (led by Rowan Pennington-Benton).
- Co-drafted the BSV Association's [Network Access Rules](#), a multilateral contract in the cryptocurrency and blockchain technology sphere (led by Jeff Golden KC (Hon) and part of a [collaborative project](#) with D2 Legal Technology). The Network Access Rules draw on precedents from the derivatives and other global financial markets to create a multilateral contract between and among the BSV Association and all nodes, providing a legal framework in relation to activities on the Bitcoin SV Network.
- Advised a Swiss verein associated with a blockchain protocol on the contractual nature of smart legal contracts in the context of blockchain and distributed ledger technologies (led by Jeffrey Golden KC (Hon) and James Gale).
- Supported James Gale with an advice on causes of action available in contract and tort in cryptocurrency-related disputes (as a pupil).

Banking & Financial Services

Nicholas has experience of banking and financial services disputes. He is familiar with the law surrounding syndicated loan agreements, international bond issues, derivatives and securitisation.

He also has experience of consumer finance claims involving the Consumer Credit Act 1974.

Recent cases:

- Representing a commodity and energy trading company in a multimillion pound High Court claim concerning an alleged entitlement to shares and commission (led by Rowan Pennington-Benton).
- [Pentacle Disputes Limited v MoneyPlus Legal Limited \(LM-2020-00216\)](#) (Comm): Successfully reached a multimillion pound settlement for a claims management company in a claim concerning over 3000 Plevin claims involving mis-sold payment protection insurance to consumers (led by Rowan Pennington-Benton).
- [Pentacle Disputes Limited v MoneyPlus Holdings Limited \(BL-2024-000626\)](#) (ChD): Advised on the application of guarantees made by a parent undertaking under section 479C of the Companies Act 2006 in respect of a subsidiary company in liquidation, in particular the construction of the words "all outstanding liabilities" (led by Rowan Pennington-Benton).
- Advised an investment management company defending a €3 million claim in England on a *forum non conveniens* challenge in favour of the Italian courts (led by Richard Samuel).
- 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).

Professional Negligence

Nicholas has experience of professional negligence disputes, particularly in the context of professional services.

3 HARE COURT

Recent cases:

- Advised an individual on professional negligence allegations against their former solicitors (as sole counsel).
- Successfully defended the UK's largest independent forecourt operator in a negligence claim brought against it (as sole counsel).
- Supported Malcolm Bishop KC with an application before the Solicitors Disciplinary Tribunal (as a pupil).

Public & 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.

He has extensive experience of appeals to the Privy Council from a range of jurisdictions, including Trinidad and Tobago, Jamaica, the Bahamas, Saint Lucia and Mauritius. Despite his recent call date, he recently addressed the Board on his feet in an appeal arising out of Trinidad and Tobago.

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

Recent cases:

- Representing a claimant in a High Court misfeasance in public office claim (led by Malcolm Bishop KC before his appointment as Lord Chief Justice of the Kingdom of Tonga).
- [Lafresnière v New Mauritius Hotels Ltd \[2023\] UKPC 38](#): Assisted Hervé Duval SC and Nicolas Henry successfully dismiss an appeal from the Supreme Court of Mauritius concerning wrongful dismissal proceedings.
- [Maharaj v The Cabinet of the Republic of Trinidad and Tobago and Another \[2023\] UKPC 17](#): Supported Thomas Roe KC with a skeleton argument in an appeal about statutory interpretation and the principle of legality arising out of local government reforms (as a pupil).
- [Henry and Another v Attorney General of St Lucia \[2023\] UKPC 41](#): 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 has a broad property litigation practice. He has a particular interest in property matters involving commercial lease agreements. He also has experience of landlord and tenant disputes and boundary disputes.

Recent cases:

- Successfully applied for an order of sale following the grant of a charging order (as sole counsel).
- Successfully applied for relief from forfeiture in relation to a commercial lease (as sole counsel).
- [Porter and Another v Stokes \[2023\] UKPC 11](#): Supported Robert Strang with 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 a mediation concerning an adverse possession claim for a strip of land between two properties (as a pupil).

Aviation Law

Nicholas has experience of commercial work in the aviation industry, including leasing, insurance and reinsurance disputes.

He is also regularly instructed to advise on or appear in court in relation to claims brought under EC Regulation 261/2004 and the Montreal Convention.

Recent cases:

- Representing a lessor in a multimillion euro claim concerning the lease of commercial aircraft to a charter airline in North Africa (led by Rowan Pennington-Benton).
- Advised major airlines from Europe, the Middle East and Asia in relation to claims arising out of international carriage.
- Supported Christopher Loxton in a multibillion 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), the Montreal Convention and the Athens Convention. In particular, he appears in trials, interim applications and costs and case management conferences.

He has substantial experience of 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.

Recent cases:

- Represented large tour operators, cruise liners, airlines, travel agents and other travel companies in a variety of matters.
- Supported Howard Stevens KC and James Hawkins with an advice and the draft of a counter-schedule in a multimillion pound spinal cord injury claim arising out of an accident in Cape Verde (as a pupil).
- Supported Katherine Deal KC with a pleading in a fatal accident claim under 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.

3 HARE COURT

Recent cases:

- Supported Peter Knox KC with research in a potential quantum meruit claim against a Premier League 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.

Accreditations



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

- The Honourable Society of Gray's Inn
- International Bar Association (IBA)
- Commercial Bar Association (COMBAR)
- Young Fraud Lawyers Association (YLFA)
- London Common Law & Commercial Bar Association (LCLCBA)
- Royal Historical Society
- Royal Numismatic Society

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)
- Private International Law Course, The Hague Academy of International Law (Scholar)

Languages

- French (Proficiency)
- Italian (Intermediate)

Awards

Academic:

- Distinguished Academic Performance Prize, Sidney Sussex College, Cambridge (2022)
- Leonard Coling Scholarship, Sidney Sussex College, Cambridge (2022)
- 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)

3 HARE COURT

- 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)

Privacy Notice

[Click here](#) to view Nicholas Leah's Privacy Notice