



# Christopher Knowles

Call 2011

*"An extremely bright lawyer. Great with clients. He is superb at pleadings, and has a brilliant mind."*

*The Legal 500*

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Christopher is described in the directories as “highly intelligent”, “completely reliable”, “great with clients” and “knowledgeable and experienced beyond his years”, with “a great eye for detail” and “a sense of humour and perspective at all times” (*The Legal 500*).

He is recommended as a leading junior for insurance and reinsurance and professional negligence (*The Legal 500*). He acted in two of *The Lawyer's* Top 20 Cases of 2021 (*McClellan & Ors v Thornhill*) and the *SKAT litigation*, and appeared for a group of successful insureds in the landmark *FCA Business Interruption Insurance Test Case*.

He has a broad commercial practice in line with chambers' profile, specialising in:

- Aviation & Travel
- Banking & Finance
- Commercial Disputes
- Civil Fraud
- Insurance & Reinsurance
- International Arbitration
- Privilege, Confidentiality & Conflicts of Interest
- Professional Negligence

He has extensive experience of high-value commercial disputes. He is comfortable appearing as sole counsel, and regularly appears for prominent UK and international clients. His work often has an international element. For example, he appeared in proceedings between two Monaco-based individuals, which involved entities in Cyprus, Greece, the BVI, and Monaco, and took place against the background of litigation in those jurisdictions.

## Recent Highlights

### FCA Business Interruption Insurance Test Case

Acting with Ben Lynch QC in the groundbreaking FCA Business Interruption Insurance Test Case, and a related arbitration between many policyholders and their insurers. Christopher's clients succeeded on the key issues of construction and principle arising in relation to their policies, opening the door to recovering substantial business

interruption losses.

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### **Rangers Football Club Limited v SDI Retail Services Limited**

Acting with Akhil Shah QC for Rangers football club in a wide-ranging dispute with Sports Direct raising issues relating to breach of contract, deceit, economic torts and injunctions. Christopher recently appeared in the Court of Appeal in this litigation.

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### **McClellan v Thornhill**

Acting with Anneliese Day QC for a large group of claimants in a professional negligence claim against a leading tax silk. This was one of The Lawyer's Top 20 cases of 2021.

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### **Solicitors Firm**

Acting with Ben Lynch QC for a firm of solicitors in an £83 million professional negligence claim arising from the handling of a fraud claim against a bank, and raising issues about the recovery of damages for loss of a chance.

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### **LCIA Insurance arbitration**

Acting with Aidan Christie QC for an excess insurer in a substantial LCIA arbitration. The arbitration concerns whether an insured bank is entitled to an indemnity under a professional liability policy for the costs of defending certain third party complaints against it. The arbitration raises issues about aggregation and the application of retentions, the interpretation and application of exclusions, waiver and estoppel, and the recoverability of costs of defending claims for non-monetary relief.

## Expertise

### **Aviation & Travel**

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Christopher has substantial experience in this area, having addressed issues ranging from the existence and scope of rights in aircraft to the interpretation of agreements concerning ticketing, and the sale of seats on aircraft to tour operators.

#### **Notable Aviation & Travel cases**

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Acting, as sole counsel, for an aircraft lessor in proceedings seeking the return of an aircraft, said to have been wrongfully seized by a third party while in the lessee's possession. The proceedings raised issues concerning who had a beneficial interest in the aircraft, and who had control of it.

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Acting, as sole counsel, for a lessee under a series of aircraft leases in a dispute concerning two passenger aircraft. The proceedings raised issues concerning the interpretation and application of aircraft leases, as well as, later, issues regarding potential contempt.

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Appearing (with Simon Browne-Wilkinson QC) for a tour operator in a claim against an airline relating to the latter overcharging the former in respect of certain charges. The claim raised issues regarding unjust enrichment against the background of passenger liability insurance, airport charges, and the purchase of capacity on aircraft each year. It settled after written closing submissions but before judgment.

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Advising an airport on the enforceability of security rights over aircraft following the insolvency of an airline.

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Assisting Akhil Shah QC in advising one of the world's largest airlines in relation to a dispute concerning online ticketing authorities and 'cross-border selling', and on the creation of security rights over aircraft.

## Banking & Finance

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Christopher has been able to experience a wide range of work in this area. He began his practice during the era of swap mis-selling claims and built up experience of mis-selling claims against banks, before being led by leading silks in some of the largest, highest-value litigation in the banking & finance sector, while continuing to appear as sole counsel in a range of small and medium-sized disputes.

### Notable Banking & Finance cases

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#### The RBS Rights Issue Litigation

Acting (with David Railton QC and others) for RBS in the multi-billion-pound rights issue litigation arising from the £12 billion rights issue in April 2008.

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#### Nomura International Plc v Banca Monte Dei Paschi Di Siena SPA

Acting (with Richard Handyside QC and Tamara Oppenheimer) for Nomura in a very high-value dispute raising issues relating to accounting for complex transactions, alleged wrongful accounting, illegality, and the attribution of knowledge to a company.

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Acting (with Nicholas Medcroft QC) for a bank in proceedings raising issues relating to the extent to which a paying bank is liable for payments made by a third party using a customer's credentials, and the scope and application of the Payment Services Regulations.

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Appearing in a wide range of mis-selling claims, ranging from swaps misselling claims against a number of the UK's largest banks (in which Christopher has appeared both as sole counsel, and with Andrew Mitchell QC and John

Taylor QC), to a claim brought by a wealthy individual against a bank concerning allegedly negligent financial advice.

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Appeared as sole counsel for a bank in a 5-day trial in the High Court, in proceedings raising issues relating to agency, unjust enrichment, and trusts, which settled partway through trial.

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Appeared as sole counsel for a prominent UK bank in a dispute concerning whether the bank was entitled to freeze a customer's account, raising issues relating to the interpretation and application of the bank's terms and the POCA 2002 regime.

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Acting (with John Taylor QC) in relation to a dispute concerning a letter of credit, raising issues regarding UCP600.

## Civil Fraud

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Christopher has had the opportunity both to learn from leading practitioners in this area and to conduct fraud cases as sole counsel, and has experience of both claimant and defendant work; he is acutely aware of the difficulties of proving fraud and obtaining effective relief, and of seeing off allegations of fraud in the face of difficult facts. He is also a contributor to the *Lloyds Law Report Financial Crime Reports*.

### Notable Civil Fraud cases

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#### SKAT v Solo Partners

Acting (with Robin Barclay QC) for a defendant in the £1.5 billion SKAT litigation, raising issues regarding deceit, dishonest assistance, knowing receipt, proprietary claims, and unjust enrichment. This was of The Lawyer's top 20 cases of 2021.

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#### Caja Paraguaya De Jubilaciones Y Pensiones Del Personal De La Itaipu Binacional

Appearing (with Brian Doctor QC) for a Paraguayan company in proceedings against individuals said to be responsible for a \$40 million fraud against it. Christopher's client obtained freezing and search orders against the defendants, the latter in a novel form.

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Acting as sole counsel for a supplier of electrical components in a matter concerning suspected fraud by a senior employee and a former employee, and a company connected to them which supplied services to the supplier.

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Acting for a charity in a dispute concerning whether it was entitled to an indemnity under a computer fraud provision in an insurance policy, after it was the victim of fraud carried out via e-mail.

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Acting for a bank in proceedings brought by a customer after a third party obtained the customer's login details through a keylogger and used them to make a series of payments out of the customer's account.

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As sole counsel, Christopher successfully defended a merchant payment services provider at trial against a claim alleging that funds which should have been remitted to the claimant were not, where the merchant payment services provider refused to remit the funds as it suspected they were being transferred as part of a £1.3 million mandate fraud. At trial, the defendant was able to secure a finding that the attempted payment was in fact part of the proceeds of the £1.3 million fraud, and that a director of the claimant was involved in that fraud.

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He has, as sole counsel, advised a company on obtaining disclosure of the identity of account holders from paying and receiving banks in circumstances where payments which were meant to be to the company were instead made to third parties, who then dispersed the monies they received, because of fraud carried out via e-mail.

## Commercial Disputes

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This is the most diverse element of Christopher's practice. His experience extends from acting as sole counsel in disputes between individuals and small and medium companies in the UK, to being led in large, high-value, and often international disputes involving high net-worth individuals and substantial enterprises. He has appeared both in the courts and in arbitrations.

### Notable Commercial Disputes cases

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#### Unitel v UIH Ltd

Acting (with Paul Sinclair QC) for an Angolan telecoms operator in a c.£330 million claim against a Dutch company owned by one of the telecoms operator's shareholders, arising from a series of loan and security agreements. The claim raises issues surrounding the interpretation of the agreements, their enforceability, and the circumstances in which defaults by the borrower can be relied upon.

#### SDI Retail Services Ltd v Rangers Football Club Ltd

Appearing (with Akhil Shah QC) in a long-running dispute over matching rights provisions in a Retail Operations, Distribution and IP Licence Agreement. It raised issues relating to the proper interpretation of such provisions, as well as issues regarding deceit, economic torts, and injunctions. Christopher recently appeared in the Court of Appeal in part of the case, concerning the interpretation of an injunction made earlier in the proceedings.

#### Coward v Ambrosiadou

Acting (with Derrick Dale QC and Ian Bergson) in a dispute between a high-net-worth individual and his former wife and business partner, concerning the profits of a fund that they started. The proceedings raised issues concerning the formation and enforceability of oral agreements, fiduciary duties, issue estoppel and abuse of process.

#### PEL (UK) Ltd v Shaftesbury Plc

Appearing (with David Mabb QC, Jeffrey Gruder QC and Nigel Dougherty) in a dispute between a shareholder and a

publicly listed company, raising issues including whether the board used its powers for an improper purpose in relation to a share placing.

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Acting as sole counsel for an energy company in a c.£11 million dispute with parties seeking to build and operate a waste-to-energy plant. The dispute raised issues concerning the interpretation and breach of exclusivity agreements.

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Acting as sole counsel for a broker in a claim against a client arising from the client's failure to settle bond transactions, obtaining summary judgment on both the broker's claim and the client's counterclaim.

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Appeared as sole counsel for the owner and operator of chain of high-end restaurants, obtaining damages and wide-ranging injunctions against two defendants who breached a franchising agreement and then continued to use the owner's and operator's branding and materials.

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Acting for a string of corporate purchasers of goods (ranging from clothes to car parts to food products) in contractual disputes with suppliers.

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Acting for a principal in a dispute with its former agent, concerning the alleged underpayment of commission and compensation under paragraph 17 of the Commercial Agents Regulations 1993.

## Insurance

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Christopher is ranked as a leading junior in this sector by *Legal 500*: "Very capable, very much on top of the papers, and good at drafting skeletons" (2022); "Highly intelligent, has a great eye for detail, and is completely reliable" (2021); "Highly intelligent, keeps a sense of humour and perspective at all times, knowledgeable and experienced beyond his years" (2020). He has (with Ben Lynch QC) recently updated the professional indemnity insurance section of *Professional Negligence & Liability*, and is co-authoring a full rewrite of the chapter, and contributed to the chapters covering misrepresentation, non-disclosure, and fair presentation of risk in the most recent edition of *MacGillivray*.

### Notable Insurance cases

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#### FCA Business Interruption Insurance Test Case

Appearing (with Ben Lynch QC) in the landmark FCA Business Interruption Test Case and a related arbitration brought by a large number of policyholders, raising issues as to the recoverability of losses stemming from the imposition of measures in response to COVID-19 under clauses providing cover for business interruption losses arising from public authority action. Christopher's clients succeeded on key issues of principle, giving them the chance to recover large business interruption losses. Christopher has since advised other insurers on business interruption claims following the Supreme Court's decision.

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Acting (with Aidan Christie QC) for an excess insurer in a substantial arbitration between the liquidators of a bank and the bank's professional liability insurers, raising issues surrounding cover for claims by third parties against the bank. The dispute raises issues as diverse as aggregation, waiver and estoppel, the interpretation and application of exclusions, and the availability of defence costs cover in relation to demands for non-monetary relief.

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Acting (with David Railton QC and Andrew Neish QC) for insurers in a \$100 million arbitration regarding a political risk policy, raising issues regarding cover for expropriation and the cancellation of mineral rights, and material non-disclosure.

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Appearing (with Patrick Goodall QC) for two insurers in an arbitration with their reinsurers, arising from a dispute over the provision of information, and the commutation of reinsurance contracts.

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Acting (with Leigh-Ann Mulcahy QC) for insurers in a series of claims under the Third Parties (Rights Against Insurers) Act 1930 and 2010, arising from the installation of cavity wall insulation by an insolvent insured. The claims raise issues regarding those statutes, the interpretation and application of public liability insurance, exclusions in such insurance, and compliance with conditions precedent to cover.

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Acting (with David Railton QC, Michael Crane QC and James Cutress QC) for a reinsurer in a complex arbitration brought against it by a construction company's captive insurer. The proceedings raised issues under the law of New York relating to the extent to which a reinsurer is bound to follow settlements, aggregation of claims, the extent to which faulty workmanship and defective construction work counts as an accident or property damage, as well as the incorporation, scope, and applicability of exclusions.

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Advising (with James Cutress QC) on coverage issues under a policy covering non-payment of an arbitration award in excess of \$1billion. This raised issues regarding settlement of enforcement proceedings, warranties, conditions precedent, and s.11 of the Insurance Act 2015.

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Acting (with Stuart Ritchie QC) for an individual in a coverage dispute relating to two D & O policies. The dispute turned on points relating to an insured's obligations to assist an insurer, the advancement of defence costs, and the grounds on which an insurer can deny coverage. It arose against the background of civil and criminal proceedings being brought against the individual by their former employer.

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Acting (with Derrick Dale QC) for a large group of claimants in a substantial solicitor's negligence claim in a dispute with the insured's indemnity insurers regarding the application of the aggregation provisions in the Solicitors' Minimum Terms. The dispute took place against the background of repeated errors by the insured solicitors, and potential fraud, in the context of the sale of many off-plan leasehold properties.

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Acting, as sole counsel, for insureds in a series of disputes under credit insurance policies, raising issues surrounding the interpretation of the policies, and the application of exclusions.

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Acting, as sole counsel, for the SRA in a coverage dispute with a solicitor's liability insurers, in which the SRA sought to advance a claim based on rights acquired by way of subrogation, while the insurer said that the claim was not covered on the basis it seeks repayment of fees.

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Acting, as sole counsel, for a large charity in a coverage dispute with an insurer, concerning whether the charity's insurance covered sums which it was fraudulently induced to pay away as a result of cyberfraud.

## International Arbitration

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Many of the matters in which Christopher has acted are arbitrations, and he has good experience of the unique considerations in play in international arbitration as well as of a range of institutional rules, and challenges to arbitral awards.

### Notable International Arbitration cases

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Appearing (with David Railton QC, Michael Crane QC, James Cutress QC) in a Bermuda Form arbitration between a US company and its Bermudan reinsurer.

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Appearing (with Patrick Goodall QC) in an ARIAS arbitration between English and European insurers and Middle-East-based reinsurers.

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Appearing (with a Aidan Christie QC) in an LCIA arbitration between the liquidators of an insured and its indemnity insurers, all located in different jurisdictions.

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Acting (with David Railton QC and Andrew Neish QC) in a c.\$100 million LCIA arbitration between a Swiss company and its English insurers (which itself raised issues surrounding previous ICC and ICSID arbitrations involving a state).

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### Eastern European Engineering Ltd v Vijay Construction (Pty) Ltd

Acting (with Alexander Milner) for an engineering concern in proceedings in which it sought to enforce a large ICC arbitration award made by a Paris-seated tribunal against a Seychellois company. The proceedings concerned the grounds on which a court can order a party to give security for an arbitration award, the arbitrator's substantive jurisdiction, whether the defendant had a sufficient opportunity to present its case, and enforcement of the award.

## Privilege, Confidentiality & Conflicts of Interest

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Many of Christopher's cases raise difficult issues of privilege and confidentiality and he has substantial experience of dealing with those issues.



## Notable Privilege, Confidentiality & Conflicts of Interest cases

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Acting (with Bankim Thanki QC) on issues relating to the without prejudice rule, privilege, and choice of law issues surrounding both in a high-value ICC international arbitration.

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Successfully defeating a challenge to claims of litigation privilege shortly before trial in a substantial professional negligence claim. The challenge raised issues surrounding the purpose of a communication made for mixed purposes. Christopher also advised at an earlier stage on claims to privilege over communications with advisers, as well as collateral waiver.

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Appearing in an application to conduct a hearing in private based on grounds of confidentiality.

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Advising on the application of legal advice privilege, litigation privilege, and collateral waiver, as well as addressing the extent to which, if at all, an insured can withhold documents from its indemnity insurer on grounds of privilege, in an LCIA arbitration.

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Advising on issues surrounding the without prejudice rule and exceptions to it in a substantial commercial claim raising issues surrounding deceit.

## Professional Negligence

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Christopher has extensive experience of acting in professional negligence cases generally, as well as being particularly experienced in both bringing and defending professional negligence claims against other legal professionals. He is ranked as a leading junior in this area by Legal 500: "An extremely bright lawyer. Great with clients. He is superb at pleadings, and has a brilliant mind" (2022).

## Notable Professional Negligence cases

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### McClellan v Thornhill

Acting (with Anneliese Day QC) for over 100 claimants in a large claim against a leading tax silk by investors who invested money into film schemes after he advised that the schemes would allow them to mitigate their tax liabilities. This is one of The Lawyer's Top 20 cases of 2021.

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### Coghlan v Garstangs

Acting (with Chloe Carpenter QC) for a claimant in a £10 million+ claim brought against a firm of solicitors arising from the allegedly negligent mishandling of a civil recovery action brought against their client by the Serious Organised Crime Agency.

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### Solicitors' firm

Acting (with Ben Lynch QC) for a firm of solicitors in an £83 million professional negligence claim against them arising from the settlement of their client's fraud claim against a leading UK bank. The claim raises issues concerning damages for loss of a chance to pursue litigation.

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### Springdew Ltd v Fitzgerald

Appeared (with Derrick Dale QC) for a defendant barrister in a £20 million claim regarding the provision of negligent advice that was said to have led to the loss of the opportunity to pursue a supposedly valuable mis-selling claim against a bank. The dispute turned on issues regarding the likelihood of litigation being pursued and resulting in substantial sums being recovered from the bank. It settled shortly after, in two hearings within the space of two weeks, the defendant barrister's disclosure application succeeded in full, and the claimant company's application wholly failed. Christopher appeared as sole counsel for the defendant barrister at both hearings.

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### Various Claimants v Scott Fowler

Appearing (with Derrick Dale QC) for a large number of purchasers of off-plan properties in proceedings against the solicitors who acted for them on the purchases. The aggregate value of the claims was over £10 million, and the proceedings raised issues relating to (among other things) the duties of a purchaser's solicitors in such transactions, and causation. The defendants ultimately settled with all of the purchasers Christopher represented.

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### Ridgewood Properties Group Ltd v Kilpatrick Stockton LLP

Acting (with Patricia Robertson QC) for one of the successful defendants in a large dispute between a firm of solicitors and their former clients, raising issues relating to advice on repudiatory breach, affirmation, advice from counsel, and causation. The Claimants discontinued their claim after Christopher's client had the largest part of it struck out as an abuse of process.

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Acting as sole counsel for clients in two accountant's negligence claims, arising from failure to prepare tax returns properly, leading to HMRC investigating the accountant's client for fraud and failure to warn the client of the tax consequences of agreeing to the issue of new shares in a company, when the client previously held shares which attracted tax relief under the Enterprise Investment Scheme rules.

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Acting (with James Cutress QC) for a leading firm of financial advisers in two sets of proceedings against former consultants, raising issues relating to the COB rules, the provision of financial advice, and the recovery of sums paid to settle claims.

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Appeared, as sole counsel in the High Court, for a prominent UK bank in a case concerning allegations that it negligently advised a wealthy client to invest in certain funds. The claim also raised issues relating to the extent to which a bank owes duties to its customer at common law when calculating any offer of redress made to the customer.

## Directory Quotes

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## Directory Rankings

The Legal 500

- Insurance & Reinsurance
- Professional Negligence

## Education

- BCL (Distinction), St. Catherine's College, University of Oxford
- BA (Law) (First Class), St. Catherine's College, University of Oxford

## Memberships

- Former Temporary Lecturer in Land Law, Trinity College, University of Oxford (2011)
- Kennedy Scholar, Lincoln's Inn (2010)
- Hardwicke Scholar, Lincoln's Inn (2010)
- College Prize for Performance in BCL Examinations, St. Catherine's College, University of Oxford (2010)
- Falcon Chambers Prize for the best performance in Land Law, University of Oxford (2009)

- Highest mark in the year in Personal Property in FHS Examinations, University of Oxford (2009)
- College Prize for Performance in FHS Examinations, St. Catherine's College, University of Oxford (2009)
- Exhibition Award for Performance in Moderations, St. Catherine's College, University of Oxford (2006), renewed in 2007/8, 2008/9 for sustained academic performance

## Publications

- Contributor to the chapters of *MacGillivray on Insurance Law* concerning misrepresentation, non-disclosure, and fair presentation of risk.
- Co-author (with Ben Lynch QC) of the professional indemnity insurance chapter of *Professional Negligence and Liability* (loose-leaf, Informa UK, available on i-law)
- Co-author (with Anneliese Day QC) of the *Lexis PSL* section concerning damages for loss of a chance
- Co-author (with Nicholas Medcroft QC) of the *Lloyds Law Report Financial Crime Report* ([2019] Lloyd's Rep. FC 94) on the important Court of Appeal decision in *Lonsdale v NatWest* [2018] EWCA 1843 (QB) concerning the circumstances in which a bank is entitled to freeze a customer's account, and the *Lloyds Law Report Financial Crime Report* on *PDVSA Servicios SA v Clyde & Co LLP* [2020] Lloyd's Rep. FC 588
- Christopher is a former contributor to the *Civil Procedure Reports*
- 'Haugesund Kommune, Narvik Kommune v Depfa ACS Bank, Wikborg Rein' (Case Comment), *Journal of International Banking Law and Regulation*, 2011, 26(5), 207-210
- 'Failure to Estop: Rationalising Proprietary Estoppel Using Failure of Basis', *Conveyancer and Property Lawyer*, 2011, 3, 176-190 (with Mischa Balen)
- 'What's Special About Land? The Relationship Between Promissory and Proprietary Estoppel', *King's Law Journal*, 2013, 24(1), 111 – 118 (with Mischa Balen)

Christopher has acted as a research assistant to several academics and practitioners:

- *The Law of Security and Title Based Financing* (OUP, 2012 edition) as research assistant to Louise Gullifer, Harris Manchester College, University of Oxford. He provided assistance with regard to chapters concerning security rights in general, possessory and non-possessory security rights, priorities, and the enforcement of security rights, along with other matters (2011).
- He provided research assistance to Professor Ben McFarlane in relation to Proprietary Estoppel (OUP, 2014 edition) and promissory estoppel in a commercial context (2010 – 2011). He also assisted in producing the first supplement to the 32nd edition of leading textbook *Snell's Equity*.
- *Foreign Currency: Claims, Judgments and Damages*, M. N Howard QC, John Knott and John Kimbell (Informa, 2016) (2010 – 2011). He provided research assistance on restitution, trusts, private international law and interest on foreign currency debts.

## Awards

