



# Henry King KC

Call 1998 | Silk 2017

*"A future star of the Bar; his work is of the highest calibre."*

*The Legal 500*

✉ [hk@fountaincourt.co.uk](mailto:hk@fountaincourt.co.uk) ☎ +44 (0)20 7583 3335

Henry King KC is a Chartered Accountant as well as a barrister, having qualified in one of the Big Four practices.

He has a broad commercial and civil practice, with particular experience in banking cases and those involving the interpretation and understanding of financial reports.

He regularly acts for clients offshore and has appeared recently in cases in the courts of the Abu Dhabi Global Markets, British Virgin Islands, Cayman Islands and Trinidad and Tobago.

Henry also accepts arbitrator appointments.

## Recent Highlights

### NMC Healthcare Ltd (various cases)

For the Administrators of NMC Healthcare Ltd in several proceedings in the courts of the Abu Dhabi Global Markets.

### SPL Treasury (formerly Arch Treasury) v Koros

For SPL Treasury in long-running international enforcement proceedings arising from an £80 million judgment.

### Tatneft v Bogolyubov (Commercial Court)

For the Claimant in the longest remote trial yet heard in England & Wales, the 11-week trial in October-December 2020 before Moulder J.

### Financial Reporting Council complaints against Deloitte LLP in relation to Autonomy Corporation Plc

For the FRC in these proceedings heard over seven weeks in October and November 2019, and at the sanctions

hearing in July 2020 (sanctions published in September 2020 and edited report published in January 2021).

---

### Jones v Hamilton

For the claiming party in the five-day hearing in December 2018 in the Chancery Division of the taking of an account, obtaining an order for £1.3 million and indemnity costs, and successfully resisting the application to Marcus Smith J for permission to appeal.

## Expertise

### Banking & Finance

---

Henry is ranked by *Chambers & Partners* and *The Legal 500* as a leading silk in Banking and Finance and was named as *Chambers and Partners*' 'Banking and Finance Junior of the Year' in 2013. He has been described as "very hard-working and incredibly pleasant to deal with. He's no-nonsense and down to earth as an individual".

Other comments within the legal directories include that he is "a very charming and reliable advocate with a bright future" who is "a future star of the Bar" and "a ruthlessly effective advocate with that uncanny knack for almost writing judges' judgments for them in the way he crafts his submissions".

### Notable Banking & Finance cases

---

#### SPL Treasury (formerly Arch Treasury) v Koros

For SPL Treasury in long-running international enforcement proceedings arising from an £80 million judgment.

---

#### Jones v Hamilton

For the claiming party in the five-day hearing in December 2018 in the Chancery Division of the taking of an account, obtaining an order for £1.3 million and indemnity costs, and successfully resisting the application to Marcus Smith J for permission to appeal.

---

#### Dutia v Geldof [2016] 2 BCLC 252

Instructed by the Bar Pro Bono Unit in this appeal arising from the formation of a private equity fund intended to raise several hundred million pounds for Africa-based investments.

---

#### Credit Suisse v Stichting Vestia [2014] EWHC 3103 (Comm)

For Credit Suisse (with Timothy Howe KC and Natasha Bennett) in a claim for sums due under interest rate swaps

under an ISDA Master Agreement. Issues raised in the case include authority, capacity, Dutch law and contractual estoppel.

---

### **Deutsche Bank v Sebastian Holdings [2013] EWHC 3463 (Comm)**

For Deutsche Bank (led by David Foxtton QC and Sonia Tolaney KC) in its substantial Commercial Court trial with Sebastian Holdings Inc, a company owned and controlled by Internet billionaire Alexander Vik, in respect of losses arising from Equities and FX trading.

---

### **Vasilishin v Isargora**

For the defendant (led by David Railton KC) in the defence of a British Virgin Islands US\$100 million claim for breach of an alleged banking arrangement between two Russian businessmen. Henry succeeded in having the claim struck out in 2011.

---

### **Enka v Banca Popolare [2009] EWHC 2410 (Comm), [2009] C.I.L.L. 2777**

For the major Turkish construction company ENKA Insaat (led by Raymond Cox KC) on its claims against Italian banks Banca Popolare dell'Alto Adige and Cassa di Risparmio di Bolzano under Advance Payment and Performance Guarantees. ENKA obtained summary judgment with indemnity costs against the banks in the Commercial Court, which Henry acted in enforcing through contested Third Party Debt Orders.

---

### **Tritton v Fortis (Grand Court of the Cayman Islands)**

For Fortis Bank (led by David Railton KC), in relation to claims concerning transactions entered into by a Cayman fund for which one of the bank's subsidiaries was investment manager. The case settled shortly before trial.

## **Civil Fraud**

---

Henry has experience of obtaining and holding worldwide freezing orders as well as *Bankers Trust* orders and mandatory orders for disclosure of information by further parties, of acting for banks the subject of *Bankers Trust* orders, of obtaining reporting restrictions to protect parallel criminal proceedings, and of securing confidentiality club restrictions on the dissemination of information disclosed pursuant to disclosure orders. *The Legal 500* reports that "His accountancy background, work ethic and keen eye for the details are potent assets in complex financial services and fraud cases, combined with his finely tuned sense of the killer points and how to deploy them."

### **Notable Civil Fraud cases**

---

#### **NMC Healthcare Ltd**

For the Administrators of NMC Healthcare in a number of proceedings in the courts of the Abu Dhabi Global Markets, due to be heard in 2023.

---

## Tatneft v Bogolyubov & Others

For Tatneft in a US\$300 million fraud claim heard in the Commercial Court remotely over 11 weeks in October-December 2020 (led by David Railton KC, leading David Davies, James Sheehan and Nic Damjanovic; interlocutory decisions on privilege (argued by Henry) at [2021] 1 WLR 403 and [2021] 1 WLR 1612; judgment at [2021] EWHC 411(Comm)).

---

## Commercial Disputes

Henry has been described in the legal directories for his work in this area as “an extremely hardworking barrister, with good judgement and attention to detail”.

Henry advises and acts across the full spectrum of commercial disputes, in particular in disputes between shareholders / joint venturers and in professional negligence cases (where his work has involved engineers, solicitors, tax advisers, licensed conveyancers, auditors, valuers, fund managers and insurance brokers).

---

## Notable Commercial Disputes cases

---

### Lord v Maven Wealth Group Ltd (Commercial Court)

For the Defendants in these proceedings regarding the correct procedure for determining the fair value of the claimant’s shares. [2021] EWHC 2544 (Comm); then [2021] Costs LR 1315.

---

### Tatneft v Bogolyubov (Commercial Court)

For the Claimant in the longest remote trial yet heard in England & Wales, the 11-week trial in October-December 2020 before Moulder J.

---

### Avonwick v Castle (Ch D)

For the first Claimant in this claim for over \$200 million against two Russian businessmen for unlawful means conspiracy. Five-week trial listed for 2019, settled shortly before trial.

---

### GS Engineering v OHL (Commercial Court)

For the major Spanish construction company OHL in defence of a Commercial Court claim by the Korean company GS Construction for breach of indemnities. The dispute settled before trial, scheduled for three weeks in 2015.

---

### Secretary of State for Transport v Paragon Group UK Ltd

For the Secretary of State (against two KCs) in its Commercial Court claim against Paragon Group for breach of contract. The case settled in the course of trial in 2014.

---

### Prudential v HMRC [2013] 2 AC 185

For the Bar Council (led by Bankim Thanki KC) in its intervention in the Supreme Court in the leading case on whether legal professional privilege should be extended to communications with accountants.

---

### Borealis AB v Geogas Trading SA [2010] EWHC 2789 (Comm), [2011] 1 Lloyd's Rep. 482

For Borealis (led by Veronique Buehrlen KC) in its claim for damages to an integrated polyolefin plant and loss of profit resulting from the supply of contaminated butane. Henry conducted the quantum part of the claim.

---

## Construction, Energy & Infrastructure

---

### Notable Construction, Energy & Infrastructure cases

---

#### Borealis AB v Geogas Trading SA [2010] EWHC 2789 (Comm), [2011] 1 Lloyd's Rep. 482

For Borealis (led by Veronique Buehrlen KC) in its claim for damages to an integrated polyolefin plant and loss of profit resulting from the supply of contaminated butane. Henry conducted the quantum part of the claim.

---

#### GS Engineering v OHL (Commercial Court)

For the major Spanish construction company OHL in defence of a Commercial Court claim by the Korean company GS Construction for breach of indemnities. The dispute settled before trial, scheduled for three weeks in 2015.

---

#### Enka v Banca Popolare [2009] EWHC 2410 (Comm), [2009] C.I.L.L. 2777

For the major Turkish construction company ENKA Insaat (led by Raymond Cox KC) on its claims against Italian banks Banca Popolare dell'Alto Adige and Cassa di Risparmio di Bolzano under Advance Payment and Performance Guarantees. ENKA obtained summary judgment with indemnity costs against the banks in the Commercial Court, which Henry acted in enforcing through contested Third Party Debt Orders.

---

#### Alpine Oil & Gas v Gulfsands (Commercial Court)

For the claimant in a dispute over inter alia the chance that a field would enter into production. The claim settled before trial.

---

## Financial Services

Henry is ranked by *Chambers & Partners* and *The Legal 500* for his work in the financial services sector. He has been described in the legal directories as "compelling in his advocacy and faultless in his delivery." Comments also include that "he grapples well with detail and really drills down well into the technical issues" and "has a very high degree of specialist expertise in the field of enforcement by public regulatory bodies concerning professional and

financial conduct.”

Henry regularly acts for and against financial regulators (including several cases before the ICAEW).

## Notable Financial Services cases

---

### **Financial Reporting Council complaints against KPMG in relation to Rolls-Royce Group plc**

For the Financial Reporting Council in its complaint against KPMG in relation to the audit of Rolls-Royce Group plc, in which KPMG was fined £4.5 million in December 2021 (discounted for settlement to £3.375 million).

---

### **Financial Reporting Council complaints against Deloitte LLP in relation to Autonomy Corporation Plc**

For the Financial Reporting Council in these proceedings heard over seven weeks in October and November 2019, and at the sanctions hearing in July 2020 (sanctions published in September 2020 and edited report published in January 2021).

---

### **Financial Reporting Council complaints against KPMG in relation to Co-operative Bank Plc**

For the Financial Reporting Council in its complaint against KPMG in relation to the audit of the Co-operative Bank Plc, in which KPMG was fined £5 million in May 2019 (discounted for settlement to £4 million).

---

### **CLICO Enquiry**

For the Central Bank of Trinidad and Tobago (led by Bankim Thanki KC) in the public enquiry in Trinidad before Sir Anthony Colman into the collapse of Colonial Life Insurance Company and other entities in the CL Financial Group.

---

### **Financial Reporting Council complaints against Deloitte LLP, John Clennett and Hugh Bevan**

For the Financial Reporting Council against Deloitte, the audit engagement partner and the company's Finance Director in relation to Deloitte's audit of Aero Inventory plc. The Finance Director was excluded from the profession for three years; and the auditors were fined £4 million.

---

### **Premier Motor Auctions Leeds v PwC & Lloyds Bank**

For PwC in interlocutory stages of defence of a £55 million claim for misrepresentation, conspiracy and causing loss by unlawful means.

---

### **Pottage v Financial Services Authority [2013] Lloyd's Rep FC 16**

For the chief executive of a prominent wealth management firm in proceedings before the Upper Tribunal (led by Guy Philipps QC). The FSA was ordered to take no action against the client.

---

## International Arbitration

---

Much of Henry's work here is confidential.

### Notable International Arbitration cases

---

For the claimant in an international banking dispute.

---

For the defendant (with Simon Browne-Wilkinson QC and Edward Levey) in an international multi-million-pound telecommunications dispute.

---

### **AEGIS Ltd v European Re [2003] 1 W.L.R. 1041**

For the appellant (with Stephen Moriarty KC) in the appeal to the Privy Council from the Court of Appeal of Bermuda concerning the duty of confidentiality in arbitrations.

## Directory Quotes

*"He is very responsive and easy to work with. He really gets into the detail of the facts and the documents and quickly grasps the key issues. His drafting is clear and concise, as is his oral advocacy. His financial background has been a real asset."*

---

Chambers & Partners

*"He's very hard-working and detailed in his analysis." "His advocacy is excellent."*

---

Chambers & Partners

*"A commanding silk with a forensic mind. He is incredibly dedicated and hardworking."*

---

The Legal 500

*"He is able to analyse complex documents exceptionally quickly and gets straight to the point, while always seeing the bigger picture. He is a very strong advocate and knows what judges want and need."*

---

Chambers & Partners

*"Absolutely superb." "He is pragmatic, sensible and shrewd, with an incisive manner."*

---

Chambers & Partners

*"One of the few truly expert practitioners in the financial services field, with a comprehensive knowledge of both law and practice, he also has a quite exceptionally charming way of persuading tribunals of his case."*

---

The Legal 500

*"Very hard-working and incredibly pleasant to deal with. He's no-nonsense and down to earth as an individual." "A very charming and reliable advocate with a bright future." "Singled out for his expertise in the field."*

---

Chambers & Partners

*"An extremely hardworking barrister, with good judgement and attention to detail."*

---

The Legal 500

*"Compelling in his advocacy and faultless in his delivery." "He grapples well with detail and really drills down well into the technical issues." "Possesses in-depth knowledge of the financial services industry, heightened by the fact that he is also a chartered accountant."*

---

Chambers & Partners

## Directory Rankings

Chambers & Partners

- Banking & Finance
- Financial Services

The Legal 500

- Banking & Finance
- Financial Services Regulation



## Education

- (Outstanding) Inns of Court School of Law
- Diploma in Law (Distinction), City University
- Classics (Double First), Balliol College, Oxford

## International Bar / Court Appointments

- Called to the Bar of the British Virgin Islands
- Ad hoc admission to the Cayman Islands Bar
- Ad hoc admission to the Trinidad & Tobago Bar

## Appointments, Memberships and Prizes

- LCIA
- A member of the Attorney-General's A Panel of Counsel (prior to taking Silk)
- Princess Royal Scholarship, Major Scholarship, Inner Temple
- Hertford Scholarship, Gaisford Prize, Oxford University
- Brackenbury Scholarship, Coolidge Award, Balliol College, Oxford
- Chartered Accountant (FCA)
- Secretary of the Commercial Bar Association

## Publications

- Contributor to *The Law of Privilege* (ed. Thanki) (3rd ed, 2017, Oxford University Press)
- *Bullen & Leake & Jacob's Precedents of Pleadings* (19th ed, 2019, Sweet & Maxwell) – specialist contributor on Restitution
- Contributor to *Information Rights: Law and Practice* (ed. Coppel) (5th ed, 2020, Hart Publishing)

## Languages

- French (basic)

## Awards

