

Henry King QC

Call 1998 | Silk 2017

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

The Legal 500



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Henry King QC 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 British Virgin Islands, the Cayman Islands and Trinidad and Tobago.

Henry also accepts arbitrator appointments.

Recent Highlights

SPL Treasury (formerly Arch Treasury) v Koros

Acting in long-running international enforcement proceedings arising from an £80 million judgment.

Tatneft v Bogolyubov (Commercial Court)

Acting 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

Acting 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

London

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Acting 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* 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".

Notable Banking & Finance cases

SPL Treasury (formerly Arch Treasury) v Koros

Acting in long-running international enforcement proceedings arising from an £80 million judgment.

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Acting 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)

Acting for Credit Suisse (with Timothy Howe QC 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)

Acting for Deutsche Bank (led by David Foxtton QC and Sonia Tolaney QC) 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

Acting for the defendant (led by David Railton QC) 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

Acting for the major Turkish construction company ENKA Insaat (led by Raymond Cox QC) 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)

Acting for Fortis Bank (led by David Railton QC), 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.

Notable Civil Fraud cases

Tatneft v Bogolyubov & Others

Acting in a US\$300 million fraud claim heard in the Commercial Court remotely over 11 weeks in October-December 2020 (led by David Railton QC, leading David Davies, James Sheehan and Nic Damnjanovic; 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 is ranked by *Chambers & Partners* for his work in this area and has been described in the legal directories 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)

Acting 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)

Acting 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)

Acting 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)

Acting 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

Acting for the Secretary of State (against two QCs) 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

Acting for the Bar Council (led by Bankim Thanki QC) 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

Acting for Borealis (led by Veronique Buehrlen QC) 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

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Alpine Oil & Gas v Gulfsands (Commercial Court)

Acting 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".

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

Notable Financial Services cases

Acting in the Financial Reporting Council 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

Acting 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).

Acting in the Financial Reporting Council 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

Acting for the Central Bank of Trinidad and Tobago (led by Bankim Thanki QC) 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

Acting for the FRC 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

Acting 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

Acting (led by Guy Philipps QC) for the chief executive of a prominent wealth management firm in proceedings before the Upper Tribunal. 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

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

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

Acting (with Stephen Moriarty QC) in duty of confidentiality in arbitrations: appeal to the Privy Council from the

Court of Appeal of Bermuda.

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

- 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

Memberships

- 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

