



# Jeffrey Chapman KC

Call 1989 | Silk 2010

*"An outstanding barrister in every respect. He is exceptionally bright, highly effective, and a very clear and cogent advocate."*

*The Legal 500*

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Jeffrey Chapman KC is a leading silk who is described as “great on his feet, technically astute and amazingly user-friendly. He’s exactly the sort of silk you want to lead you”, specialising in civil fraud, commercial dispute resolution and banking.

Jeff has appeared in courts ranging from the Supreme Court to the Old Bailey via the Commercial Court, Chancery Division, Family Division, BVI and the Patents Court as well as in international arbitrations around the world.

Jeff is a specialist in long trials. He successfully led the claimants in the *Group Seven* litigation which involved two 30-day trials and two visits to the Court of Appeal, resulting in a new test for dishonest assistance.

He has also appeared in the Supreme Court in a modern *Hedley Byrne* decision, *Playboy v BNL*; established that *Norwich Pharmacal* orders could not be obtained in support of foreign proceedings in *Ramilos*; struck out a fraud claim against Wirecard AG; and obtained injunctive and *NP* relief for Chinese clients in an international shareholder fraud dispute. He has recent Patents Court experience in the largest damages inquiry ever undertaken and has appeared in the leading Court of Appeal cases on dishonest assistance and knowing receipt.

Jeff’s practice includes shareholder disputes (including unfair prejudice claims), force majeure, frustration and other contractual claims, claims under the Commercial Agents Regulations, *res judicata* and abuse of process, UK sanctions and POCA matters, sports, art and valuable items cases and offshore claims including in Bermuda (financial services regulation), the Isle of Man and the Caribbean.

## Recent Highlights

### **Byers v The Saudi National Bank (formerly Samba Financial Group) [2022] EWCA Civ 43**

Instructed (with David Murray and Adam Cloherty) on behalf of the Appellant in the \$300 million Court of Appeal decision re-stating the law of knowing/unconscionable receipt.

### **Group Seven Limited v Notable Services LLP [2020] Ch.129**

Instructed (with Simon Atrill and Simon Paul) in these decade-long €100 million fraud proceedings which finally ended after two 30-day trials with the Court of Appeal applying a new post-lvey test for dishonest assistance and upholding a finding of vicarious liability against a Swiss Bank.

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### **Prashant Manek & Ors v Wirecard AG [2020] EWHC 1904**

Instructed (leading Sam Ritchie) on behalf of Wirecard AG and successfully striking out a claim of unlawful means conspiracy against it arising out of the acquisition of various Indian companies in 2015.

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### **Playboy Club London Limited v Banca Nazionale Del Lavoro SPA [2018] UKSC 43**

Successfully representing a bank in the Court of Appeal (reversing the trial judge) and Supreme Court and establishing that the bank did not owe any duty of care to a casino that had advanced more than £1 million to a gambler in reliance on a reference from a bank employee.

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### **Ramilos v Buyanovsky [2016] EWHC 3175 (Comm)**

Acting in a matter which resulted in a leading decision by Flaux J (as he then was) on Norwich Pharmacal orders (a field where Jeff appears and advises regularly) establishing that this relief is not available where it is sought only in support of proceedings overseas.

## Expertise

### **AI, Crypto & Technology**

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Jeff has always acted in technology cases. He was recently instructed for the defendant battery manufacturers in a long trial in the TCC in 2021 against Nissan Motor Manufacturing (UK) Limited concerning the performance of the battery and battery management systems in the Nissan Qashqai and Juke motor vehicles. Proceedings involved extensive technical evidence in relation to the operation of the batteries and BMS and were compromised on confidential terms after closing submissions but before judgment.

In addition, Jeff has an interest in, and has advised on, cutting edge technology disputes and is familiar with cryptocurrency issues such as those which were the subject of *Quoine Pte Ltd v B2C2* [2020] SGCA(1) 02, involving Ethereum and Bitcoin in Singapore.

Jeff was also appointed a researcher at the Law Commission and worked on its Computer Misuse project which later became the Computer Misuse Act 1990.

## Art & Cultural Property

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Jeff's extensive civil fraud practice and experience with *Norwich Pharmacal* orders has led to multiple instructions in this field.

### Notable Art & Cultural Property cases

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Acting in High Court proceedings concerning the valuation and sale of multiple Aston Martin cars.

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Acting for the interested parties in the highly publicised Inigo Philbrick art fraud in 2020.

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Acting for one of the parties involved in the dispute between Bonhams and the owner of Victoria's Secret in relation to the £11 million sale of the Ferrari 375 which won the 1954 Sports Car Championship and the 1954 British Grand Prix at Silverstone.

## Banking & Finance

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Jeff is frequently instructed to provide confidential advice on all kinds of banking and financial services matters including sanctions, POCA issues, loan and security disputes, interest rate swaps, ISDA, structured finance transactions and complex financial instruments and related regulatory matters. He has extensive experience in dealing with fraud issues in banks all over the world. His recent notable cases include the *Playboy* litigation in the Supreme Court and Court of Appeal (see above) and the leading cases in the Court of Appeal on dishonest assistance and knowing receipt in relation to international banking fraud (*Group Seven and Byers v The Saudi National Bank*). In addition to the cases referred to under Commercial Disputes, Jeff's practice includes the matters below.

### Notable Banking & Finance cases

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Acting in relation to an ongoing multi-jurisdictional dispute involving banks in Switzerland and Monaco.

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Advising in relation to the Belarus sanctions regime.

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Advising the Bermuda Monetary Authority on regulatory issues arising out of banking and financial services.

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Advising banks and financial institutions on sanctions and POCA issues.

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Advising in proceedings arising out of a fraud on Chinese lenders.

## Civil Fraud

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### Notable Civil Fraud cases

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#### **Byers v The Saudi National Bank (formerly Samba Financial Group) [2022] EWCA Civ 43**

Instructed on behalf of the Appellant in the \$300 million Court of Appeal decision re-stating the law of knowing/unconscionable receipt.

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#### **Group Seven Limited and others v Ali Nasir and others**

Acting for the claimants in the Chancery Division proceedings to recover €100 million in the Group Seven litigation since 2013; an asset recovery action which is still continuing. These proceedings included an important decision on the scope of Freezing Orders [2014] 1 WLR 735; judgment against the main fraudsters after a 30-day trial in the Chancery Division [2014] EWHC 2046 (Ch) which was upheld in the Court of Appeal [2015] EWCA Civ 631; judgment against an accountant at a firm of solicitors for knowing receipt, a bank manager and his bank in dishonest assistance/vicarious liability after a 35-day trial in the Chancery Division [2017] EWHC 2466; and a successful appeal reversing the trial judge and establishing dishonest assistance against the accountant and upholding the findings against the bank manager and his bank in the Court of Appeal [2019] EWCA Civ 614.

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#### **JSC BTA Bank v Ablyazov and others**

Acting for Russian defendant in 14-week Commercial Court trial before Teare J. The case involved a multi-jurisdictional banking fraud claim under Kazakh and Russian law extensively covered in the legal press, and the subject of multiple reported decisions. The trial is reported at [2013] EWHC 510 (Comm) and [2013] EWHC 867 (Comm).

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#### **R v Ryjenko and Another**

Appearing in the Old Bailey acting for a defendant banker with the European Bank of Reconstruction and Development in corruption proceedings which ended after a confiscation order was made in June 2019). (A criminal prosecution involving alleged corruption in project financing by the EBRD in the former Soviet Union.

## Commercial Crime

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Jeff has practical experience in advising financial institutions and individuals on sanctions regimes. He also appeared in two trials at the Old Bailey in *R v Ryjenko and another* (a criminal prosecution involving alleged corruption in project financing by the EBRD in the former Soviet Union).

## Commercial Disputes

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## Notable Commercial Disputes cases

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### **Group Seven Limited and others v Ali Nasir and others**

Acting for the claimants in the Chancery Division proceedings to recover €100 million in the Group Seven litigation from 2013 to 2020. These proceedings included an important decision on the scope of Freezing Orders [2014] 1 WLR 735; judgment against the main fraudsters after a 30-day trial in the Chancery Division [2014] EWHC 2046 (Ch) which was upheld in the Court of Appeal [2015] EWCA Civ 631; judgment against an accountant at a firm of solicitors for knowing receipt, a bank manager and his Swiss bank in dishonest assistance/vicarious liability after a 35-day trial in the Chancery Division [2017] EWHC 2466; and a successful appeal reversing the trial judge and establishing dishonest assistance against the accountant and upholding the findings against the bank manager and his bank in the Court of Appeal [2019] EWCA Civ 614. Permission to appeal to the Supreme Court was eventually refused and the decision remains the leading authority on the proper test for dishonest assistance. The case achieved notoriety after the Financial Times front page magazine piece on 28 June 2018 about the victim of the fraud headlined, “The ship tycoon, the con men and a €100m scam”.

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### **Playboy Club London Limited v Banca Nazionale Del Lavoro SPA [2018] UKSC 43**

Acting for an Italian bank in two separate sets of proceedings brought against it by a well-known London casino which advanced more than £1 million in credit to a professional gambler allegedly in reliance on a reference provided by an employee of the bank. The Casino alleged the reference was given negligently in the first set of proceedings where the bank (represented by Jeff with Andrew de Mestre, 4 Stone Buildings) was successful in the Court of Appeal in reversing the decision below on a Hedley Byrne banking law point of considerable interest: [2016] 1 WLR 3169. The first set of proceedings is now over; Jeff’s clients won in the Supreme Court [2018] UKSC 43 in establishing no duty of care was owed to the claimant. Meanwhile the Casino brought another set of proceedings alleging the bank’s reference was given fraudulently. The Bank struck out the later claim as an abuse of process on the basis that it could and should have been brought as part of the first proceedings. The Court of Appeal reinstated the case [2018] EWCA Civ 2025 and permission was given to amend to include the costs of the first proceedings at [2019] EWHC 303 (Comm). The case settled before judgment after the second trial.

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### **Piraeus Bank v EFG Bank [2018] EWHC 2554 (Ch)**

Acting for a private bank based in the UK which was subject to a wide-ranging application by an overseas bank in the Chancery Division for Norwich Pharmacal relief against an allegedly fraudulent customer in connection with multi-million pound claims being made in another European jurisdiction. The application was granted ex parte but, on the return date, Jeff’s clients were successful and the claim for disclosure of bank documents relating to a customer was dismissed (by the same Judge who had granted the original order). The matter remained confidential until the Court of Appeal dismissed the permission application.

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### **Ramilos Trading Limited v Valentin Buyanovsky [2016] EWHC 3175 (Comm)**

Advising in the ground-breaking claim in connection with disputes concerning multi-hundred million potential fraud claims in Russia, Cyprus and various offshore jurisdictions. Flaux J’s judgment sets out a wide-ranging review of the

law relating to Norwich Pharmacal applications in fraud cases where the material is sought for use in proceedings overseas. The underlying corporate raider proceedings continued in Russia and Cyprus until settled on confidential terms in 2018.

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### Jeff Blue v Mike Ashley

Acting in the notorious case for an investment banker (Mr Blue) suing Mike Ashley (owner of Sports Direct and Newcastle United Football Club) in the Commercial Court for £14 million promised to Mr Blue if he helped to get the Sports Direct share price above £8 per share. Mr Blue says he did what was asked of him and Mr Ashley has refused to pay him what he is due. The deal was allegedly done in the Horse and Groom pub and was strongly disputed by Mr Ashley. The trial took place over six days in July 2017 to a fanfare of publicity including multiple stories of Mr Ashley's drinking. Jeff cross-examined Mr Ashley for two days. The important judgment of Mr Justice Leggatt (now Leggatt LJ) is at [2017] EWHC 1928 (Comm). The Judge did not believe all of Mr Ashley's evidence but ultimately dismissed Mr Blue's claim.

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### JSC BTA Bank v Ablyazov and others

Acting for Russian defendant in a 14-week Commercial Court trial before Teare J. The case was a multi-jurisdictional banking fraud claim under Kazakh and Russian law extensively covered in the legal press, and the subject of multiple reported decisions. The trial is reported at [2013] EWHC 510 (Comm) and [2013] EWHC 867 (Comm).

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### R (Leyton Orient FC) v Newham BC and others

Representing Orient in challenge to appoint West Ham as preferred bidder for the Olympic Stadium. Challenged as an unlawful State Aid. Preferred bid withdrawn a week before the substantive hearing was due to take place.

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## Financial Services

In conjunction with his expertise in banking and finance, Jeff has extensive experience in advising regulators (including the FSA in relation to RBS and the Bermuda Monetary Authority) and individuals and companies in relation to financial services regulation.

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## Insurance

Jeff has extensive experience of advising on policy and coverage issues in relation to all kinds of insurance.

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## International Arbitration

Jeff has extensive arbitration experience including in SIAC, ICC, UNCITRAL and LCIA. He also has ad hoc arbitral experience. Jeff has appeared in proceedings in London, Paris, Geneva, Singapore and New York.

## Notable International Arbitration cases

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A large Indian Bank in UNCITRAL arbitration proceedings in Singapore.

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A state-owned Bank in Eastern Europe. Seat of the arbitration London.

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Oil and gas exploration in West Africa. Seat of the arbitration London.

## Offshore

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Jeff's commercial, banking and civil fraud cases often involve an offshore aspect. He was called to the Bar of the British Virgin Islands in 1999 and is at present or has recently been involved in litigation in, amongst other jurisdictions and in no particular order, Cyprus, Switzerland, Montenegro, Isle of Man, Jersey, the UAE, Singapore, Hong Kong, Japan, China, Russia, Ukraine, Saudi Arabia and Monaco.

## Privilege, Confidentiality & Conflicts of Interest

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Jeff often advises on these issues and has particular experience of privilege, confidentiality and conflicts of interest in an IP context arising out of proceedings acting for *Sandoz*.

## Notable Privilege, Confidentiality & Conflicts of Interest cases

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### **Aqua Global Solutions Ltd v Fiserv (Europe) Ltd [2016] EWHC 1627 (Ch)**

Acting for the applicant successfully obtaining orders for production of the terms of a confidential licence agreement which had been heavily redacted.

## Professional Discipline

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As a former Vice Chair of the Bar Standard Board's Professional Conduct Committee, Jeff has significant experience of advising in sensitive disciplinary and regulatory matters involving professionals, particularly within the legal sector, and regularly advises the Bar Standards Board on confidential matters.

## Professional Negligence

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Jeff has acted in professional negligence matters for and against most professionals including accountants, architects, bankers, barristers, solicitors, surveyors and valuers.

## Sports

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Jeff's interest in playing (or increasingly watching) sport is complimented by an established practice in sports law. As well as appearing in the London Olympic stadium judicial review proceedings and multiple football cases acting for Cardiff City, Leeds United and Leyton Orient, he has acted in several show-jumping matters including disputes involving Ben Maher (Olympic gold-medalist) and trying to get the Irish show-jumping team and Cian O'Connor into the Rio Olympics via the CAS in Lausanne. Jeff has also advised in relation to sponsorship disputes in F1, football and rugby union including the impact of Covid disruption on long-term sponsorship contracts.

## Notable Sports cases

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### Horse Sport Ireland and another v Fédération Equestre Internationale

Acting for Cian O'Connor in the Court of Arbitration for Sport appeal filed by Horse Sport Ireland and Mr O'Connor against the decision rendered by the FEI Appeal Committee on 22 August 2015 which meant the Irish team did not qualify for the Olympic Games in Rio in 2016.

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### Denis Lynch v Horse Sport Ireland Ltd, Cian O'Connor and others CAS arbitration No. CAS OG 12/03

Representing Irish show jumper Cian O'Connor before the Ad Hoc Olympic Division of the CAS in successful bid to ensure Cian could represent Ireland at the London Olympics. Cian won a bronze medal a week later.

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Representing Ben Maher in Chancery Division proceedings arising out of the ownership of his Olympic ride Tripple X.

## Directory Quotes

*"Incredibly user friendly and accessible, very quickly building trust and confidence with the client and solicitor teams. Jeff gives incisive and commercial advice, with a compelling delivery and a collaborative approach."*

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The Legal 500

*"An excellent advocate who is very user-friendly and a good team player." "He makes complex matters simple and is an absolute joy to work with."*

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Chambers & Partners

*"An excellent, clear and structured barrister." "He is absolutely fantastic, very pragmatic and provides sensible advice."*

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Chambers & Partners

*"Jeffrey's advice on tactics and legal issues has been first class. He is so easy to work with and approachable." "He is very impressive and very calm as an advocate."*

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Chambers & Partners

*"He's tactically highly astute and he's a delightful and highly persuasive advocate."*

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The Legal 500

*"Combines expert knowledge of the law with down to earth, practical advice - his cross-examination and advocacy skills during the trial were extremely impressive."*

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The Legal 500

*"He's great on his feet, technically astute and amazingly user-friendly." "Jeffrey is thorough and articulate, and has excellent presence in court."*

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Chambers & Partners

*"He gives really practical advice to clients and is a really good advocate - he's exactly the sort of silk you want to lead you." "Jeffrey is a pleasure to work with as he is an excellent communicator and accommodates clients' needs."*

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Chambers & Partners

*"He can turn the view of a commercial judge in a day of submissions."*

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Chambers & Partners

## Directory Rankings

Chambers & Partners – Global

- Dispute Resolution: Commercial – UK

## Chambers & Partners – UK

- Banking & Finance
- Commercial Dispute Resolution
- Fraud: Civil

## The Legal 500

- Banking & Finance (including Consumer Credit)
- Commercial Litigation
- Fraud: Civil (Tier 1)

## Education

- LLM (First Class), Cambridge University
- BA (First Class), University of Sussex

## International Bar / Court Appointments

- Admitted to the Bar of the British Virgin islands

## Appointments, Memberships and Prizes

- Board member for the Bar Standards Board
- Barrister Vice-Chair, Professional Conduct Committee of the Bar Standards Board (2015-2019)
- Bar Standards Board Complaints Committee (2007-2012)
- Queen Mother Scholarship, Middle Temple
- Called to Bar of British Virgin Islands (1999)
- CEDR Accredited Mediator
- Researcher for and Consultant to Law Commission (1987-1989)

## Languages

- French (working knowledge)
- German (fluent)

## Awards

