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Edmund Nourse KC

Barrister
Call 1994 Silk 2015



Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud and Investigations • Commercial Agents Regulations • Company and Insolvency • Conflicts of Interest • Directors' Duties • Injunctive Relief • Insurance and Reinsurance • Jurisdiction and Conflict of Laws • Professional Liability • Sale of Goods and Supply of Goods and Services • Trusts • Unfair Prejudice Claims (sec. 994) • Group Litigation

Overview

Edmund Nourse is a commercial litigator with particular expertise in fraud, group litigation, company and insolvency litigation. Legal 500 says (Commercial): "*Edmund is the person to have in your corner if the gloves are off*"; and (Company): "*An authoritative advocate who leaves no stone unturned. His drafting is second to none and there is not a better KC in his field.*"

Current work includes acting for Royal Mail in follow-on competition proceedings in the CAT alleged to be worth over £1bn (Bulk Mail case); acting for telecoms supplier in conspiracy and contract claim against a supplier; acting for directors in defending a liquidator claim for fraudulent trading.

Edmund acted for 6 UK water companies (including Thames Water, Yorkshire Water and United Utilities), defendants in group litigation involving over 100 claimants and claims of over £150m. Following a 5-week trial in late 2023, judgment was handed down in July 2024, resulting in a significant victory for Edmund' clients and the proceedings were withdrawn. Before that, he acted majority shareholder of c.$675 million company in connection to an unfair prejudice and equitable winding up claim being brought by three private equity firms holding a minority interest. He has acted in numerous shareholder disputes over the years and regularly advises and acts in cases relating to directors' duties.

Edmund has particular expertise in analysing and presenting complex, large-scale litigation, particularly fraud and conspiracy cases, having appeared in cases such as Digicel v Cable & Wireless (2007-2010), Re Coroin (2012-13), and the Construction Workers "Blacklisting" Group Litigation case (Claimants v Sir Robert McAlpine plc & Ors) (2014-16).

Examples of Recent Cases

Arbitration

Edmund Nourse practices across the full range of commercial and chancery work and has had involvement in a number of substantial international commercial arbitrations governed under a variety of rules, including ICC, LCIA and ad hoc.

- Acting for luxury car brand in UNCITRAL arbitration relating to Middle Eastern distribution agreement. Successfully resisted bias challenge to arbitrator.
- Ad hoc proceedings in dispute relating to London Stadium.
- For respondent lead investor, in substantial LCIA proceedings arising over a consortium agreement to bid for the Joint Concession of the Kenyan and Ugandan Railways to operate the local and international rail transportation of goods and passengers on the networks.
- Ad Hoc Proceedings
  For successful respondent investment bank, in arbitration proceedings arising from a contractual dispute concerning oil production vessel leasing.
- ICC Proceedings
  For Respondent Company, in substantial arbitration proceedings concerning investments in a Russian oil company

Civil Fraud and Investigations

- Acting for substantial private company in relation to fraud by its Finance Director.
- Barlow Clowes International Ltd & Ors v. Eurotrust International Ltd & Ors [2005] UKPC 37; [2006] 1 All ER 333; [2005] 1 WLR 1453
  Appeared and advised, in relation to substantial proceedings in the Isle of Man (at first instance and Manx Court of Appeal) and, most recently before the Privy Council, for the liquidators of Barlow Clowes in claim for dishonest assistance against Manx financial intermediaries. The judgment in the successful appeal to the Privy Council provides new insight into the test for dishonest assistance.
- Digicel (St Lucia) Ltd & Ors v. Cable & Wireless Plc & Ors [2010] EWHC 774 (Ch) Main Judgment; [2010] EWHC 888 (Ch) Costs
  Defending Cable & Wireless group, claim of breach of statutory duty and conspiracy alleged to be worth "hundreds of millions". The novel and complex case raises detailed questions of telecommunications law in 7 jurisdictions and the actionability of any such breaches. See also [2008] EWWHC 2522 (Ch) Specific Disclosure; and [2009] EWHC 1437 (Ch) Legal Professional Privilege
- Canada Trust Co & Ors v. Stolzenberg & Ors [2000] 4 All ER 481; [2002] 1 AC 1 (HL)
  For certain defendants, in their jurisdictional (Brussels Convention) appeal to the House of Lords in proceedings brought by the Chrysler Pension Fund alleging fraudulent misappropriations from the fund.
- Re TransTec plc, Secretary of State for Trade and Industry v. Carr & Ors [2005] EWHC 1723 (Ch); [2006] BCC 295
  For Secretary of State, in very substantial s8 disqualification proceedings arising out of the collapse of the TransTec plc group of companies in late 1999. The proceedings were against 8 directors, all of whom have now given undertakings, and concern allegations of substantial false accounting within the group. Also appeared on application to stay proceedings in light of ongoing criminal proceedings which dealt with the same issues, reported at [2007] 1 BCLC 93.

Commercial Litigation

- Acting for six of the UK water companies in group litigation involving over 100 claimants and claims of over £150m. Claim relates to Environmental Information Regulations and raises issues about those regulations and about claims for restitution on *Woolwich* grounds or for Mistake.
- Graham Tuckwell v. Financial Technology Ventures
  Acting at first instance and on appeal for majority shareholder of c.$675 million company in connection to a unfair prejudice and equitable winding up claim brought in Jersey by three private equity firms holding a minority interest.

- Capreon (UK) Ltd v Winnersh Holdings LP
  Acting for private equity house defending claim for breach of exclusivity agreement relating to sale of a shopping centre.
- Capital Bond -v- Peter Williams
  For a substantial lender in relation to a claim for recovery of debt/interest of where the (individual) debtor is alleging an unfair relationship under Consumer Credit Act.
- CIVIG Litigation - Builders "Blacklisting" Group Litigation - Acheson v Sir Robert McAlpine lTD & Ors (2014-2016): Acted for over 30 Defendant construction companies in 8 groups, including McAlpines, Balfour Beatty, and Vinci, in defending allegations of conspiracy, defamation, breach of confidence/privacy and data protection Act. Lead advocate on many of the interim applications, including on disclosure and successfully opposing expert evidence ([2016] EWHC 45 (QB).
- IN THE MATTER OF COROIN LTD sub nom PATRICK MCKILLEN v MISLAND (CYPRUS) INVESTMENTS LTD (A company registered in CYPRUS) & 7 ORS : PATRICK GERARD MCKILLEN v DAVID ROWAT BARCLAY & 10 ORS (2012) Acting for the Barclay Brothers personally (led by Lord Grabiner KC) and for their interests (led by Ken MacLean KC) in dispute relating to ownership of Claridge's, the Connaught and Berkeley Hotels, worth about £1 billion. Patrick McKillen, 36% shareholder alleged unfair prejudice (s. 994) and unlawful means conspiracy relating to the Barclays' takeover of Coroin, which owns the hotels. A 30 day expedited trial before David Richards J resulted in the successful dismissal of all claims. Upheld on Appeal.
- Digicel (St Lucia) Limited & Ors v. Cable & Wireless Plc & Ors (2007-2011) [2009] EWHC 1437 (Ch), LTL 17/6/2009, [2009] All ER (D) 44 (Jul).
  Successfully defending Cable & Wireless group, with Lord Grabiner KC and Conall Patton, in claim for $100m concerning mobile telecommunications in 7 Caribbean jurisdictions and the actionability of any such breaches. Edmund conducted substantial proportions of cross-examination and interlocutory submissions during the 77 day trial, and made all the submissions in the Court of Appeal when the Claimants were refused permission to appeal.See also the interlocutory decision of Morgan J on the scope of search required in e-disclosure at [2008] EWHC 2522 (Ch), [2009] All ER (D) 44 (Jul), [2009] 2 All E.R. 1094
- Forrest Nominees Ltd v PT Bakrie & Brothers TBK & Ors
  For the Chairman of Bumi plc, Samin Tan (and another director) re unfair prejudice proceedings relating to the listed company Bumi plc. The dispute arose out of the well-publicised dispute between Nat Rothschild and the Bakrie family. The dispute centred on the validity of the relationship agreement between the Bumi plc and the Bakrie interests and on allegations of substantial misappropriations from Bumi plc's Indonesian mining subsidiaries. The Respondents (led by Mr Tan) applied to strike out the petition as disclosing no cause of action. The petition was subsequently dismissed by consent as part of a wider deal.
- Premier Telecom Communication Group Ltd v Webb [2014] EWCA CIV 999; [2016] BCC 439 - Acted on successful strikeout application relating to a warranty claim and expert determination. Upheld on appeal. Case raised the issue of when an expert determination can be set aside.
- Securities and Futures Commission –v- Tiger Asia Management LLC & others
  For Defendants in Hong Kong Court of Final Appeal (equivalent of UK Supreme Court). Defendants face allegations of insider dealing. The case concerns the jurisdiction of the Hong Kong regulator (the SFC) to pursue the allegations of insider dealing in the civil courts, rather than by way of criminal prosecution or in front of the Market Misconduct Tribunal. The issues relate to the con
- struction of the relevant Securities and Futures Ordinance and human rights issues under Hong Kong's Bill of Rights and Basic Law. Heard in May 2013 (conducted by Lord Grabiner).
- Re. Enron Direct Ltd; Pearson & Ors v Albany Marketing Ltd & Ors (ch) For joint administrators of EDL (under an approved company voluntary arrangement), a supplier of gas and electricity to retail customers in the UK. Defending a very substantial claim for compensation under the Commercial Agents (Council Directive) Regulations 1993 (and under general cntract) by a number of consultants who introduced customers to EDL.

Company and Insolvency

- Graham Tuckwell v. Financial Technology Ventures
  Acting at first instance and on appeal for majority shareholder of c.$675 million company in connection to a unfair prejudice and equitable winding up claim brought in Jersey by three private equity firms holding a minority interest.
- IN THE MATTER OF COROIN LTD sub nom PATRICK MCKILLEN v MISLAND (CYPRUS) INVESTMENTS LTD (A company registered in CYPRUS) & 7 ORS : PATRICK GERARD MCKILLEN v DAVID ROWAT

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- **National Westminster Bank Plc v. Spectrum Plus Ltd & Ors [2005] UKHL 41; [2005] 4 All ER 209**
  Appeared, as Amicus to the Lords on issue of whether the House had jurisdiction to overrule prospectively only the long-established leading case on floating charges over book debts, Siebe Gorman & Co Limited v. Pneupac Limited [1982] 1 WLR 185.
- **Forrest Nominees Ltd v PT Bakrie & Brothers TBK & Ors**
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Directors' Duties

- **Re TransTec plc, Secretary of State for Trade and Industry v. Carr & Ors [2005] EWHC 1723 (Ch); [2006] BCC 295**
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- **Re Barings plc & Ors; Secretary of State for Trade and Industry v. Baker & Ors (No2) [1998] 1 BCLC 590 (Ch); (No3) [1999] BCLC (ch & CA) 523; (No4) [1999] 1 BCLC 262 (Ch); (No5) (Main Judgment) [1999] 1 BCLC 433 (Ch); [2000] BCLC 523 (CA)**
  For the Secretary of State in disqualification proceedings, arising out of the collapse of Barings Bank. Ten of

Nick Leeson's former bosses were disqualified, three of them after a three month trial at first instance (upheld on appeal).

- **Re Peregrine (2003)**
  For the Official Receiver of Hong Kong in the largest disqualification proceedings brought to date in Hong Kong, which arose out of the collapse of the Far Eastern investment bank, Peregrine.

Data Protection

- Currently acting for 6 of UK's Water Companies in £150m group litigation relating to Environmental Information Regulations. Issues raised include the Data Protection exemptions under Regulation 13 to those requirements.
- Acted for defendant building firms in the Builders "Blacklisting" GLO (Claimants v Sir Robert McAlpine Ltd & Ors). Allegations included breach of privacy and the Data Protection Act (once in force) in keeping of personal data on building workers in central "referencing database" alleged to have been used as a blacklist.

Group Litigation

- Acting for Royal Mail in follow-on competition proceedings in CAT alleged to be worth over £1bn (Bulk Mail Claim).
- Acting for six of the UK water companies in group litigation involving over 100 claimants and claims of over £150m. Claim relates to Environmental Information Regulations and raises issues about those regulations and about claims for restitution on Woolwich grounds or for Mistake.
- **CIVIG Litigation - Builders "Blacklisting" Group Litigation - Acheson v Sir Robert McAlpine lTD & Ors (2014 - 2016)**
  Acted for over 30 Defendant construction companies in 8 groups, including McAlpines, Balfour Beatty, and Vinci, in defending allegations of conspiracy, defamation, breach of confidence/privacy and data protection Act. Lead advocate on many of the interim applications, including on disclosure and successfully opposing expert evidence ([2016] EWHC 45 (QB).
- **William Barclay & Others and Kevin Baldwin & Others and Sir Robert McAlpine Limited & Others**
  Second phase of claims c80 claims following settlement of Group Litigation claim brought last year by over 600 workers in the construction industry in relation to historic alleged "blacklisting" by employers. The claims stretch back to the 1970s and are for conspiracy, defamation, breach of confidence and privacy. Edmund acted for 8 of Britain's largest construction groups, including McAlpine, Balfour Beatty, Vinci and Skanska UK, all represented by Macfarlanes.
  The claim also raised issues on attribution and vicarious liabilities in the corporate environment. Proceedings settled shortly before the start of trial, 8 weeks, on 4th June 2019.

What the Directories Say

"Edmund is a highly skilled advocate and a pleasure to work with." (Company, Legal 500 2027)

"Very strong intellect combined with an advocacy style that takes no prisoners." (Commercial Litigation, Legal 500 2027)

"Edmund is the person to have in your corner if the gloves are off." (Commercial Litigation, Legal 500 2026)

"An authoritative advocate who leaves no stone unturned. His drafting is second to none and there is not a better KC in his field." (Company and Partnership, Legal 500 2026)

"He is extremely hardworking and brilliantly clever." (Company and Partnership, Legal 500 2021-2022)

"He works across the spectrum of company law." (Company and Partnership, Legal 500 2018-2019)

"Great if you need someone who can very quickly grasp the issues and appreciate all the moving parts in a case." (Chambers UK 2018)

"He is very charming, and clear, punchy and concise in his submissions." (Chambers UK 2017)

"He is very knowledgeable and good at giving forthright advice." "A super advocate who is very careful and nice to deal with." (Chambers UK 2016)

"Edmund Nourse ... tackles company cases as part of his wider commercial practice." He is described as 'a fantastic operator who always gets results'. (Chambers UK 2015)

"A tremendous advocate who never misses a trick and works tirelessly on your behalf." (Legal 500 2015)

Education

Oxford University, Magdalen College: BA Hons, Modern History (1st Class)

Awards

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2027 Chambers Top Ranked UK Bar One Essex Court

ONE ESSEX COURT

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