



Henry Hoskins

Barrister

Call 2013



Scope of Practice

• Agency • Banking and Financial Services • Civil Fraud • Company and Insolvency • Economic Torts • Energy and Natural Resources • Equity • Group Actions • Injunctions (including freezing orders and search orders, and orders for disclosure of information) • Jurisdiction and Conflict of Laws • Professional Liability • Restitution and Unjust Enrichment • Sale of Goods and Supply of Goods and Services

Overview

Henry Hoskins' practice covers a wide spectrum of commercial dispute resolution, including litigation and international arbitration. Henry has acted in complex, high-value litigation in the High Court and the Court of Appeal led by senior members of Chambers, as well as regularly appearing as sole counsel in the High Court (including the Commercial Court, the Chancery Division, and the Queen's Bench Division) and County Courts. In addition to litigation, he also has experience of international arbitration, and of arbitration claims in the Commercial Court.

Recent commercial litigation includes:

Manning & Napier Fund Inc. and others v Tesco Plc (2020) Acted with Laurence Rabinowitz QC, Conall Patton QC and Michael Watkins for Tesco plc in defending claims in the Financial List under Schedule 10A FSMA arising out of an historic profit overstatement. A recent interlocutory judgment is at [2020] EWHC 2106 (Ch). The proceedings settled shortly before trial.

McLaren Holdings Ltd v US Bank Trustees Ltd [2020] EWHC 1892 (Ch) - acted with David Wolfson QC for the defendant creditor in proceedings for an expedited trial under CPR Part 8, in which McLaren sought declarations that its proposed refinancing arrangements were permitted by the contractual documents governing a series of New York loan notes and a revolving credit facility. The Court made a direction for an expedited trial at [2020] EWHC 1892 (Ch), and the proceedings settled shortly before trial.

Avonwick Holdings Ltd v Azitio Holdings Ltd and others [2020] EWHC 1844 (Comm) – with David Wolfson QC and Sebastian Isaac, successfully defended Mr Oleg Mkrtchan and others against claims for over US\$2 billion following an eight-week Commercial Court trial before Picken J. The dispute concerned the division of a global portfolio of metallurgical businesses and other assets between three Ukrainian businessmen. It involved claims for fraudulent misrepresentation, breach of contract, dishonest assistance, knowing receipt and unjust enrichment. Mr Mkrtchan and others subsequently obtained a post-judgment worldwide freezing order in relation to an unpaid award of indemnity costs in their favour.

Macquarie Capital (Europe) Ltd v Nordsee Offshore MEG I GMBH [2019] (Comm) – acted for the claimant (with Daniel Toledano QC and Nehali Shah) in a 7-day trial of a claim for payment of fees under an agreement for financial advisory work in relation to the construction of an off-shore windfarm.

Tsareva v Ananyev; Galagaev v Ananyev [2019] EWHC 2414 (Comm) – acted for the second defendant (with Neil Kitchener QC) in relation to a circa US\$100 million claim for alleged fraudulent misrepresentation and conspiracy in connection with the sale of Loan Notes in Russia, in relation to applications for freezing injunctions.

Barclays Trust Company (Jersey) Ltd and others v Ernst & Young LLP [2016] EWHC 869 (Comm) – defended EY (with Daniel Toledano QC and Nehali Shah) in the five-week trial of a professional negligence claim concerning financial and commercial due diligence work.

Standard Bank Plc v Just Group LLC & Others [2014] EWHC 2687 (Comm) – acted for the Russian-owned seventh defendant (with Daniel Toledano QC) in contesting English jurisdiction in a claim for fraudulent conspiracy relating to a fuel supply agreement.

Gorgeous Beauty v Liu and others [2014] EWHC 2952 (Ch) – represented the claimant (with Jamie Goldsmith) in a shareholder dispute involving allegations of civil fraud.

In arbitration, Henry's experience includes:

SIAC arbitration (Singapore seat) 2018 – acting (with Laurence Rabinowitz KC) in a US\$5.5bn SPA dispute in the oil and gas sector, heard in Singapore under the rules of SIAC over some 35 days in 2018.

ICC arbitration (London seat) 2015 – acted for the claimant (with Charles Graham QC) in an arbitration in the aviation sector involving allegations of fraudulent conspiracy, which settled before the hearing;

LCIA arbitration (London seat) 2014 – advised a major oil company (with Michael Watkins) in relation to a claim in LCIA proceedings for restitution concerning alleged over-lifting of natural gas liquids, which settled before the hearing.

Henry's practice frequently involves advisory work, including advising a borrower (with David Wolfson QC) on its liabilities under various loan facility agreements; assisting Rhodri Davies QC in advising the trustees in insolvency of a company within the Lehman Brothers group in relation to various swaps agreements; assisting Lord Grabiner QC in advising on the interpretation of an agreement concerning the development of energy infrastructure; and advising on a multi-million pound claim in the Commercial Court for breach of an exclusive distribution agreement

Besides led work, Henry advises and appears as an advocate in his own right in a range of commercial disputes, which has included:

Power Electrics Ltd v Fawsitt Holden Energy Ltd (2020) - acted as sole counsel for the defendant and counterclaimant, involving claims for breach of contract and unjust enrichment concerning the manufacture and supply of generators of renewable electricity. Following a series of contested interlocutory applications, the claims settled.

Oghoro v Sanomi and others [2016] EWHC 2148 (QB) – successfully striking out a claim for some £30m against a Nigerian oil and gas group.

Mainline Digital Communications Ltd v Chaddah [2015] EWHC 1580 (QB) – acted for the defendant in a three-day trial in the High Court concerning the supply of marketing services to a telecommunications company.

Examples of Recent Cases

Commercial Litigation

- **Manning & Napier Fund Inc. and others v Tesco Plc (2020)**
Acted with Laurence Rabinowitz QC, Conall Patton QC and Michael Watkins for Tesco plc in defending claims in the Financial List under Schedule 10A FSMA arising out of an historic profit overstatement. A recent interlocutory judgment is at [2020] EWHC 2106 (Ch). The proceedings settled shortly before trial.
- **McLaren Holdings Ltd v US Bank Trustees Ltd [2020] EWHC 1892 (Ch)**
Acted with David Wolfson QC for the defendant creditor in proceedings for an expedited trial under CPR Part 8, in which McLaren sought declarations that its proposed refinancing arrangements were permitted by the contractual documents governing a series of New York loan notes and a revolving credit facility. The Court made a direction for an expedited trial at [2020] EWHC 1892 (Ch), and the proceedings settled shortly before trial.
- **Avonwick Holdings Ltd v Azitio Holdings Ltd and others [2020] EWHC 1844 (Comm)**
With David Wolfson QC and Sebastian Isaac, successfully defended Mr Oleg Mkrtchan and others against claims for over US\$2 billion following an eight-week Commercial Court trial before Picken J. The dispute concerned the division of a global portfolio of metallurgical businesses and other assets between three Ukrainian businessmen. It involved claims for fraudulent misrepresentation, breach of contract, dishonest assistance, knowing receipt and unjust enrichment. Mr Mkrtchan and others subsequently obtained a post-judgment worldwide freezing order in relation to an unpaid award of indemnity costs in their favour.
- **Macquarie Capital (Europe) Ltd v Nordsee Offshore MEG I GMBH [2019] (Comm)**
Acting for the claimant (with Daniel Toledano QC and Nehali Shah) in a 7-day trial of a claim for payment of fees under an agreement for financial advisory work in relation to the construction of an off-shore windfarm.
- **Tsareva v Ananyev; Galagayev v Ananyev [2019] EWHC 2414 (Comm)**
Acted for the second defendant (with Neil Kitchener QC) in relation to a circa US\$100 million claim for alleged fraudulent misrepresentation and conspiracy in connection with the sale of Loan Notes in Russia, in relation to applications for freezing injunctions.
- **SIAC Proceedings (Singapore seat)**
Acting (with Laurence Rabinowitz KC and others) for an oil and gas company defending a claim for \$5.5bn for

alleged fraud and breach of warranty under an SPA.

- Acted for a number of the defendants (led by David Cavender QC and Edmund Nourse QC) in a group action brought by several hundred claimants regarding alleged blacklisting of workers in the construction industry.
- Acted for an airline (led by Alain Choo Choy QC) bringing a claim against an aircraft manufacturer for breach of contract and misrepresentation relating to a sale and purchase agreement for the supply of freight aircraft.
- **Barclays Trust Company (Jersey) Ltd and others v Ernst & Young LLP [2016] EWHC 869 (Comm)**
Successfully defended EY (led by Daniel Toledano QC and Nehali Shah) in a four week Commercial Court trial of a professional negligence claim regarding financial and commercial due diligence carried out by EY relating to the acquisition of the Esporta health and leisure business.
- **Mainline Digital Communications Ltd v Chaddah [2015] EWHC 1580 (QB)**
Acted as sole counsel for the defendant and counter-claimant in a three day trial in the High Court which concerned the supply of marketing services to a telecommunications company, and included issues of contract, restitution of unjust enrichment, and the Commercial Agents Regulations 2003.
- **Standard Bank Plc & Anor v Just Group LLC & Ors [2014] EWHC 2687 (Comm)**
Acted for JSC Ulaanbaatar Railways (led by Daniel Toledano QC), successfully contesting English jurisdiction before the Commercial Court a claim for US\$33m brought by Standard Bank. The claim was for fraudulent conspiracy and breach of a fuel supply agreement, and the hearing before Walker J. involved several issues concerning conflict of laws and jurisdiction.
- **Gorgeous Beauty v Liu and others [2014] EWHC 2952 (Ch)**
Acted for the defendants (led by Jamie Goldsmith) in four-week Chancery Division proceedings before Arnold J., involving a dispute between shareholders of a Taiwanese company. The case involved allegations of fraud and required cross-examination of foreign witnesses through a video-link and interpreter. It gave rise to various issues of English conflict of laws and Seychelles company law.
- Acted for a private equity firm (led by Anthony de Garr Robinson QC) bringing a claim for breach of warranty in relation to the purchase of an information technology company, which involved complex issues of company valuation and forensic accountancy.
- Acted as sole counsel for the claimant in a multi-million pound claim for breach of an exclusive distribution agreement, which includes issues regarding the award of Wrotham Park damages.

Restitution and Unjust Enrichment

- Acted for several hundred claimants (led by Laurence Rabinowitz QC) in a group action against Royal Mail involving claims for breach of statutory duty, breach of EU law, and restitution of unjust enrichment, concerning the VAT treatment of postal services supplied by Royal Mail from 1973 up to the present day.
- Advised a multinational drinks company on its rights to recover some \$200m paid out under two guarantees, in claims for subrogation in unjust enrichment and claims for payment under two contractual indemnities.
- **LCIA Proceedings**
Acted for the Respondent oil and gas major (led by Michael Watkins), defending a claim for approximately £40m for restitution of unjust enrichment relating to alleged overlifting of natural gas liquids.
- **Mainline Digital Communications Ltd v Chaddah [2015] EWHC 1580 (QB)**
Acted as sole counsel for the defendant and counter-claimant in a three day trial in the High Court which

concerned the supply of marketing services to a telecommunications company, and included issues of contract, restitution of unjust enrichment, and the Commercial Agents Regulations 2003.

Arbitration

- **SIAC Proceedings (Singapore seat)**

Acting (with Laurence Rabinowitz KC and others) for an oil and gas company defending a claim for \$5.5bn for alleged fraud and breach of warranty under an SPA.

- **ICC Proceedings**

Acted for the claimant (led by Charles Graham QC) in preparation for an ICC arbitration against a major aircraft manufacturer, involving a claim for payment under a contract for the supply of services and a defence alleging fraudulent conspiracy.

- **LCIA Proceedings**

Acted for the Respondent oil and gas major (led by Michael Watkins), defending a claim for approximately £40m for restitution of unjust enrichment relating to alleged overlifting of natural gas liquids.

Civil Fraud

- **Manning & Napier Fund Inc. and others v Tesco Plc (2020)**

Acted with Laurence Rabinowitz QC, Conall Patton QC and Michael Watkins for Tesco plc in defending claims in the Financial List under Schedule 10A FSMA arising out of an historic profit overstatement. A recent interlocutory judgment is at [2020] EWHC 2106 (Ch). The proceedings settled shortly before trial.

- **Avonwick Holdings Ltd v Azitio Holdings Ltd and others [2020] EWHC 1844 (Comm)**

With David Wolfson QC and Sebastian Isaac, successfully defended Mr Oleg Mkrtchan and others against claims for over US\$2 billion following an eight-week Commercial Court trial before Picken J. The dispute concerned the division of a global portfolio of metallurgical businesses and other assets between three Ukrainian businessmen. It involved claims for fraudulent misrepresentation, breach of contract, dishonest assistance, knowing receipt and unjust enrichment. Mr Mkrtchan and others subsequently obtained a post-judgment worldwide freezing order in relation to an unpaid award of indemnity costs in their favour.

- **Tsareva v Ananyev; Galagaev v Ananyev [2019] EWHC 2414 (Comm)**

Acting for the second defendant (with Neil Kitchener QC) in relation to a circa US\$100 million claim for alleged fraudulent misrepresentation and conspiracy in connection with the sale of Loan Notes in Russia, in relation to applications for freezing injunctions.

- **SIAC Proceedings (Singapore seat)**

Acting (with Laurence Rabinowitz KC and others) for an oil and gas company defending a claim for \$5.5bn for alleged fraud and breach of warranty under an SPA.

- Acted for a bank (led by Daniel Toledano QC and Nicholas Sloboda) defending claims for dishonest assistance and fraudulent trading under s 213 of the Insolvency Act 1980, regarding alleged carousel fraud involving VAT payable on trades of carbon credits.

- **Gorgeous Beauty v. Liu & Ors [2014] EWHC 2952 (Ch)**

Acted for the defendants (led by Jamie Goldsmith) in four-week Chancery Division proceedings before Arnold J., involving a dispute between shareholders of a Taiwanese company. The case involved allegations of fraud

and required cross-examination of foreign witnesses through a video-link and interpreter. It gave rise to various issues of English conflict of laws and Seychelles company law.

- **ICC Proceedings**

Acted for the claimant (led by Charles Graham QC) in preparation for an ICC arbitration against a major aircraft manufacturer, involving a claim for payment under a contract for the supply of services and a defence alleging fraudulent conspiracy.

Company, Shareholder and Joint Venture Disputes

- **Manning & Napier Fund Inc. and others v Tesco Plc (2020)**

Acted with Laurence Rabinowitz QC, Conall Patton QC and Michael Watkins for Tesco plc in defending claims in the Financial List under Schedule 10A FSMA arising out of an historic profit overstatement. A recent interlocutory judgment is at [2020] EWHC 2106 (Ch). The proceedings settled shortly before trial.

- **Gorgeous Beauty v. Liu & Ors [2014] EWHC 2952 (Ch)**

Acted for the defendants (led by Jamie Goldsmith) in four-week Chancery Division proceedings before Arnold J., involving a dispute between shareholders of a Taiwanese company. The case involved allegations of fraud and required cross-examination of foreign witnesses through a video-link and interpreter. It gave rise to various issues of English conflict of laws and Seychelles company law.

Energy and Natural Resources

- **Avonwick Holdings Ltd v Azitio Holdings Ltd and others [2020] EWHC 1844 (Comm)**

With David Wolfson QC and Sebastian Isaac, successfully defended Mr Oleg Mkrtchan and others against claims for over US\$2 billion following an eight-week Commercial Court trial before Picken J. The dispute concerned the division of a global portfolio of metallurgical businesses and other assets between three Ukrainian businessmen. It involved claims for fraudulent misrepresentation, breach of contract, dishonest assistance, knowing receipt and unjust enrichment. Mr Mkrtchan and others subsequently obtained a post-judgment worldwide freezing order in relation to an unpaid award of indemnity costs in their favour.

- **Macquarie Capital (Europe) Ltd v Nordsee Offshore MEG I GMBH [2019] (Comm)**

Acted for the claimant (with Daniel Toledano QC and Nehali Shah) in a 7-day trial of a claim for payment of fees under an agreement for financial advisory work in relation to the construction of an off-shore windfarm.

- **SIAC Proceedings (Singapore seat)**

Acting (with Laurence Rabinowitz KC and others) for an oil and gas company defending a claim for \$5.5bn for alleged fraud and breach of warranty under an SPA.

- **Standard Bank Plc & Anor v Just Group LLC & Ors [2014] EWHC 2687 (Comm)**

Acted for JSC Ulaanbaatar Railways (led by Daniel Toledano QC), successfully contesting English jurisdiction before the Commercial Court a claim for US\$33m brought by Standard Bank. The claim was for fraudulent conspiracy and breach of a fuel supply agreement, and the hearing before Walker J. involved several issues concerning conflict of laws and jurisdiction.

- **LCIA Proceedings**

Acted for the Respondent oil and gas major (led by Michael Watkins), defending a claim for approximately £40m for restitution of unjust enrichment relating to alleged overlifting of natural gas liquids.

- Assisted Lord Grabiner QC in advising on potential breaches of a non-disclosure agreement relating to the development of energy infrastructure.

Banking and Financial Services

- **McLaren Holdings Ltd v US Bank Trustees Ltd [2020] EWHC 1892 (Ch)**
Acted with David Wolfson QC for the defendant creditor in proceedings for an expedited trial under CPR Part 8, in which McLaren sought declarations that its proposed refinancing arrangements were permitted by the contractual documents governing a series of New York loan notes and a revolving credit facility. The Court made a direction for an expedited trial at [2020] EWHC 1892 (Ch), and the proceedings settled shortly before trial.
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- **Tsareva v Ananyev; Galagaev v Ananyev [2019] EWHC 2414 (Comm)**
Acting for the second defendant (with Neil Kitchener KC) in relation to a circa US\$100 million claim for alleged fraudulent misrepresentation and conspiracy in connection with the sale of Loan Notes in Russia, in relation to applications for freezing injunctions.
- Acting for Morgan Stanley (with Daniel Toledano KC and Sandy Phipps) seeking declarations of non-liability in relation to claims by Land Salzburg for damages for misrepresentation or alternatively restitution of some €200m paid under swaps and other financial transactions which Land Salzburg contends are invalid due to lack of capacity or authority. Besides questions of jurisdiction and choice of law, the claim involves issues of contractual estoppel.
- Acting for a bank (led by Daniel Toledano KC and Nicholas Sloboda) defending claims for dishonest assistance and fraudulent trading under s 213 of the Insolvency Act 1980, regarding alleged carousel fraud involving VAT payable on trades of carbon credits.
- **Barclays Trust Company (Jersey) Ltd and others v Ernst & Young LLP [2016] EWHC 869 (Comm)**
Successfully defended EY (led by Daniel Toledano KC and Nehali Shah) in a four week Commercial Court trial of a professional negligence claim regarding financial and commercial due diligence carried out by EY relating to the acquisition of the Esporta health and leisure business.
- Advised a borrower (led by David Wolfson KC) on its liabilities under various loan facility agreements and related assignment agreements.
- Assisted Rhodri Davies KC in advising the trustees in insolvency of a company within the Lehman Brothers group in relation to claims made against that company under various swaps agreements.

Professional Liability

- **Barclays Trust Company (Jersey) Ltd and others v Ernst & Young LLP [2016] EWHC 869 (Comm)**
Successfully defended EY (led by Daniel Toledano QC and Nehali Shah) in a four week Commercial Court trial of a professional negligence claim regarding financial and commercial due diligence carried out by EY relating to the acquisition of the Esporta health and leisure business.

Injunctions (including freezing orders and search orders, and orders for disclosure of information)

- **Avonwick Holdings Ltd v Azitio Holdings Ltd and others [2020] EWHC 1844 (Comm)**
Acted with David Wolfson QC, obtaining a post-judgment worldwide freezing order for £20 million in relation to an unpaid award of indemnity costs in favour of their clients.

Tsareva v Ananyev; Galagaev v Ananyev [2019] EWHC 2414 (Comm)

Acted for the second defendant (with Neil Kitchener QC) in relation to a circa US\$100 million claim for alleged fraudulent misrepresentation and conspiracy in connection with the sale of Loan Notes in Russia, in relation to applications for freezing injunctions.

- **Signature Global Ltd v Al Showai**
Appeared as sole counsel in the High Court to obtain interim orders for the preservation, delivery up, and provision of further information in respect of a Lamborghini Aventador and several other luxury cars.
- Appeared for the Post Office to make an emergency interim application in the High Court to stay the enforcement of a writ of execution.

Recent Advocacy Appearances

- **Power Electrics Ltd v Fawsitt Holden Energy Ltd (2020)**
Acted as sole counsel for the defendant and counterclaimant, involving claims for breach of contract and unjust enrichment concerning the manufacture and supply of generators of renewable electricity. Following a series of contested interlocutory applications, the claims settled.
- **Oghoro v Sanomi and others [2016] EWHC 2148 (QB)**
Appeared as sole counsel to successfully strike out a claim for some £30m regarding alleged agreements to transfer shares in Taleveras Group (a Nigerian oil and gas group) and to share its profits. The claim was struck out on the grounds that it was a collateral attack on ongoing proceedings in Nigeria and therefore an abuse of process, Nigeria was the forum conveniens for the claim, and in any event the particulars disclosed no reasonable grounds for bringing the claim.
- Appeared as sole counsel in the Commercial Court for Flyington Freighters Ltd in an application for security for costs, relating to its claim against Airbus for misrepresentation and for breach of an agreement for the sale of twelve freighter aircraft.
- Appeared for the Post Office to make an emergency interim application in the High Court to stay the enforcement of a writ of execution.
- **Signature Global Ltd v Al Showai**
Appeared as sole counsel in the High Court to obtain interim orders for the preservation, delivery up, and provision of further information in respect of a Lamborghini Aventador and several other luxury cars.
- **Mainline Digital Communications Ltd v Chaddah [2015] EWHC 1580 (QB)**
Acted as sole counsel for the defendant and counter-claimant in a three day trial in the High Court which concerned the supply of marketing services to a telecommunications company, and included issues of contract, restitution of unjust enrichment, and the Commercial Agents Regulations 2003.

Group Actions

- Acted for several hundred claimants (led by Laurence Rabinowitz QC) in a group action against Royal Mail involving claims for breach of statutory duty, breach of EU law, and restitution of unjust enrichment, concerning the VAT treatment of postal services supplied by Royal Mail from 1973 up to the present day.
 - Acted for a number of the defendants (led by David Cavender QC and Edmund Nourse QC) in a group action brought by several hundred claimants regarding alleged blacklisting of workers in the construction industry.
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What the Directories Say

Chambers & Partners 2024 (Commercial Dispute Resolution) *"Henry Hoskins is the ideal junior. His analysis is impeccably thorough, he's a man with excellent judgement and his submissions read beautifully."*

Chambers & Partners 2023 (Commercial Dispute Resolution) *"Henry is a team player whose considered input always strengthens the case." "He is a very strong barrister who gives clear and robust advice."*

Chambers & Partners 2022 (Commercial Dispute Resolution) *"Super hands-on, he offers brilliant analysis, is on top of the law and is really easy to work with. He is a really good person for a second opinion - he is calm, steps back and provides proper advice."*

Chambers & Partners 2021 (Commercial Dispute Resolution) *"Hard-working, thorough and a strong team player."*

Academic Achievements

Wronker Proxime Accessit Prize for the second best overall performance in Law, University of Oxford [2011]

Gibbs Prize for outstanding performance in Private Law, University of Oxford [2011]

Davies Prize for the best performing undergraduate student, Jesus College, University of Oxford [2011]

Nicholas Tarling Scholarship for academic achievement, Jesus College, University of Oxford [2009]

Lawrence Scholarship for academic achievement, Jesus College, University of Oxford [2009]

Second Year Law Prize, Jesus College, University of Oxford [2009]

First Year Law Prize, Jesus College, University of Oxford [2008]

Education

BPP Law School: BPTC (Very Competent) [2012 - 2013]

University of Oxford, Jesus College: Bachelor of Civil Law: Restitution of Unjust Enrichment, Conflict of Laws, Advanced Property and Trusts, and Dissertation on good faith clauses in commercial contracts (Distinction) [2011 - 2012]

Paris II University, Panthéon-Assas: Certificat Supérieur de Droit Français [2009 - 2010]

University of Oxford, Jesus College: BA Jurisprudence with Law Studies in France (First Class Honours) [2007 - 2011]

Languages

French (near-fluent)

Other Experience

Regularly contributes to the Butterworths Journal of International Banking and Finance Law

Author of "Contractual Obligations to Negotiate in Good Faith: Faithfulness to the Agreed Common Purpose" (2014)
130(1) Law Quarterly Review 131

Visiting Lecturer in Tort Law and the Law of Unjust Enrichment, King's College London [2012 - 2013]

Research Assistant to Professors John Cartwright (University of Oxford), Ewan McKendrick (University of Oxford),
and Ben McFarlane (University College London) [2012 - 2013]

Awards



Contact Clerks



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