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Nicholas Strauss KC

Barrister
Call 1965 Silk 1984



Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud and Investigations • Commercial Litigation • Insurance and Reinsurance • Jurisdiction and Conflict of Laws • Media, Entertainment and Broadcasting • Mediation • Sports, Gaming and Licensing • Professional Liability

Overview

He has a varied practice covering general commercial litigation, banking, insurance, professional negligence and Chancery litigation, and financial services and regulatory work, including mis-selling.

He also enjoys tackling new types of work, if appropriate with a specialist junior. He was for 20 years a deputy High Court judge, sitting in the Queen's Bench, Chancery Divisions and in the Commercial Court, and has considerable experience both as an arbitrator and as counsel in international and domestic arbitrations; he is a member of the London Court of International Arbitration. He is also accredited and has experience as a mediator. He is fairly fluent in French and has a working knowledge of German.

Nick Strauss is also available to provide seminars/presentations in relation to topical areas of law and procedure. He has recently given a Combar talk on Illegality following the decision in Patel v Mirza in the Supreme Court, which can be seen here. His more detailed views on this subject are in articles at 132 L.Q.R 236 and 2016 Restitution Law Review 145.

Recent Cases

- Acting as chairman of 3 LCIA tribunals relating to commercial disputes in Nigeria and Russia
- Acting as a member of an arbitral tribunal or as sole arbitrator in several other arbitrations, including as arbitrator in Singapore involving a currency fluctuations clause, in London (LCIA) involving disputes relating to the sale of land in Spain, a large share sale and a fund management agreement, and in an ICC arbitration involving termination of a distributorship agreement.
- Acting for a Swedish bank in a long running arbitration under the Stockholm Chamber of Commerce Rules involving a breach of warranty claim arising out of a sale of shares.
- **Maple Leaf Macro Volatility Master Fund v (1) Jacques Rouvroy (2) Krzysztof Trylinski [2010] 2 All E.R. (Comm) 788**
  Acting for the Claimant (Maple Leaf, a Cayman incorporated hedge fund), in successfully resisting an appeal

against the decision in its former claim for damages arising out of fraudulent misrepresentation and deceit.

- **Cecil v Bayat [2010] EWHC (Comm)**
  Concerning form, service and extension of time issues in a claim for damages for breach of a joint venture agreement.
- **Bank of Tokyo-Mitsubishi v Basken & Ors [2009] EWHC 1276 (Ch)**
  Acting for the Ferrero group of companies successful defendants in a 6-month trial in 2008-9 involving allegations of fraudulent conspiracy, misrepresentation and knowing receipt. See also earlier jurisdiction decision at [2004] 2 Lloyd's Reports 395.
- Acting for the claimant in **SEB Trygg Liv Holding A.G. v Manches & Ors [2005] 2 Lloyd's Law Reports 129**, a case in the Commercial Court and the Court of Appeal involving issues as to the validity of arbitration proceedings, ratification and breach of warranty of authority. Also, **Demco Investments and Commercial SA v SEB Forsakring Holding Aktiebolag, [2005] 2 Lloyd's Law Reports 650**; a related appeal against the arbitration award.
- Acting for a substantial property company in the **Court of Appeal in Hughes v Groveholt Limited [2005] 2 B.C.L.C 421**, a dispute concerning the effect of disclaimer of a contract on the contractual obligations of the parties, and later proceedings.
- Acting for the claimant in the Commercial Court, and in the Court of Appeal, in **Tektrol Limited v International Insurance Company of Hanover Limited [2006] 1 IRLR 38**, involving issues as to the construction of a business interruption policy.
- Acting for the insurers in an insurance arbitration involving coverage issues.
- Acting for the appellants in the Court of Appeal in **Hesco Bastion Limited v Explora Group Limited [2005] EWCA Civ 646**, concerning a claim for agent's commission following the termination of the agency, and involving issues relating to the law of assignment, and in later proceedings.
- Acting for a Czech bank in a claim arising out of the privatisation of the beer industry.
- Acting for the defendants in **Motorola Credit Corporation v Uzan [2004] 1 WLR 113**, a recent case in the Court of Appeal involving worldwide freezing orders under CJJA 1982 s.25 and contempt of court. Also acted for plantiffs in the first case under s.25, **Republic of Haiti v Duvalier [1990] QB 202**.
- Acting for the claimants in **Abbey National v. Lee [2001] 1 All E.R. (C.C.) 13, [2002] 1 All E.R. (C.C.) 42**, and also for the successful defendants in **Countrywide Assured Group Plc v Marshall [2003] Lloyd's IR Reports 195**, relating to issues arising on insurance claims in respect of pensions mis-selling. Also involved in several other cases connected with the mis-selling of pensions and other financial products.
- Acting for **Kuwait Petroleum Corporation in Kuwait Oil Tanker Corporation v. Al Bader and others**, a large fraud action.
- Acting for the claimants in the **Factortame** litigation, claims for damages for loss of fishing opportunities due to the Merchant Shipping Act.
- Acting for the Salvation Army in an action to recover money lost in a standby letter of credit fraud.
- Acting for the claimants in **Aiken v Stewart Wrightson Members Agency Ltd [1995] 2 Lloyd's Reports 618**, a negligence claim against Lloyds underwriters.
- Advising and appearing for an individual involved in a major DTI enquiry and in associated criminal proceedings.
- Acting for Geest plc in commercial litigation against Fyffes plc.
- Acting for the Savoy Hotel in a solicitors negligence action.
- Acting for the SFA in two lengthy disciplinary proceedings arising out of the Maxwell and Sumitomo affairs, and various other matters. Advising the FSA and the PIA Ombudsman on various financial services issues.
- Acting in a series of applications for judicial review against the **Investors Compensation Scheme [1994] 3 WLR 1045, [1994] QB 749, [1996] AC 261.**
- Acting for the successful appellants in the Court of Appeal in a test case under the Gaming Act, **R v Burt and Adams Ltd The Times, 22nd November 1995.**
- Acting for the successful appellants in the Court of Appeal in a test case in the field of credit sales, **Barber v NWS Bank plc [1996] 1 All ER 906.**
- Acting for Standard Chartered Bank in a major commercial action in Singapore.

Other Experience

- Geest v. Fyffes plc [1999] 1 All ER (C.C.) 672 (commercial dispute, specific performance)
- Czarnikow-Rionda v. Sugar Trading Inc v. Standard Bank London Ltd [1999] 1 All ER (C.C.) 890 (letters of credit, fraud)
- BOC plc v. Centeon LLC [1999] 1 All ER (C.C.) 970 (construction of contract)
- United Trading Corporation v Allied Arab Bank [1985] 2 Lloyd's Reports 554 (performance bonds)
- GKN Contractors v Lloyds Bank [1985] 30 Build LR 48 (performance bonds)
- IE Contractors v Lloyds Bank [1990] 2 Lloyd's Reports 496 (performance bonds)
- Re Amadeus Trading Limited The Times, 26th March 1999 (company winding-up)
- Banque Keyser Ullmann SA v Skandia UK Co Ltd [1990] 1 QB 665 (the "gems" case relating to banking and insurance)
- Republic of Haiti v Duvalier [1990] QB 202 (world-wide Mareva; Brussels Convention Art. 25)
- TCB Ltd v Gray [1988] BCLC 281 (relating to bank guarantees)
- The Raffaella [1985] 2 Lloyd's Reports 36 (banking, agency)
- Rickless v United Artists Corporation [1986] FSR 502 (breach of contract relating to films; Public Performers Protection Act)
- MAM v O'Sullivan [1985] QB 428 (undue influence - musical artiste)
- Fraser v Thames Television [1984] QB 44 (breach of confidence)
- Barclays Bank v Bank of England [1985] 1 All ER 385 (relating to effect of bank clearing system)

Awards

2027 Chambers Top Ranked UK Bar
One Essex Court

Legal500 TOP TIER SET 2027

Contact Clerks



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