Sir Clive Freedman

Call: 1978 | Silk: 1997

cfreedman@7kbw.co.uk +44 (0)20 7910 8300

Sir Clive Freedman retired as a High Court Judge in 2025 and is now a full time arbitrator.

Practice at the Bar

Prior to 2018, Sir Clive was in practice as a barrister, latterly at 7KBW, for over 40 years and was appointed silk in 1997. Before joining 7KBW he was at Littleton Chambers where he was Head of Chambers between 2006 and 2013.

Sir Clive practised in a broad range of commercial law in the Chancery Division, the Commercial Court and the King's Bench Division. He was highly-rated in the professional directories for commercial dispute resolution, commercial fraud, arbitration, banking and professional negligence.

He was in many high-profile cases and was The Times' Lawyer of the Week. A large part of his work arose out of joint venture and commercial fraud in the CIS states following the break-up of the Soviet Union. He was called to the Bar in the BVI.

In addition to being a trial lawyer, he appeared on numerous occasions in the Court of Appeal. He also appeared in cases in the House of Lords and the Supreme Court.

Practice at the Bar in arbitration

As an advocate, a significant part of this practice was as an advocate in LCIA, LME, ICC and Stockholm Chamber of Commerce arbitrations and ad hoc arbitrations. Sir Clive also appeared in the High Court and the Court of appeal in challenges to enforcement of arbitral awards, and applications to have them set aside. He was ranked in Legal 500 as Counsel for international arbitration as counsel. He has written about arbitration appeals in the first and second editions of Burton on Civil Appeals.

Experience as a Judge relevant to arbitration

While a Judge of the King's Bench Division between 2018 and 2025, Sir Clive also sat regularly in the Chancery Division. He tried numerous trials, most of which were either about commercial law or were disputes relating to businesses. He was a deputy High Court Judge between 2003 and 2018. The cases which he tried include cases about banking and finance, employment, franchising, civil fraud, company and insolvency, insurance, injunctions (especially in private international law disputes) and challenges of arbitral awards. A list of representative cases tried by Sir Clive as a Judge appears below.

Sir Clive is a CEDR-accredited mediator.

Expertise

Arbitration

Star Pubs & Bars Limited and Punch Partnership (PTL) Limited v Aidan McGrath [2021] EWHC 1640 Chancery Division

Decision of an arbitrator upheld in a challenge by a pub owning business to an Award under the Pubs Code etc Regulations 2016 ("the Pubs Code") pursuant to s. 68 and s. 69 Arbitration Act 1996.

Sumner v Costa [2014] EWHC 96 (Deputy High Court Judge in the Chancery Division)

Applications under sections 68 and 69 of the Arbitration Act 1996 for permission to appeal and/or to set aside an arbitration award in a commercial rent review, together with an application to remove the arbitrator and for the arbitrator to pay the landlord's costs.

Banking & Finance

Bitar v Banque Libano-Francaise SAL King's Bench Division | [2023] EWHC 17 (KB)

Urgent one week trial in context of Lebanese banking crisis. Question whether Lebanese bank was obliged to pay the proceeds of its customer's account in US dollars outside Lebanon. Received expert evidence from eminent jurists about Lebanese banking law and practice.

Benyatov v Credit Suisse Securities (Europe) Ltd Queen's Bench Division | [2022] 4 W.L.R. 54 [2022] EWHC 135 (QB)

Three week trial brought by UK investment banker convicted of trade secret offences under Romanian law although no evidence of unlawful conduct under UK law. He sued the Bank unsuccessfully for negligence and in contract for his future loss of earnings arising from having been required to visit Romania in his employment and being exposed to an unfair and career destroying process.

Judgment upheld by the Court of Appeal CA [2023] EWCA Civ 140 who at para. 6 by Underhill LJ said that the judgment of Freedman J contained ""exemplary clarity and thoroughness".

Riley v National Westminster Bank Plc Chancery Division | [2023] EWHC 2401 (Ch)

A claim alleging fraudulent misrepresentation against a bank was barred by the terms of a prior settlement deed. Although the deed had not specifically compromised claims of fraud, the factual background to the deed included allegations of deliberate wrongdoing on the bank's part and the misrepresentations now alleged were caught by the wide wording of the deed.

Judgment was upheld by the Court of Appeal | [2024] EWCA Civ 833. At para.90, Bean LJ described the judgment of Freedman J as "meticulous and comprehensive".

Credit Capital Corp Ltd v Watson Queen's Bench Division [2021] EWHC 466 (QB) | 2 Mar 2021

A borrower failed to prove that the circumstances of a bridging loan on which he had defaulted gave rise to an unfair relationship under

7 King's Bench Walk
Temple, London EC4Y 7DS
United Kingdom

Email: seniorclerks@7kbw.co.uk
Telephone:+44 (0)20 7910 8300

the Consumer Credit Act 1974 s.140A and s.140B.

Commercial disputes regarding remuneration of commissions and fees

Matrix Receivables Ltd v Musst Holdings Ltd Chancery Division | [2024] EWHC 1495 (Ch) | 17 Jun 2024

A defendant's application for summary judgment on the claimant's claims for breach of contract or unjust enrichment was refused where there was a real prospect of success on each claim or some other compelling reason for the case to go to trial. Permission to appeal refused by the Court of Appeal.

Viarentis Property Management Ltd v Viagefi 1 Ltd King's Bench Division | [2023] EWHC 3316 (KB)

One week trial regarding moneys due under property management contracts involving numerous properties in France. Questions about contractual construction, breaches of duty and repudiation. Application for permission to appeal to Court of Appeal refused.

Horlick v Cavaco King's Bench Division | [2022] EWHC 2935 (KB)

One week trial regarding activities in Mozambique. Claim for success fee in respect of a funding transaction in respect of Mozambique. A Braganza duty to exercise a contractual discretion rationally could not be implied into an agreement appointing one company to act as an adviser in relation to a fundraising transaction such as to compel the client to enter into the transaction.

Musst Holdings Ltd v Astra Asset Management UK Ltd Chancery Division | [2021] EWHC 3432 (Ch)

Three week trial of claim for breach of contract concerning fees for effecting introductions to an investment fund manager. He case concerned the contractual definition of "Introduction" and raised issues such as novation and illegality. There was also a counterclaim for slander with specialist defamation counsel.

Judgment upheld by the Court of Appeal | [2023] EWCA Civ 128.

O'Neill v Avic International Corp (UK) Ltd Queen's Bench Division | [2019] EWHC 165 (QB)

Following a one week trial, claim based on alleged consultancy agreement said to be worth of tens of millions of dollars dismissed.

Injunctions-private International Law

Mex Group Worldwide Limited v Ford and others King's Bench Division [2024] EWHC 3243 (KB)

Finding of contempt in respect of breach of a worldwide freezing order including issues about alternative service in Luxembourg.

Transworld Payment Solutions UK Ltd (In Liquidation) v First Curacao International Bank NV Chancery Division | [2022] EWHC 2742 (Ch)

Forum non conveniens. The English court was the proper forum to determine claims against a bank incorporated in Curacao arising out of a missing trader intra-community fraud carried out in England and Wales, by English and Welsh companies, to defraud HMRC of substantial amounts of VAT, even though related proceedings by the bank had been underway for some years in Curacao.

Khalifeh v Blom Bank SAL Queen's Bench Division | [2021] EWHC 1502 (QB)

Application for anti-suit injunction requiring the defendant to withdraw proceedings in Lebanon was adjourned to be heard at the trial

7KBW

7 King's Bench Walk
Temple, London EC4Y 7DS
United Kingdom

Email: seniorclerks@7kbw.co.uk
Telephone:+44 (0)20 7910 8300

of the English proceedings because granting an interim, mandatory anti-suit injunction might have the effect of depriving the defendant of a defence in the English proceedings.

Various Airfinance Leasing Companies v Saudi Arabian Airlines Corp Queen's Bench Division (Commercial Court) | [2020] EWHC 3787 (Comm)

An interim injunction was granted to restrain disclosure of confidential information concerning a national airline's finances, negotiations and disputes. Applying the American Cyanamid principles, modified to take into account the flexibility required when considering an interference with the right to freedom of expression.

Les Ambassadeurs Club Ltd v Albluewi Queen's Bench Division | [2020] EWHC 1313 (QB) | 22 May 2020

A real risk of dissipation had not been established in relation to an application for a worldwide freezing order concerning a resident of Saudi Arabia who had significant connections with London and substantial interests in offshore structures outside Saudi where reciprocal enforcement was possible. There had also been material non-disclosure in relation to the value of a London property and the granting of cheque cashing facilities to the individual by the claimant casino, despite his poor payment history.

Injunctions (others, most with wide coverage in national newspapers)

Fitzwilliam Land Co v Cheesman Queen's Bench Division | [2018] EWHC 3139 (QB) | 16 Nov 2018

The operator of a fox hunt and the owners of the land on which the hunt took place were entitled to an interim injunction restraining protesters against the hunt from trespassing on the land used for it pending the trial of the operator/owners' action..(Wide coverage inn national newspapers).

Transport for London v Persons Unknown King's Bench Division | [2023] EWHC 1201 (KB)

The court granted Transport for London a five-year final injunction prohibiting certain forms of disruptive protest by named defendants and persons unknown in 23 locations across roads in Greater London, in response to protest actions of Just Stop Oil. The injunction struck a fair balance between protecting the protestors' rights to freedom of expression and assembly and the rights and freedoms of those who would be harmed by the protests.

Artcrafts International SPA (a company incorporated in the Italian Republic) v MOU Limited [2022] EWHC 3511 (KB)

2 day application giving injunction in favour of the claimant restraining termination of international distributorship agreement. The injunction led to the settlement of the dispute on terms said in a subsequent case to be favourable to the claimant.

Plymouth City Council [2023] unreported

Injunction against the Council in respect of tree felling in city centre. Injunction granted in the middle of the night and was very prominent in national newspapers.

Basingstoke and Deane BC v Loveridge King's Bench Division | [2024] EWHC 1828 (KB)

Early application of the effect of Supreme Court judgment on cases against persons unknown. Temporary extension granted in respect of injunction against persons unknown preventing unauthorised encampments and the depositing of controlled waste in breach of planning control. However, case would have to return to the Court with a more careful evaluation of factors including provision available for gypsies and travellers.

7KBW

7 King's Bench Walk
Temple, London EC4Y 7DS
United Kingdom

Email: seniorclerks@7kbw.co.uk
Telephone:+44 (0)20 7910 8300

Employment law

Smith v Revenue and Customs Commissioners [2023] I.C.R. 611; [2022] EWHC 3188 (KB)

Employees of HMRC had a contractual right to have their subscriptions to a trade union paid by means of "check-off" arrangements, involving deductions from pay via the payroll system, and the trade union was entitled to enforce the right to check-off under the Contracts (Rights of Third Parties) Act 1999.

Although decision was reversed by the Court of Appeal, it was reinstated by the Supreme Court [2024] UKSC 41.

Comberg v VivoPower International Services Ltd Queen's Bench Division | [2020] EWHC 2787 (QB)

Claim for wrongful dismissal upheld. A former chief executive officer was entitled to damages for wrongful dismissal. The defendants failed to show that they had been entitled to dismiss him in any event under the terms of his service agreement or for repudiatory breach.

Argus Media Ltd v Halim Queen's Bench Division | [2019] EWHC 42 (QB)

Following 8 day trial raising issues of construction of contract law and breach of contract, permanent injunctions were granted to enforce restrictive convenants. Rejection of claim for springboard relief. Judgment prepared over Christmas period due to urgency.

Birmingham City Council v Unite the Union Queen's Bench Division | [2019] EWHC 478 (QB)

Rejection of injunction to prevent a strike of refuse workers in Birmingham due to construction of the relevant industrial relations legislation.

Franchising

Ellis v John Benson Limited [2025] EWHC 2096 (KB)

3-4 week case on implied term of good faith in franchising contracts and whether breaches amounted to a repudiatory breach and termination of 17 franchise agreements.

Conspiracy, fraud and misfeasance in public office cases

Wilson v Department for Transport [2025] EWHC 1387 (KB)

3 week trial on malicious prosecution and misfeasance in public office and effect on a business in catalytic converters.

Denzil v Mohammed King's Bench Division | [2023] 4 W.L.R. 81; [2023] EWHC 2077 (KB)

Appeal against a decision of County Court Judge that a claim was not fundamentally dishonest where there was a false allegation of a minor head injury because this did not go to the root of the claim.

BES Commercial Electricity Ltd v Cheshire West and Chester Council Queen's Bench Division | [2022] EWHC 2162 (QB)

After 20 day trial, the court dismissed civil claims brought against a local authority by non-domestic energy . There were allegations of deliberate wrongdoing by the authority in its investigation into alleged fraudulent mis-selling resulted in the police obtaining and

7 King's Bench Walk
Temple, London EC4Y 7DS
United Kingdom

Email: seniorclerks@7kbw.co.uk
Telephone:+44 (0)20 7910 8300

executing search warrants and removing and retaining a large number of documents.

Application for permission to appeal to the Court of Appeal dismissed.

Pistachios in the Park Ltd v Sharn Panesar Ltd Queen's Bench Division | [2022] EWHC 2088 (QB)

Appeal from the County Court. In assessing damages in a claim of deceit where the claimants were induced by the defendants to enter into a franchise agreement, the judge had been entitled to reject the defence that the agreement had been terminated by the defendants for repudiatory breach.

Alesco Risk Management Services Ltd v Bishopsgate Insurance Brokers Ltd Queen's Bench Division | [2019] EWHC 2839 (QB)

Three week trial of a "team move" where a number of employees had moved between rival firms of insurance brokers. The court dismissed claims of lawful and unlawful means conspiracy, breach of contract, breach of fiduciary duty and inducement to breaches of contract, brought after brokers moved to the defendant rival firms.

National Crime Agency v Aziz (No.1) Queen's Bench Division (Administrative Court) | [2020] EWHC 3060 (Admin)

Grant of prohibition order under POCA as regards 50 vintage movie posters which the US Department of Justice alleged had been acquired with the proceeds of fraud. There were reasonable grounds for the Agency's belief that the posters might be needed in order to satisfy an order that might be made in civil forfeiture proceedings in the US.

Company and Insolvency

Garofalo v Crisp Chancery Division | [2024] EWHC 1737 (Ch)

Continuation of an interim injunction in an unfair prejudice petition to compel directors to resign and for the appointment of a new board based on reputational damage to alleged trading in breach of sanctions legislation. Case raised issues as to whether the Court should interfere with the internal management of a company in this way.

Akkurate Ltd v Richmond Chancery Division | [2023] EWHC 2392 (Ch)

Application to strike out a case based on a former director's alleged breach of a fiduciary duty to his company after its liquidation dismissed There was a real prospect of establishing that even though the director's office had ceased when the company was wound up, his continuing involvement in aspects of its management meant that he owed it continuing fiduciary obligations.

Ventura Capital GP Ltd v DNANudge Ltd Chancery Division | [2023] EWHC 1631 (Ch)

The question of whether an email gave rise to an obligation on the part of a venture capitalist company to subscribe to £40 million worth of shares in a medical and health technology company was not suitable for determination at summary judgment stage. A fuller investigation was required into the facts than was possible or permissible on summary judgment.

Insurance

Onyeari v Churchil Ltd King's Bench Division | [2024] EWHC 531 (KB)

Numerous applications raising issues about insurance law. Issues included whether a negligent employee could claim on an employer's liability insurance policy for public liability where it was his negligence which gave rise to the liability. Judgment of a County Court Judge rejecting the claim waw upheld on appeal.

7 King's Bench Walk
Temple, London EC4Y 7DS
United Kingdom

Email: seniorclerks@7kbw.co.uk
Telephone:+44 (0)20 7910 8300

Doyle v HDI Global Specialty SE King's Bench Division | [2023] EWHC 2722 (KB)

Appeal from County Court. In dismissing claims against a third party insurer arising from the allegedly negligent installation of cavity wall insulation, the judge had been entitled to find that they were bound to fail without reliable expert evidence and to refuse to grant a stay to allow the claimants to find a substitute expert where there were concerns about the ability of the appointed expert to undertake the work.

Colley v Shuker Queen's Bench Division | [2020] EWHC 3433 (QB)

Case about responsibility of the Motor Insurers' Bureau under EU law. It turned on whether the scope of the insurance obligation under Directive 2009/103 art.3 was a matter of EU law and was not determined by whether a vehicle was "uninsured" at the time of an accident in which a third-party victim sustained personal injuries. Motor Insurers' Bureau had to make good any shortfall between what should have been provided under EU law and what was actually provided as a result of the UK's non-compliance with the Directive.

Decision upheld by the Court of Appeal at [2022] 1 W.L.R. 2930; [2022] EWCA Civ 360 | 22 Mar 2022.

Land law

Nazir v Begum King's Bench Division | [2024] 1 W.L.R. 3612; [2024] EWHC 378 (KB)

The death of the registered owner of a property or that person's estate being in administration during an alleged period of adverse possession did not operate as a bar to a claim for adverse possession. Construction of meaning of the Land Registration Act 2002 Sch.6 para.12 referring to the property being subject to a trust.

Upheld by the Court of Appeal [2025] EWCA Civ 587.

Park v Hadi Queen's Bench Division | [2020] EWHC 2687 (QB) | 12 Oct 2020

Where parties to an oral contract changed the agreed terms so that a contract to assign a lease (which was required to be in writing) became a contract to buy the shares of the corporate tenant of the lease (which was not required to be in writing), that was not a contract variation but the replacement of one contract with a different type of contract.

Upheld by the Court of Appeal [2022] EWCA Civ 581 on a preliminary issue on relief from sanctions.

Costs

Boodia v Slade (t/a Richard Slade & Co) King's Bench Division | [2024] 1 W.L.R. 2084; [2023] EWHC 2963 (KB)

A term in a solicitor's retainer entitling it to deliver interim bills as statutory bills was sufficiently clear to be effective.

There was no requirement for the client's informed consent and it was not necessary to imply a duty to explain the legal consequences of the term.

Scout Association v Bolt Burdon Kemp LLP King's Bench Division | [2023] Costs L.R. 1803; [2023] EWHC 2575 (KB) | 17 Oct 2023

A solicitor acting under a conditional fee agreement (CFA) who sought to recover costs or disbursements from the defendant in their client's name was not acting beyond or outside their role as a solicitor so as to be at risk of a non-party costs order.

7 King's Bench Walk
Temple, London EC4Y 7DS
United Kingdom

Email: seniorclerks@7kbw.co.uk
Telephone:+44 (0)20 7910 8300

Miscellaneous

MTA v Lord Chancellor Kings Bench Division [2023] EWHC 117 (KB)

In respect of claims for damages under the Human Rights Act 1998 s.9(3) for allegedly unlawful detention arising from judicial acts, there was no blanket rule that it was abusive for a person to make a claim by way of originating process when the impugned order could and should have been appealed.

Decision upheld in the Court of Appeal | [2024] EWCA Civ 965.

Publications and lectures

Chapter on appeals in International Trade and Arbitration in Burton's Civil Appeals 1st and 2nd Editions

Wrote with David Hoffman. A part of the chapter was the particular ways of challenging an arbitral award, whether by appeal under section 69 of the Arbitration Act 1996 or under section 67 jurisdiction or section 68 of procedural irregularities. Also examined the procedures for challenge in various different international trade associations or models.

Have also contributed to books about franchising, security for costs and mediation.

Published articles in New Law Journal about cross-examination and about permission to appeal.

"Setting aside awards and judgments due to the fraud/public policy exception". Talk given in the British Virgin Islands and related talk to Commercial Fraud Lawyers Association and to European Bar Association in Berlin.

Spoke to the Northern Circuit Commercial Bar Association about "Exercising contractual discretions" in the light of Braganza.

Spoken recently to fellow High Court judges about "Recent developments in implied terms in employment law."

Appointments

Assistant Recorder 1997

Recorder 2000

Deputy High Court Judge 2003-2018

High Court Judge: 2018

Visiting professor – December 2025-January 2026 at the Hebrew University in Jerusalem on Private International Law from an English commercial law perspective. A course of about 15 lectures.

7 King's Bench Walk
Temple, London EC4Y 7DS
United Kingdom

Email: seniorclerks@7kbw.co.uk
Telephone:+44 (0)20 7910 8300

Qualifications

CEDR accredited mediator – When Counsel, appointed as mediator in commercial disputes.

7KBW

7 King's Bench Walk
Temple, London EC4Y 7DS
United Kingdom

Email: seniorclerks@7kbw.co.uk
Telephone:+44 (0)20 7910 8300