

Tim Jenns

Call: 2009 (New Zealand, 1998)

'Tim is a capable and intelligent barrister and has the benefit of a solicitor's experience. He is a pleasure to work with.'

Legal 500 2026



✉ tjenns@7kbw.co.uk ☎ +44 (0)20 7910 8300

Tim Jenns has extensive experience in cross-border commercial litigation and arbitration as a solicitor and barrister.

Tim has appeared as sole counsel in the Dubai International Financial Centre Court, the Commercial Court, the Chancery Division, the County Court, in international arbitration and has appeared as Junior in the Court of Appeal and the Supreme Court. His practice covers all areas of commercial law, including general commercial disputes, insurance and reinsurance, shipping and commodities, energy, civil fraud, banking and finance, jurisdiction/conflict of laws, professional negligence and discipline and sale of goods.

Tim joined 7KBW in October 2010. Before joining Chambers, Tim practised for 10 years as a solicitor and solicitor advocate in Clifford Chance LLP's award winning Capital Markets and Litigation departments in London. Prior to joining Clifford Chance, Tim was the Judge's Clerk to the Chief Justice of New Zealand, Dame Sian Elias.

Expertise

Banking & Finance

Selected cases:

- **Turner v Norton (Ch D)** – Acted for the Defendant as sole counsel in a successful contested application before the Chancery Division to set aside service out of the jurisdiction in Barbados on *forum conveniens*, failure of full and frank disclosure and other grounds.
- Acting with Rebecca Sabben-Clare KC for **Generali Investments Europe** in a claim for €25.5 million for an unperformed bond transaction cleared through the Clearstream multi-lateral settlement system.
- **DF Deutsche Forfait S.R.O. v Nasser Alaghband (Comm Court)** – acting for DF Deutsche Forfait S.R.O., a Czech company, in a claim for around US\$3.5 million under a Promissory Note, which was issued in London and governed by German law.

- **Scipion Active Trading Fund v Antartica AS (Comm Court)** – Acting for the Claimant fund operated by Scipion Capital, an investment manager specialising in self-liquidating short-term Commodity Trade Finance in Africa in a debt claim for sums due under a loan agreement. Successfully dismissing challenges by the Norwegian borrower to service and to the jurisdiction of the English Court.
- **Credit Agricole Corporate and Investment Bank v IKB** – Instructed as junior (led by Gavin Kealey KC, Alan Maclean KC (Brick Court), Paul Wright (Brick Court) and Michael Holmes) for Credit Agricole Corporate and Investment Bank in the dispute with the German Bank IKB arising out of the substantial investment banking transaction known as “Havenrock II”, whereby IKB sought to obtain liquidity support for its asset-backed commercial paper programme. The case involved allegations of fraud on the part of IKB inducing Credit Agricole and FGIC to enter into, respectively, a put-option and a master financial guarantee policy.
- Instructed by major retail clearing bank in relation to multiple interest rate hedging products mis-selling claims.
- Successful application in the Chancery Division as sole counsel for a permanent injunction restraining the presentation of a winding up petition against a major retail and commercial bank.

Civil Fraud

Selected cases:

- Advising a shipbroker in a claim under LCIA arbitration rules for US\$15 million unpaid commission in relation to the award of long term time charters and pipe laying contracts for bespoke off-shore pipe-laying vessels, involving complex factual and legal issues of civil fraud and illegality.
- Acting as sole counsel in LCIA arbitration in a dispute between three prominent Russian citizens and their beneficially owned companies regarding the failure of a joint venture to acquire Russian nitrogen industry assets. The case involves issues of jurisdiction.
- Advising as sole counsel on jurisdiction issues relating to proceedings commenced in London involving the alleged fraudulent importation of biodiesel from the US to Europe to evade customs duties.
- **The Brillante Virtuoso – Suez Fortune Investments v Talbot Underwriting and ors (Comm Court)** [2019] EWHC 2599 (Comm) – Acting with Peter MacDonald Eggers KC and Richard Sarll for the second claimant (the bank) in US\$85 million claim under a war risks policy arising out of damage caused to a vessel in an attack by armed men off Aden, Yemen. In stage one of the proceedings (quantum), the claimants successfully obtained a declaration from the Commercial Court that the vessel was a Constructive Total Loss. At Stage Two (liability), following a four month trial, the Court upheld the defendant war risks insurers’ allegations that the *Brillante Virtuoso* was wilfully destroyed with the connivance of the owner (but not the bank). The case is of legal interest for its analysis of the standard of proof in wilful misconduct cases, the construction of standard form war risk perils and ancillary issues including subsidiary and alternative defences such as breach of warranty.
- **Orb a.r.l and Ors v Ruhan** [2015] EWHC 262 (Comm); [2015] EWHC 830 (Comm); [2016] EWHC 850 (Comm), – Acting with Richard Waller KC for Mr Ruhan in complex US\$250 million multi-party civil fraud dispute. Tim, acting as sole counsel at a 2 day inter partes hearing, obtained orders against the Orb Parties (viz, the Claimants, the Fifth Party and the Seventh Party) for more detailed disclosure of information and documents, supported by a report from an independent accountant and a worldwide freezing injunction up to £67 million over the Orb Parties’ assets. At a 4-day hearing before Popplewell J in March 2016, Richard Waller KC, Tim Jenns and Michael Ryan successfully resisted the Orb Parties’ application to discharge the freezing injunction obtained by Tim Jenns and granted Mr Ruhan’s application for an unless order, that the Orb Parties give additional disclosure, for a proprietary injunction and continuation of the freezing injunction. The case is notable because of its value, the byzantine nature of the corporate structures involved and because it involves complex issues of knowing receipt, dishonest

assistance, breach of trust and fiduciary duty, conspiracy, restitution and tracing. The case settled in 2016, prior to the commencement of a 4-month trial.

- **Kakshouri v Jimenez and Cash** – Acting for Kevin Cash an entrepreneur involved with Charlton Athletic Football Club in a claim for over US\$1.7m in deceit for alleged fraudulent misrepresentations in relation to the potential redevelopment of the football club. The Claimant, Mr Khakshouri and the Defendants Messrs Jimenez and Cash are business associates. The Claimant alleges that he was induced by fraudulent misrepresentations made by the Defendants, via Mr Jimenez, to make a £2m loan to Charlton Football Club on the basis that he would make a very substantial profit on a potential redevelopment of the Club in the Greenwich Peninsula. Prior to trial, Tim Jenns acted as sole counsel for Mr Cash.

General Commercial Disputes

Selected cases:

- **FS Algarrobo Limited v Columbia Shipmanagement Ltd** – Acting with Richard Southern KC in a Commercial Court claim concerning alleged breaches of contract under 5 ship management agreements.
- **River Countess B.V. v MSC Cruise Management (MSC Opera)** – Acting as counsel for the Claimants in an Admiralty Court collision claim brought against the demise charterer of the “MSC Opera”, a cruise ship of 59,058 tons gross. The claimant suffered losses in excess of \$10 million and successfully established the recoverability of its claim under Italian law in a 2-day preliminary issues trial.
- Advising as sole counsel on jurisdiction issues relating to proceedings commenced in London involving the alleged fraudulent importation of biodiesel from the US to Europe to evade customs duties.
- Advising a major bank in a coverage dispute regarding a claim for indemnity exceeding £200m in respect of payments made to third party customers in settlement of claims for mis-selling of interest rate hedging products
- **Bassel Azzouz and ors v United Commercial Assurance SAL and United Insurance Brokers Ltd** – A US\$21 million Commercial Court claim under a political risk insurance policy brought by owners of a factory complex occupied by rebels in the Syrian Civil War.
- **The Brillante Virtuoso – Suez Fortune Investments v Talbot Underwriting and ors (Comm Court)** [2019] EWHC 2599 (Comm) – Acting with Peter MacDonald Eggers KC and Richard Sarll for the second claimant (the bank) in US\$85 million claim under a war risks policy arising out of damage caused to a vessel in an attack by armed men off Aden, Yemen. In stage one of the proceedings (quantum), the claimants successfully obtained a declaration from the Commercial Court that the vessel was a Constructive Total Loss. At Stage Two (liability), following a four month trial, the Court upheld the defendant war risks insurers’ allegations that the *Brillante Virtuoso* was wilfully destroyed with the connivance of the owner (but not the bank). The case is of legal interest for its analysis of the standard of proof in wilful misconduct cases, the construction of standard form war risk perils and ancillary issues including subsidiary and alternative defences such as breach of warranty.
- **Turner v Norton (Ch D)** – Acted for the Defendant as sole counsel in a successful contested application before the Chancery Division to set aside service out of the jurisdiction in Barbados on *forum conveniens*, failure of full and frank disclosure and other grounds.
- **Financial Reporting Council v Morgan, KPMG and others** – Acting with Rebecca Sabben-Clare KC for the Financial Reporting Council in disciplinary proceedings under the Accountancy Scheme against the Finance Director and auditors of a Lloyd’s motor syndicate with respect to issues arising out of the Syndicate’s provisions for its outstanding claims liabilities. Tim and Rebecca successfully obtained a finding of Misconduct against KPMG, two of its audit partners, and the syndicate’s Finance Director, and the imposition of sanctions against them.
- **Orb a.r.l and Ors v Ruhan** [2015] EWHC 262 (Comm); [2015] EWHC 830 (Comm); [2016] EWHC 850 (Comm); – Acting with

Richard Waller KC for Mr Ruhan in complex US\$250 million multi-party civil fraud dispute. Tim, acting as sole counsel at a 2 day inter partes hearing, obtained orders against the Orb Parties (viz, the Claimants, the Fifth Party and the Seventh Party) for more detailed disclosure of information and documents, supported by a report from an independent accountant and a worldwide freezing injunction up to £67 million over the Orb Parties' assets. At a 4-day hearing before Popplewell J in March 2016, Richard Waller KC, Tim Jenns and Michael Ryan successfully resisted the Orb Parties' application to discharge the freezing injunction obtained by Tim Jenns and granted Mr Ruhan's application for an unless order, that the Orb Parties give additional disclosure, for a proprietary injunction and continuation of the freezing injunction. The case is notable because of its value, the byzantine nature of the corporate structures involved and because it involves complex issues of knowing receipt, dishonest assistance, breach of trust and fiduciary duty, conspiracy, restitution and tracing. The case settled in 2016, prior to the commencement of a 4-month trial.

- ***Kakshouri v Jimenez and Cash*** – Acting for Kevin Cash, an entrepreneur involved with Charlton Athletic Football Club, in a claim for over US\$1.7m in deceit for alleged fraudulent misrepresentations in relation to the potential redevelopment of the football club. The Claimant, Mr Khakshouri and the Defendants Messrs Jimenez and Cash are business associates. The Claimant alleges that he was induced by fraudulent misrepresentations made by the Defendants, via Mr Jimenez, to make a £2m loan to Charlton Football Club on the basis that he would make a very substantial profit on a potential redevelopment of the Club in the Greenwich Peninsula. Tim Jenns acts as sole counsel for Mr Cash, who denies the allegations.
- ***BAT Industries Plc v Windward Prospects Ltd*** [2013] EWHC 4087 (Comm) – Acting with Gavin Kealey KC for B.A.T. Industries Plc against in a US\$250 million indemnity claim regarding B.A.T.'s exposure to claims to an American company regarding US environmental liabilities. Successfully defeated substantial jurisdiction application brought by the second defendant.
- ***Mar-Train Heavy Haulage Ltd v Shipping.DK Chartering A/S (t/a Frank & Tobiesen A/S)*** [2014] EWHC 355 (Comm) (jurisdiction challenge raising questions of agency under freight forwarding contract and the application of Article 23 of the EC Judgments Regulation).
- Instructed as sole counsel in a Chancery Court action to set aside a settlement agreement having been obtained by fraud.
- Instructed by the producers of the James Bond film 'Casino Royale' in a dispute with Pinewood Studios. The case involves the fire on set that was responsible for the destruction of the '007' stage at Pinewood Studios.

Insurance & Reinsurance

Selected cases:

- Advising insureds, insurers and reinsurers in several cases concerning the applicability of US, European and UK sanctions against Russia in the shipping and commodities sectors.
- Advising, with Richard Waller KC on an insurance claim arising out of multiple billion US-dollar losses in the United States.
- Advising, with Richard Waller KC excess of loss general liability insurers in relation to excess loss exposure exceeding US\$500 million. The case involves a host of novel construction issues under US law including application of self insured retentions, number of occurrences, coverage triggers, pollution exclusions, expected or intended and known loss exclusions, and allocation between different insurers and policy periods.
- Advising, with Richard Waller KC insurers of a political risk policy on a claim for US\$70 million regarding alleged expropriation of assets by the Russian authorities.
- Advising, with Noel Casey KC a reinsurer in the multi-billion pound Russian Aviation litigation.
- Acting with James Brocklebank KC in respect of a property damage and business interruption claim worth US\$60 million.

- Acting with James Brocklebank KC to advise insurers on coverage under a Professional Liability and Crime Insurance Policy, regarding a receivables lending fraud.
- Advising claimant investors on notification and aggregation issues in a complex £93 million High Court claim involving the alleged mis-selling of tax avoidance schemes.
- Advising a reinsurer on the application of a claims leader/follow clause in a policy of hull and marine insurance.
- Advising reinsurers under a policy of reinsurance covering political violence risks, relating to loss in Syria and raising issues of breach of warranty, notification and follow the fortunes.
- Instructed by various insurers engaged in an arbitration involving Russian sanctions issues to resist an application for a stay of proceedings pending the conclusion of the Commercial Court trial in the Russian aviation proceedings. The application was successfully defeated.
- Acting with Peter MacDonald Eggers KC for the owners and managers of a vessel in a claim for constructive total loss of a vessel seized by the Iranian authorities, valued at US\$49m, involving issues of sue and labour and US sanctions.
- Acting in a Bermuda arbitration with Richard Waller KC regarding multiple allegations of alleged medical negligence in a United States hospital involving hundreds of claims.
- Appearing in a Bermuda arbitration with Richard Waller KC regarding the reasonableness of a settlement of a United States medical negligence dispute.
- Appearing in a London arbitration with Peter MacDonald Eggers KC regarding a claim under a quota share reinsurance arrangement.
- Advising an insurance broker in a claim for professional negligence regarding a personal accident and death insurance policy.
- **Credit Agricole Corporate & Investment Bank; DVB Bank S.E.; Hamburg Commercial Bank AG v Beazley Furlonge Limited** (Comm Court) – Acting for the claimant banks in claims under mortgagee interest insurance (MII) policies regarding the confiscation of oil tankers by the Venezuelan government in response to US sanctions.
- Acting for an insurer in relation to a significant claim under a warranty and indemnity policy relating to the acquisition of a major care home group.
- Acting for an insurer in relation to multiple separate and interconnected claims brought by assureds under trade credit insurance policies arising out of the collapse of the Phoenix Commodities Group.
- Acting for an insured in a HKIAC arbitration regarding a claim under a trade credit insurance policy.
- Advising in a dispute regarding a claim under a Residual Value Insurance (RVI) policy in relation to two vessels.
- Advising a direct insurer, on its entitlement to indemnity under a catastrophe excess of loss reinsurance contract in respect of ongoing COVID-19 business interruption losses, in a claim worth over £100 million.
- Advising a major UK landlord in relation to its entitlement to indemnity under a real estate policy for business interruption losses suffered as a result of the Covid-19 pandemic.
- Advising a major bank in a coverage dispute regarding a claim for indemnity exceeding £200m in respect of payments made to third party customers in settlement of claims for mis-selling of interest rate hedging products
- **Bassel Azzouz and ors v United Commercial Assurance SAL and United Insurance Brokers Ltd** – A US\$21 million Commercial Court claim under a political risk insurance policy brought by owners of a factory complex occupied by rebels in the Syrian Civil War.
- Advising a global insurer and preparing papers for Anti-Suit Injunction re threatened third party direct claim in China brought against the insurer in relation to liability to the assured (ship-owner) in relation to a cargo claim (as sole counsel).
- **AIG Europe Ltd v Woodman** [2017] UKSC 18: Intervening on behalf of the Solicitors' Regulation Authority (SRA) in seminal

proceedings concerning the construction of the aggregation provisions in the MTC, which has gone to the Supreme Court. This important case determined for the first time the meaning of the aggregation provision in Clause 2.5 of the Minimum Terms and Conditions for Solicitors Professional Indemnity Cover. Intervened with David Edwards KC for the SRA before the Court of Appeal and before the Supreme Court.

- ***The Brillante Virtuoso – Suez Fortune Investments v Talbot Underwriting and ors (Comm Court)*** [2019] EWHC 2599 (Comm) Acting with Peter MacDonald Eggers KC and Richard Sarll for the second claimant (the bank) in US\$85 million claim under a war risks policy arising out of damage caused to a vessel in an attack by armed men off Aden, Yemen. In stage one of the proceedings (quantum), the claimants successfully obtained a declaration from the Commercial Court that the vessel was a Constructive Total Loss. At Stage Two (liability), following a four month trial, the Court upheld the defendant war risks insurers' allegations that the *Brillante Virtuoso* was wilfully destroyed with the connivance of the owner (but not the bank). The case is of legal interest for its analysis of the standard of proof in wilful misconduct cases, the construction of standard form war risk perils and ancillary issues including subsidiary and alternative defences such as breach of warranty.
- Acting with Dominick Kendrick KC in an arbitration concerning a US\$350 million property damage and business interruption claim in an offshore oil and gas field.
- Acting with Gavin Kealey KC in an complex insurance dispute for an insured with respect to its catastrophe cover against mass tort claims in the US and UK arising out of the use of medical devices. The case involved interesting issues of aggregation, US product liability law and FDA law and regulation.
- ***Cheshire Mortgage Corporation v CNA Insurance (Comm Court)*** – Acted as sole counsel in claim for indemnity under separate policies of professional indemnity and directors & officers liability insurance for defence costs incurred in relation to a regulatory enforcement action brought by the FSA in March 2010.
- ***Allianz Risk Transfer AG Dubai Branch -v- Al Ain Ahlia Insurance Company PJSC (DIFC Court)*** – Acted for Allianz as reinsurers in respect of property damage and business interruption claims arising out of the “Arab Spring” in Egypt. Appeared as sole counsel before the Dubai International Financial Centre Courts in a successful defence of a jurisdiction challenge involving novel issues of jurisdiction, forum non conveniens and the interrelationship between the DIFC Court and the United Arab Emirates Union Supreme Court. Acted as junior to Sioban Healy KC in 1 week trial in the DIFC Court in June 2014.
- Acted with Christopher Butcher KC in arbitration concerning the adequacy of notification under a solicitors' professional indemnity policy.
- Acted with Gavin Kealey KC in Bermuda Form arbitration concerning pollution damage in the United States.
- Acted with Gavin Kealey KC and Josephine Higgs on a US\$100 million Bermuda Form arbitration involving pharmaceutical products.
- Acted as junior to Gavin Kealey KC for insurers in a two week long SIAC arbitration in Singapore concerning material property damage and business interruption claims under a property all risks policy. Appeared as sole counsel at the preliminary hearing.

International Arbitration

Selected cases:

- Advising a shipbroker in a claim under LCIA arbitration rules for US\$15 million unpaid commission in relation to the award of long term time charters and pipe laying contracts for bespoke off-shore pipe-laying vessels, involving complex factual and legal issues of civil fraud and illegality.
- Acting as sole counsel in LCIA arbitration in a dispute between three prominent Russian citizens and their beneficially owned companies regarding the failure of a joint venture to acquire Russian nitrogen industry assets. The case involves issues of

jurisdiction.

- Acting as sole counsel in a back to back charterparty involving the failure of charterers to load a bespoke floating power plant cargo under a 2007 Heavycon time charter, involving issues of frustration allegedly caused by the impact of the Covid-19 pandemic in Singapore
- Acting with Dominick Kendrick KC in an arbitration concerning a US\$350 million property damage and business interruption claim in an offshore oil and gas field.
- Acting with Gavin Kealey KC in a complex insurance dispute for an insured with respect to its catastrophe cover against mass tort claims in the US and UK arising out of the use of medical devices. The case involved interesting issues of aggregation, US product liability law and FDA law and regulation.
- Acted with Christopher Butcher QC in arbitration concerning the adequacy of notification under a solicitors' professional indemnity policy.
- Acted with Gavin Kealey KC in Bermuda Form arbitration concerning pollution damage in the United States.
- Acted with Gavin Kealey KC and Josephine Higgs on a US\$100 million Bermuda Form arbitration involving pharmaceutical products.
- Acting for charterer under a time charter against Owners regarding a dispute concerning the detention of the vessel. Tim successfully obtained a worldwide freezing order from the Commercial Court against Owners restraining it from disposing of dealing with or diminishing its assets up to US\$2,500,000.
- Acting for intermediate charterer in back to back arbitrations concerning a complex multi-party dispute with claims and counterclaims regarding the alleged repudiation of charterparty and the alleged failure of an LNG carrier to pass a SIRE report. The case involves expert issues of market loss and SIRE inspections, and questions of repudiation remoteness of damage and mitigation.
- Acting for buyers in claim for defects in a series of fast crew transport vessels.

Shipping & Transport

Selected cases:

- ***Sahara v Sonara* [2024] EWHC 3163 (Comm)** – This was a commodities dispute regarding alleged claims for breach of contract for the purchase of crude oil. Tim appeared at the consequential issues hearing and successfully resisted an application by the Claimant to the trial judge for permission to appeal including on a limitation issue.
- Acting for owners in a safe ports claim involving an anchor dragging incident.
- Appearing with David Allen KC in a Singapore arbitration in relation to a claim for non-delivery of LNG under a sale and purchase contract involving issues of force majeure.
- Acting for a multinational utility company in a US\$15 million claim involving the non-delivery of cargo under a long-term off-take agreement because of disruption to the source of supply caused by Russia's invasion of Ukraine.
- Acting as sole counsel for a client trading in refined petroleum products, in a claim for short delivery of diesel, under an annual supply contract.
- Advising insureds, insurers and reinsurers in several cases concerning the applicability of US, European and UK sanctions against Russia in the shipping and commodities sectors.

- Acting for a shipbroker in an LMAA arbitration in a claim for unpaid commission.
- **Sunstone Bahamas Ltd & Ors v China Merchants Industry Holdings Co Ltd (Comm Court)** – Acting for CMIH in commercial court claims and cross claims worth around US\$50 million arising out of the construction and financing of specialist cruise ships.
- **FS Algarrobo Limited v Columbia Shipmanagement Ltd** – Acting with Richard Southern KC in a Commercial Court claim concerning alleged breaches of contract under 5 ship management agreements.
- **River Countess B.V. v MSC Cruise Management (MSC Opera)** – Acting as counsel for the Claimants in an Admiralty Court collision claim brought against the demise charterer of the “MSC Opera”, a cruise ship of 59,058 tons gross. The claimant suffered losses in excess of \$10 million and successfully established the recoverability of its claim under Italian law in a 2-day preliminary issues trial.
- Advising a shipbroker in a claim under LCIA arbitration rules for US\$15 million unpaid commission in relation to the award of long term time charters and pipe laying contracts for bespoke off-shore pipe-laying vessels, involving complex factual and legal issues of civil fraud and illegality
- Advising a global insurer and preparing papers for Anti-Suit Injunction re threatened third party direct claim in China brought against the insurer in relation to liability to the assured (ship-owner) in relation to a cargo claim (as sole counsel).
- Acting as sole counsel in a back to back charterparty involving the failure of charterers to load a bespoke floating power plant cargo under a 2007 Heavycon time charter, involving issues of frustration allegedly caused by the impact of the Covid-19 pandemic in Singapore.
- Advising on scope of coverage under P&I Club cover for contractual claims brought against a ship manager arising out of cargo damage.
- Acting as sole counsel for Owners in a claim involving late delivery under a time charter, this also involves cross claims for hire and bunkers.
- **The Brillante Virtuoso – Suez Fortune Investments v Talbot Underwriting and ors (Comm Court)** [2019] EWHC 2599 (Comm) Acting with Peter MacDonald Eggers KC and Richard Sarll for the second claimant (the bank) in US\$85 million claim under a war risks policy arising out of damage caused to a vessel in an attack by armed men off Aden, Yemen. In stage one of the proceedings (quantum), the claimants successfully obtained a declaration from the Commercial Court that the vessel was a Constructive Total Loss. At Stage Two (liability), following a four month trial, the Court upheld the defendant war risks insurers’ allegations that the *Brillante Virtuoso* was wilfully destroyed with the connivance of the owner (but not the bank). The case is of legal interest for its analysis of the standard of proof in wilful misconduct cases, the construction of standard form war risk perils and ancillary issues including subsidiary and alternative defences such as breach of warranty.
- **Dannebrog Rederei v Galana Petroleum Limited (Comm Court)** – instructed for Galana as sole counsel in a multi-party charterparty dispute involving issues of demurrage, contractual time-bar, seaworthiness and whether the alleged owner was party to the fixture recap.
- Acting as sole counsel for owners in a charterparty dispute involving allegations of unseaworthiness, failure to proceed with due dispatch, breach of speed and performance warranties and issues as to the recoverability of damages up the contractual chain including as to remoteness and causation.
- Acting with Peter MacDonald Eggers KC on a US\$100m+ constructive total loss claim.
- Acting with Peter MacDonald Eggers KC in a \$9m demurrage and detention claim regarding an alleged failure to discharge cargo over a 4 year period.
- Acted with Dominick Kendrick KC in three LMAA arbitrations for owners of crude oil tankers in claims totalling US\$37 million for unpaid hire under bareboat charterparties and parent company guarantees.
- Acting for charterer under a time charter against Owners regarding a dispute concerning the detention of the vessel. Tim

successfully obtained a worldwide freezing order from the Commercial Court against Owners restraining it from disposing of dealing with or diminishing its assets up to US\$2,500,000.

- Instructed as junior to Richard Southern KC in an arbitration demurrage claim concerning the proper application of US law.
- Drafting section 69 Arbitration Act appeal papers in charterparty dispute concerning the scope of equitable set off.
- Drafting arbitration submissions and advising on merits in relation to complex demurrage/detention/*quantum meruit* claims concerning the arrest of a vessel.
- Instructed as junior to Stephen Hofmeyr KC in arbitration concerning the NIPPONSALE Form 1999.
- Instructed in arbitration shipbuilding dispute raising issues of total failure of consideration.
- Instructed as junior to Stephen Hofmeyr KC in arbitration shipbuilding dispute regarding whether the vessels were in a deliverable condition.
- Instructed as junior to Robert Bright KC in two arbitration shipbuilding disputes.
- Instructed as counsel in SIAC arbitration shipbuilding dispute. Appeared as sole counsel at two preliminary hearings.
- Instructed as sole counsel in an arbitration for a commodity trader and purchaser for non-delivery of cargo, involving issues concerning the timing and measure of the market price.
- Instructed for a global commodity trader in an action concerning contempt, committal and sequestration orders and a challenge to the jurisdiction of the English Court on the grounds of invalid service.

Energy

Selected cases:

- Acting for an oil company in a dispute regarding payments due under a decommissioning agreement in relation to a North Sea oil field
- Advising a shipbroker in a claim under LCIA arbitration rules for US\$15 million unpaid commission in relation to the award of long term time charters and pipe laying contracts for bespoke off-shore pipe-laying vessels, involving complex factual and legal issues of civil fraud and illegality
- Acting as sole counsel in LCIA arbitration in a dispute between three prominent Russian citizens and their beneficially owned companies regarding the failure of a joint venture to acquire Russian nitrogen industry assets. The case involves issues of jurisdiction.
- Advising Gazprom in an \$18 million dispute regarding claim made against it as seller of allegedly defective crude oil, contract governed by English law and London arbitration.
- Acting with Dominick Kendrick KC in an arbitration concerning a U\$350 million property damage and business interruption claim in an offshore oil and gas field.

Jurisdiction/Conflict of Laws

Selected cases:

- **Zouari v Paixao** [2024] EWHC 3298 (KB) – Tim represented the Claimant/Respondent in this jurisdiction challenge. The Claimant issued proceedings in Portugal against the Defendant and others claiming specific performance and contractual damages in relation to a failed property transaction in Portugal. The Defendant, a Portuguese citizen resident in England, avoided service of process of the Portuguese claim and so the Claimant commenced proceedings against her in England in the tort of conspiracy and unjust enrichment. The Defendant applied for a declaration that the English Court did not have jurisdiction and to strike out the Claim on the grounds of forum non conveniens and/or abuse of process because there were already parallel proceedings in Portugal which was the proper forum for the dispute. In the alternative, the Defendant sought a stay of proceedings pending conclusion of the Portuguese proceedings. After the application was made, and the Claimant had accepted service of the Portuguese claim, the Claimant offered to agree a stay of proceedings. That was not accepted. At the hearing, the Defendant’s applications to strike out the Claim for want of jurisdiction and for abuse of process were dismissed. The Court agreed with the Claimant that, applying the guidance set out in *Município de Mariana v BHP Group plc* [2022] EWCA Civ 951, this was not a clear and obvious case warranting the Claim being struck out on the grounds of abuse of process. The Defendant’s alternative application for a stay of proceedings was granted, on the ground that the Portuguese Court was the proper forum to hear the dispute. The judgment is of interest for its discussion of abuse of process and the requirement there be an “available” foreign forum to hear the claim.
- Advising as sole counsel on jurisdiction issues relating to proceedings commenced in London involving the alleged fraudulent importation of biodiesel from the US to Europe to evade customs duties.
- Acting as sole counsel in LCIA arbitration in a dispute between three prominent Russian citizens and their beneficially owned companies regarding the failure of a joint venture to acquire Russian nitrogen industry assets. The case involves issues of jurisdiction.
- Advising a global insurer and preparing papers for Anti-Suit Injunction re threatened third party direct claim in China brought against the insurer in relation to liability to the assured (ship-owner) in relation to a cargo claim (as sole counsel)
- **Turner v Norton (Ch D)** – Acted for the Defendant as sole counsel in a successful contested application before the Chancery Division to set aside service out of the jurisdiction in Barbados on *forum conveniens*, failure of full and frank disclosure and other grounds.
- **Mar-Train Heavy Haulage Ltd v Shipping DK Chartering A/S (t/a Frank & Tobiesen A/S)** [2014] EWHC 355 (Comm) (jurisdiction challenge raising questions of agency under freight forwarding contract and the application of Article 23 of the EC Judgments Regulation).
- **BAT Industries Plc v Windward Prospects Ltd** [2013] EWHC 4087 (Comm) acting with Gavin Kealey KC for B.A.T. Industries Plc against in a US\$250 million indemnity claim regarding B.A.T.’s exposure to claims to an American company regarding US environmental liabilities. Successfully defeated substantial jurisdiction application brought by the second defendant.
- **Habas Sinai Ve Tibbi Gazlar Istihsal Endustrisi v VSC Steel Co Ltd** [2013] EWHC 4071 (Comm) (jurisdiction challenge to arbitration award, applicable law, sale of goods (steel)).
- **Allianz Risk Transfer AG Dubai Branch -v- Al Ain Ahlia Insurance Company PJSC (DIFC Court)** – Acted for Allianz as reinsurers in respect of property damage and business interruption claims arising out of the “Arab Spring” in Egypt. Appeared as sole counsel before the Dubai International Financial Centre Courts in a successful defence of a jurisdiction challenge involving novel issues of jurisdiction, forum non conveniens and the interrelationship between the DIFC Court and the United Arab Emirates Union Supreme Court.
- Acting as junior (led by Simon Picken QC) in successful application to the Commercial Court for an interim anti-suit injunction and anti-anti suit injunction for breach of arbitration agreement, involving complex issues concerning the status of the claimant company’s judicial managers.
- Acting as junior (led by David Bailey KC) in successful application to the Commercial Court for a final anti-suit injunction for

breach of arbitration agreement.

Commodities

Selected cases:

- Acting in Singapore and Hong Kong arbitrations for an LNG commodity trader in claims regarding the non-delivery of cargo, raising issues of force majeure.
- Acting for insureds and insurers in significant trade commodities insurance disputes (see under **Insurance & Reinsurance** above)
- Advising a shipbroker in a claim under LCIA arbitration rules for US\$15 million unpaid commission in relation to the award of long term time charters and pipe laying contracts for bespoke off-shore pipe-laying vessels, involving complex factual and legal issues of civil fraud and illegality.
- Acting as sole counsel in LCIA arbitration in a dispute between three prominent Russian citizens and their beneficially owned companies regarding the failure of a joint venture to acquire Russian nitrogen industry assets. The case involves issues of jurisdiction.
- Advising Gazprom in an \$18 million dispute regarding claim made against it as seller of allegedly defective crude oil, contract governed by English law and London arbitration.
- Acting with Dominick Kendrick KC in an arbitration concerning a US\$350 million property damage and business interruption claim in an offshore oil and gas field.
- *Habas Sinai Ve Tibbi Gazlar Istihsal Endustrisi v VSC Steel Co Ltd* [2013] EWHC 4071 (Comm) (jurisdiction challenge to arbitration award, applicable law, sale of goods (steel)).
- *Impala Warehousing and Logistics (Shanghai) Co. Ltd v CITIC Australia Commodity Trading / Wanxiang Resources (Singapore) PTE Ltd* – Acting for Impala in relation to an alleged commodities fraud regarding valuable metals warehoused in China. Tim Jenns and Dominick Kendrick KC and Tim Jenns and Simon Picken QC representing Impala successfully obtained anti-suit injunctions from the Commercial Court against CITIC and Wanxiang restraining them from prosecuting proceedings in China. Impala was awarded its costs against Wanxiang on an indemnity basis at an ex parte on notice hearing.
- Instructed as sole counsel in an arbitration for a commodity trader and purchaser for non-delivery of cargo, involving issues concerning the timing and measure of the market price.
- Instructed for a global commodity trader in an action concerning contempt, committal and sequestration orders and a challenge to the jurisdiction of the English Court on the grounds of invalid service.

Professional Negligence and Discipline

- Acting for the Financial Reporting Council in a disciplinary investigation under the Audit Enforcement Proceeding against the auditors of a UK plc which collapsed amidst allegations of fraud
- Acting for the Financial Reporting Council in a disciplinary investigation under the Accountancy Scheme and Audit Enforcement Proceeding against the former CFO of a UK Plc and its auditors.
- *Financial Reporting Council v Morgan, KPMG and others* Acting with Rebecca Sabben-Clare KC for the Financial Reporting Council in disciplinary proceedings under the Accountancy Scheme against the Finance Director and auditors of a Lloyd's motor

syndicate with respect to issues arising out of the Syndicate's provisions for its outstanding claims liabilities. Tim and Rebecca successfully obtained a finding of Misconduct against KPMG, two of its audit partners, and the syndicate's Finance Director, and the imposition of sanctions against them.

- Preparing as sole counsel submissions on behalf of two clients in professional negligence claims brought against an attorney in the Bahamas arising out of failed property transactions.

Education

Qualifications and prizes

Barrister and solicitor of the High Court of New Zealand, 1998

Solicitor of the Senior Courts of England and Wales, 2001

Solicitor Advocate (All Higher Courts), 2005

Called to the English Bar, 2009

Authorised to appear before the Dubai International Financial Centre Courts, 2012

University of Auckland, New Zealand: BA / LLB (Hons) (1998) – Tim was awarded the Senior Prize in Law (1997), given to the top 5% of graduating law students

Lady Margaret Hall, Oxford: Bachelor of Civil Law (Distinction) (2006) – Tim was awarded the Allen & Overy Prize (2006) for the best examination performance in Global Comparative Financial Law

Prior employment experience

Clifford Chance LLP, London (2002 – 2010) Associate and Senior Associate, Litigation, Arbitration and Regulatory Group

Clifford Chance LLP, London (2000 – 2002) Associate, Capital Markets, Corporate Finance Trusts Group

Chief Justice of New Zealand (1999 – 2000) Judge's Clerk to the Rt. Hon. Dame Sian Elias

High Court of New Zealand (1998 – 1999) Judge's Clerk to Judges and Masters of the High Court of New Zealand

University of Auckland (1999) Tutor in Criminal Law