



Hamid Khanbhai

Call: 2011

+442078222000 h.khanbhai@4newsquare.com

Clerk: Alex Dolby

a.dolby@4newsquare.com

+442078222036 +447912495151



Hamid Khanbhai is developing a broad practice across all areas of Chambers' work, with an emphasis on commercial dispute resolution (including international arbitration) and professional liability.

Hamid has appeared, both as sole and junior counsel, in the High Court and the county courts. He has experience of large-scale multi-party litigation. He enjoys working on his own as well as part of a team, and strives to pursue an approach that meets his clients' commercial requirements.

Hamid is a member of COMBAR.

Commercial: Hamid has experience of commercial litigation and arbitration encompassing a wide variety of domestic and international disputes. He has particular expertise in insurance and reinsurance disputes, as well as matters raising issues of the conflicts of law and jurisdiction. Hamid also has experience of construction disputes, shipping disputes (charterparties, ship registration and mortgages), sale of goods disputes and civil fraud.

Professional Liability: Hamid has experience of claims for and against professionals including solicitors, surveyors, accountants and auditors, and insurance brokers & agents.

Publications

Hamid contributed a feature article in the Butterworths Journal of International Banking and Financial Law on the Court of Appeal decision in *Fortress Value Recovery Fund v Blue Skye Special Opportunities Fund* [2013] EWCA Civ 367; [2013] 2 All ER (Comm) 315; [2013] 1 Lloyd's Rep 606. The article is "Stormy skies: uncovering the problems of section 8 of the Contracts (Rights of Third Parties) Act 1999" B.J.I.B. & F.L. 2013, 28(7), 421-423.

Hamid has also written for Insurance Law Monthly and Law in Sport.

Privacy Policy

Click here for a **Privacy Policy** for Hamid Khanbhai.

Areas of Expertise

Insurance & Reinsurance

Hamid has a deep interest in insurance and reinsurance work. He has expertise in large-scale insurance and reinsurance disputes involving issues such as coverage, aggregation, avoidance for material non-disclosure and misrepresentation.



He is familiar with a wide range of contracts of insurance, including cover for directors & officers; public authority officials; material damage and business interruption; marine risks (hull, cargo); K&R; political risks; and professional indemnity. He has experience of facultative reinsurance as well as both proportional and non-proportional treaty reinsurance.

Recent work includes:

- Advising an insurer under an excess layer of professional indemnity insurance about avoidance and/or repudiation of liability on the basis of material non-disclosure, misrepresentation, breach of warranty, contractual exclusions, and/or a condition precedent to liability.
- Coverage advice in the context of a multi-layered excess of loss primary insurance providing, amongst other things, D&O cover to a multi-national bank facing a US\$60 million claim under section 90 of FSMA in respect of allegations of untrue / misleading statements and/or omissions in a prospectus to a rights issue. The top layer of the tower included D&O cover written on a Bermuda Form.
- Advice on aggregation provisions in a policy of insurance covering civil liability to a multi-national bank that was facing claims amounting to some US\$ 100m. The underlying claims arose out of alleged mis-selling of Knock-In Knock-Out Options for foreign currency hedging.
- Coverage and notification issues in relation to a policy of Public Authority Officials Indemnity Insurance in the context of a £20-million claim arising out of a public procurement process.
- Acting, with Justin Fenwick QC and Graham Chapman QC, for a multi-national reinsurer in a £10-million claim for breach of an alleged success fee agreement which raised issues of actual/apparent agency, formation of contract (in particular the intention to create legal relations), waiver, and breach of fiduciary duty. The action was compromised on favourable terms for the reinsurer shortly before trial.

Hamid was invited by David Turner QC to be one of four speakers in a reinsurance seminar in Dubai. Hamid spoke on the liability of a Lloyd's placing broker to a local-market (a) cedant and (b) producing broker.

Commercial Dispute Resolution

Hamid enjoys diversity in his commercial practice. Amongst other contractual disputes, he is familiar with claims under share sale agreements; time, voyage and trip time charterparties; contracts for the sale of goods; and contracts of guarantee. His clients include banks, hedge funds, private equity firms, and large manufacturers.

Recent work includes:

Share Sale Agreements:

Acting with Graham Chapman QC and George Spalton for the claimant purchaser bringing a US\$40-million claim for breach of warranty arising out of a leveraged buy-out.

Maritime:

Acting for Charterers in an LMAA arbitration involving a dispute over a voyage charter on an amended Gencon 94 form.

International Sale of Goods:

Acting for a Turkish conglomerate in relation to a claim for the price and a counterclaim for defective goods.

Advising the seller on questions of jurisdiction, applicable law, and the relevance of the United Nations Convention on Contracts for the Sale of International Goods 1980.

IT:

Drafting Reply Submissions for an LCIA arbitration in relation to a contractual dispute arising out of the provision of SEO services and pay-per-click advertising campaigns.



NEW SQUARE

International Arbitration

Hamid has an interest in international arbitration work, whether the underlying dispute is a marine dispute, a construction dispute, or any other commercial dispute. His expertise in private international law is of particular help in this practice area.

Recent work includes:

- Drafting Reply Submissions for a commercial agent of the manufacturer of jet engines in relation to a dispute with the manufacturer over unpaid 'success fees' that accrued as a result of the agent facilitating sales of engines, amongst other things.
- Advice in relation to dispute to be referred to arbitration for damages of some £40 million, in connection with foreign construction projects.
- Acting for the mortgagee of a vessel seeking declaratory relief in circumstances where the vessel had been arrested in a foreign jurisdiction.
- Assisting with drafting submissions for an arbitration of a £100-million dispute about the true interpretation of payment terms in a construction contract to provide a berthing facility for submarines.

LexisNexis recently commissioned Hamid to draft precedents in the area of International Arbitration for its LexisPSL Arbitration service.

Professional Liability

Hamid's professional liability experience covers the range of Chambers work. This includes claims against insurance brokers and agents; surveyors and valuers; accountants and auditors; as well as solicitors and barristers.

Recent work includes:

- Acting with Nick Bacon QC and others for the claimants in the multi-million pound Right to Buy Litigation.
- Acting in relation to a multi-million pound dispute involving a commercial conveyance and construction project in which Rights of Light issues arose. Led by Rick Liddell.
- A multi-million pound claim involving alleged negligence in relation to the valuation of a vacant cold store.
- Acting for the defendant solicitors in a £1.5m negligence claim which arose out of a loan transaction whereby funding for a buy-to-let portfolio (of some £80m) was secured as a second charge over some portfolio properties in circumstances where the first charge was not limited by a deed of priority. Led by Carl Troman.
- Acting with Justin Fenwick QC in *Feltham v Freer Bouskell* [2013] EWHC 1952 (Ch), the latest in the line of *White v Jones* authorities, and the first case to address the question of whether the judge must approach findings of fact in relation to the hypothetical actions of the testator on the basis of (i) a balance of probabilities or (ii) on the basis of there being a substantial and non-speculative chance of the testator acting in a given way.

Construction & Engineering

Hamid is developing an interest and profile in construction work. Recently he has assisted in relation to:

- A threatened international arbitration for damages of some £40 million, in connection with foreign construction projects.
- Drafting submissions for an arbitration of a £100-million dispute about the true interpretation of payment terms in a construction contract to provide a berthing facility for submarines.

Costs

Hamid is developing an interest and profile in costs work. He has experience of a wide variety of costs hearings, including detailed assessments and appeals from provisional assessments. Recent instructions include:

- Advising a major lender on matters of principle that might affect its possible costs exposure arising out of a large number of actual and possible PPI claims.



NEW SQUARE

- Advising a lender on matters of principle relevant to a detailed assessment in the Supreme Court Costs Office of the costs of an appeal to the Supreme Court.
- Acting on behalf of a successful claimant (and the claimant's ATE insurers) in appeals of provisional assessments in which the ATE premium has been held to be wholly or partly irrecoverable.

Chancery

Hamid's commercial cases often have elements of chancery work. Recent instructions include breach of directors duties, breach of fiduciary duties, asset tracing, and proprietary claims.

Hamid also has experience of more traditional chancery work including instructions

- on behalf of mortgagees and receivers to deal with a variety of mortgage-related claims.
- on the construction and rectification of wills.
- arising out of the administration of estates.

Qualifications & Memberships

Hamid received a 1st in Modern Languages (French and Spanish) from Magdalen College, Oxford. He was appointed to the William Alexander Fleet Fellowship at Princeton before returning to Magdalen to read History as a graduate. Before coming to the Bar, Hamid taught naturalistic drawing and oil painting in Florence.

At Oxford, Hamid was a William Doncaster Scholar, Heath Harrison Scholar, and winner of the Anglo-Spanish Society Prize. After receiving a distinction in the GDL at City University, Hamid was called to the Bar at the Inner Temple where he was a Scholar and Exhibitioner.

Education – B.A. (Oxon), M.St. (Oxon), Dip. Law (City).

Languages – French, Spanish and Italian