

ESSEX COURT CHAMBERS

BARRISTERS



BENEDICT TOMPKINS

Call: 2016
btompkins@essexcourt.com

24 Lincoln's Inn Fields, London WC2A 3EG, UK
T +44 (0)20 7813 8000 | F +44 (0)20 7813 8080
DX 320 Chancery Lane
E teamarb@essexcourt.com

PROFESSIONAL PRACTICE

Benedict has a broad commercial litigation and arbitration practice. He has particular experience in banking, civil fraud, private international law (including freezing injunctions), public international law (including immunity issues), shipping, and general commercial disputes. He also has an impressive investment arbitration practice, representing both investors and host states.

Benedict has acted in proceedings in the High Court (Commercial Court, Financial List and QBD), Court of Appeal, and Supreme Court, as well as in the County Courts and the Employment Tribunal. In addition to led work, Benedict has appeared as sole advocate in the Commercial Court, and in a number of general commercial County Court trials and applications.

In arbitration, he has appeared in or advised on proceedings under the ICSID, ICC, LCIA, HKIAC, SIAC, LMAA and UNCITRAL Rules, seated both in London and abroad. Benedict has also sat as arbitrator in a London-seated ICC arbitration.

Highlights of Benedict's recent or current work include acting: (i) for the primary defendant in *Suppipat v Narongdej* (Commercial Court), a \$2 billion multi-party fraud claim arising out of the sale of Thailand's largest renewable energy firm; (ii) for Oceanwood in *Cyrus Opportunities Master Fund II, Ltd v Oceanwood Opportunities Master Fund*, Financial List proceedings raising issues under the Market Abuse Regulation in relation to the trading of debt securities, (iii) for the Republic of India in *Vedanta Resources Ltd v India*, a multi-billion dollar claim alleging breaches of an investment treaty by way of a taxation measure, and (iv) as sole counsel for the French Republic in *Buttet v Ambassade de France au Royaume-Uni*, successfully asserting state

immunity in respect of a claim by a former security contractor at the French embassy to the United Kingdom.

Prior to joining Essex Court Chambers Benedict qualified in New Zealand, where he prosecuted serious criminal cases before moving to commercial practice. He has appeared both led and un-led in the New Zealand courts. He tutors in international commercial arbitration at King's College London.

He graduated first in his year from the Universities of Auckland and Cambridge.

AREAS OF EXPERTISE

- Arbitration & related court applications
- Banking & financial services
- Civil fraud & asset recovery
- Commercial chancery disputes
- Commercial dispute resolution
- Conflict of laws & private international law
- Employment
- Energy & natural resources
- Injunctions
- Insurance & reinsurance
- International commercial arbitration
- Investment treaty disputes
- Media, art, entertainment
- Mediation
- Professional negligence
- Public international law
- Revenue law (including VAT, IPT, duties & excise)
- Shipping & admiralty
- Unjust enrichment & restitution claims

ARBITRATION & RELATED COURT APPLICATIONS

Appointed as sole arbitrator in an international contractual / insurance dispute (ICC, London seat, 2019–2020)

ASA v TL [2020] EWHC 2270 (Comm): counsel for the claimant in an application under s 68 of the Arbitration Act 1996

Vedanta Resources Ltd v India PCA Case No. 2016-05 (2019–present): counsel for the Republic of India in a multi-billion dollar claim alleging breaches of an investment treaty by way of a taxation measure

Investor v State (UNCITRAL, London seat, 2019–present): counsel for an Indian investor in respect of claims under a BIT arising from the termination of a government lease

Claimant v Defendant (Commercial Court, 2018): appeared as junior and sole counsel for the applicant in a successful application for a freezing injunction under s 44 of the Arbitration Act 1996, in support of an LMAA arbitration

Wemade Co., Ltd v Lansha Information Technology (Shanghai) Co., Ltd (Singapore seats, 2018–present): appearing for and advising a leading PRC gaming company and its affiliates in related ICC and SIAC arbitrations concerning the licensing of gaming software in China.

Investor v State (UNCITRAL, London seat, 2017–present): counsel for a Middle Eastern investor in an arbitration under the OIC Agreement

World Wide Minerals Ltd v Republic of Kazakhstan (UNCITRAL, London seat, 2017–2018): instructed on behalf of the respondent State in a \$1.5 billion BIT claim brought by an investor in the uranium mining sector

Advised prospective claimants in relation to a prospective ICSID / UNCITRAL claim arising out of the expropriation of a copper concession

Claimant v Respondent (HKIAC, 2018): acted for the respondent in an arbitration in the pharmaceuticals / life sciences sector

Claimant v Respondent (LCIA, 2017): acted for the claimant in an arbitration arising out of the marketing of luxury motor yachts

BANKING & FINANCIAL SERVICES

Cyrus Opportunities Master Fund II, Ltd v Oceanwood Opportunities Master Fund (Financial List, 2019): counsel for Oceanwood in proceedings raising issues under the Market Abuse Regulation in relation to the trading of debt securities (settled shortly before trial)

Advised a PRC issuer of a series of bonds on potential conflicts of interests affecting the bond trustee in connection with claims by bondholders in the Hong Kong courts

CIVIL FRAUD & ASSET RECOVERY

Suppipat v Narongdej (Commercial Court, 2020–present): counsel for the primary defendant in a \$2 billion multi-party fraud claim arising out of the sale of Thailand’s largest renewable energy firm

Advised the claimant party in a civil fraud dispute on jurisdiction in respect of anti-suit injunctions against Cypriot and Russian parties in support of London arbitration agreements

COMMERCIAL DISPUTE RESOLUTION

Instructed as sole counsel in a number of County Court trials and applications. Examples include acting for Harrow School in defending a claim brought by a former parent, and for the successful defendant in a claim by a firm of City Solicitors for unpaid fees

CONFLICT OF LAWS & PRIVATE INTERNATIONAL LAW

Claimant v Defendant (Queen’s Bench Division, 2018): acted for the claimant in an urgent application for interim prohibitive and mandatory injunctive relief relating to the misuse of confidential information in the nuclear sector, which involved complex questions of jurisdiction in respect of interim relief under the Judgments Regulation

Advised the claimant party in a civil fraud dispute on jurisdiction in respect of anti-suit injunctions against Cypriot and Russian parties in support of London arbitration agreements

EMPLOYMENT

Efobi v Royal Mail Group Ltd UKSC 2019/0068: junior counsel acting pro bono for the appellant in an appeal to the Supreme Court raising novel issues in relation to the burden of proof in discrimination claims

Buttet v Ambassade de France au Royaume-Uni ET 2204921/2012 (2019): appeared as sole counsel for the French Republic in a successful assertion of state immunity in respect of a claim by a former security contractor at the French embassy to the United Kingdom

INJUNCTIONS

Claimant v Defendant (Commercial Court, 2018): appeared as junior and sole counsel for the applicant in a successful application for a freezing injunction under s 44 of the Arbitration Act 1996, in support of an LMAA arbitration

Claimant v Defendant (Queen's Bench Division, 2018): acted for the claimant in an urgent application for interim prohibitive and mandatory injunctive relief relating to the misuse of confidential information in the nuclear sector, which involved complex questions of jurisdiction in respect of interim relief under the Judgments Regulation

Appeared as sole counsel for the claimant in a successful application for an urgent interim mandatory injunction requiring access to a commercial office premises

Advised the claimant party in a civil fraud dispute on jurisdiction in respect of anti-suit injunctions against Cypriot and Russian parties in support of London arbitration agreements

INTERNATIONAL COMMERCIAL ARBITRATION

Appointed as sole arbitrator in an international contractual / insurance dispute (ICC, London seat, 2019–2020)

ASA v TL [2020] EWHC 2270 (Comm): counsel for the claimant in an application under s 68 of the Arbitration Act 1996

Claimant v Defendant (Commercial Court, 2018): appeared as junior and sole counsel for the applicant in a successful application for a freezing injunction under s 44 of the Arbitration Act 1996, in support of an LMAA arbitration

Wemade Co., Ltd v Lansha Information Technology (Shanghai) Co., Ltd (Singapore seats, 2018–present): appearing for and advising a leading PRC gaming company and its affiliates in related ICC and SIAC arbitrations concerning the licensing of gaming software in China.

Claimant v Respondent (HKIAC, 2018): acted for the respondent in an arbitration in the pharmaceuticals / life sciences sector

Claimant v Respondent (LCIA, 2017): acted for the claimant in an arbitration arising out of the marketing of luxury motor yachts

INVESTMENT TREATY DISPUTES

Vedanta Resources Ltd v India PCA Case No. 2016-05 (2019–present): counsel for the Republic of India in a multi-billion dollar claim alleging breaches of an investment treaty by way of a taxation measure

Investor v State (UNCITRAL, London seat, 2019–present): counsel for an Indian investor in respect of claims under a BIT arising from the termination of a government lease

Investor v State (UNCITRAL, London seat, 2017–present): counsel for a Middle Eastern investor in an arbitration under the OIC Agreement

World Wide Minerals Ltd v Republic of Kazakhstan (UNCITRAL, London seat, 2017–2018): instructed on behalf of the respondent State in a \$1.5 billion BIT claim brought by an investor in the uranium mining sector

Advised prospective claimants in relation to a prospective ICSID / UNCITRAL claim arising out of the expropriation of a copper concession

MEDIA, ART, ENTERTAINMENT

Sotheby's v Mark Weiss Ltd (Commercial Court, 2018): instructed on behalf of a defendant in a claim relating to the sale of an allegedly forged Old Masters painting

PUBLIC INTERNATIONAL LAW

Buttet v Ambassade de France au Royaume-Uni ET 2204921/2012 (2019): appeared as sole counsel for the French Republic in a successful assertion of state immunity in respect of a claim by a former security contractor at the French embassy to the United Kingdom

REVENUE LAW (INCLUDING VAT, IPT, DUTIES & EXCISE)

Standard Chartered plc v HMRC (Court of Appeal, 2018): Advised a bank in relation to an appeal involving complex issues arising out of the dissolution of VAT Groups

SHIPPING & ADMIRALTY

Instructed as sole counsel on numerous dry shipping matters, both in court and arbitration. Examples include bills of lading disputes raising issues of privity, the Hague-Visby time bar and limitation under a *Himalaya* clause, and an LMAA arbitration acting for charterers in a demurrage / pumping warranty claim

CAREER

2017: Tenancy at Essex Court Chambers, following successful completion of pupillage

2016: Call (Lincoln's Inn)

2013–2015: Associate, Gilbert Walker, Auckland, New Zealand

2012–2013: Crown Prosecutor, Wellington, New Zealand

2012: Admitted as a Barrister and Solicitor of the High Court of New Zealand

EDUCATION

2015–2016: LL.M., Gonville & Caius College, University of Cambridge (starred first)

2007–2012: B.A., LL.B. (Hons), University of Auckland

AWARDS

2016: B.R.D. Clarke Prize for first in year in the LL.M., 3 Verulam Buildings Prize for international commercial litigation, first in year in international commercial tax (University of Cambridge); Emlyn Wade Prize, W.M. Tapp Postgraduate Scholarship, Honorary Senior Scholarship (Gonville & Caius College)

2015: W.M. Tapp Studentship and College Scholarship (Gonville & Caius College); William Georgetti Scholarship, Spencer Mason Travelling Scholarship, Gordon Watson Scholarship

2012: Semi-finalist and best applicant memorial, Philip C. Jessup International Law Moot, international rounds

2007–2012: Auckland District Law Society's prize for first in year in the LL.B., winner of the University's mooted competition and a range of subject prizes in law, Senior Scholarship in English, Senior Prize in French (University of Auckland)