

# Dominic Howells

Year of call: 2016  
Degree: BA (Hons) (Oxon)



Dominic has a wide-ranging practice, encompassing all of the main areas of work undertaken in Chambers. He is currently instructed in a number of commercial, sports, music, employment and public law cases. Dominic is experienced in trial and applications advocacy; he balances sole instructions with larger cases where he works together with leading counsel or as part of a team.

Dominic is a member of the Attorney General's panel of counsel (C panel). Before coming to the bar, Dominic worked in investment banking as a Director in the London office of Perella Weinberg Partners.

## EXPERIENCE

---

### Commercial

Dominic's practice includes all areas of commercial work. He is regularly instructed in cases in the High Court and in arbitral tribunals, both with leading counsel and in his own right. Recently, Dominic has appeared in larger commercial trials together with leading counsel and has been instructed on commercial cases proceeding in the High Court concerning shareholder and joint venture disputes, breach of confidence, fraud, conspiracy and tax avoidance in sectors ranging from agriculture and industry to media and entertainment.

### Cases

#### **Eclipse Litigation**

(High Court, ongoing)

Acting for the defendant, HSBC, in a £1.3bn legal challenge brought by a group of over 300 investors in a series of filming financing schemes known as the Eclipse Partnerships, which HMRC ruled were unlawful tax avoidance vehicles. The claim was first brought in 2020 and is continuing. (Led by Andrew Green QC and Simon Pritchard)

## European Banking Arbitration

2022

Acted for the private equity buyers of a European bank in relation to a dispute about the terms and operation of an SPA indemnity. Led by Andrew Green KC in a case which settled immediately prior to the final hearing.

## LCIA Arbitration

2021-2023

Instructed with Andrew Green KC in ongoing LCIA Arbitration where claims worth approximately US\$300 million have been brought concerning the ownership of Russian media assets.

## John West Foods v Marine Management Organisation

[2021] EWHC 1763 (QB); [2022] 1 WLR 137

Acted for the claimant importer in a damages claim against the MMO for fishery products wrongfully detained at port in purported reliance on EU law powers. A positive judgment for the claimant following a two-day hearing of preliminary issues was dispositive on all liability issues. (Led by Tom de la Mare QC)

## Advetec Holdings v Shaw

(High Court, 2020-2021)

Instructed for the defendant, a former senior employee and founder of the claimant company in proceedings concerning alleged misuse of confidential information, unlawful competition, breach of covenants and conspiracy. The case involved an application for the delivery of documents and computers and an application for permission to bring committal proceedings.

## Kumar v Camelot UK Lotteries

(High Court, 2020)

Acted for the defendant lottery operator, successfully resisting an application for Norwich Pharmacal relief to require disclosure of the identity of the lottery winner.

## Donovan v Grainmarket Asset Management

[2020] EWHC 17 (Comm)

Acted for the successful claimant in a claim arising out of his participation in a property development joint venture. The claimant recovered over £1.2 million representing his unpaid share of the fees generated by the joint venture and the reimbursement of fees wrongly charged on his own investment. Led by Andrew Green QC at trial; appeared unled in various hearings for interim applications and consequential matters.

**Alexander Zverev v ACE Group International**

[2020] EWHC 3513 (Ch)

Acted for the defendant, a sports manager and agent in relation to a claim brought by a tennis player client. The claimant sought a declaration that the contract engaging the defendant was an unenforceable restraint of trade. Led by Nick de Marco QC in a case which settled on the first day of trial; appeared unled in various hearings for interim applications and case management.

**Advice in relation to Commercial Arbitration**

(2019-2020)

Advised the sellers of an online gambling business in relation to an arbitral claim against the buyers for earn-out consideration in which counterclaims were asserted for alleged breaches of warranties. Led by Andrew Green QC in a case which settled at mediation.

**Mazandi v Booking.com and Vacationspot**

(High Court, 2019)

Instructed by the second defendant (a booking agent) in a claim brought by a hotelier alleging fraud, breach of competition law and unfair contract terms. Appeared for the second defendant in a successful strike out application.

**Commercial Arbitration**

2019

Acted in an arbitration at the CI Arb in relation to a commercial vehicle rental agreement.

**Green Deal Marketing Southern Ltd v Economy Energy Trading Ltd**

[2019] EWHC 507 (Ch)

Acted for Economy Energy in relation to a claim for damages for breach of an agency contract and compensation pursuant to the Commercial Agents (Council Directive) Regulations 1993. The Claimant's claim was for approximately £21 million, of which it recovered £1 million. (Led by Andrew Green QC)

**Film financing**

Advised on jurisdiction, the enforceability of an arbitration agreement and the availability of anti-suit relief in relation to a dispute arising out of film financing arrangements (with Nick de Marco).

**IESA Logistics v The Director of Border Revenue**

TC/2017/05448

Appeared for the appellant hauliers in their challenge to a seizure decision by the Border Force.

**Peak Gen and others v Gas and Electricity Markets Authority**

(Administrative Court, 2018)

Appeared for the second interested party in support of the respondent to an application for interim relief in the Administrative Court. The dispute concerned the implementation of CMP264/265 changes to regulated charges for electricity transmission.

**Mir v Malik**

(Chancery Division, 2018)

Acted for the successful claimant in High Court proceedings to recover a sum lent to finance a property development venture. The defendant was subject to a freezing order to prevent the dissipation of his assets.

## Civil Fraud, Asset Recovery & Injunctive Relief

Dominic accepts instructions in all areas of civil fraud work. Dominic has appeared both unled and with leading counsel in ex parte freezing order, search order and injunction proceedings. He is currently instructed in long-running fraud proceedings in the High Court.

### Cases

**LCIA Arbitration**

2021-2023

Instructed with Andrew Green KC in ongoing LCIA Arbitration where claims worth approximately US\$300 million have been brought concerning the ownership of Russian media assets.

**Advetec Holdings v Shaw**

(High Court, 2020-2021)

Instructed for the defendant, a former senior employee and founder of the claimant company in proceedings concerning alleged misuse of confidential information, unlawful competition, breach of covenants and conspiracy. The case involved an application for the delivery of documents and computers and an application for permission to bring committal proceedings.

**Mir v Malik**

(Chancery Division, 2018)

Acted for the successful claimant in High Court proceedings to recover a sum lent to finance a property development venture. The defendant was subject to a freezing order to prevent the dissipation of his assets.

## Arbitration

Dominic accepts instructions in all arbitral matters. Recently, he has been instructed in financial services arbitral proceedings in the LCIA and HKIAC.

## Cases

### European Banking Arbitration

2022

Acted for the private equity buyers of a European bank in relation to a dispute about the terms and operation of an SPA indemnity. Led by Andrew Green KC in a case which settled immediately prior to the final hearing.

### LCIA Arbitration

2021-2023

Instructed with Andrew Green KC in ongoing LCIA Arbitration where claims worth approximately US\$300 million have been brought concerning the ownership of Russian media assets.

### Advice in relation to Commercial Arbitration

(2019-2020)

Advised the sellers of an online gambling business in relation to an arbitral claim against the buyers for earn-out consideration in which counterclaims were asserted for alleged breaches of warranties. Led by Andrew Green QC in a case which settled at mediation.

### Film financing

Advised on jurisdiction, the enforceability of an arbitration agreement and the availability of anti-suit relief in relation to a dispute arising out of film financing arrangements (with Nick de Marco).

### Commercial Arbitration

2019

Acted in an arbitration at the CI Arb in relation to a commercial vehicle rental agreement.

## Public & Regulatory

Dominic accepts instructions in all areas of public and regulatory work. Dominic has recently appeared together with leading counsel in the High Court and Court of Appeal in a damages claim arising from the purported exercise by a public body of EU law powers. Last year, Dominic acted as sole counsel for the Secretary of State for Education in a three-day independent school de-registration appeal.

## Cases

### **The Proprietor of Home School v The Secretary of State for Education**

[2022] UKFTT 00435 (HESC)

Acted for the Secretary of State in relation to an appeal brought by an independent school against its removal from the register of schools. The appeal before the FTT, which took the form of a de novo hearing of evidence on disputed issues of fact, was dismissed on the third day of a trial originally listed for five days, following half-time submissions.

### **HMRC v Al-Waheeb and GTL Trading Ltd**

(2022, Magistrates Court)

Acted for HMRC in proceedings brought in the Magistrates Court to enforce a Labour Market Enforcement Undertaking in relation to payment of the minimum wage.

### **John West Foods v Marine Management Organisation**

[2021] EWHC 1763 (QB); [2022] 1 WLR 137

Acted for the claimant importer in a damages claim against the MMO for fishery products wrongfully detained at port in purported reliance on EU law powers. A positive judgment for the claimant following a two-day hearing of preliminary issues was dispositive on all liability issues. (Led by Tom de la Mare QC)

### **Solaria Energy v Dept for Business, Energy and Industrial Strategy**

[2020] EWCA Civ 1625

Acted for the defendant Government department in relation to a claim for alleged interference with the claimant's rights under Article 1 Protocol 1 of the ECHR, arising out of a proposed change to the feed-in tariff for solar electricity. The defendant brought a successful application for summary judgment on limitation grounds and resisted an appeal to the Court of Appeal. Led by Tom Weisselberg QC.

### **Peak Gen and others v Gas and Electricity Markets Authority**

(Administrative Court, 2018)

Appeared for the second interested party in support of the respondent to an application for interim relief in the Administrative Court. The dispute concerned the implementation of CMP264/265 changes to regulated charges for electricity transmission.

**EDF & SSE v Gas and Electricity Markets Authority**

(Competition and Markets Authority, 2018)

Acted for EDF and SSE in an appeal to the CMA under section 173 of the Energy Act 2004. The case concerned the interpretation of an EU Regulation on charges for electricity transmission and the application of public law principles of regulatory consistency (with Kieron Beal QC).

**Financial Conduct Authority**

Seconded to the Financial Conduct Authority to work on the transfer of claims management regulation from the Ministry of Justice to the FCA.

**IESA Logistics v The Director of Border Revenue**

TC/2017/05448

Appeared for the appellant hauliers in their challenge to a seizure decision by the Border Force.

## Sport

Dominic is regularly instructed in sports cases both in the High Court and in arbitral tribunals. Dominic acts for players, managers, governing bodies and other participants in the world of sport.

## Cases

**Alexander Zverev v ACE Group International**

[2020] EWHC 3513 (Ch)

Acted for the defendant, a sports manager and agent in relation to a claim brought by a tennis player client. The claimant sought a declaration that the contract engaging the defendant was an unenforceable restraint of trade. Led by Nick de Marco QC in a case which settled on the first day of trial; appeared unled in various hearings for interim applications and case management.

**England and Wales Cricket Board**

(Cricket Discipline Commission, 2019)

Acted for the sports governing body, prosecuting two players for bringing the game into disrepute by their conduct off the field of play.

**Doping sanctions advice**

Advice in relation to sanctions for breaches of anti-doping rules under the World Anti-Doping Agency Code.

### **British Boxing Board Of Control**

(Southern Area Council, 2019)

Appeared for a boxer in misconduct proceedings under Regulation 25 of the British Boxing Board of Control, heard before the Southern Area Council.

## **Media & Entertainment**

Dominic is regularly instructed in media and entertainment disputes. He has acted for musicians, screenwriters, directors, agents/managers, record labels and film rights owners, among others, in disputes in the High Court, County Court and Intellectual Property Enterprise Court. Dominic also has experience acting in disputes related to gambling, counterfeit designer goods, fashion modelling and creative agency work. He accepts instructions in all media, entertainment and related areas.

## **Employment**

Dominic accepts instructions in all areas of employment work. He is an experienced trial advocate in the employment tribunals, including in discrimination and whistleblowing cases. Dominic's practice also includes employee competition, contractual claims and work with an international aspect.

## **Cases**

### **Page v Cathedral Controls**

(Employment Tribunal, 2021)

Acted for the respondent employer in a one-day unfair dismissal hearing in which partial defences of contribution and Polkey reduction succeeded.

### **Beasley v Rainbow Trust Children's Charity**

(Employment Tribunal, 2021)

Acted pro bono for the respondent charity in a seven-day trial, successfully defending claims of discrimination, whistleblowing detriment and unfair dismissal.

### **Khan and Ali v A Y Trading**

(Employment Tribunal, 2021)

Appeared for the successful claimants at a six-day trial and subsequent remedy and costs hearing in relation to claims for sex and religious discrimination, sexual harassment and whistleblowing detriment.



**Sithirapathy v PSI CRO**

(Employment Tribunal, 2019-2021)

Acted for the successful respondent employer in a complex unfair dismissal, discrimination and whistleblowing case with a cross-border element. The case involved a two-day preliminary hearing on jurisdiction and a four-day substantive final hearing.

**Advetec Holdings v Shaw**

(High Court, 2020-2021)

Instructed for the defendant, a former senior employee and founder of the claimant company in proceedings concerning alleged misuse of confidential information, unlawful competition, breach of covenants and conspiracy. The case involved an application for the delivery of documents and computers and an application for permission to bring committal proceedings.

**Foster v Contact Security**

(Employment Tribunal, 2019)

Appeared for the respondent employer at a three-day trial, successfully defending claims of whistleblowing detriment and unfair dismissal in relation to alleged health-and-safety protected disclosures in the construction industry.

**P v Q, R and S**

(Employment Tribunal, 2019)

Appeared for the claimant in a four-day trial of claims for discrimination, sexual harassment and whistleblowing arising out of her employment. The case was made subject to anonymity orders in view of the content of the allegations.

**Employee competition**

Advice in relation to unlawful competition by a number of former employees including breaches of post-termination restrictive covenants, misuse of confidential information and conspiracy.

**Employee competition, contractual dispute and unfair dismissal**

2018

Advised on a case involving a complex set of claims made by and against a former employee which raised contractual, breach of confidence and statutory employment issues (Led by Robert Howe QC).

## Financial Services & Banking

Dominic accepts instructions in all areas of financial services work. Recently, he has advised a number of clients in relation to FCA regulatory compliance, has appeared together with leading counsel in a case before the RDC and has been instructed in two sets of financial services arbitral proceedings .

While working in investment banking, Dominic advised on a number of transactions involving asset managers, private equity companies, life and non-life insurers and retail financial services. He also undertook “special committee” work, advising on conflicts of interest between shareholders and executive management in financial services firms.

In 2017, Dominic completed a secondment at the Financial Conduct Authority where he worked on the transfer of claims management regulation from the Ministry of Justice to the FCA.

## Cases

### European Banking Arbitration

2022

Acted for the private equity buyers of a European bank in relation to a dispute about the terms and operation of an SPA indemnity. Led by Andrew Green KC in a case which settled immediately prior to the final hearing.

### FCA v Aviva plc

(RDC, 2020)

Instructed by the respondent company in enforcement proceedings brought by the FCA over a stock exchange announcement concerning the company’s preference shares. Led by Javan Herberg QC in proceedings before the RDC.

### Financial Conduct Authority

Seconded to the Financial Conduct Authority to work on the transfer of claims management regulation from the Ministry of Justice to the FCA.

## Civil Liberties & Human Rights

Dominic accepts instructions in all areas of civil liberties and human rights work. Recently Dominic has advised on a number of clients on human rights issues arising a regulatory or commercial context.

## Cases

### **Solaria Energy v Dept for Business, Energy and Industrial Strategy**

[2020] EWCA Civ 1625

Acted for the defendant Government department in relation to a claim for alleged interference with the claimant's rights under Article 1 Protocol 1 of the ECHR, arising out of a proposed change to the feed-in tariff for solar electricity. The defendant brought a successful application for summary judgment on limitation grounds and resisted an appeal to the Court of Appeal. Led by Tom Weissenberg QC.

## ACHIEVEMENTS

---

### Education

BA (Hons) (Oxon), Philosophy, Politics and Economics (First Class), Merton College

GDL (City Law School) (Distinction)

BPTC (City Law School) (Outstanding)

### Prizes and Scholarships

Exhibition, awarded for distinction in preliminary exams, Merton College (2006)

Lord Bowen Scholarship, Lincoln's Inn (2014-15)

Jean Monnet Prize for best performance in EU Law finals, City Law School (2015)

Winner of Graduate Diploma in Law mooted competition, City Law School (2015)

Lord Denning Scholarship, Lincoln's Inn (2015-16)

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board