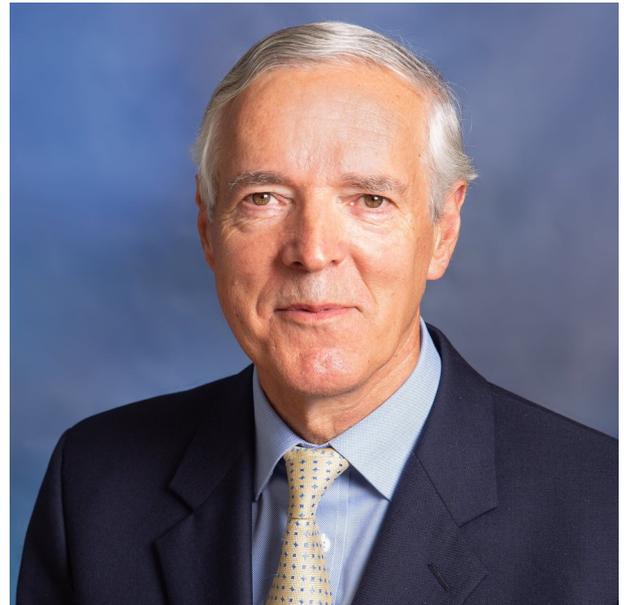


# Charles Flint QC

*“A great name in the market: his advice is very clear, commercial and to the point, so he is very much in demand.”*

– CHAMBERS AND PARTNERS, 2020

Year of call: **1975**  
Appointed to silk: **1995**  
Degree: **MA (Cantab), First in Law**



Charles Flint QC is a leading mediator and arbitrator, particularly noted for his expertise in financial services.

He is recognised as a leading mediator in Chambers UK 2021 and Legal 500 2021. Charles is included in the Legal 500 "Hall of Fame" in recognition of his role as a mediator.

In May 2018 Charles mediated the settlement of the claims brought against the Secret Intelligence Service arising out of the rendition of Abel-Hakim Belhaj to Libya in 2004. On 10 May 2018 the Attorney General made a statement in the House of Commons reading the apology given by the Prime Minister to the claimants following the mediation.

Charles is a director of the Dubai Financial Services Authority, a member of the Investigatory Powers Tribunal, which judges claims brought against the UK intelligence agencies, a member of the UEFA Adjudicatory Chamber which decides financial fair play cases, President of the National Anti-Doping Panel, which decides doping cases in UK sport, and Chairman of the International Tennis Federation tribunal.

Although Charles primarily mediates in financial services and banking cases he also mediates human rights, employment, fine art, insurance, professional negligence, public procurement, and sports law disputes. He has mediated in the UK, Europe, Asia and Africa.

Charles also acts as an arbitrator in commercial, banking and sports disputes.

## EXPERIENCE

---

### Mediation

Charles has been an accredited mediator for 20 years. He is included in the Legal 500 Hall of Fame for excellence as a mediator and in Who's Who Legal UK Bar 2015 Charles was rated as one of the five most highly regarded QC mediators. He is rated in Chambers and Partners 2020 and Legal 500 2019 as a leading mediator.

*“His breadth and depth of knowledge in the sector is unmatched.”*

– CHAMBERS AND PARTNERS, 2021

In May 2018 Charles mediated the settlement of the claims brought against the Secret Intelligence Service by Abdul-Hakim Belhaj arising out of his rendition to Libya in March 2004 (Financial Times 10 May 2018). In June 2019 he mediated the claims of Bank Mellat against HM Treasury, following the 2013 decision of the Supreme Court that the imposition of sanctions on the Iranian bank was unlawful (Financial Times 18 June 2019). In December 2019 Charles co-mediated the group litigation brought by 555 postmasters against the Post Office (The Times 12 December 2019).

Although Charles primarily mediates in financial services and banking cases he has also mediated in human rights, employment, fine art, insurance, professional negligence, public procurement and sports law disputes. He has mediated a number of international disputes in Asia and Africa. In January 2021, Charles conducted a 7 day mediation by video conference which led to a successful settlement of the human rights claims brought against a multinational corporation arising out of its operation in Kenya.

His mediation experience includes resolving:

- A number of human rights claims brought against multinational companies operating in natural resources
- A number of human rights cases involving issues of national security (including the Belhaj and Bank Mellat cases noted above)
- FX claims between brokers and banks arising out of the Swiss National Bank's decision on 15 January 2015 to discontinue the fixed rate between the Swiss franc and the euro
- disputes between banks and customers over the alleged mis-selling of interest rate hedging swaps
- disputes between regional governments in Europe and investment banks over a cross currency interest rate swap, including issues over Greek sovereign bonds
- a complex multi-party financial services dispute in the Court of Appeal, requiring mediation between a number of parties and their respective insurance interests
- resolving a dispute between investment banks arising out of the disputed interpretation of LMA terms applying to trades on the distressed debt market
- a claim by investors against a major hedge fund arising from substantial losses in emerging markets
- a dispute between an investment bank and a commercial customer in India over an interest rate cross currency swaps transaction governed by ISDA terms
- a claim by investment managers in Europe against an investment bank arising out of a disputed set off following the entry into administration of Lehman Brothers International
- a dispute between investment managers in France claiming fees for the introduction of investors to a distributor of hedge funds and other alternative investment products
- a claim by a hedge fund in liquidation against its administrators, custodian and auditors in Hong Kong
- a dispute on a liability insurance policy held by a manufacturer of parts for a commercial TV satellite which suffered a malfunction in orbit.

He has also mediated a number of claims by former employees against financial firms for payment of discretionary remuneration.

Charles also makes use of his wide experience as a commercial barrister to mediate professional negligence, insurance, employment and commercial cases, as well as sports and fine art cases in which he has a particular interest. He has mediated a number of disputes between airports and police forces over the level and costs of security measures required at regional airports. He has successfully resolved a number of public procurement disputes between service providers and central Government departments.

In 1999 Charles qualified as an accredited mediator with CEDR in London. He has spoken at a number of mediation events including speaking on "Mediation and the FSA" to the Association of Regulatory & Disciplinary Lawyers and at the Tony Curtis mediation debate in 2007 against the motion "Barristers are giving mediation a bad name". Charles contributed the section on mediating financial services disputes to David Richbell's book on Mastering Commercial Mediation (2015).

Unsolicited feedback includes:

"I have availed myself of the services of about 8 mediators, and I think that you dealt with this one more adroitly than any of the others ..."

"You will doubtless have heard that, perhaps against all odds, the parties managed to settle this dispute last night. I wanted to thank you for fantastic efforts to assist both parties, which proved invaluable. I think this is one of the more remarkable successful mediations I have encountered, and I shall certainly keep it - and you - in mind next time someone opposes a mediation order saying "There is no point".

"I am writing to let you know that the litigation has now been settled on satisfactory terms. Your impeccable and incisive handling of the mediation proved to be a major factor in encouraging the two parties to reach a settlement, and we would like to thank you very much for your help."

"We would not have reached a settlement without your calm approach, determination and nuanced understanding of both sides' positions. I appreciated your tireless efforts during the mediation to reach a fair solution that reflected our interests and values."

"It goes without saying (but I'll say it anyway) that it would certainly not have happened without your input, encouragement and persistence."

"I just wanted to drop you a line to thank you for your role in bringing this mediation to a successful conclusion. Your calming influence and determination to see this through was much appreciated throughout - as was your desire to see 'fair play' done and ensure that the investors' position was not forgotten."

"You are a very good mediator and even if we had no success this time, it was a thoroughly worthwhile process. You had the complete confidence of my clients"

His approach to mediation is not to seek to impose his own evaluation of the legal merits of any dispute, but to focus on ensuring that parties have properly assessed the risks of their respective positions, creating consensus and exploring alternative solutions.

Charles is a respected neutral with wide experience of business and commercial disputes. He is a member of the Investigatory Powers Tribunal, the judicial body responsible for oversight of the intelligence services in the UK. He is a director of the Dubai Financial Services Authority and former deputy chairman of the Bar Mutual Indemnity Fund Limited. He is President of the National Anti-Doping Panel, the independent tribunal which adjudicates on anti-doping disputes in sports, a member of the adjudicatory panel of the UEFA Club Financial Control Body, and chairman of the International Tennis Federation tribunal.

Charles' LinkedIn page can be found here:

<https://www.linkedin.com/in/charles-flint-qc-4729604a/?originalSubdomain=uk>

## Arbitration

Charles acts as an arbitrator in commercial, banking, financial services and sports cases. He is a Fellow of the Chartered Institute of Arbitrators and a member of the LCIA. As President of the UK National Anti-Doping Panel and as Chairman of the International Tennis Federation tribunal Charles is responsible for the appointment and supervision of about 50 arbitration panels each year, as well as deciding a number of cases or issues referred to arbitration under the aegis of Sports Resolutions. He has also arbitrated a number of commercial disputes in football, under Rule K of the Football Association rules.

He has arbitrated commercial cases under ICC, LCIA and UNCITRAL rules.

## Financial Services

Charles Flint QC is a leading specialist on the regulation of financial services under the Financial Services and Markets Act 2000. He has advised and acted for institutions, and the regulators, in regulatory proceedings and investigations and judicial review and was involved in many of the major regulatory cases which arose leading up to and after the financial crisis in 2009. He has been rated by Chambers as a star in financial services for over 15 years.

Charles mediates and arbitrates banking and financial services cases and is a director of the Dubai Financial Services Authority. He is on the panel assisting Sir William Blackburne in his independent review of complaints brought against the Royal Bank of Scotland in relation to its Global Restructuring Group. He is a member of the panel of chairmen for the AIM Disciplinary Committee established by the London Stock Exchange.

He has been retained by investment banks, fund managers, hedge funds, stockbrokers, insurers, retail banks and building societies in connection with regulatory investigations and proceedings relating to insider dealing and market abuse, market manipulation, endowment and derivative based product mis-selling, including interest rate swaps, split capital investment trusts and structured capital at risk products. He advised a number of the major banks on the LIBOR and FOREX investigations.

He has advised on senior management regulatory responsibilities arising out of the banking crisis, and acted on the first major case brought by the FSA in that area. He has also advised and acted for the regulatory bodies, FCA, PRA, FOS and FSCS.

He acted for Legal and General in the first major challenge in the Financial Services & Markets Tribunal to the powers of the FSA, the case which resulted in the complete overhaul of the FSA enforcement system. He acted for Philippe Jabre in the first market abuse case brought against a hedge fund, and for Winterfloods in the first market abuse case to reach the Court of Appeal.

He is a member of the Lawyers Consultative Group established by the FCA & PRA to advise on legal issues arising out of the Financial Services and Markets Act 2000. He was an invited speaker on the future of financial regulation at the City Debate 2002 organised by the Futures and Options Association. He is a contributor to "A Practitioner's Guide to FSA Investigations and Enforcement" (City & Financial Publishing). He is on the board of the Financial Services Lawyers Association.

In 1999 he was retained as leading counsel advising the Singapore Stock Exchange in its dispute with the Malaysian Central Depository over the freezing of the \$4 billion CLOB portfolio.

***“His experience in financial services work is exceptional. His breadth and depth of knowledge in the sector is unmatched.”***

– CHAMBERS AND PARTNERS, 2021

## Recent Cases

- Independent review of complaints brought against RBS in relation to GRG (2019)
- Report for the Isle of Man FSA on the failure of Powerhouse Insurance Limited (June 2017)
- Opinion on scope of interest rate swap regulation (Treasury Committee – February 2015)
- HM Treasury Review on Enforcement (December 2014)
- FOREX Investigation final notices (November 2014)
- LIBOR Investigation final notices (2012 – 2013)
- FSA v Peter Cummings (senior management responsibility) (2012)
- FSA v Hannam (inside information) (2012)
- FSA v Greenlight Capital, Einhorn and Osborne (market abuse) [2012]
- British Bankers Association v FSA & FOS (judicial review) [2011]
- FSA v Winterflood (market abuse) [2010] CA
- Amro & Creon v FSA (FSA investigatory powers) [2010] CA
- Re Lehman (MIFID & client money) [2009] ChD
- FSA v Vukelic (financial reinsurance) [2009] FSMT
- FSA v Information Commissioner (FOI Act) [2009] IT
- Heather Moor & Edgecomb v FOS (Ombudsman powers) [2008] CA
- FSA v Philippe Jabre (market abuse) [2006] FSMT
- FSA v Legal & General (enforcement) [2005] FSMT

Between 1988 and 1994 Charles Flint acted as counsel for the Arab Monetary Fund in a major fraud action in the Chancery Division, and on appeals to the Court of Appeal and House of Lords. In 2000 he acted for the defendant in the proceedings brought by the State of Brunei against HRH Prince Jefri Bolkiah claiming the return of assets of \$15 billion. In 2008 he appeared in the House of Lords in HMRC v Total Network, a leading case on the law of conspiracy.

In 1991 he was appointed a Junior Counsel to the Crown (Common Law). He acted for Government Departments, particularly the Ministry of Defence, in contractual and public procurement disputes.

He has appeared in the courts of Antigua, Bermuda, British Virgin Islands, Brunei, the Cayman Islands and the West Indies Court of Appeal, and in the court of the Dubai International Financial Centre, and in the Privy Council.

## ACHIEVEMENTS

---

### Education

MA (Cantab), First in Law

### Other relevant experience

Charles was joint head of Blackstone Chambers from 1997 – 2005.

- 2010 - Appointed as member of the Investigatory Powers Tribunal
- 2002 - Speaker at the City Debate 2002 on the future of financial regulation.
- 1999 - CEDR Accredited Mediator
- 1998 - Observer for the Bar Human Rights Committee at the trial of Anwar Ibrahim in Malaysia.
- 1995 - QC
- 1991 - 1995 Junior Counsel to the Crown (Common Law) (A List)
- 1991 - Fellow of the Chartered Institute of Arbitrators

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board